

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

December 8, 2008

Jack Holland Jr.
c/o Mulholland Bros.
190 Napoleon Street
San Francisco, CA 94124

Mr. Gary and Karen Pearce
c/o of Kim O'Dincel
Long and Levit LLP
465 California Street, 5th Floor
San Francisco, CA 94104

Ann Marie Holland and
Estate of Jack Holland Sr.
c/o Edward Martins, Esq
Professional Law Corp.

Ms. Gloria and Robert Peterson
c/o Lauri Sherwood, Esq.
Walsworth, Franklin, Beavins & McCall
601 Montgomery Street, 9th Floor
San Francisco, CA 94101

Mr. David Thompson
c/o Joseph Ryan, Esq.
Ryan & Lifter LLP
2010 Crow Canyon Place, Suite 330
San Ramon, CA 94583

Barbara Holland
c/o Hal Reiland, Esq.
PO Box 5490
Pleasanton, CA 94566

Subject: Fuel Leak Case No. Fuel Leak Case Number RO0000084 (Global ID #T0600102089), Holland Oil/ Pearce Property, 900 Central Avenue, Alameda, CA

Dear Messes. Holland and Peterson; Messrs. Holland, Thompson and Pearce:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site and the document entitled, "Subsurface Investigation Report and Groundwater Monitoring," received November 14, 2007 and prepared on your behalf by RRM Inc. Three monitoring wells were installed downgradient of the site to assess the dissolved phase hydrocarbon plume downgradient of your site. In addition, a monitoring well was installed adjacent to the former tank pit to evaluate contamination in the source area. Results from the investigation detected soil and groundwater contamination in the source area soil boring SB-1 at concentrations of up to 2,600 mg/kg TPHg. In addition, Groundwater samples collected from well MW-1 in November 2007 detected 51,700 µg/L TPHg and 3,160 µg/L benzene.

We request that you address the technical comments discussed below and send us the reports requested below. Please provide 72-hour advance written notification to this office (e-mail preferred to steven.plunkett@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Soil and Groundwater Investigation and Monitoring Well Installation.** To assess the lateral extent of the dissolved phase hydrocarbon plume RRM installed three monitoring wells downgradient of the site. Soil and groundwater samples collected from monitoring wells did not detect petroleum hydrocarbon contamination above laboratory reporting limits. However, soil boring SB-1, which was installed adjacent to the former tank pit,

confirmed the presence of residual contamination in the source area soil at concentrations up to 2,600 mg/kg TPHg.

Furthermore, a previous investigation completed in 1997 detected contamination in soil collected from boring P-3 (located between the former tank pit and dispenser island) at 14.5 feet bgs at concentrations of up to 4,600 ppm TPHg, with dissolved phase contamination in groundwater at concentrations up to 92,000 µg/L TPHg and 610 µg/L benzene. The lack of soil data below 14.5 feet bgs indicates the vertical extent of contamination near the former dispenser island (possible secondary source area) is undefined. In addition, our review of soil and groundwater analytical data indicates that analysis for EDB and EDC has not been completed. Therefore we request that you include EDB and EDC analysis. Please prepare a work plan to evaluate the vertical extent of contamination near the former fuel dispenser and submit the work plan according to the schedule below.

- 2. Soil Vapor Assessment.** During our review of soil data we identified high concentrations of adsorbed TPHg contamination in soil borings SB-1 and P-3 at concentrations of up to 2,600 and 4,600 ppm mg/kg, respectively. In addition, "grab groundwater" samples collected from boring P-3 detected up to 92,000 µg/L TPHg and 610 µg/L benzene. Furthermore, groundwater data collected from well MW-1 in November 2007 detected high concentrations of up to 51,700 µg/L TPHg, and 3,160 µg/L benzene. To assess the potential risk associated with vapor intrusion we request that you prepare a work plan that details your proposal to evaluate the vapor intrusion to indoor air migration pathway. ACEH request that you perform soil vapor sampling in accordance with the January 2003 DTSC "Advisory for Active Soil Gas Investigations."

ACEH recommends that soil vapor wells or probes be constructed with the sampling device and all fittings placed under a shroud with pliable weather-stripping along its base to maintain a tracer gas atmosphere. The shroud should ensure that there is tracer gas around all sampling connections. The shroud should have a port for inserting a monitoring and sampling device (e.g. Photo Ionization Detector) to ensure that tracer gas atmosphere is maintained. In addition, we request that a total of 8 soil vapor probes be installed (see attached figure for the vicinity of the additional soil vapor points.) Our request for the additional soil vapor points is to assess the potential impact to the adjacent residences. Please submit your work plan for soil vapor sampling in work plan requested below.

- 3. Corrective Action Plan.** RRM has determined that active remediation may be necessary to remediate residual contamination in the source area, and that air sparging combined soil vapor extraction is the chosen remedial option. Prior to implementation of the pilot test, ACEH requests that you prepare a Corrective Action Plan (CAP). The CAP must evaluate at least three active remediation alternatives for remedying or mitigating the actual or potential adverse affects of the unauthorized release(s) beside the 'no action' and 'monitored natural attenuation' remedial alternatives. Each alternative shall be evaluated for cost-effectiveness, time frame to reach clean up goals and the Responsible Party must propose the most cost-effective corrective action. The CAP should also include, but not limited to, a detailed description of site lithology, including soil permeability. In addition, please discuss site cleanup goals and the timeframe required to reach each of these cleanup values, in accordance with the San Francisco Regional Water Quality Control Board Basin Plan including appropriate water quality objectives and ESL guidance for all COCs and for the appropriate groundwater designation. Please note once again that soil cleanup levels should ultimately (within a reasonable timeframe) achieve water quality objectives (cleanup goals) for groundwater in accordance with San Francisco Regional Water Quality Control Board Basin Plan. Please propose appropriate cleanup levels and cleanup goals in accordance with 23 CCR Section 2725, 2726, and 2727 in the CAP.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Steve Plunkett), according to the following schedule:

- **February 28, 2009** – Work Plan
- **60 Days after Work Plan Approval** – Soil and Groundwater Investigation Report
- **90 Days After Soil and Groundwater Report Approval** – CAP

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) now request submission of reports in electronic form. The electronic copy is intended to replace the need for a paper copy and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). Please visit the State Water Resources Control Board for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, late reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

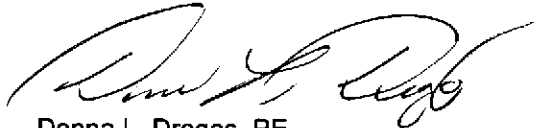
If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Should you have any questions, please feel to call me at (510) 383-1767.

Sincerely,



Steven Plunkett
Hazardous Materials Specialist



Donna L. Drogos, PE
Supervising Hazardous Materials Specialist

cc: Brian Kelleher
812 S. Winchester Blvd., Suite 130, #139
San Jose, CA 95128

Daniel Hildago
RRM Inc.
2560 Soquel Avenue, Suite 202
Santa Cruz, CA 95062

Donna Drogos, Steven Plunkett, File