

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



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ENVIRONMENTAL PROTECTION
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August 22, 2008

Mojdeh Mehdizadeh
c/o Mohammed H. Mehdizadeh
678 La Corso Drive
Walnut Creek, CA 94598

Rockridge Heights, LLC
c/o Gary Feiner
34 Schooner Hill
Oakland, CA 94618

Subject: Fuel Leak Case No. RO0000139 and Geotracker Global ID T0600100882, Mehdizadeh Property, 5175 Broadway, Oakland, CA 94611

Dear Mr. Mehdizadeh and Mr. Feiner:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted document entitled, "Corrective Action Plan Addendum," dated August 11, 2008, which was prepared by Pangea Environmental Services, Inc. (Pangea) to address concerns identified in our July 31, 2008 correspondence. First of all, thank you for addressing our concerns regarding soil reuse and potential groundwater plume and soil vapor migration. Please note however that the expedited review of the "Revised Site Conceptual Model and Corrective Action Plan" and the "Corrective Action Plan Addendum" (CAP) was conducted as a courtesy to you due to the pending sale of your property and approval of the CAP could have been obtained sooner had you addressed our concerns rather than attempting to clarify the applicability of regulatory guidance documents that are used not only by Alameda County, but other agencies as well, with inaccurate knowledge of previous site activities that occurred at the property.

According to Pangea, two site redevelopment alternatives potentially exist at the site, one that includes sub-grade parking and another that does not. Site remediation alternatives will be selected based on the chosen site redevelopment scenario. Remedial alternative #1 consists of an excavation to approximately 15 feet below the ground surface (bgs) to remove the hydrocarbon impacted soil that lies between approximately 10 to 15 feet bgs and installation of bio-sparge cells should the site redevelopment include sub-grade parking. Remediation alternative #2 consists of in-situ dual-phase extraction with air sparging (DPE/AS) if site redevelopment does not involve sub-grade construction. Again, the selection of the site remediation alternative is depending on which site redevelopment option is pursued.

The remediation alternatives presented in the CAP are acceptable. However, public participation is a requirement for the CAP process. Therefore, ACEH will notify potentially affected stakeholders who live or own property in the surrounding area of the proposed remediation described in the "Revised Site Conceptual Model and Corrective Action Plan" and the "Corrective Action Plan Addendum" through mailing of a fact sheet (enclosed). Public comments on the proposed remediation will be accepted for a period of thirty days beginning Monday, September

1, 2008 through Wednesday, October 1, 2008. Following the public comment period, the comments received including ACEH's comments described below, must be addressed and incorporated into a Final CAP.

TECHNICAL COMMENTS

1. **Alternative 1: Excavation with Bio-Sparging (Soil Reuse)** – Pangea states that "It is important to note that ACEH previously allowed soil reuse within the former UST excavation area for 700 tons of material. This material was impacted source area material, and was likely significantly more impacted than the shallower overburden material proposed for reuse in the CAP. The reused material extended to beneath the former USTs (approximately 12 ft depth), which is within site groundwater." This statement is incorrect. Tank Protect Engineering treated the soil (a practice that was acceptable at that time) and collected 22 discrete soil samples (approximately 1 per every 20 cubic yards) from the treated stockpile. Total petroleum hydrocarbons as gasoline (TPH-g) was not detected above the laboratory detection limit of <1.0 milligram per kilogram (mg/kg) with benzene detected in one soil sample at a concentration of 0.0096 mg/kg, below the Regional Water Quality Control Board's (RWQCB) Environmental Screening Level (ESL) of 0.044 mg/kg for residential land-use risk scenario. Based on the analytical results, the treated stockpiled soil was allowed to be reused onsite. It is also reported that pea gravel or clean soil was emplaced to a depth of about 5 to 6 feet from the bottom of the excavation with a filter fabric liner placed on the pea gravel or clean soil with the treated stockpiled soil placed above the liner. Therefore, contrary to Pangea's statement, ACEH's reuse requirements have not deviated from past practices. In light of the above-mentioned information, characterization of the treated soil excavated from the former tank pit may be omitted for cost savings based on the previous soil sampling analytical data and may be reused onsite. However, all the remaining soil excavated from the site must be characterized as described in the CAP and CAP Addendum prior to re-use.

Pangea estimates that 1,720 tons of impacted soil is proposed for off-site disposal. Should additional excavation be deemed necessary during fieldwork, adequate justification, in addition to laboratory analytical results for the proposed additional soil, must be provided prior to conducting the work. Please note that if additional excavation over what is currently proposed and approved is conducted without written approval from ACEH, including progressive and representative laboratory analysis, the additional excavation and disposal costs may not be fully reimbursed from the State UST Cleanup Fund.

TECHNICAL REPORT REQUEST

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

- **October 1, 2008** – End of 30-day Public Participation Period
- **October 30, 2008** – Submittal of Final CAP and Quarterly Monitoring Report (3rd Quarter 2008)
- **January 30, 2009** – Quarterly Monitoring Report (4th Quarter 2008)

- **January 30, 2009** – Quarterly Monitoring Report (4th Quarter 2008)
- **April 30, 2009** – Quarterly Monitoring Report (1st Quarter 2009)
- **July 30, 2009** – Quarterly Monitoring Report (2nd Quarter 2009)

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) require submission of reports in electronic form. The electronic copy replaces paper copies 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 all 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, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml).

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

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, later 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

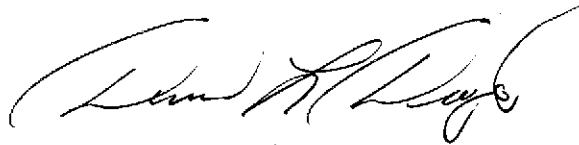
If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section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

If you have any questions, please call me at (510) 777-2478 or send me an electronic mail message at pareskhatri@acgov.org.

Sincerely,



Pareskhatri
Hazardous Materials Specialist



Donna L. Drogos, PE
Supervising Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Bob Clark-Riddell, Pangea Environmental Services, Inc., 1710 Franklin Street, Suite 200,
Oakland, CA 94612
Jeff Delgado, SWRCB UST Cleanup Fund, 1001 I Street, 17th Floor, Sacramento, CA 95814
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA
94612-2032
Donna Drogos, ACEH
Pareskhatri, ACEH
File

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: December 16, 2005
	PREVIOUS REVISIONS: October 31, 2005
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

Effective **January 31, 2006**, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

REQUIREMENTS

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- Signature pages and perjury statements **must** be included and have either original or electronic signature.
- **Do not password protect the document**. Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:
RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

Submission Instructions

- 1) Obtain User Name and Password:
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to dehloptoxic@acgov.org
or
 - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of Alicia Lam-Finneke.
 - b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses**, and the **Case Numbers (RO# available in Geotracker) you will be posting for**.
- 2) Upload Files to the ftp Site
 - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape and Firefox browsers will not open the FTP site.
 - b) Click on File, then on Login As.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
 - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to dehloptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name at acgov.org. (e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload)