



February 7, 2012

Ms. Karel Detterman  
Alameda County Environmental Health  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

*Transmitted via email*  
[karel.detterman@acgov.org](mailto:karel.detterman@acgov.org)

**RE: Request for Site Investigation Work Plan, Fuel Leak Case No. RO0000140 and GeoTracker  
Global ID T0600101621  
Roy Anderson Paints, 3080 Broadway, Oakland, California 94611  
ACC Project No. 6989-001.01**

Dear Karel,

ACC Environmental Consultants, Inc. (ACC) is writing in response to the above referenced request for Alameda County Fuel Leak Case No. RO0000140 (Letter is Attached) on behalf of Mr. Gerald Shirar, the Subject Property owner. As requested, ACC has uploaded all known documents to GeoTracker and prepared an aerial photo is attached depicting the above referenced site on a larger scale. In response to the request for a Site Investigation Work Plan, Mr. Gerald Shirar is requesting further discussion.

The Subject Property, located at 3080 Broadway in Oakland, California, is adjacent to two reportedly open LUST cases. These sites were brought to our attention via notification from the Alameda County Environmental Health Department and through information on GeoTracker. The two sites in question are, Val Strough Chevrolet located at 327 34<sup>th</sup> Street, and Connell Oldsmobile located at 3093 Broadway in Oakland, California. In Mr. Shirar's opinion, water samples collected during the 1994 monitoring well installation indicate minimal concentrations of target petroleum constituents. Additionally, historical soil samples also indicate very low concentrations of target petroleum constituents. The most recent groundwater sampling event, September 2011, indicated the presence of multiple petroleum constituents at levels not historically reported. It is Mr. Shirar's opinion that petroleum contamination is migrating onto the Subject Property from an offsite source, likely from one of the adjacent LUST sites. Mr. Shirar is requesting no further subsurface investigation be conducted at his site.

If you have any questions, please feel free to contact me at (510) 638-8404 extension 118 or email me at [gsantos@accenv.com](mailto:gsantos@accenv.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Gwen Santos', with a stylized flourish at the end.

Gwen Santos  
Project Scientist



Source: Google Earth, 2011

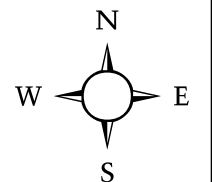
- ⊙ Approximate Location of Former UST.
- ⊕ Approximate Location of GW Monitoring Well.

Title: **Site Plan**  
**3080 Broadway**  
**Oakland, California**

Figure Number: 3	Scale: None
Project Number: 6989-001.01	Drawn By: GS



Date: 2/7/11





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

December 28, 2011

Mr. Gerald Shirar (Sent via e-mail to: [j.shirar1688@gmail.com](mailto:j.shirar1688@gmail.com))  
Maria P. Shirar Trust  
7213 Pleasants Valley Road  
Vacaville, CA 95688

Subject: Request for Site Investigation Work Plan, Fuel Leak Case No. RO0000140 and GeoTracker Global ID T0600101621, Roy Anderson Paints, 3080 Broadway, Oakland, CA 94611

Dear Mr. Shirar:

Thank you for claiming your site on Geotracker and for submitting on November 17, 2011 the *Alameda County Groundwater Monitoring Compliance Report* (Report), dated October 24, 2011, prepared by ACC Environmental Consultants. Alameda County Environmental Health (ACEH) has reviewed the Report describing the redevelopment and sampling of the site's only groundwater monitoring well, MW-1. Based on ACEH staff review of the Report and case file, we request that you address the following technical comments and send us the documents described below.

#### **TECHNICAL COMMENTS**

- 1. Request for a Soil and Groundwater Investigation Work Plan** – The Report documents that a groundwater sample collected from MW-1 on September 12, 2011 contained 3,900 micrograms per Liter (ug/L) total petroleum hydrocarbons as gasoline (TPHG) and 1,000 ug/L benzene compared to a sample collected July 24, 1994 which contained 480 ug/L TPHG and 8 ug/L benzene according to the *Groundwater Monitoring Well Report* dated July 24, 1994 and prepared by AllWest Environmental, Inc. Both the 1994 and 2011 TPHG and benzene concentrations detected in groundwater confirm that an unauthorized petroleum hydrocarbon release occurred and an investigation is required to assess the extent of soil and groundwater contamination beneath your site. ACEH requests you to investigate the extent of soil and groundwater contamination (lateral, down gradient, and vertical in soil and groundwater) by using expedited site assessment techniques, such as direct push technology, to collect soil samples and depth-discrete groundwater samples prior to the installation of groundwater monitoring wells. We request that you prepare and submit a Work Plan to ACEH to conduct this work by the date specified below.

Because a 350 gallon underground storage tank (UST) removed in 1993 contained 270 gallons of a "waste oil-type substance" and there was a noticeable increase of TPHG from 480 ug/L in 1994 to 3,900 ug/l in 2011 of TPHG in MW-1, ACEH requests that you investigate the area for the existence of another UST by using an appropriate method such as a geophysical survey. The Phase I report, originally requested in ACEH's November 5, 1993 Directive Letter, may also yield useful information for the site if it was conducted.

2. **Groundwater Monitoring Well Repair** – The “Well Monitoring Worksheets” in the Report noted that “debris was removed from the well box for MW-1, it was missing two out of two bolts, the well cap was not functioning, and there was no lock”. ACEH requests the immediate inspection and repair of this well which will prevent unauthorized access to the well, thus giving a level of self-protection to you as the Responsible Party. Securing the well should minimize the potential for surface water runoff and/or illegally dumped contaminants entering the well, thereby raising the question of the reliability of all analytical data from the only well currently at the site.
3. **Areal Maps** - To help understand the site and vicinity, please also include in all future reports, including the upcoming *Soil and Groundwater Investigation Work Plan* an extended site map using an aerial photographic base map to depict both the site and immediate vicinity such as a larger-scale version of Figure 1, Location Map, in the Report.
4. **Preferential Pathway Study** - As a result of both historic as well as current use of groundwater in the Oakland area, ACEH is requesting a preferential pathway study. There are two parts to the study, the location of historic wells and of utility runs. Specifically, the purpose of the preferential pathway study is to locate potential migration pathways and conduits and determine the probability of plume migration along those pathways that might spread contamination. ACEH requests that the study detail the potential migration pathways and potential conduits (wells, utilities, pipelines, etc.) for vertical and lateral migration that may be present in the site and vicinity. Please report your results in the *Soil and Groundwater Investigation Work Plan* requested below. The results of your study are to contain all information required by California Code of Regulations, Title 23, Division 3, Chapter 16, §2654(b).
  - a. **Well Survey** - The well survey is to include a survey of all wells within a ¼ mile radius of the subject site. Please reference both the California Department of Water Resources as well as the Alameda County Public Works Agency because information from these two sources is sufficiently different to warrant inclusion of both in the study.
  - b. **Utility Survey** - An evaluation of all utility lines and trenches (including sewers, storm drains, pipelines, trench backfill, etc.) within and near the site and plume area(s) is required as part of the study. Please include maps (and cross-sections when appropriate) to illustrate the location and depth of utility lines and trenches within and near the site and plume areas(s) as part of your study. Please include utility laterals to the site (or vicinity sites when appropriate). Please also utilize the San Francisco Estuary Institute’s *Creek & Watershed Map of Oakland & Berkeley*, available online at the Museum of California website (<http://museumca.org/search/node/watershed+maps>).

#### **REQUEST FOR ADDITIONAL INFORMATION**

ACEH requests submittal of electronic copies of all other reports, data, and correspondence related to all environmental investigations for this property (including Phase I reports). The ACEH case file for the subject site contains only the electronic files listed on our web site; please access the web site as described further in the attachments below. The additional information is to be submitted by the date specified below. Case files can be reviewed online at the following website: <http://www.acgov.org/aceh/index.htm>.

Mr. Gerald Shirar  
December 28, 2011  
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### **UNDERGROUND STORAGE TANK CLEANUP FUND**

Please be aware that site investigation/site cleanup costs may be reimbursable from the California Underground Storage Tank Cleanup Fund. The application and additional information is available at the State Water Resources Control Board's website at [http://www.waterboards.ca.gov/water\\_issues/programs/ustcf](http://www.waterboards.ca.gov/water_issues/programs/ustcf). Please be aware that reimbursement monies are contingent upon maintaining compliance with directives from ACEH. Additional information about the USTCF can be found below in the attachments to this letter.

### **TECHNICAL REPORT REQUEST**

Please submit the following technical reports to ACEH (Attention: Karel Detterman), according to the following schedule:

- **February 10, 2012** – Request for additional information
- **March 2, 2012** – Soil and Groundwater Investigation Work Plan with the Preferential Pathway Study

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.

Thank you for your cooperation. Should you have any questions or concerns regarding this correspondence or your case, please call me at (510) 567-6708 or send me an e-mail message at [karel.detterman@acgov.org](mailto:karel.detterman@acgov.org)

Sincerely,

Karel Detterman, PG  
Hazardous Materials Specialist

Enclosures: Responsible Party(ies) Legal Requirements/Obligations  
ACEH Electronic Report Upload (ftp) Instructions

cc: Donna Drogos, ACEH (Sent via E-mail to: [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))  
Karel Detterman, ACEH (Sent via E-mail to: [karel.detterman@acgov.org](mailto:karel.detterman@acgov.org))  
Gwen Santos, ACC Environmental Consultants (Sent via E-mail to: [gsantos@accenv.com](mailto:gsantos@accenv.com))  
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 (Sent via E-mail to: [lgriffin@oaklandnet.com](mailto:lgriffin@oaklandnet.com))  
GeoTracker, Electronic Case File

## Attachment 1

### Responsible Party(ies) Legal Requirements / Obligations

#### REPORT REQUESTS

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.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)).

#### 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, 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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> July 20, 2010
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions

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

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection.**
- 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)

## 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 [deh.loptoxic@acgov.org](mailto:deh.loptoxic@acgov.org)
  - 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, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
  - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
  - 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 [deh.loptoxic@acgov.org](mailto:deh.loptoxic@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 @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) If site is a new case without an RO#, use the street address instead.
  - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.