



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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July 25, 2011

Mr. Gerald Shirar (Sent via e-mail to: j.shirar1688@gmail.com)
Maria P. Shirar Trust
7215 Pleasant Valley Road
Vacaville, CA 95688

Subject: Case File Review for Fuel Leak Case No. RO0000140 and GeoTracker Global ID T0600101621, Roy Anderson Paints, 3080 Broadway, Oakland, CA 94611

Dear Mr. Shirar:

Alameda County Environmental Health (ACEH) is in the process of reviewing older open case files and I have just finished reviewing the case file for the above-referenced site including the *Underground Storage Tank Closure Report* dated October 12, 1993 prepared by Versar, Inc. On May 10, 1993, a 1920-30's era 350-gallon underground storage tank (UST) was removed from the site. Two hundred and seventy gallons of a waste oil-like substance were vacuumed out of the UST and upon removal of the UST, one pin-sized and one three-quarter inch hole were observed in the west end and in the bottom of the UST, respectively. Stained soil with a petroleum odor was observed in the four walls and bottom of the excavation; soil samples collected during the removal of the UST detected maximum concentrations of 140 milligrams per kilogram (mg/kg) total oil and grease (TOG) and 23 mg/kg total petroleum hydrocarbons as Diesel (TPHD) at 8-feet below ground surface (bgs). In July 1994 one groundwater monitoring well was installed adjacent to and in the estimated down gradient direction from the former UST location. A groundwater sample collected from the monitoring well contained 480 micrograms per Liter (ug/L) gasoline and 8 ug/L benzene according to the *Groundwater Monitoring Well Report* dated July 24, 1994 prepared by All West Environmental, Inc. ACEH's files do not contain documentation of any site work conducted since July 1994. Below is a summary of ACEH's subsequent requests for information:

1. September 22, 1999: Landowner Notification and Participation Requirements;
2. June 1, 2000: Request to sample site monitoring well;
3. July 3, 2008: Claim your site in the State Water Resource Control Board's (SWRCBs) Geotracker database (Geotracker);
4. July 24, 2009: Request to sample site monitoring well;
5. July 24, 2009: Notice of Violation: Claim your site in Geotracker;
6. February 14, 2011: Notice of Violation: Claim your site in Geotracker or lose eligibility to the UST Cleanup Fund.

ACEH has not received a response from any of these requests; the site remains unclaimed in Geotracker and consequently, your site is out of compliance with directives from this agency. ACEH requests that you send us the reports listed below.

TECHNICAL COMMENTS

1. **GeoTracker Compliance** - A review of the case file and the State's GeoTracker database indicate that the site still has not been claimed. Your site is out of compliance with directives from this agency. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, you are required to claim your site and subsequently transmit electronic reports and other site data. In order to regain compliance, please claim the site in Geotracker and upload the Monitoring Well Sampling Report (requested below) and all future reports to the GeoTracker website and ACEH's FTP server by the dates specified below. Please note that failure to submit the documents may additionally result in referral and possible enforcement action by the District Attorney. Pursuant to Chapter 6.7, California Health and Safety Code, civil penalties up to \$10,000 for each UST for each day of violation may be imposed. Please note that civil penalties for non-compliance are assessed from the September 22, 1999 correspondence regarding Landowner Notification and Participation Requirements.
2. **Request for a Groundwater Monitoring Report** – ACEH requests collection of a sample from the site's monitoring well; prior to sample collection, because of site inactivity, the well will need to be redeveloped. The UST contained an unknown product reported as a waste-oil like substance, therefore please analyze the sample for the following:
 - a. Total Petroleum Hydrocarbons (TPH)-Gasoline and TPH-Diesel (TPH-D) by Method 8015M or 8260;
 - b. Oil & Grease (O&G) by Method 418.1;
 - c. Benzene, Toluene, Ethyl benzene, and Xylenes (BTEX), Chlorinated Hydrocarbons, ethylene dibromide (EDB), ethylene dichloride (EDC), Methyl Tertiary-Butyl Ether (MTBE), Tert-amyl-methyl ether (TAME), Ethyl tert-butyl ether (ETBE), Di-isopropyl ether (DIPE), and t-Butyl alcohol (TBA) by Method 8260;
 - d. cadmium, chromium, lead, nickel, zinc by ICAP or AA;
 - e. Polychlorinated biphenyl (PCB), Pentachlorophenol (PCP), polynuclear aromatic hydrocarbon (PNA), Creosote and 1,4-Dioxane by Method 8270.
 - f. Please note that the listed analysis for ethanol (EtOH) is not needed at this time.

Please submit a report to ACEH documenting the well redevelopment, sampling procedures, and analytical results as performed and prepared by a qualified environmental consultant.

3. **Request for information** - The ACEH case file for the subject site contains only the electronic files listed on our web site at <http://www.acgov.org/aceh/lop/ust.htm>. You are requested to submit copies of all other reports, data, correspondence, etc. related to environmental investigations for this property (including Phase I reports) not currently contained in our case file.

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. 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 deliverables to ACEH (Attention: Karel Detterman), according to the following schedule:

1. **August 8, 2011** – Claim Site in Geotracker
2. **October 28, 2011** – Groundwater Monitoring Report
3. **October 28, 2011** – Request for reports, data, correspondence, etc. related to environmental investigations for this property (including Phase I Site Assessment reports) not currently contained in our case file Information

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

Sincerely,

Karel Detterman, PG 5628
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)
Karel Detterman, ACEH (Sent via E-mail to: karel.detterman@acgov.org)
GeoTracker, Electronic Case File
All West Environmental, Inc. (Sent via E-mail to: info@allwest1.com)

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.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 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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: 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
 - 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 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.