

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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March 19, 2008

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Chicago, IL 60610

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230 Bay Place, LP
400 Race Street, Suite 200
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Rory Campbell, Esq.
Trustee for the Robert Shepard Trust,
Brian F. Shepard Trust,
Douglas C. Shepard Trust, and the
Lisa C. Shepard Trust
Hanson, Bridgett, Marcus Vlahos, Rudy, LLP
333 Market Street, Suite 2300
San Francisco, CA 94105

Subject: Fuel Leak Case No. RO0000148 and GeoTracker Global ID T0600100193,
Bill Cox Cadillac & Buick, 230 Bay Place, Oakland, CA 94612

Dear Messrs. Bond, Brown, Wilson, & Campbell:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted documents entitled, "Results of the Implementation of the Revised Corrective Action Plan," dated August 3, 2007, and the "Report of Remedial Activities Associated with the Lifts and Drains Area and Construction Excavation Activities," dated January 26, 2007, which were both prepared by LFR for the subject site. LFR stated in the RCAP report that a few soil samples contained concentrations of contaminants above their respective cleanup goals for the site. LFR also proposes to install four groundwater monitoring wells and collect "grab" groundwater samples at the site.

ACEH generally concurs with the proposed scope of work and requests that you address the following technical comments, and send us the work plan described below.

TECHNICAL COMMENTS

1. **Elevated Concentrations of Benzene & MtBE Detected in Soil** – According to LFR, 44 confirmation soil samples were collected following the over-excavation activities conducted between September 16 to December 16, 2005. Elevated concentrations of benzene (up to 0.89 mg/kg) and MtBE (up to 1.6 mg/kg) were detected above their respective cleanup goals (Environmental Screening Level (ESL) listed in the California Regional Water Quality Control Board's "Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater," Interim Final - November 2007 document) indicating that may be potential risk to human health and the environment. Specifically, the contaminant leaching from soil to

groundwater and contaminant volatilization to indoor air (vapor intrusion) pathways appear to need further evaluation. Please propose a scope of work to address the above-mentioned data gaps and submit a work plan.

2. **Monitoring Well Installation** – We concur conceptually with the installation of groundwater monitoring wells to assess groundwater conditions. However, according to LFR, the proposed monitoring wells are to be installed to depth of 25 feet bgs, with screened intervals one to two feet above anticipated static water elevation. Based on historical groundwater elevation data, depth to groundwater ranges from approximately 3 to 5 feet bgs. Based on confirmation soil samples, the residual impacted soil lies between approximately 6 feet to 14 feet bgs. Therefore, the proposed screened interval of the well may be as long as 20 feet. Please ensure that monitoring well screens are adequately sized so that the groundwater samples collected are representative of actual site conditions. Please propose a scope of work, address the above-mentioned concerns and submit a work plan.

3. **SWRCB's GeoTracker Compliance** - A review of the case file and the State Water Resources Control Board's (SWRCB) GeoTracker website indicate that electronic copies of analytical data have not been submitted, rendering the site to non-compliance status. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. Additionally, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please complete the surveying and upload all applicable electronic submittal types such as the analytical data (EDF), survey data (GEO_XY and GEO_Z), and PDF reports from July 1, 2005 to current to GeoTracker. Electronic reporting is described below.

TECHNICAL REPORT REQUEST

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

- **April 30, 2008** - Quarterly Monitoring Report (1st Quarter 2008) & Complete all uploads to GeoTracker

- **May 7, 2008** – Work Plan (Data Gap and Monitoring Well Installation Work Plan)

- **July 30, 2008** - Quarterly Monitoring Report (2nd Quarter 2008)

- **October 30, 2008** - Quarterly Monitoring Report (3rd Quarter 2008)
- **January 30, 2009** - Quarterly Monitoring Report (4th Quarter 2008)

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

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. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

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. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. 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 monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website 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, 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 paresh.khatri@acgov.org.

Sincerely,



Paresh C. Khatri
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Charles H. Pardini, LFR, 5150 El Camino Real, Suite D-21, Los Altos, CA 94022-1534
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA
94612-2032
Donna Drogos, ACEH
Paresh Khatri, ACEH
File



ALAMEDA COUNTY
HEALTH CARE SERVICES AGENCY
 Department Of Environmental Health
 Environmental Protection Division
 1131 Harbor Bay Parkway
 Alameda, CA 94502-6577

*Donna
 F. Dragoz*

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MAR 26 2008

ENVIRONMENTAL HEALTH SERVICES

PARISH

**Arnold E. Brown
 Kestrel Partners, LLC
 4457 Willow Road, Suite 102**

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 NOT DELIVERABLE AS ADDRESSED
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