



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

April 19, 2011

Bill Cox  
Bill Cox Cadillac  
Address Unknown

HW Shepard Jr  
Wells Fargo Bank Trust  
230 Bay Place  
Oakland, CA 94612-3805

RBDL Shepard Trusts  
Greater Bay Trust Company Trustee  
333 Market Street, Suite 2300  
San Francisco, CA 94105

Robert Bond  
Bond CC Oakland LLC  
350 West Hubbard Street, Suite 450  
Chicago, IL 60610

Arnold Brown  
Kestrel Partners LLC  
4457 Willow Road, Suite 120  
Pleasanton, CA 94588-8854

Stephen Wilson  
230 Bay Place LP  
400 Race Street, Suite 200  
San Jose, CA 95126

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

Dear Responsible Parties:

I was recently assigned as the case worker for this fuel leak case. Please send all future correspondence to my attention.

The report entitled, "*Groundwater Monitoring Report and Request for Case Closure*," dated August 13, 2010, which was prepared on your behalf by ARCADIS, included a request that the above referenced site be reviewed for potential case closure. The request for case closure was supported by information from site investigation and cleanup activities conducted in the area of a former gasoline underground storage tank (UST) removed in 1994 and a former waste oil UST removed in 1988. Remedial excavation was also conducted in the area of the USTs in 1995.

During review of the case file for potential case closure, Alameda County Environmental Health (ACEH) staff became aware of potential concerns related to two former USTs and the presence of soil and groundwater contamination downgradient from the former USTs. The fuel leak case cannot be closed prior to addressing these potential concerns, which are described in the technical comments below. This decision is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Please contact the SWRCB Underground Storage Tank Program at (916) 341-5752 for information regarding the appeal process. Information on filing a petition is also available at the State Water Resources Control Board website: <http://www.waterboards.ca.gov/ust/cleanup/petitions.shtml>.

We request that you submit a Work Plan that addresses the technical comments below no later than **June 29, 2011**.

## **REQUEST FOR INFORMATION**

We request that you submit copies of any reports you have documenting additional investigation activities or other work that are relevant to the fuel release or other unauthorized releases and not currently in ACEH case files. This includes Phase I environmental site assessment reports and site investigations conducted for potential real estate transactions. The additional information is to be submitted no later than June 29, 2011. ACEH case files may be reviewed online using the ACEH website (<http://www.acgov.org/aceh>).

## **TECHNICAL COMMENTS**

- 1. Potential for Additional Abandoned UST to Remain in Place.** Up until approximately 1903, the site was occupied by the Oakland Transit Consolidated Piedmont Car Shop and Power House and the Piedmont Baths. The southern portion of the site included a machine shop, dynamos, and boiler room. A review of the 1903 Sanborn Map for the site shows an "Underground Oil Tank – 25,000-gallons capacity," directly south of the historic building and boiler room. The boilers remained in place until at least 1911. Review of the 1911 Sanborn map indicates that the boilers were not in use at that time and the Underground Oil Tank was no longer shown. We found no information to indicate whether the USTs were removed or remained in place. In April 2004, four test pits were excavated to evaluate the building's foundation. Observations made in a test pit at the southern corner of the existing historical building indicated that "an oily substance was present on the groundwater surface," (Levine-Fricke, August 4, 2004). As part of site investigation activities for a fuel leak case at 2350 Harrison Street, petroleum hydrocarbons in the diesel, fuel oil, and motor oil range were detected in soil and grab groundwater samples collected southwest of the former 25,000-gallon UST along Harrison Street. The source of these petroleum hydrocarbons is unknown. We request that you submit a Work Plan that includes a scope of work to determine whether the former 25,000-gallon UST remains in place and whether the petroleum hydrocarbons in the heavier fractions found along Harrison Street may be related to the former 25,000-gallon fuel oil UST.
- 2. Former Mineral Spirits UST.** A geophysical survey reportedly conducted in the area of two vent lines attached to the northern portion of the on-site building along Harrison Street discovered a 1,050-gallon UST beneath the sidewalk (*Underground Mineral Spirits Tank Closure Report*, November 13, 1992, PES Environmental). Based on laboratory analysis of product from the UST, the contents were identified as mineral spirits. During removal of the UST, one hole approximately ½ inch in diameter was observed on the sidewall of the tank. The tank was located in close proximity to an abandoned 12-inch terra cotta sewer line. The terra cotta sewer line was broken at a point near the hole in the tank. Two soil samples that were collected from the tank pit excavation did not contain TPH as mineral spirits. No investigation was conducted to assess whether the abandoned sewer line was a pathway for discharges from the tank. We request that you propose a scope of work to identify where the abandoned terra cotta sewer line discharges and conduct sampling along the line to assess whether the sewer line acted as a preferential pathway for releases from the former mineral spirits UST.

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3. **Sensitive Receptors.** We request that you include a sensitive receptor survey in the Work Plan requested below to identify any sensitive receptors or water supply wells that currently and potentially could be affected by releases from the former USTs and the petroleum hydrocarbon plumes described in the technical comments above.

### **TECHNICAL REPORT REQUEST**

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

- **June 29, 2011** – Site Investigation Work Plan

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org). Case files can be reviewed online at the following website: <http://www.acgov.org/aceh/index.htm>.

Sincerely,

Jerry Wickham, California PG 3766, CEG 1177, and CHG 297  
Senior Hazardous Materials Specialist

Attachments: Responsible Party(ies) Legal Requirements/Obligations

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: 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)*)

Julia Lane, Bond Companies, 350 W. Hubbard Street, Suite 450, Chicago, IL 60654 (*Sent via E-mail to: [jlane@bondcompanies.com](mailto:jlane@bondcompanies.com)*)

Ron Goloubow, ARCADIS, 1900 Powell Street, Suite 1200, Emeryville, CA 94608 (*Sent via E-mail to: [Ron.Goloubow@arcadis-us.com](mailto:Ron.Goloubow@arcadis-us.com)*)

Donna Drogos, ACEH (*Sent via E-mail to: [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org)*)  
Jerry Wickham, ACEH (*Sent via E-mail to: [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)*)

GeoTracker, e-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.