



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

June 29, 2011

Bill Cox
Bill Cox Cadillac
Address Unknown

HW Shepard Jr
Wells Fargo Bank Trust
Address Unknown

RBDL Shepard Trusts
Greater Bay Trust Company Trustee
Address Unknown

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

Arnold Brown
Kestrel Partners LLC
Address Unknown
Address Unknown

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

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

Dear Responsible Parties:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site, including the recent correspondence entitled, "*Response to the Alameda County Environmental Health Former Cox Cadillac Site, 230 Bay Place in Oakland, California,*" dated June 6, 2011. The June 6, 2011 correspondence, which includes a three-page cover letter prepared by Mr. Robert Bond and a letter report prepared by ARCADIS, presents responses to ACEH comments and requests that ACEH re-evaluate the need for additional investigation.

We have reviewed the responses and case file and find that there is merit to re-evaluation of the request for additional investigation. The information presented along with additional information discovered in case files for adjacent sites causes us to reconsider the previous request. However, we do not agree with all of the content presented in the June 6, 2011 correspondence as discussed in the technical comments below. We request clarifications or further excavations regarding some of the statements and rationale presented in the June 6, 2011 correspondence.

TECHNICAL COMMENTS

1. **Potential for Additional Abandoned UST to Remain in Place.** The June 6, 2011 correspondence presents information regarding the construction activities near the suspected location of the 25,000-gallon UST and concludes that, "while concrete vaults and other structures were observed during the redevelopment activities conducted in these areas, a 25,000-gallon UST was not observed." The correspondence goes on to conclude it is unlikely that the UST is still present. We concur that it seems likely that the "dead man supports" would have encountered a 25,000-gallon UST if it was present. In reviewing the report entitled, "*Remedial Activities Associated with the Lifts and Drains Area and Construction Activities, Former Cox Cadillac Site, 230 Bay Place, Oakland, California,*" dated January 26, 2007, we did not find reference to concrete vaults or other structures outside the areas of the hydraulic lifts. Please indicate whether concrete vaults or other structures were observed

in the area of the suspected 25,000-gallon UST. If concrete vaults and other structures were observed in this area, please provide further description of the features and indicate whether any of these observed features were of a suitable size to hold 25,000 gallons of liquid.

2. **Former Mineral Spirits UST.** The June 6, 2011 correspondence concludes that further investigation of possible releases from the former mineral spirits UST is not warranted. To support this conclusion, the correspondence indicates, "there is no recent evidence showing the existence of TPH at the Site," and also references the report entitled, "*Remedial Activities Associated with the Lifts and Drains Area and Construction Activities, Former Cox Cadillac Site, 230 Bay Place, Oakland, California,*" dated January 26, 2007 to suggest that these activities would have encountered contamination from the former mineral spirits UST. In reviewing the case file, we did not find recent sampling locations other than boring EB-1 in the area of the former mineral spirits UST. Two soil samples collected from boring EB-1 contained total petroleum hydrocarbons as gasoline (TPHg) at concentrations of 370 and 17 milligrams per kilogram, respectively. EB-1 is located approximately 280 feet north (upgradient) of the former gasoline UST. No analyses were apparently performed to identify petroleum fractions other than TPHg in soil samples from boring EB-1. In the Supplemental Information requested below, please describe what construction or sampling activities, other than the 1992 tank removal, support your conclusion that petroleum hydrocarbons are not present in the area of the former mineral spirits UST and what you believe is the source of TPHg in soil samples from boring EB-1.
3. **Groundwater Flow Direction.** Figure 2 of the June 6, 2011 correspondence shows a radial groundwater flow direction towards a central point between wells LF-3 and LF-4. A radial flow pattern with a gradient of greater than three percent cannot be considered a realistic, natural groundwater flow pattern and appears to indicate that the water levels represent different water-bearing units or groundwater is flowing to a central discharge point such as a broken storm drain or sanitary sewer. In the Supplemental Information requested below, please provide your explanation for the radial flow pattern.
4. **Source of Petroleum Hydrocarbons along Harrison Street.** In addition to reviewing the case file for this case, we have reviewed the case files for adjacent sites also. Based on this review, it appears more likely that 230 Bay Place may not be the source of petroleum hydrocarbons along Harrison Street. Therefore, we are not requesting additional investigation at this time pending the responses to the above three comments.
5. **Comment in Cover Letter Regarding Use of Sanborn Maps.** We found portions of the three-page cover letter by Mr. Bond to contain opinions, inaccuracies, and some condescending remarks. For sake of brevity, we have not responded to all of these items in the three-page cover letter. However, we note a marked condescension towards the use of Sanborn maps for identifying historic features. Sanborn maps are a standard tool for research of historic uses of property and can be useful in identifying features of interest. As an example, we note that the 1911 Sanborn map shows a water well and pump beneath the current location of the on-site building. Consulting the Sanborn maps prior to construction might have avoided attempting to construct a building on top of an artesian well which could affect drainage and geotechnical conditions for the building as well as plume migration. The well was accidentally struck during trenching, causing flooding of the excavation. No response to this comment is necessary.

6. **Sensitive Receptors.** Sufficient information regarding sensitive receptors appears to be available from case files for adjacent sites. Therefore, we are not requesting a sensitive receptor or water supply well survey for the site at this time. However, if you wish to proceed with a sensitive receptor survey, please email or fax the agency release agreement to me.

TECHNICAL REPORT REQUEST

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

- **August 23, 2011** – Supplemental Information

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at 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*)

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

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

Donna Drogos, ACEH (*Sent via E-mail to: donna.drogos@acgov.org*)
Jerry Wickham, ACEH (*Sent via E-mail to: 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/).

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.