

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**  
AGENCY  
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
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January 30, 2009

Jack and Marilyn Sumski  
Walt's Transmission  
818 5<sup>th</sup> Avenue, Ste #209  
San Rafael, CA 94901

Jose and Nelly Castellanos  
2191 Valleywood Drive  
San Bruno, CA 94066

Subject: Fuel Leak Case No. RO0000172 and Geotracker Global ID T06019762689, Walt's Transmission, 1723 Fruitvale Avenue, Oakland CA 94601

Dear Mr. and Mrs. Sumski and Mr. and Mrs. Castellanos:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site including the most recent documents entitled, *1723 Fruitvale Avenue Oakland, California*, dated March 3, 2003 and *Ground Water Monitoring Event #4* dated January 21, 2003 prepared by Environmental Service by Papineau (Papineau).

Maximum concentrations of 180 micrograms per liter ( $\mu\text{g/L}$ ) perchloroethylene (PCE) were detected in groundwater in 2000. In addition, all wells contained PCE at concentrations above the Regional Water Quality Control Board's (RWQCB's) Environmental Screening Levels (ESLs) for groundwater that is a current or potential source of drinking water. No further action was requested for this site based on Papineau's belief that the PCE in ground water "emanates from an off-site source" based on site use and distribution of contaminants in the subsurface. However, adequate justification to support this hypothesis was not presented in the above-mentioned report. Further none of the technical reports submitted for this site were signed and stamped by a Registered Professional Engineer or Professional Geologist as required under the California Business and Professions Code. ACEH's review indicates that further evaluation is needed to justify that the site is not the source of the PCE and that the source originates offsite; that there is no risk of volatilization of PCE to indoor air; that petroleum hydrocarbon contamination from the apparent underground storage tanks is characterized; and whether additional uninvestigated sources are present on the site.

ACEH cannot consider case closure for the subject site at this time. This decision to deny closure is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39.2(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) 341-5851 for information regarding the appeals process.

### **TECHNICAL COMMENTS**

1. **Unlicensed Practice.** The reports submitted for your site, contain technical interpretations that are scientifically unjustifiable and have been prepared by individuals not licensed to practice civil engineering or geology in the state of California. A review of all reports in our case file indicates that they were not signed and stamped by the appropriately registered professional.

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.

2. **UST Locations.** No background research (e.g. Phase I) was performed to locate the underground storage tanks prior to performing field work, leaving the apparent source area near the tanks uninvestigated. Please perform a review of aerial photographs to locate the USTs and piping and submit this information (including aerials with the site clearly marked) in the report requested below.
3. **Groundwater Contamination.** - Total petroleum hydrocarbons as gasoline (TPHg) were detected at a concentration of 2,900 micrograms per liter ( $\mu\text{g/L}$ ) in boring LF-3 and the lateral and vertical extent of this contamination remains undefined. Please submit a plan to address this data gap in the report requested below.
4. **Site and Solvent Use and the Floor Drain.** The site was previously used as a transmission repair shop. In a report dated July 12, 2000, Basics Environmental states that solvents were utilized in the building. A floor drain that could be a potential source for PCE in groundwater at the site has not been investigated. The closest boring to the floor drain was SB-3. No discrete samples were analyzed; rather samples were inappropriately composited for analysis. The composite soil sample from 5 and 10 feet was the only sample submitted within 20 feet of the floor drain. No samples were collected immediately adjacent to the floor drain or from groundwater adjacent to the floor drain. In addition, Papineau's March 3, 2003 report, states that PCE was not detected in shallow soil and that the deeper concentrations detected in soil were from capillary action drawing PCE contaminated groundwater into the soil. An alternative reason for the lack of PCE in soil may be that the source area has not been evaluated. Please submit a plan to address this data gap in the report requested below.
5. **PCE Volatilization to Soil and Indoor Air.** The September 14, 2001 Papineau report suggests that soil concentrations can be attributed to volatilization of dissolved PCE in groundwater. Please provide a reference for this hypothesis. This interpretation does not appear to be technically justifiable. PCE is unlikely to sorb to soil once it has entered the vapor phase. It is more likely that volatilization will potentially create a vapor intrusion pathway that has not been evaluated. Since PCE has been noted across the site at maximum concentrations of 180  $\mu\text{g/L}$  in groundwater, a plan to assess the soil vapor

pathway is necessary. Please submit a plan to address this data gap in the report requested below.

6. **Preferential Pathway Study.** Papineau suggested that contamination may be emanating from an upgradient offsite source. Migration of contamination from the USTs on-site along utility lines has not been evaluated. Since no evaluation of utility lines or preferential pathways has been submitted, ACEH requests that you perform a preferential pathway study. The purpose of the preferential pathway study is to locate potential migration pathways and conduits and determine the probability of the plume encountering preferential pathways and conduits that could spread contamination. We request that you perform a preferential pathway study that details the potential migration pathways and potential conduits (wells, utilities, pipelines, etc.) for vertical and lateral migration that may be present in the vicinity of the site.

Discuss your analysis and interpretation of the results of the preferential pathway study (including the well survey and utility survey requested below) and report your results in the report requested below. The results of your study shall contain all information required by California Code of Regulations, Title 23, Division 3, Chapter 16, §2654(b).

- a. 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 your study. Please include maps and updated cross-sections illustrating the location and depth of all utility lines and trenches within and near the site and plume areas(s) as part of your study.

- b. Well Survey

The preferential pathway study shall include a well survey of all wells (monitoring and production wells: active, inactive, standby, decommissioned (sealed with concrete), abandoned (improperly decommissioned or lost); and dewatering, drainage, and cathodic protection wells) within a ¼-mile radius of the subject site.

6. **Site Conceptual Model.** – At this juncture, considering the existing data gaps and the lack of evaluation and interpretation by an appropriately registered professional, ACEH requests that you evaluate all the data for your site in a Site Conceptual Model (SCM) An SCM is a set of working hypotheses pertaining to all aspects of the contaminant release, including site geology, hydrogeology, release history, residual and dissolved contamination, attenuation mechanisms, pathways to nearby receptors, and likely magnitude of potential impacts to receptors. The SCM is used to identify data gaps that are subsequently filled as the investigation proceeds. As the data gaps are filled, the working hypotheses are modified, and the overall SCM is refined and strengthened. Subsurface investigations continue until the SCM no longer changes as new data are collected. At this point, the SCM is said to be 'validated.' The validated SCM then forms the foundation for developing the most cost-effective corrective action plan to protect existing and potential receptors.

When performed properly, the process of developing, refining and ultimately validating the SCM effectively guides the scope of the entire site investigation. We have identified, based on our review of existing data, some initial key data gaps in this letter and have described

several tasks that we believe will provide important new data to refine the SCM. We request that your consultant incorporate the comments in this letter into their SCM, identify new and/or remaining data gaps, and propose supplemental tasks for future investigations. There may need to be additional phases of investigations, each building on the results of prior work, to validate the SCM. Characterizing the site in this manner will focus the scope of work to address the identified data gaps, which improves the efficiency of the work, and limits the overall costs.

Both industry and the regulatory community endorse the SCM approach. Technical guidance for developing an SCM is presented in Strategies for Characterizing Subsurface Releases of Gasoline Containing MTBE, American Petroleum Institute Publication No. 4699 dated February 2000; 'Expedited Site Assessment Tools for Underground Storage Tank Sites: A Guide for Regulators' (EPA 510-B-97-001), prepared by the U.S. Environmental Protection Agency (EPA), dated March 1997; and 'Guidelines for Investigation and Cleanup of MTBE and Other Ether-Based Oxygenates, Appendix C,' prepared the State Water Resources Control Board, dated March 27, 2000.

The SCM for this project is to incorporate, but is not limited to, the following:

- a. A concise narrative discussion of the regional geologic and hydrogeologic setting. Include a list of technical references you reviewed, and copies (photocopies are sufficient) of regional geologic maps, groundwater contours, cross-sections, etc.
- b. A concise discussion of the on-site and off-site geology, hydrogeology, release history, source zone, plume development and migration, attenuation mechanisms, preferential pathways, and potential threat to down-gradient and above-ground receptors (e.g. contaminant fate and transport). Please include the contaminant volatilization from the subsurface to indoor/outdoor air exposure route (i.e. vapor pathway) in the analysis. Maximize the use of large-scaled graphics (e.g. maps, cross-sections, contour maps, etc.) and conceptual diagrams to illustrate key points.
- c. Identification and listing of specific data gaps that require further investigation during subsequent phases of work.
- d. Proposed activities to investigate and fill data gaps identified above.
- e. Summary tables of chemical concentrations in different media (i.e. soil, groundwater, and soil vapor), including well logs, well completion details, boring logs, etc.
- f. Other contaminant release sites exist in the vicinity of your site. Hydrogeologic and contaminant data from those sites may prove helpful in testing certain hypotheses for your SCM. Include a summary of work and technical findings from nearby release sites.

Prepare a site conceptual model (SCM) as described above and include a work plan to address the data gaps in the report.

#### **TECHNICAL REPORT REQUEST**

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

- **May 29, 2008** – SCM with preferential pathway evaluation, background review, and work plan to address data gaps.

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](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

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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) 639-1287 or send me an electronic mail message at [barbara.jakub@acgov.org](mailto:barbara.jakub@acgov.org).

Sincerely,



Barbara Jakub, P.G.  
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Marc Papineau, Environmental Service by Papineau, 5789 Gold Creek Drive, Castro Valley, CA 94552  
Donna Drogos, ACEH  
Barbara Jakub, ACEH  
File

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

Effective January 31, 2006, 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

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

#### Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in Excel format. These are for use by assigned Caseworker only.

#### 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 [dehloptoxic@acgov.org](mailto:dehloptoxic@acgov.org)  
or
  - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of Alicia Lam-Finneke.
- 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 and Firefox browsers will not open the FTP site.
- b) Click on File, then on Login As.
- 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 [dehloptoxic@acgov.org](mailto:dehloptoxic@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 at acgov.org. (e.g., [firstname.lastname@acgov.org](mailto: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)



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**HEALTH CARE SERVICES AGENCY**

Department Of Environmental Health  
Environmental Protection Division  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577



Alameda County

MAR 05 2009

Environmental Health

*delivered to  
wrong address*

**Jack and Marilyn Sumski  
Walt's Transmission  
818 5<sup>th</sup> Avenue, Ste. # 209**

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ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD

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