



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

December 5, 2008

Ravi Sekhon  
21696 Knuppe Place  
Castro Valley, CA 94552

Abdul Ghaffar  
Zaroon, Inc.  
40092 Davis Street  
Fremont, CA 94538

J & S Petroleum, Inc.  
c/o Javad Enterprises  
3300 Powell St., Ste 16  
Emeryville, CA 94608-1528

Subject: Fuel Leak Case No. RO0000175, GeoTracker Global ID: T0600102286, Foothill Mini-Mart, 6600 Foothill Boulevard, Oakland, CA 94605

Dear Mr. Sekhon and Mr. Ghaffar:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted document entitled, "Site Conceptual Model Report and Data Gap Work Plan," dated October, 2008, which was received on October 22, 2008, and prepared by Environmental Risk Specialties Corporation (ERS) Consultants. ERS proposes to install deeper groundwater monitoring wells to delineate the vertical extent of the groundwater contaminant plume, install shallow groundwater monitoring wells to delineate the lateral extent of the groundwater contaminant plume, and analyze for monitored natural attenuation parameters in groundwater samples collected at the site.

ACEH generally concurs with the concept of the proposed scope of work and requests that you address the following technical comments and send us a data gap work plan addendum (work plan addendum) described below.

#### **TECHNICAL COMMENTS**

- 1. Shallow and Deep Groundwater Monitoring Wells** – ERS proposes to install two shallow groundwater monitoring wells and four groundwater monitoring well pairs consisting of one shallow and one deep well. ACEH understands that the monitoring well locations were selected to delineate the vertical and lateral extent of the groundwater contaminant plume. The lateral extent, up-gradient and cross-gradient, appear to be adequately addressed by the proposed well locations illustrated on Figure 21. However, based on groundwater flow direction and gradient measured at the site, an additional monitoring point (shallow and deep) located near the southeast corner of the building located at 6619 Foothill Boulevard appears necessary. Also, the vertical extent of the groundwater contaminant plume perimeter appears to be addressed by the proposed monitoring well locations. However, the vertical extent of the groundwater plume core appears to remain undefined with the proposed groundwater monitoring well network. To address this apparent data gap, deeper groundwater monitoring wells located adjacent to existing shallow groundwater monitoring wells MW-5 and MW-6 appear necessary.

Also, it is not clear how ERS proposes to identify the second water bearing unit (i.e. cone penetrometer testing, pilot hole, etc.) or how the monitoring well pairs will be installed (i.e.

well clusters or multi-level wells, etc.). It is recommended that monitoring well clusters are proposed to minimize the potential for cross-contamination between water-bearing units. Please propose a scope of work to address the above-mentioned concerns and submit a work plan addendum due by the date specified below.

2. **Aquifer Pumping Test** – Once the proposed monitoring wells are installed, ERS proposes to conduct a 72-hour pumping test on groundwater monitoring well MW-2 with MW-1, MW-3, MW-4, MW-5, MW-6, and the new wells as observation wells. According to ERS, the intent of the pumping test is to determine “the [e]xistence of low hydraulic resistance,” and determine a “[h]ydraulic connection between the shallow and deep water-bearing zones.” Rather than conducting a 72-hour pump test, collecting water quality parameters to develop stiff diagrams that illustrate water chemistry may provide the information needed to determine whether the shallow and deeper water-bearing units are connected in a more cost-effective approach. Once the site has been adequately characterized, a Feasibility Study is prepared, and the most cost-effective remediation alternative is determined, pilot testing to verify remediation success potential at that time appears more appropriate followed by the preparation of a Corrective Action Plan.
3. **Preferential Pathway Study** – A preferential pathway evaluation was prepared and submitted on September 4, 2008. Some utilities were identified as possible preferential pathways for contaminant migration. This information was reiterated in the SCM. However, it is not clear whether the proposed monitoring well locations will address possible migration along utility corridors on Havenscourt and Foothill Boulevards. Additionally, a figure illustrating utilities in relation to site and existing sampling points was not submitted. Please propose a scope of work to address the above-mentioned concerns and submit a work plan addendum with figures illustrating utilities and sampling points due by the date specified below.
4. **Contaminant Source Area Characterization** – The UST pit and the dispensers are likely source areas at the site. According to ERS, the source of the groundwater contaminant plume appears to be the former UST. As stated in our March 28, 2008 directive letter, a UST removal report was not submitted and elevated concentrations of MtBE (up to 12 mg/kg) was detected in confirmation soil samples collected following the UST and dispenser removals. However, the depths of the samples collected are unknown and a scope of work to assess the vertical and lateral extent of the contaminant source areas (i.e. the dispensers and UST) at the site has not been proposed. Please propose a scope of work to address the above-mentioned concerns and submit a work plan addendum due by the date specified below. Should you have sufficient data to justify that the contaminant source areas have been adequately delineated, please present your data in the work plan addendum.
5. **Groundwater Contaminant Plume Monitoring** – Several years of groundwater monitoring data exists for the site. You may propose to reduce the groundwater sampling frequency for site groundwater monitoring wells. Your consultant may propose and justify an alternate groundwater monitoring plan for review. This may be incorporated into the above requested work plan addendum.

### **NOTIFICATION OF FIELDWORK ACTIVITIES**

Please schedule and complete fieldwork activities by the date specified below and provide ACEH with at least three (3) business days notification the prior to conducting the fieldwork, including routine groundwater sampling.

### **TECHNICAL REPORT REQUEST**

Please submit technical reports to ACEH (Attention: Paresh Khatri), according to the following schedule:

- **January 30, 2009** – Quarterly Monitoring Report (4<sup>th</sup> Quarter 2008)
- **February 3, 2009** – Soil and Water Investigation Work Plan Addendum (Data Gap Work Plan Addendum)
- **April 30, 2009** – Quarterly Monitoring Report (1<sup>st</sup> Quarter 2009)
- **July 30, 2009** – Quarterly Monitoring Report (2<sup>nd</sup> Quarter 2009)
- **October 30, 2009** – Quarterly Monitoring Report (3<sup>rd</sup> Quarter 2009)

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](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.

If you have any questions, please call me at (510) 777-2478 or send me an electronic mail message at [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org).

Sincerely,



Paresh C. Khatri  
Hazardous Materials Specialist



Donna L. Drogos, PE  
Supervising Hazardous Materials Specialist

Mr. Sekhon and Mr. Ghaffar  
RO0000175  
December 5, 2008, Page 5

cc: Jim Ho, Environmental Risk Specialties Corp., 1600 Riviera Ave., Suite 310 Walnut Creek, CA 94596  
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032  
Mark Arniola, Public Works Agency , 250 Frank H. Ogawa Plaza, Suite 5301, Oakland, CA 94612  
Larry A. Gallegos, City of Oakland, Community and Economic Development Agency, 250 Frank H. Ogawa Plaza, 5<sup>th</sup> Floor, Oakland, CA 94612  
Dylan T. Rádke, Gordon, Watrous, Ryan, Langley, Bruno & Paltenghi, 611 Las Juntas Street, P.O. Box 630, Martinez, CA 94553  
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



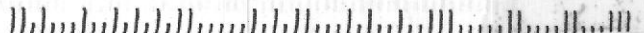
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**J & S Petroleum, Inc.**  
**c/o Javad Enterprises**  
**3300 Powell Street, Suite 16**  
Emeryville, CA 94608-1522

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945026540



<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>ISSUE DATE:</b> July 5, 2005
	<b>REVISION DATE:</b> December 16, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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)
  - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload)

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

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

December 5, 2008

Ravi Sekhon  
21696 Knuppe Place  
Castro Valley, CA 94552

J & S Petroleum, Inc.  
c/o Javad Enterprises  
3300 Powell Street, Suite 16  
Emeryville, CA 94608-1528

Subject: Fuel Leak Case No. RO0000175, GeoTracker Global ID: T0600102286, Foothill Mini-Mart, 6600 Foothill Boulevard, Oakland, CA 94605

Dear Responsible Parties:

In Notices of Responsibility dated January 12, 1999, J & S Petroleum, Inc. and Ravitej Sekhon were notified that the above referenced site had been placed in the Local Oversight Program and that J & S Petroleum, Inc. and Ravitej Sekhon were named as Responsible Parties for the fuel leak case. Zaron, Inc. purchased the property and has been named an additional Responsible Party for the fuel leak case as defined under 23 C.C.R Sec. 2720. Please see Attachment A – Responsible Parties Data Sheet, which identifies all Responsible Parties and provides background on the unauthorized release and Responsible Party Identification.

If you have any questions, please call me at (510) 777-2478.

Sincerely,

Paresh C. Khatri  
Hazardous Materials Specialist

Attachment A – Responsible Parties Data Sheet

cc: Donna Drogos, ACEH  
Paresh Khatri, ACEH  
File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH  
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

December 05, 2008

**Site Name & Address:**

**FOOTHILL MINI MART  
6600 FOOTHILL BLVD  
Oakland, CA 94605**

**Local ID: RO0000175**

**Related ID: 3985**

**RWQCB ID: 01-2481**

**Global ID: T0600102286**

**All Responsible Parties**

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**RP has been named a Primary RP - RAVITEJ S & MANDEEP SEKHON**

6600 FOOTHILL BLVD | OAKLAND, CA 94605-2019 | Phone No Phone Number Listed

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**RP has been named a Primary RP - ABDUL GHAFAR  
ZAROON INC**

40092 DAVIS ST | FREMONT, CA 94538-2605 | Phone No Phone Number Listed

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**RP has been named a Primary RP - JAVAD FARROKHTALA  
J & S PETROLEUM INC**

3300 POWELL ST NO209 | EMERYVILLE, CA 94608 | Phone (510) 740-6963

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**Responsible Party Identification Background**

Alameda County Environmental Health (ACEH) names a "Responsible Party," as defined under 23 C.C.R Sec. 2720. Section 2720 defines a responsible party 4 ways. An RP can be:

1. "Any person who owns or operates an underground storage tank used for the storage of any hazardous substance."
2. "In the case of any underground storage tank no longer in use, any person who owned or operated the underground storage tank immediately before the discontinuation of its use."
3. "Any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred."
4. "Any person who had or has control over an underground storage tank at the time of or following an unauthorized release of a hazardous substance."

ACEH has named the responsible parties for this site as detailed below.



## ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

December 05, 2008

### Responsible Party Identification

#### Existence of Unauthorized Release

On December 16, 1998, one 8,000-gallon steel gasoline underground storage tank was removed from the site. Following UST removal activities, soil sampling was conducted at the site, which detected MTBE at a concentration of 12 mg/kg.

#### Responsible Party Identification

J & S Petroleum c/o Javad Enterprises owned the property from circa 1983 until September 28, 1998. J & S Petroleum is a responsible party because a release likely occurred during their ownership of the USTs (definition 1), the USTs were used for storage of hazardous substances (definition 2), and they had owned the property where an unauthorized release of a hazardous substance from an underground storage tank has occurred (definition 3).

Ravitej and Mandeep Sekhon owned the subject property from September 28, 1998 until February 18, 2005. Ravitej and Mandeep Sekhon is a responsible party because they owned the USTs (definition 1), operated the USTs for storage of hazardous substances (definition 2), owned the property where an unauthorized release of a hazardous substance from an underground storage tank has occurred (definition 3), and had control over the USTs at the time of or following an unauthorized release of a hazardous substance (definition 4).

Zaroon, Inc. purchased the property in February 18, 2005. Zaroon, Inc. is a responsible party because it owns the property where an unauthorized release of a hazardous substance occurred (definition 3).

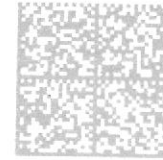


ALAMEDA COUNTY  
**HEALTH CARE SERVICES AGENCY**

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



UNABLE TO  
FORWARD



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**J & S Petroleum, Inc.**  
**c/o Javad Enterprises**  
**3300 Powell Street, Suite 16**  
**Emeryville, CA 94608-1528**

RECEIVED

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ENVIRONMENTAL HEALTH AGENCY

94608+1528

