



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-93

March 12, 2009

The Bank of New York Trust
C/o Ms. Mary Schroeder
McMorgan and Company, LLC
One Bush Street, Suite 800
San Francisco, CA 94104

Subject: Fuel Leak Case No. RO0000184 and Geotracker Global ID T0600102125, Precision Trucking School, 300 Hegenberger Road, Oakland, CA 94621

Dear Ms. Schroeder:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the most recent correspondence entitled, "*Voluntary Remedial Soil Cleanup Action, RO#184, 300 Hegenberger Road, Oakland, California,*" dated March 6, 2009. The March 6, 2009 correspondence, which was prepared by Environmental Risk Specialties Corporation apparently on behalf of the Bank of New York Trust Company, informs ACEH of the intention to proceed with soil excavation at the site. Excavation would apparently be conducted according to a "*Soil Excavation Work Plan,*" dated July 23, 2007. We do not concur with the proposed remedial excavation at this time. ACEH provided technical comments on the July 23, 2007 Soil Excavation Work Plan in correspondence dated March 11, 2008 (attached). The March 11, 2008 ACEH correspondence requested a Work Plan to address our technical comments by May 30, 2008. To date, we have not received a response to our March 11, 2008 correspondence.

As previously stated in our March 11, 2008 correspondence, we request that you address six technical comments before the scope of a remedial excavation can be defined. The technical comments contained in our March 11, 2008 must be addressed before the site can be considered for case closure. If a remedial excavation is implemented before addressing these technical comments, additional site investigation and/or cleanup may be required following the proposed excavation. Therefore, we request that you address the technical comments in our March 11, 2008 correspondence and send us the technical reports requested below.

TECHNICAL REPORT REQUEST

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

- **Work Plan** – May 11, 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/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 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.

Ms. Mary Schroeder, McMorgan & Company LLC
RO0000184
March 12, 2009
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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 510-567-6791 or send me an electronic mail message at jerry.wickham@acgov.org. Online case files are available for review 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

Attachment: ACEH correspondence dated March 11, 2008

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341
Oakland, CA 94612-2032

David DeMent, Environmental Risk Specialties Corporation, 1600 Riviera Avenue, Suite 310, Walnut
Creek, CA 94596

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

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

March 11, 2008

The Bank of New York Trust
C/o Mr. Mary Schroeder
McMorgan and Company, LLC
One Bush Street, Suite 800
San Francisco, CA 94104

Subject: Fuel Leak Case No. RO0000184 and Geotracker Global ID T0600102125, Precision Trucking School, 300 Hegenberger Road, Oakland, CA 94621

Dear Ms. Schroeder:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the most recent document entitled, "*Soil Excavation Work Plan, 300 Hegenberger Road, Oakland, California,*" dated July 23, 2007. The Work Plan, which was prepared by ACC Environmental Consultants, proposes excavation of petroleum hydrocarbon-impacted soil to a depth of approximately 4 feet bgs in the area of two former gasoline dispensers. Based upon our review of the case file, there are several issues described in the technical comments below, which should be addressed prior to implementing a remedial excavation. Therefore, we request that you prepare a Work Plan that addresses the technical comments below.

We request that you address the following technical comments, perform the proposed work, and send us the technical reports requested below.

TECHNICAL COMMENTS

1. **Site History and Request for Information.** The site history prior to initiation of site investigation activities is only briefly discussed in the reports currently in ACEH files. Therefore, we request that you submit any other available documents which provide information on site history, such as historic aerial photographs, Sanborn maps, or compilations of information from environmental data bases. Specifically, we request that you submit a copy of a Phase I report that was referred to in previous site investigation reports. Please provide any information you have regarding the age and dates of operation of the underground storage tanks at the site.
2. **Concrete Slab with Oil/Water Separator.** An oil/water separator was removed from a concrete slab located approximately 30 feet northeast of Hegenberger Loop on June 10, 1996. A document entitled, "*Current Project Status, Existing Soil Stockpile and Underground Tank and Clarifier Removal,*" and dated February 28, 1997 indicates that the oil/water separator was used to collect runoff from the concrete slab and may or may not have been associated with the service station. Please identify the types of activities that were

conducted at the former building associated with the concrete slab and oil/water separator adjacent to Hegenberger Loop.

3. **UST Location.** Previous reports for the site have indicated that no documentation exists regarding the locations or removal of the fuel USTs for the service station. Please confirm that City of Oakland Fire Department UST files for the site have been reviewed. If City of Oakland Fire Department records have not been reviewed, please review files for the site to help verify the location and removal of the USTs. A geophysical survey was conducted at the site on July 24, 1997 and trenching was conducted on October 8, 1997 in an attempt to locate the USTs. Attachment A, which is a map prepared by Northwest Envirocon, Inc. shows both the geophysical survey and trenching conducted in the western corner of the site. However, a review of the maps prepared by Norcal Geophysical Consultants suggests that the geophysical survey was conducted in an area further to the south. Attachment B shows a hand-drawn scaled map of the survey grid. The two points of reference on the map are the former concrete dispensers islands in the northeastern corner of the grid. Attachment C shows a large magnetic anomaly approximately 35 feet south and 10 feet west of the southernmost dispenser island. Based on the location shown on Attachment C, this large magnetic anomaly appears to be approximately 25 feet northwest of monitoring well MW-6. In the Work Plan requested below, please indicate whether the area of the large magnetic anomaly was investigated for the presence of a UST. If this area was not investigated, please propose additional investigation to determine whether a UST may remain in place.
4. **Potential Vapor Intrusion.** Benzene has been detected in soil and groundwater at concentrations up to 33 milligrams per kilogram and 12,000 micrograms per liter, respectively. Based on the elevated concentrations of benzene detected in soil and groundwater at the site, the potential for vapor intrusion must be evaluated. Please propose soil vapor sampling in the Work Plan requested below to evaluate the potential for vapor intrusion.
5. **Vertical Extent of Contamination.** A clayey/silty gravel, described as the first encountered water-bearing zone, has been observed at depths of approximately 15 to 18 feet bgs beneath the site. The deepest soil borings at the site extend to a depth of approximately 20 feet bgs. Additional sampling is needed to define the thickness of the clayey/silty gravel and vertical extent of contamination. Grab groundwater samples collected from casings within open boreholes contained fuel hydrocarbons. However, water quality within the open boreholes may have been affected by contamination observed in fine-grained soils within the upper approximately 10 feet of the borings. We request that you propose a drilling and sampling method that will case off or otherwise isolate the upper portion of the borehole to allow collection of more representative groundwater samples from the clayey/silty gravel layer. Please propose additional sampling in the Work Plan requested below to define the vertical extent of contamination.
6. **Base Map.** Please confirm the former location of the waste oil tank for future base maps of the site. Figure 2 of the Work Plan prepared by ACC Environmental Consultants attributes the map source to Northwest Envirocon, Plate 2, December 1997. Plate 2 in the December 1997 Northwest Envirocon report shows the former waste oil tank in a location further south than Figure 2 of the ACC Environmental Consultants. Please review the available information to confirm an accurate location for the former waste oil tank and other site features.

TECHNICAL REPORT REQUEST

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

- **Work Plan – May 30, 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.

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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.

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Ms. Mary Schroeder, McMorgan & Company LLC
RO0000184
March 11, 2008
Page 4

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

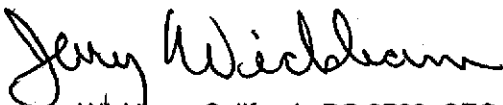
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

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If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,



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

Attachment A: Northwest Envirocon, Inc. SB/MW Locations, Plate 3 dated December 18, 1998

Attachment B: Hand Drawn Site Map, Norcal Geophysical Consultants

Attachment C: Vertical Gradient Contour Map, Norcal Geophysical Consultants

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

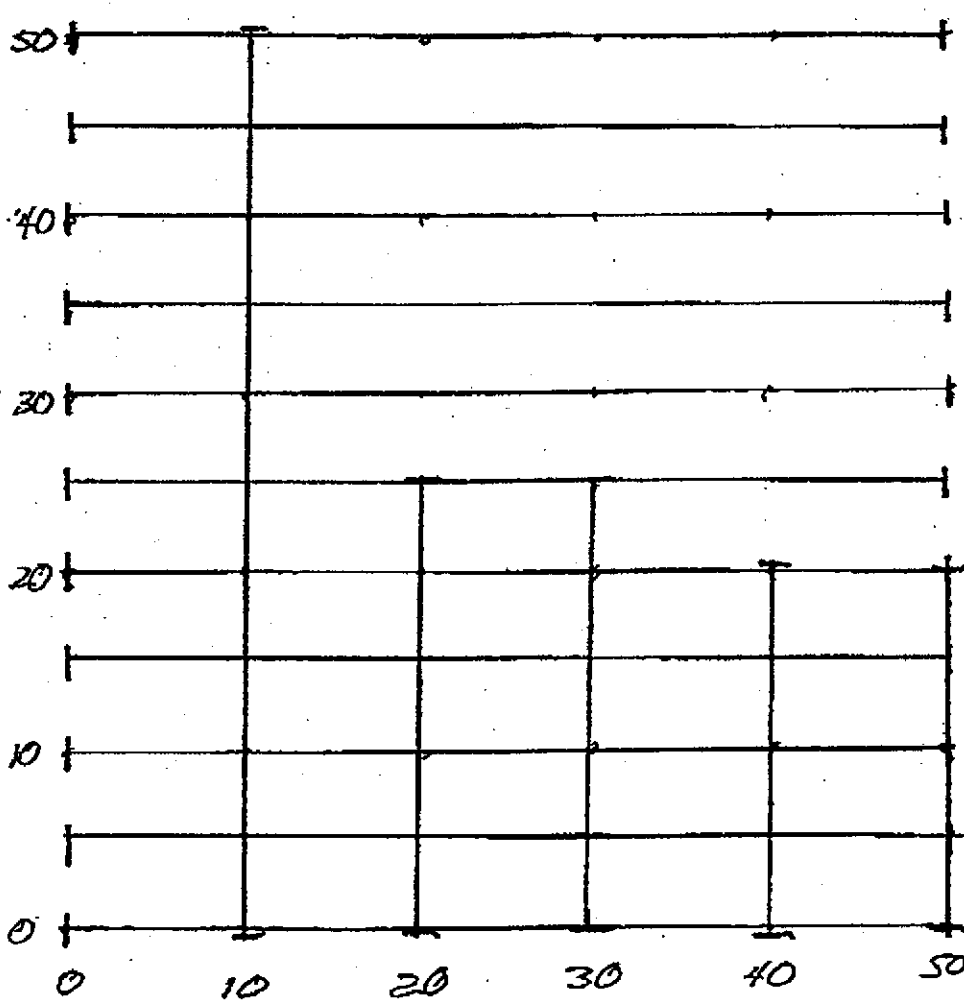
cc: David DeMent
ACC Environmental Consultants
7977 Capwell Drive, Suite 100
Oakland, CA 94621

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

Site Map
444 Hegenberger Road
Oakland, California

DRAFT

Northing (feet)



Raised
C pad

Raised
C pad

Concrete

Legend

- |— GPR Traverse
- ✕ Chainlink fence

Easting (feet)

scale 1" = 10'

map

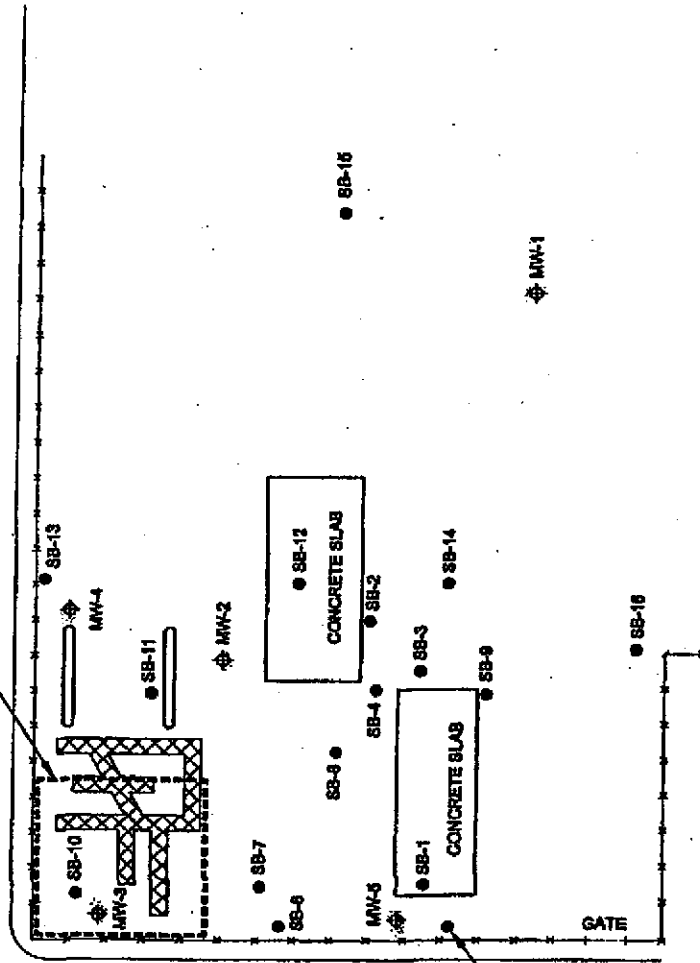
Attachment B

Attachment A

HEGENBERGER ROAD

APPROXIMATE AREA OF
GEOPHYSICAL
SURVEY

HEGENBERGER LOOP



EXPLANATION

- ◆ = MONITORING WELL LOCATION
- = SOIL BORING LOCATION
- ▣ = TRENCHING AREAS
- +—+— = FENCE

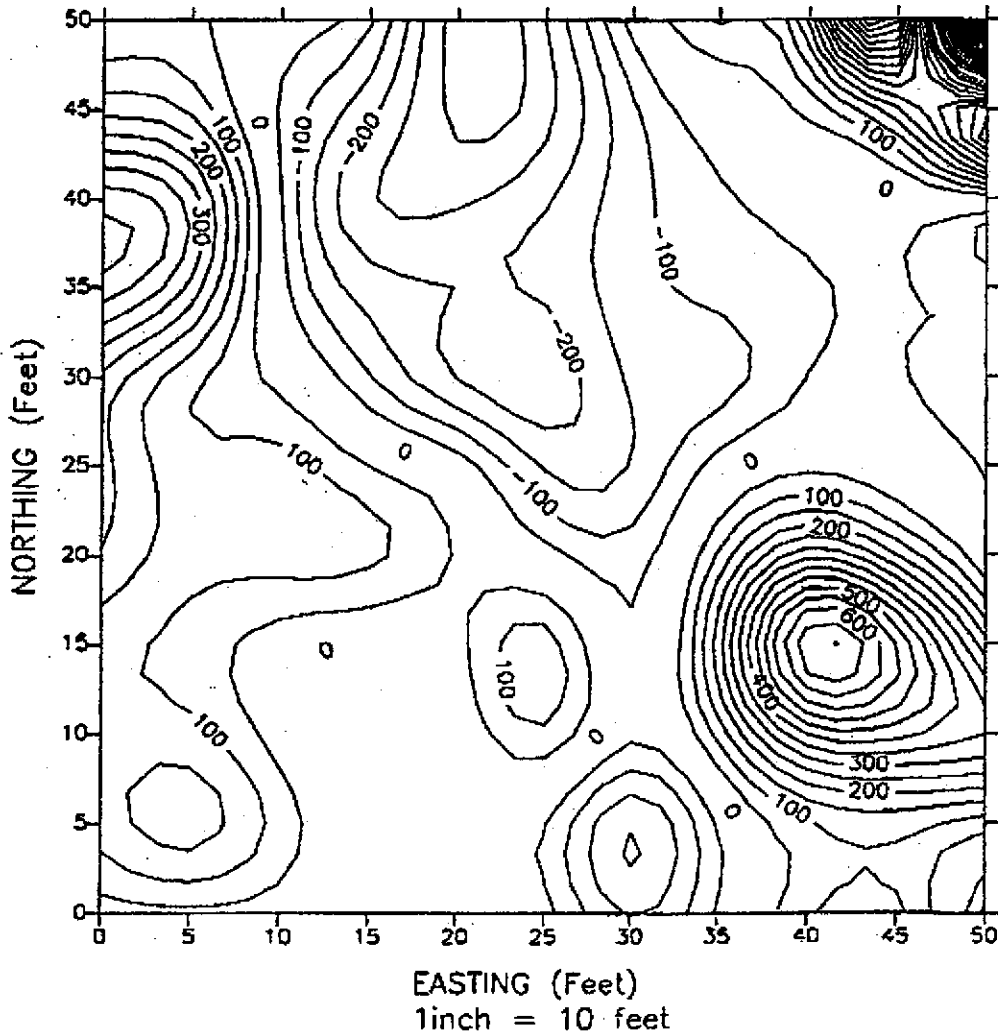
SCALE IN FEET
0 10' 20' 30' 40' 50' 60'



DRAWN CEB	APPROVED MHS	NORTHWEST ENVIROCON, INC. 1828 TRIBUTITE ROAD, SUITE A, SACRAMENTO, CA 95815 (916) 649-3570 FAX: (916) 649-3819		SITE 444 HEGENBERGER LOOP OAKLAND, CALIFORNIA		PROJECT# 05-001694	REVISIONS
		CLIENT: MORGAN AND COMPANY	TITLE: SB/MW LOCATIONS	DATE: DECEMBER 18, 1998	PLATE: 3	SCALE: 1"=80'	

DRAFT

Vertical Gradient Contour Map (CI = 50 nT/m)
Northwest Envirocon - 444 Hegenberger, Oakland



Attachment C

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	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
 - 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 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)