



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

April 23, 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 prepared this correspondence to summarize and clarify the results of a meeting held on April 15, 2009 and clarify ACEH's position with regard to the most recent correspondence entitled, "Response to Comments. Alameda County Letter Dated March 11, 2008, RO#184, 300 Hegenberger Road, Oakland, California," dated March 27, 2009. The March 27, 2009 correspondence, which was prepared on behalf of the Bank of New York Trust Company by Environmental Risk Specialties Corporation, presents responses to six technical comments contained in ACEH correspondence dated March 11, 2008. Upon receiving these March 27, 2009 responses, which were prepared by Environmental Risk Specialties Corporation (ERS), Jerry Wickham of ACEH requested a meeting with the responsible parties and ERS to review the conclusions and proposed approach in the March 27, 2009 correspondence.

The meeting on April 15, 2009 was attended by Mary Schroeder and Tracy Roshangah of McMorgan and Company, LLC, Monique Luppés of CB Richard Ellis, David DeMent of ERS, Dennis Parfitt of the State Water Resources Control Board, Cherie McCaulou of the San Francisco Bay Regional Water Quality Control Board (Water Board), and Jerry Wickham, Donna Drogos, and Dan Firth of ACEH. Topics discussed during the meeting included data quality, site conceptual model, items in the March 27, 2009 response to comments, path to case closure, and several other related topics. As a result of the meeting, ACEH requested that McMorgan and Company, LLC prepare a Work Plan to address the concerns identified during the meeting and several concerns previously identified in our March 11, 2008 correspondence. For clarification, the Work Plan is to include the following:

- a) **Proposed Remedial Excavation and Soil Vapor Sampling.** ACEH requested that you conduct soil vapor sampling prior to conducting a remedial excavation in order to identify all areas of concern prior to excavation. However, ACEH stated that you may choose to move forward with excavation in the dispenser area with the understanding that soil vapor sampling will be required in other areas of the site following excavation. Discussions during the meeting indicated that shallow soil contamination extends beyond the dispenser area. McMorgan and Company are to evaluate the results of the meeting and propose the scope of the proposed remedial excavation and the sequence of conducting excavation and soil vapor sampling in the requested Work Plan.
- b) **Monitoring Wells.** Groundwater sampling results from monitoring wells MW-2 through MW-5 do not provide reliable data to assess groundwater quality. The monitoring wells could provide a potential conduit for vertical contaminant migration and should be decommissioned.

- c) **Preferential Pathways.** The evaluation of potential preferential pathways to date has been minimal in nature. ACEH requested that you expand the evaluation to identify on-site utilities that potentially could be preferential pathways through the source area(s). Please include this evaluation in the Work Plan requested below.
- d) **Possible UST Location.** ACEH concurs with the proposal to excavate trenches in the area of a magnetic anomaly.
- e) **Vertical Extent of Groundwater Contamination.** In our March 18, 2008 correspondence, ACEH indicated that water quality may have been affected by contamination observed in fine-grained soils within the upper approximately 10 feet of the borings and requested that you collect more representative groundwater samples to evaluate water quality in the lower clayey/silty gravel layer. Based upon review of data from on-site well MW-6 and off-site wells MW-7 and MW-8 and discussions with representatives of the Water Boards during the April 15, 2009 meeting, Jerry Wickham of ACEH indicated that further investigation of water quality in the lower clayey/silty gravel layer typically encountered approximately 15 to 18 feet bgs is not required by ACEH. However, please see the discussions regarding groundwater contamination in technical comments 5 and 6 below. We do not concur with several of the statements made by ERS in their March 27, 2009 responses regarding groundwater contamination. In the Work Plan requested below, please clarify your position regarding the vertical extent of groundwater contamination and whether you are proposing additional groundwater investigation.

The technical comments below address several items in the recent correspondence entitled, "Response to Comments. Alameda County Letter Dated March 11, 2008, RO#184, 300 Hegenberger Road, Oakland, California," dated March 27, 2009 that do not appear to be accurate. We present these technical comments so that these items can be revised or corrected where necessary in the Work Plan requested below.

#### **TECHNICAL COMMENTS**

1. **Site History and Request for Information.** We appreciate your submittal of a copy of the December 10, 1993 Phase I report for the site. The Phase I report added information to the minimal site history previously presented. The Phase I report was received on March 27, 2009 and has been added to the case file.
2. **Concrete Slab with Oil/Water Separator.** The March 27, 2009 response concludes that no further investigation of the concrete slab with oil/water separator is needed based on "relatively minor" concentrations of PAHs and BTEX in soil sample OWS, and groundwater monitoring results from MW-5. We do not concur that the concentrations of PAHs and benzene detected in soil sample OWS, which was collected from the oil/water separator excavation, should be dismissed without further discussion as "relatively minor." We request that at a minimum, you conduct soil vapor sampling in the area of the oil/water separator. The table below compares the concentrations of PAHs and benzene detected in soil sample OWS to Environmental Screening Levels (San Francisco Bay Regional Water Quality Control Board May 2008).

Analyte	Concentration in OWS at 5 feet bgs	Tier 1 ESL (Commercial Land Use, Shallow Soil, Nondrinking Water)
Benzene	1.0 mg/kg	0.27 mg/kg
Benzo (a) pyrene	1.1 mg/kg	0.13 mg/kg
Dibenzo (a,h) anthracene	0.41 mg/kg	0.21 mg/kg
Benzo (b) fluouranthene	1.7 mg/kg	1.3 mg/kg

We also do not concur that the groundwater monitoring results from well MW-5 can be used to characterize the extent of soil contamination beneath the oil/water separator. As previously discussed, the results from MW-5 are highly variable and likely biased by effects from shallow soil contamination in the immediate area of the well. We request that you re-evaluate the extent of contamination in the area of the former oil/water separator. At a minimum, we request that you collect soil vapor samples in the area of the former oil/water separator.

- UST Location.** We concur with the proposal to excavate trenches in the area of the magnetic anomaly previously identified by a July 24, 1997 geophysical survey. Please include this scope of work in the Work Plan requested below.
- Potential Vapor Intrusion.** We do not concur with the statement in the March 27, 2009 responses to comments, "Logged soils at the Site from the surface to approximately 10 feet bgs are fine-grained silts and clays with low estimated permeability, and vertical migration of significant petroleum hydrocarbons in soil vapor is unlikely." Boring logs for the site typically describe a fill layer consisting of coarse-grained materials from the surface to a depth of typically 3 to 5 feet bgs overlying fine-grained soils. Furthermore, even if the soils were fine-grained as stated, we do not believe that the potential for vapor intrusion can be assessed based solely on soil type without soil vapor sampling for this site.

We also do not concur with the statement, "the results of periodic groundwater monitoring indicate that BTEX has been attenuating downward." We have plotted the monitoring data on graphs and find that in no case is the trend indicative of BTEX attenuating downward. Where fuel hydrocarbons have been detected in groundwater, the results from monitoring wells are highly variable and cannot be characterized as a declining trend. Please re-evaluate in the Work Plan requested below.

- Vertical Extent of Contamination.** The March 27, 2009 response indicates that grab groundwater sample analytical results "correlated well with analytical results reported in the monitoring wells." No information is presented to support this conclusion. We have plotted the grab groundwater sampling results against monitoring well data and do not find a good correlation. The March 27, 2009 response concludes that "grab groundwater sample analytical results are representative of groundwater quality at that location at that time." If the grab groundwater sample results are assumed to be accurate, then elevated concentrations of fuel hydrocarbons are present in

groundwater throughout a large portion of the site, apparently including the clayey/silty gravel layer encountered approximately 15 to 18 feet bgs. In our March 28, 2008 comments, ACEH indicated that 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. As discussed during the April 15, 2009 meeting, the results from monitoring wells MW-6 through MW-8 may be more representative of water quality in the clayey/silty gravel layer. Based on this assessment, which was discussed during the April 15, 2009 meeting, no further groundwater investigation would be required for the site by ACEH. In the Work Plan requested below, please clarify whether the grab groundwater sampling results are accurate and whether you believe that further investigation is required.

6. **General Comments.** The general comments in the March 27, 2009 response states that, "Both ACC and ERS have recommended remedial soil excavation since July 2007 and believe that the continued delay increases the potential for continued petroleum hydrocarbon impact to groundwater from residual soil sources." In the Work Plan requested below, please indicate if you still consider this to be significant and if so, why you believe that groundwater at the site is at risk in the near term from residual soil sources. Please describe the nature of this continued impact to groundwater and the extent of the residual soil sources that are causing this continued impact to groundwater.

#### **TECHNICAL REPORT REQUEST**

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

- **Work Plan** – June 30, 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)).

Ms. Mary Schroeder, McMorgan & Company LLC  
RO0000184  
April 23, 2009  
Page 5

#### 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

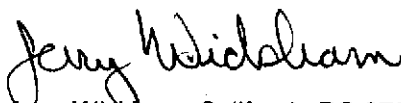
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

#### 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 510-567-6791 or send me an electronic mail message at [jerry.wickham@acgov.org](mailto: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

Ms. Mary Schroeder, McMorgan & Company LLC  
RO0000184  
April 23, 2009  
Page 6

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

<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](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)