

120269

CITY OF PIEDMONT

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Alameda County
DEC 08 2006
Environmental Health

December 5, 2006

Mr. Satya Sinha
Chevron Environmental Management Co.
P.O. Box 6012, Room K2256
San Ramon, CA. 94583

Mr. Howard Perera
340 Highland Ave.
Piedmont, CA. 94611

Mr. Ravi Randhawa
5501 San Antonio St.
Pleasanton, CA. 94566

Mr. Mir Ghafari
66 Bates Blvd.
Orinda, CA. 94563

Mr. Fred Machouri
1065 Shuey Dr.
Moraga, CA. 94556

Mr. John Robinson
Hoffman Investment Co.
1035 Edwards Rd.
Burlingame, CA. 94010

Mr. Jeff Orwig
66 Ambleside Ct.
Danville, CA. 94526

Dear Gentlemen,

Subject: Chevron Station #9-0329, 340 Highland Ave. – Piedmont, CA.

On October 9, 2006, Mr. Barney Chan from the Alameda County Environmental Health Services wrote you a letter summarizing his review of the August 3, 2006 Water Seep Assessment by Cambria Environmental Technology. This was in response to the City of Piedmont's concern over the water seepage through the asphalt pavement cracks and the effectiveness of the grease interceptor /drain located on the south-western corner of the station. I have included a copy of that letter for your reference.

As a follow-up to that letter, Barney Chan has provided me with a status report pertaining to the completion of certain requirements contained in that letter. I have also enclosed a copy of this letter for your reference. Of the listed items, the first one deals with the repair of the asphalt pavement and the inspection, repair, and maintenance of the drain. These are of immediate and critical concern for the City of Piedmont. In as much as Mr. Chan has stated in the October 9, 2006 letter that these items can proceed toward resolution, I have yet to receive any documentation and building permit application for them from anyone acting on your behalf. At present, this situation not only remains an eyesore for the City and is becoming a nuisance, but the long term effectiveness of the drain seems extremely questionable. In addition, the City has a

concern that a continuation of this situation may allow future contamination. Please see the attached photographs that were taken recently.

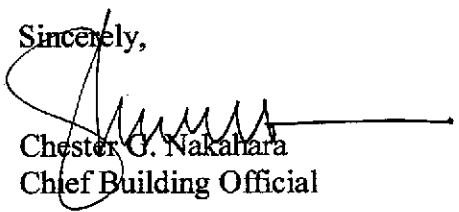
Therefore, it is now paramount that someone take responsibility for these items. We realize that there are many participants in this site but the City of Piedmont does not accept that as a reason for the delay in the completion of not only these items, but anything else that the Alameda County Environmental Health Services is requesting. The City still intends to work closely with Mr. Chan to assure that the immediate, required construction and repair is properly inspected by both agencies, but also that the interim remediation and long-term monitoring of the site conditions are also completed as required.

Based on the foregoing, the City will expect applications for building permits to repair and correct the current problem with the grease interceptor/drain, as well as to repair the cracks in the asphalt pavement and to permanently prevent further water seepage through the asphalt pavement or elsewhere, all to be submitted together with all necessary plans and drawings, no later than December 21, 2006 at City Hall, with all of the work to be actually completed and finalized by the Chief Building Inspector no later than January 31, 2007. If this has not been accomplished by that deadline, the City intends to move promptly to force you to act.

The City realizes that some of you may say that you have no responsibility and simply point the finger of blame toward others. It is suggested that cooperating to achieve this goal by December 21, 2006, and then to complete the work by January 31, 2007, will be to the advantage of all concerned.

Please let me know if you have any further questions regarding this matter.

Sincerely,



Chester G. Nakahara
Chief Building Official

cc: Geoffrey L. Grote, City Administrator
Mr. George S. Peyton, Jr., City Attorney
Lawrence A. Rosenberg, Director of Public Works
Barney Chan, Alameda County Environmental Health Services

Attachments: photographs of subject site dated 11-30-06
Oct. 9, 2006 letter from Alameda County Environmental Health Services
Dec. 4, 2006 letter from Alameda County Environmental Health Services

340 Highland Ave.

1. Southern driveway showing continued seepage and pavement distortion.
2. Sewer drain inlet at end of driveway showing continued malfunctioning.
3. Small concrete patch of driveway at location of former barricades.



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

October 9, 2006

Mr. Satya Sinha
Chevron Environmental Management Co.
P.O. Box 6012, Room K2256
San Ramon, CA 94583

Mr. Howard Pereira
340 Highland Ave.
Piedmont, CA 94611

(510) 567-6700
FAX (510) 337-9395

RECEIVED

OCT 11 2006

**PUBLIC WORKS
CITY OF PIEDMONT**

Mr. Ravi Randhawa
5501 San Antonio St.
Pleasanton, CA 94566

Mr. Mir Ghafari
68 Bates Blvd.
Orinda, CA 94563

Mr. Fred Machouri
1065 Shuey Dr.,
Moraga, CA 94556

Mr. John Robinson
Hoffman Investment Co.
1035 Edwards Rd.,
Burlingame, CA 94010

Mr. Jeff Orwig
66 Ambleside Ct.
Danville, CA 94526

Dear Gentlemen:

Subject: Fuel Leak Case RO0000269, Chevron Station #9-0329, 340 Highland Ave.,
Piedmont, CA

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the subject site including the August 3, 2006 Water Seep Assessment by Cambria. This report responds to concerns from the City of Piedmont regarding water seepage coming through cracks in the asphalt near the entrance of the subject service station. Evaluation of risk to human health was made using sampling results from a near-by well. In addition, a request for site closure was reiterated. We request that you address the following technical comments and submit the technical reports requested below.

TECHNICAL COMMENTS

1. Risk Evaluation of Groundwater of Water Seeping from Cracks in Asphalt- The evaluation of human health risks due to contaminated groundwater seeping from cracks in asphalt at the site was based on the May 2006 groundwater sample results from well C-2, which is proximal to the crack area. The water sample from well C-2 contained 2,400 ppb of TPHd, 6,100 ppb of TPHg, and 400, 9, 110, 27, 690 ppb of BTEX and MTBE, respectively. Potential vapor intrusion and dermal contact were the only potential exposure pathways considered in the risk evaluation. The Seep Assessment concludes that the concentrations for BTEX and MTBE detected in the groundwater sample from well C-2 would appear not to pose a human health risk from vapor intrusion or dermal contact. However, since the storm drain is a likely receptor for the seeping water, effects on aquatic habitat must also be considered. The concentrations of TPHg, TPHd, and benzene exceed ESLs for aquatic habitat

goals. Therefore, we recommend the asphalt cracks be repaired immediately to prevent discharge to storm drains and protect the public from accidental trips and falls and chemical odors.

Groundwater Is a Potential Drinking Water Source. Groundwater at the site is a potential drinking water source and drinking water toxicity must be considered for case closure. The concentrations of TPHg, TPHd, benzene, and MTBE detected in groundwater all exceed the ceiling values for taste and odor and drinking water toxicity. This type of risk evaluation is required in the context of site closure, as it includes all current and potential future exposure pathways.

2. **Site Conceptual Model-** The premise of a tub-like scenario existing on-site preventing contaminant migration is not likely the true scenario. As indicated by the upward hydraulic gradient causing the seep, groundwater is not likely to be in a static condition at the site. Groundwater is likely to discharge at the surface on site and down-gradient from the site due to an upward hydraulic gradient. In addition, groundwater would be expected to migrate off-site through multiple pathways. The exact pathways may be difficult to identify, however, the absence of off-site contaminant detection is not an indication that groundwater has not moved off-site, rather that the pathways have not yet been identified and sampled.
3. **RP Status-** Chevron has indicated in their reports that the presence of MTBE and TPHd in groundwater suggests a primary RP other than Chevron. Our office currently does not have sufficient information to re-delegate primary responsible party status and shall, therefore, continue to address our requests collectively to all responsible parties as currently named.
4. **Site Closure Request-** Current and past petroleum concentrations on-site are of concern. It appears that multiple releases have occurred at the site. The elevated on-site concentrations, past and present, indicate either ongoing releases and/or significant residual contamination without significant bio-attenuation occurring. Therefore, we do not concur with site closure at this time. To facilitate closure, we recommend on-site interim remediation be performed. Assuming your SCM is correct, in the absence of an on-going release, groundwater remediation would be expected to reduce on-site well concentrations. Please provide an interim remediation work plan as requested below.
5. **Additional Groundwater Sampling-** Our previous 5/2/06 letter requested all onsite wells be sampled for TPHg, MTBE, TAME, ETBE, DIPE, TBA, EDB, and EDC. Do tank backfill wells still exist at the site? If so, please sample these wells and provide their results as requested. You were also requested to obtain the construction diagram and sample the City of Piedmont well #4 and sample the nearby creek. Please address these items and respond in the interim remediation work plan requested below.

TECHNICAL REPORT REQUEST

Please submit the following technical report to our office according to the following schedule:

- November 13, 2006 - Interim Remediation Work Plan
- November 13, 2006 - Onsite wells and City of Piedmont well #4 sample result, well construction diagram for well #4 and creek sampling data or response.

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) now request submission of reports in electronic form. The electronic copy is intended to replace the need for a paper copy and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. 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 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, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). Please visit the State Water Resources Control Board at http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting for more information on these requirements. In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at barney.chan@acgov.org.

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

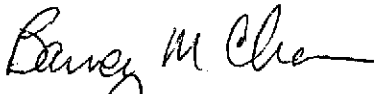
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

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) 567-6765.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

cc: files, Donna Drogos
Ms. Laura Genin, Cambria Environmental, 5900 Hollis St., Suite A, Emeryville,
CA, 94608
Mr. Lawrence Rosenberg, Director of Public Works, City of Piedmont, 120 Vista
Ave., Piedmont, CA 94611
Mr. Chester Nakahara, Director of Public Works, City of Piedmont, 120 Vista
Ave., Piedmont, CA 94611

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ALAMEDA COUNTY DEH

PAGE 02/05

**ALAMEDA COUNTY
HEALTH CARE SERVICES**

AGENCY

DAVID J. KEARS, Agency Director



December 4, 2006

Mr. Satya Sinha
Chevron Environmental Management Co.
P.O. Box 6012, Room K2256
San Ramon, CA 94583

Mr. Ravi Randhawa
5501 San Antonio St.
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Mr. Fred Machouri
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Moraga, CA 94556

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ENVIRONMENTAL HEALTH SERVICES

ENVIRONMENTAL PROTECTION

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Piedmont, CA 94611

Mr. Mir Ghafari
68 Bates Blvd.
Orinda, CA 94563

Mr. John Robinson
Hoffman Investment Co.
1035 Edwards Rd.,
Burlingame, CA 94010

Dear Gentlemen:

Subject: Fuel Leak Case RO0000269, Chevron Station #9-0329, 340 Highland Ave.,
Piedmont, CA

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the subject site including the November 16, 2006 Response to Agency Letter of October 9, 2006 by Cambria. We have the following technical comments to this response letter.

TECHNICAL COMMENTS

1. Repair of Asphalt Cracks- Though there is concurrence that the cracks in the asphalt should be repaired, it appears that this has not yet been done. Though there are differences of opinion on what this water exiting the cracks represents, it is agreed that this condition must be corrected to avoid public exposure and possible discharge to the storm drain. Since some believe that failures in the existing storm drain line are the source of this discharge we recommend that you inspect the existing drainage system and repair as necessary as directed by the City of Piedmont prior to repairing the asphalt.
2. Groundwater as a Potential Drinking Water Source- The response letter provides arguments why the shallow groundwater beneath the site should not be considered a drinking water source. Although the arguments are compelling, it has not been ruled out that the shallow groundwater may be connected to deeper groundwater that may be used by either domestic or City purposes. Please provide the results of the sampling of the City #4 well as requested below.

3. **Site Conceptual Model-** We believe there is a likelihood of groundwater migrating off-site, therefore, you must consider cleanup levels protective of aquatic habitats in addition to vapor intrusion and dermal contact. Since aquatic screening levels are exceeded on-site, we reiterate our request for interim remediation. Please submit your interim remediation plan as requested below. The site closure request cannot be considered until the remediation has been successfully completed.
4. **RP Status-** As you are aware all RPS are jointly and severally liable for the release and you may seek damages amongst yourselves. The County, as previously stated, cannot apportion damages and responsibility.
5. **Groundwater Sampling-** We have not been informed, as requested, whether tank backfill wells still exist at the site. We requested these wells and the existing wells be sampled for TPHg, MTBE, TAME, ETBE, DIPE, TBA and lead scavengers, EDB and EDC. It appears this information would be helpful in determining apportionment of liability among the RPs. We concur that the creek need not be sampled at this time.

TECHNICAL REPORT REQUEST

Please submit the following technical report to our office according to the following schedule:

- January 5, 2007 - Interim Remediation Work Plan
- January 5, 2007 - Onsite wells and City of Piedmont well #4 sample result and well construction diagram for well #4

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

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requirements. In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at barney.chan@acgov.org.

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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.

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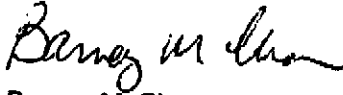
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ALAMEDA COUNTY DEH

PAGE 05/05

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Sincerely,



Barney M. Chan
Hazardous Materials Specialist

cc: files, Donna Drogos
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CA, 94608
Mr. Lawrence Rosenberg, Director of Public Works, City of Piedmont, 120 Vista
Ave., Piedmont, CA 94611
Mr. Chester Nakahara, City of Piedmont Pubic Works, 120 Vista Ave.,
Piedmont, CA 94611

12_4_08 340 Highlands Ave