

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
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April 7, 2008

Lynn Worthington
Golden Empire Properties Inc.
5942 Macarthur Blvd. Suite B,
Oakland, CA 94605

Subject: Fuel Leak Case No. RO0000271 and Geotracker Global ID T0600100538, Exxon, 3055 35th Avenue, Oakland, CA

Dear Mr. Worthington:

Alameda County Environmental Health (ACEH) staff has reviewed the data generated during phase 1 of your soil vapor and off-site investigation and request that you complete the initial investigation of the extent of impact as per your *Offsite and Soil Gas Work Plan* dated January 12, 2007 approved by ACEH on March 1, 2007. Preliminary draft results of phase 1 of this work were provided to ACEH in an August 28, 2007 correspondence entitled *Sampling Data and Phase II Offsite Characterization* but were not uploaded to the ftp site until March 18, 2008. ACEH's February 15, 2008 correspondence requested that the original scope of work (phase 2 transect), be completed. We request that you complete the previously approved scope of work, address the technical comments and submit the responses requested below.

As stated above, the work was approved on February 15, 2005. It appears that no progress has been made to obtain access to the properties involved. **We request that you immediately obtain your off-site access agreements.** If needed ACEH can send out a version of the attached letter to owners of the neighboring properties where you propose to perform investigation activities

TECHNICAL COMMENTS

1. **Location of Proposed Soil Samples.** The proposed phase 1 and phase 2 sample locations in the approved work plan were located closer to the former service station. The five phase 2 soil borings proposed in your August 28, 2007 correspondence are located approximately 140 feet away from the approved transect 2 location. No explanation of your rationale for changing these locations was provided. It appears that you may be attempting to determine the downgradient extent of the soil and groundwater plumes. If you wish to proceed with these locations we concur. However, we require that you also advance the previously approved transect 2 locations. We request that you complete this work without delay and submit a Soil and Water Investigation (SWI) Report documenting your work by the due date specified below. This report is to include both phase 1 and phase 2 of your field investigation results.
2. **Soil Vapor Sampling.** Up to 69,000 micrograms per liter ($\mu\text{g/L}$) total petroleum hydrocarbons as gasoline (TPH-g) and 7,700 $\mu\text{g/L}$ benzene were detected in groundwater in

transect 1 boring B-16, located adjacent to residences. Up to 41,000 µg/L TPHg and 4,400 µg/L benzene were detected in well MW-3 at the westerly property boundary of your site, also adjacent to residential properties. Based on the groundwater results, evaluation of the vapor pathway is required. We request that you submit a Soil Vapor Sampling Work Plan by the date specified below. We recommend that your sampling plan follow the January 23, 2003 Advisory – Active Soil Gas Investigations; Jointly issued by the Regional Water Quality Control Board, Los Angeles Region and the Department of Toxic Substances Control. In addition to the analytes in your work plan, please analyze for ethylbenzene, xylenes, oxygen, carbon dioxide, methane and your tracer gas. Report the results of your vapor investigation in the SWI requested below.

3. **Site Maps.** Dissolved plumes originating from your site appear to have contaminated residential properties in the vicinity of your site. Maps provided to date fail to depict all of the properties, homes, buildings, etc. and are generally insufficient to use to determine appropriate investigation locations. We request that you use an aerial photo as the basemap for future site maps submitted for the site. Please label and identify the use of all properties on your map. Please provide a copy of this map with all existing and proposed soil boring, monitoring well, etc locations by the date specified below.

LANDOWNER NOTIFICATION REQUIREMENTS

Pursuant to California Health & Safety Code Section 25297.15, the active or primary responsible party for a fuel leak case must inform all current property owners of the site of cleanup actions or requests for closure. Furthermore, ACEH may not consider any cleanup proposals or requests for case closure without assurance that this notification requirement has been met. Additionally, the active or primary responsible party is required to forward to ACEH a complete mailing list of all record fee title holders to the site.

At this time we require that you submit a complete mailing list of all record fee title owners of the site by **April 30, 2008**, which states, at a minimum, the following:

A. *In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (name of primary responsible party), certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site:*

- OR -

B. *In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (name of primary responsible party), certify that I am the sole landowner for the above site.*

(Note: Complete item A if there are multiple site landowners. If you are the sole site landowner, skip item A and complete item B.)

In the future, for you to meet these requirements when submitting cleanup proposals or requests for case closure, ACEH requires that you:

1. Notify all current record owners of fee title to the site of any cleanup proposals or requests for case closure;

2. Submit a letter to ACEH which certifies that the notification requirement in 25297.15(a) of the Health and Safety Code has been met;
3. Forward to ACEH a copy of your complete mailing list of all record fee title holders to the site; and
4. Update your mailing list of all record fee titleholders, and repeat the process outlined above prior to submittal of any additional *Corrective Action Plan* or your *Request for Case Closure*.

Your written certification to ACEH (Item 2 above) must state, at a minimum, the following:

A. In accordance with Section 25297.15(a) of the Health & Safety Code, I, (name of primary responsible party), certify that I have notified all responsible landowners of the enclosed proposed action. (Check space for applicable proposed action(s)):

cleanup proposal (Corrective Action Plan)

request for case closure

local agency intention to make a determination that no further action is required

local agency intention to issue a closure letter

- OR -

B. In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (name of primary responsible party), certify that I am the sole landowner for the above site.

(Note: Complete item A if there are multiple site landowners. If you are the sole site landowner, skip item A and complete item B.)

TECHNICAL REPORT REQUEST

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

1. **April 11, 2008** – Extended Site Map showing boring locations on aerial photo base map and Soil Vapor Sampling Work Plan.
2. **May 12, 2008** – Landowner Notification Document.
3. **July 11, 2008** – Complete field work.
4. **August 15, 2008** – Soil and Water Investigation Report, including soil vapor results.

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).

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.

Lynn Worthington
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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.

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.

Sincerely,



Barbara J. Jakub, PG
Hazardous Materials Specialist

Enclosures: ACEH Electronic Report Upload (ftp) Instructions
Request for Access Letter

cc: Mark Jonas
Conestoga-Rover & Associates
5900 Hollis Street, Suite A
Emeryville, California 94608

Donna Drogos, ACEH
Barbara Jakub, ACEH
File

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)

ATTACHMENT 1

Adjacent Property Owner - Access Cooperation Request
January 8, 2003

<DATE>

DISTRIBUTION LIST

Subject: Property Access by the Parties Responsible for the Investigation and Cleanup of Petroleum Hydrocarbon and Fuel Oxygenate Pollution at Fuel Leak Case No. <xx-xxx>, <Site Name and Address>

Dear Property Owner:

Alameda County Environmental Health (ACEH) is overseeing the investigation and cleanup of gasoline and the gasoline additives Methyl tert-Butyl Ether (MTBE) and benzene, released from fuel underground storage tanks at the subject site. We are uncertain as to how far the contamination from those tanks has moved.

The ACEH is requiring <RP COMPANY> to investigate and clean up contaminated soil and groundwater at the site to prevent the gasoline, MTBE, and benzene contamination from spreading to other properties or to drinking water sources and reduce the potential threat to human health and the environment. To properly determine the extent of that contamination in groundwater, <RP COMPANY> must perform additional off-site investigation. Therefore, we need your help in allowing access to your property by <RP COMPANY> to properly define the extent of contamination.

If you have any questions, please contact <RP CONTACT> at <RP COMPANY> at <RP PHONE NUMBER>. Thank you for your cooperation.

Sincerely,

<CASEWORKER>
<CASEWORKER TITLE>
LOP Program

cc: <LIA>, with Distribution List

<RP CONTACT>, with Distribution List
<RP COMPANY>
<ADDRESS>
<CITY, STATE ZIP>

D. Drogos, <CASEWORKER>