



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
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June 18, 2009

Shahram Shahnazi
Delta Gas
300 West S Street
Woodland, CA 95695

John Rutherford
Desert Petroleum
P.O. Box 1601
Oxnard, CA 93030

Tejindar and Rajinder Singh
6400 Dublin Boulevard
Dublin, CA 94568

Mohammed Mushhoon
9 Commodore, #217
Emeryville, CA 94608

Subject: Fuel Leak Case No. Fuel Leak Case No. RO0000276 and Geotracker Global ID T0600100090, Desert Petroleum #796, 2844 Mountain Blvd., Oakland, CA 94601 – Notice to Comply

Dear Mr. Shahnazi, Mr. Rutherford, Mr. and Ms. Singh, and Mr. Mushhoon:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site and find that this site is out of compliance with ACEH directives. Fuel hydrocarbons including methyl tert-butyl ether (MTBE) and fuel oxygenates are present at elevated concentrations in soil and groundwater at the site and have migrated off-site. MTBE has been detected at concentrations up to 410,000 micrograms per liter ($\mu\text{g/L}$) in groundwater samples at the edge of your property. The lateral and vertical extent of contamination originating from your site has not been fully defined. In addition, free product is present in the subsurface within the central portion of the site.

The most recent report in our files is a document entitled, "Workplan for Soil and Groundwater Assessment," dated December 7, 2000 and prepared on your behalf by Aqua Science Engineers, Inc. This work plan proposed a scope of work to install five monitoring wells in both on-site and off-site areas where elevated concentrations of fuel hydrocarbons have been detected. The proposed scope of work was approved by ACEH in correspondence dated December 22, 2000. However, this proposed work was apparently not implemented. Due to the extended period of time that has passed since soil and groundwater sampling was conducted at your site, we request that you submit a revised work plan to address additional data gaps as discussed in technical comment 2 below. ACEH made additional requests for you to implement the proposed scope of work in correspondence dated December 17, 2005 and February 17, 2006. There is no evidence in the files that any of these requests were acted upon. Your site is currently out of compliance with ACEH directives. **If we do not receive the requested documentation and work plan by July 29, 2009, a Notice of Violation will be issued.**

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

TECHNICAL COMMENTS

1. **Tank System Status.** Please provide documentation in the Work Plan requested below to demonstrate the current status of the on-site tank system and specifically whether all fuel has been removed from the system.

Shahram Shahnazi
John Rutherford
Tejindar and Rajinder Singh
Mohammed Mushhoon
RO0000276
June 18, 2009
Page 2

2. **Site Characterization.** The lateral and vertical extent of soil and groundwater contamination at the site has not been fully defined. The extent of contaminant migration along preferential pathways such as the storm water line and the drain system for the retaining wall west of the site must also be considered. Please present plans to fully define the lateral and vertical extent of soil and groundwater contamination at the site in the revised Work Plan requested below.

TECHNICAL REPORT REQUEST

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

- **July 29, 2009** – Documentation of Tank System Status and Revised Work Plan

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).

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

Shahram Shahnazi
John Rutherford
Tejindar and Rajinder Singh
Mohammed Mushhoon
RO0000276
June 18, 2009
Page 3

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

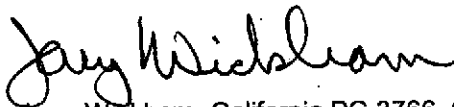
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

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.

Sincerely,



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

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

Shahram Shahnazi
John Rutherford
Tejindar and Rajinder Singh
Mohammed Mushhoon
RO0000276
June 18, 2009
Page 4

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

Robert Kitay, Aqua Science Engineers, Inc., 55 Oak Ct., Suite 220, Danville, CA 94526

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: March 27, 2009
	PREVIOUS REVISIONS: December 16, 2005, October 31, 2005
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

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 My Le Huynh.
 - 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 @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) If site is a new case without an RO# use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.