



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

June 18, 2012

Mr. John Protopappas
P&D 23rd Avenue Associates LLC
P.O. Box 687
Oakland, CA 94604
(Sent via E-mail to: John@MPFCorp.com)

Subject: Case File Review for Fuel Leak Case No. RO0000294 and GeoTracker Global ID T0600177455, 23rd Avenue Partners, 1125 Miller Avenue, Oakland, CA 94601

Dear Mr. Protopappas:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site including the most recently submitted documents entitled, "*Soil and Groundwater Investigation Results*," and "*Sub-Slab Vapor Investigation Report*." Both reports were prepared on your behalf by Clearwater Group and both reports are dated February 29, 2012.

The two reports present results from investigations which were proposed in a document entitled, "*Revised Workplan*," dated January 24, 2011 (Work Plan). The Work Plan included several tasks that were discussed during a meeting conducted on January 19, 2011 between Mr. John Protopappas of Madison Park Financial Corporation, James Jacobs of Clearwater Group, Erik Lervaag of Clearwater Group, Olivia Jacobs of Clearwater Group, and Jerry Wickham of ACEH.

Based on results of the investigation, the "*Soil and Groundwater Investigation Results*," report recommends an additional scope of work that includes ten soil borings for lateral and vertical definition of diesel impacts. Based on our review of the reports, it appears that two of the proposed tasks in the January 24, 2011 Work Plan were not implemented. These items are also discussed in the technical comments below. We suggest that you arrange a meeting with ACEH to define the remaining tasks necessary to complete this case. Alternately, you may submit a Work Plan that addresses the technical comments below.

TECHNICAL COMMENTS

1. **Lateral and Vertical Delineation of TPH in Soil and Groundwater.** The "*Soil and Groundwater Investigation Results*," report recommends an additional ten soil borings for lateral and vertical definition of diesel impacts. Although the lateral extent of contamination has not been fully defined, the proposed scope of work may be greater than is necessary. Specifically, the proposed scope of work includes several borings in the cross gradient direction but limited downgradient delineation due to constraints posed by the 23rd Avenue overpass. We suggest that a reduced scope of work be discussed with ACEH prior to Work Plan submittal.

Mr. John Protopappas
RO000294
June 18, 2012
Page 2

2. **Sub-slab Vapor Samples.** One of the site investigation objectives discussed during our January 19, 2011 meeting was to assess whether chlorinated solvents posed a potential risk for vapor intrusion to indoor air. However, the sub-slab vapor samples appear to have been analyzed only for total petroleum hydrocarbons and fuel constituents using a modified EPA Method TO-15. Sampling of the sub-slab vapor probes with analysis for chlorinated solvents is necessary to fully evaluate the potential for vapor intrusion to indoor air.
3. **Removal of Product Lines and Vent Lines.** One of the remaining tasks included in the January 24, 2011 Work Plan was the removal of diesel supply and return piping and vent pipes to remove potential conduits to the former tank pit. This task does not appear to have been completed.

TECHNICAL REPORT REQUEST

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

- **August 28, 2012** – Work Plan

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: Responsible Party(ies) Legal Requirements/Obligations

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 2032 (*Sent via E-mail to: lgriffin@oaklandnet.com*)

Erik Lervaag, Clearwater Group, 229 Tewksbury Avenue, Pt. Richmond, CA 94801 (*Sent via E-mail to: ELervaag@clearwatergroup.com*)

Olivia Jacobs, Clearwater Group, 229 Tewksbury Avenue, Pt. Richmond, CA 94801 (*Sent via E-mail to: OJacobs@clearwatergroup.com*)

James Jacobs, Clearwater Group, 229 Tewksbury Avenue, Pt. Richmond, CA 94801 (*Sent via E-mail to: augerpro@sbcglobal.net*)

Mr. John Protopappas
RO000294
June 18, 2012
Page 3

Donna Drogos, ACEH (*Sent via E-mail to: donna.drogos@acgov.org*)
Jerry Wickham, ACEH (*Sent via E-mail to: jerry.wickham@acgov.org*)

GeoTracker, File

Attachment 1

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

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.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
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

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection.**
- 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)

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 deh.loptoxic@acgov.org
 - 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, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
 - 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 deh.loptoxic@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.