

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
FAX (510) 337-9335

NOTICE TO COMPLY

July 28, 2008

Ondrej Kojnok
TriStar Partnership
2980 Thomas Grade
Morgan Hill, CA 95037

George Tuma
25930 Kay Ave., Apt 106
Hayward, CA 94545-2653

Fatih & Ferda Tekin
121 Diamond Court
Hercules, CA 94547

Subject: Fuel Leak Case No. RO0000323 and Geotracker Global ID T0600100131, Autopro,
5200 Telegraph Avenue, Oakland, CA 94609

Dear Messrs. Kojnok & Tuma and Mr. & Mrs. Tekin:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site and determined that the site is currently not in compliance with our March 28, 2008 directive letter (enclosed). ACEH required that quarterly groundwater monitoring and electronic uploads to the State Water Resources Control Board's GeoTracker website be performed by April 30, 2008, and a Site Conceptual Model and Soil and Groundwater Investigation Work plan be submitted by May 16, 2008. Nearly sixty (60) days have lapsed since the due dates and the required uploads to GeoTracker and quarterly groundwater monitoring have not been performed, and the required report and work plan submittals have not been received.

In order to re-gain compliance status, please conduct the required corrective action, as detailed in our March 23, 2008 directive letter, by the date specified below. Failure to perform the required work by the due date specified below may result in an issuance of a Notice of Violation and possible referral to the District Attorney for enforcement action and/or ineligibility for reimbursement of corrective action costs incurred at the site from the Underground Storage Tank Clean-up Fund. Pursuant to Chapter 6.7, California Health and Safety code, civil penalties up to \$10,000 for each UST for each day of violation may be imposed. Once removed from the Clean-up Fund, the costs associated with the subsurface investigation work that is required will not be reimbursed. Please note that civil penalties for non-compliance are assessed from the original due date (April 30, 2008).

ACEH requests that you address the technical comments presented in our March 28, 2008 correspondence and send us the work plan described below.

TECHNICAL REPORT REQUEST

Please submit the SCM, work plan and technical reports to Alameda County Environmental Health (Attention: Paresh Khatri), according to the following schedule:

- **July 30, 2008** – Quarterly Monitoring Report (Second Quarter 2008)
- **September 26, 2008** – Complete the surveying and upload all applicable GEO_files to the SWRCB's GeoTracker database.
- **September 26, 2008** – SCM and Work Plan (monitoring well installation, soil and groundwater delineation, including preferential pathway migration assessment)
- **October 30, 2008** – Quarterly Monitoring Report (Third Quarter 2008)
- **January 30, 2009** – Quarterly Monitoring Report (Fourth Quarter 2008)
- **April 30, 2009** – Quarterly Monitoring Report (First Quarter 2008)

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/electronic_submittal/report_rqmts.shtml).

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

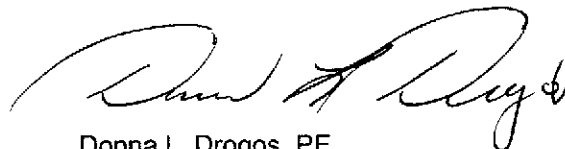
If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 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) 777-2478 or send me an electronic mail message at paresh.khatri@acgov.org.

Sincerely,



Paresh C. Khatri
Hazardous Materials Specialist



Donna L. Drogos, PE
Supervising Hazardous Material Specialist

Messrs. Kojnok & Tuma and Mr. & Mrs. Tekin
RO0000323
July 28, 2008, Page 4

Enclosure: ACEH Electronic Report Upload (ftp) Instructions
March 28, 2008 Correspondence from ACEH

cc: Michael Burns, MACTEC Engineering and Consulting, Inc. 5341 Old Redwood Highway,
Suite 300, Petaluma, CA 94954
Merrill J. Schwartz, Stark, Wells, Rahl, Schwartz & Schieffer, LLP, 1999 Harrison, Suite
1520, Oakland, CA 94612-4703
Raymond & Linda Moreno, 5107 Indian Island Drive, Weed, CA 96094-9211
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA
94612-2032
Donna Drogos, ACEH
Paresh Khatri, 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)

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DAVID J. KEARS, Agency Director



F

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March 28, 2008

Ondrej Kojnok
TriStar Partnership
2980 Thomas Grade
Morgan Hill, CA 95037

George Tuma
5200 Telegraph Avenue
Oakland, CA 94609

Fatih & Ferda Tekin
569 Turquoise Drive
Hercules, CA 94547-1759

Subject: Fuel Leak Case No. RO0000323 and Geotracker Global ID T0600100131, Autopro,
5200 Telegraph Avenue, Oakland, CA 94609

Dear Mr. Kojnok:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted document entitled, "Quarterly Monitoring - Fourth Quarter," dated February 10, 2005, which was prepared by MACTEC Engineering and Consultanting, Inc. (MACTEC). Based on a review of the case file and above-mentioned report, it appears that the groundwater analytical data from site monitoring wells may not representative of site conditions, further site characterization appears warranted, and the site is not in compliance with electronic reporting to GeoTracker.

ACEH requests that you address the following technical comments and send us the work plan described below.

TECHNICAL COMMENTS

1. **Monitoring Wells and Hydrogeologic Setting** – Monitoring well MW-1 is installed to a depth of 30 feet below the ground surface (bgs) with a screened interval from 15 feet to 30 feet bgs. Monitoring wells MW-2, MW-3, and MW-4 are installed to a depth of 25 feet bgs with screened intervals from 15 feet to 25 feet bgs. Depth to groundwater at the site ranges from approximately 8 feet bgs to 13 feet bgs. Since groundwater elevation is above the monitoring well screens and gasoline range petroleum hydrocarbons have a specific gravity that is lower than water (therefore, float on water); concentrations of contaminants may not be representative of actual site conditions. Therefore, the monitoring wells appear to be incorrectly constructed, which may affect the contaminant concentrations detected in groundwater. Please propose a scope of work to address the above-mentioned concern and submit a work plan.

2. **Preferential Pathway Study**- Results of the preferential pathway study conducted for the site indicates that petroleum hydrocarbon contamination is migrating along utility corridors. "Grab" groundwater sample analytical results collected on August 7, 2004 from boring SB-1 detected 29,000 µg/L TPH-d, 57,000 µg/L TPH-g, and 9.5 µg/L benzene. The extent of contamination along utility corridors is currently unknown.

This Agency is in receipt of Schutze & Associates' Phase II Environmental Site Assessment Report dated July 25, 2007 conducted for 5239 Telegraph Avenue (located cross-gradient of the subject site). Three borings (SB-1, SB-2, and SB-3) were installed at the 5239 Telegraph Avenue site. "Grab" groundwater sample analytical results detected 17,000 µg/L TPH-g in SB-2 located southeast and 12,000 µg/L TPH-g in SB-3 located on east side of that property boundary. Further evaluation of preferential pathways and additional off-site plume delineation appears warranted since contaminants appear to have impacted neighboring properties. Please propose a scope of work to address the above-mentioned concerns and submit a work plan.

3. **Groundwater Contaminant Plume Definition** – Groundwater sample analytical results from down-gradient onsite well MW-3, collected on December 29, 2004, detected 2,400 µg/L TPH-d, 5,100 µg/L TPH-g, and 16 µg/L benzene. Similarly, groundwater sample analytical results from down-gradient onsite well MW-4, collected on December 29, 2004, detected 3,300 µg/L TPH-d and 2,300 µg/L TPH-g. Based on the contaminant concentrations detected in down-gradient monitoring wells, the extent of the groundwater contaminant plume is undefined. Additional down-gradient monitoring point(s) appear necessary to adequately characterize the groundwater plume. Please propose a scope of work to address the above-mentioned concerns and submit a work plan.
4. **Contaminant Source Area Characterization** – It appears that up to four different source areas (former gasoline UST excavation area, former diesel and gasoline UST excavation area, former waste oil excavation area, and the former dispenser island) exist onsite. Prior to implementing corrective action, an adequate evaluation of contaminant source area(s) must be conducted so that an appropriate corrective action can be selected. Please propose a scope of work to address the above-mentioned concerns and submit a work plan.
5. **Groundwater Contaminant Plume Monitoring** – In order to evaluate groundwater contaminant plume stability, consecutive groundwater monitoring must be conducted. According to our records, the most recent groundwater monitoring event was conducted on December 29, 2004. Please initiate quarterly groundwater monitoring at the site. Prior to collecting groundwater samples, it is recommended that the monitoring wells be re-developed so that groundwater samples representative of actual site conditions are collected. Your consultant may propose and justify an alternate groundwater monitoring plan for review. This may be incorporate this into the above requested work plan
6. **Site Conceptual Model** – At this juncture, it may be advantageous to develop a site conceptual model (SCM), which synthesizes all the analytical data and evaluates all potential

exposure pathways and potential receptors that may exist at the site, which includes identifying or developing site cleanup goals. At a minimum, the SCM should include:

- a. Local and regional plan view maps that illustrate the location of sources (former facilities, piping, tanks, etc.) extent of contamination, direction and rate of groundwater flow, potential preferential pathways, and locations of receptors;
- b. Geologic cross section maps that illustrate subsurface features, man-made conduits, and lateral and vertical extent of contamination;
- c. Plots of chemical concentrations versus time;
- d. Plots of chemical concentrations versus distance from the source;
- e. Summary tables of chemical concentrations in different media (i.e. soil, groundwater, and soil vapor); and
- f. Well logs, boring logs, and well survey maps;
- g. Discussion of likely contaminant fate and transport.

If data gaps (i.e. potential contaminant volatilization to indoor air or contaminant migration along preferential pathways, etc.) are identified in the SCM, please submit a work plan to address those data gaps. The work plan may be included in the SCM. Please submit the SCM by the date specified below.

7. **Geotracker Compliance** – A review of the case file and the State Water Resources Control Board's (SWRCB) GeoTracker website indicate that electronic copies of analytical data have not been submitted, rendering the site to non-compliance status. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. Additionally, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please complete the surveying and upload the analytical data, survey data, and PDF reports from July 1, 2005 to current to GeoTracker by the date specified below. Electronic reporting is described below.

TECHNICAL REPORT REQUEST

Please submit the SCM, work plan and technical reports to Alameda County Environmental Health (Attention: Paresh Khatri), according to the following schedule:

- **April 30, 2008** – Complete the surveying and upload all applicable GEO_files to the SWRCB's GeoTracker database.
- **April 30, 2008** - Quarterly Monitoring Report (First Quarter 2008)
- **May 16, 2008** – SCM and Work Plan (monitoring well installation, soil and groundwater delineation, including preferential pathway migration assessment)
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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

Mr. Kojnok
RO0000323
March 28, 2008, Page 5

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

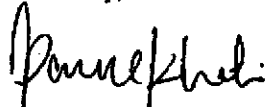
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AGENCY OVERSIGHT

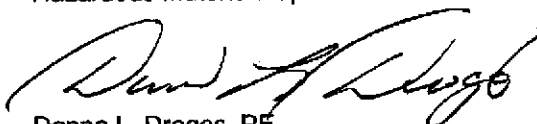
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If you have any questions, please call me at (510) 777-2478 or send me an electronic mail message at Paresh.Khatri@acgov.org.

Sincerely,



Paresh C. Khatri
Hazardous Materials Specialist



Donna L. Drogos, PE
Supervising Hazardous Material Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

Mr. Kojnok
RO0000323
March 28, 2008, Page 6

cc: Michael Burns, MACTEC Engineering and Consulting, Inc. 5341 Old Redwood Highway,
Suite 300, Petaluma, CA 94954
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA
94612-2032
Raymond & Linda Moreno, 5107 Indian Island Drive, Weed, CA 96094-9211
Donna Drogos, ACEH
Paresh Khatri, 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

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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.
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- 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.

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 - 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)