



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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March 8, 2012

Marianne Robison
Buttner Properties
600 West Grand Avenue
Oakland, CA 94612

Subject: Corrective Action Plan Fuel Leak Case No. RO0000359 and GeoTracker Global ID T0600100431, Dave's Station, 2250 Telegraph Ave., Oakland, CA 94612

Dear Ms. Marianne Robison:

Thank you for the recently submitted document entitled, *Corrective Action Plan*, dated November 21, 2011, which was prepared by Fugro Consultants, Inc. for the subject site. Alameda County Environmental Health (ACEH) staff has reviewed the case file including the above-mentioned corrective action plan (CAP) for the above-referenced site. The CAP evaluates three active remediation options and monitored natural attenuation and proposes clean up levels based on a risk assessment. The selected remedial action is excavation of contaminated soil in the area of the waste oil UST and the northern gasoline dispenser with Oxygen Releasing Compound (ORC) injection over the entire site. To remove the soils in the area of the waste-oil UST, the current building would be demolished.

The scope of work presented in the CAP has not been adequately justified and cannot be approved at this time. ACEH requests that you address the following technical comments and send us a work plan addendum/revised work plan as requested below.

TECHNICAL COMMENTS

1. **Proposed Remediation** – Fugro's active remediation methods all include excavation and the addition of ORC. This does not meet the criteria for evaluation of three active remediation techniques. In particular, the first two "remedial alternatives" are similar except for the removal of the building. Please submit an evaluation of at least one additional active remediation technology in the report requested below.
2. **Addition of Oxygen Releasing Compound after Excavation** – The Draft CAP provides the option of adding oxygen releasing compound (ORC) in all three of the proposed remedial options. ORC is said to continue to be active in adding oxygen to the subsurface for approximately one-year. Therefore injection or placement of ORC will prolong the verification monitoring period for an additional year. Please provide an evaluation of whether placing ORC in the excavation pits in Option 3 is necessary to reduce groundwater concentrations when you will be both removing the secondary source of contamination by excavation and dewatering the tank pit before replacing the site with clean soil.

3. **Cost Evaluation** – Please include a detailed cost analysis for each viable option. Specify the breakout costs for each of the following:
- Groundwater monitoring by year
 - ORC emplacement and injection (Options 3 and 4)
 - Additional remedial option as requested above
 - Over-purge pit water disposal vs. discharging water to the POTW through a permit
 - Well destruction and reinstallation

Please include the cost evaluation in the addendum requested below.

4. **Data Summary Tables** – Thank you for including the soil and groundwater analytical data summary tables in your report for soil and groundwater remaining at the site. Please include the depth of all samples (such as the depth of the waste-oil soil samples, the depth of the temporary wells and depth of grab groundwater samples, if available), in the addendum requested below.
5. **Maps** – Please provide a map that clearly depicts concentrations of residual soil contamination at the site. Also include the location of the temporary wells (TW- wells) on one of the maps in the document. Please provide an extended site map using an aerial photograph and show the immediate vicinity and land use. (Such as noting the nursery school next door, the gas station locations and restaurants/ residences in the immediate vicinity.)

TECHNICAL REPORT REQUEST

Please submit technical reports to ACEH (Attention: Barbara Jakub), according to the following schedule:

- **May 8, 2012** – Draft CAP Addendum

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Should you have any questions or concerns regarding this correspondence or your case, please call me at (510) 639-1287 or send me an electronic mail message at barbara.jakub@acgov.org.

Sincerely,

Barbara J. Jakub, P.G.
Hazardous Materials Specialist

Enclosures: Responsible Party(ies) Legal Requirements/Obligations
ACEH Electronic Report Upload (ftp) Instructions

cc: Karen Emery, P.G., Fugro Consultants Inc., 1000 Broadway, Suite 440, Oakland, CA 94607
(Sent via E-mail to: kemeryfugro.com)
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA
94612-2032 (Sent via E-mail to: lgriffin@oaklandnet.com)
Donna Drogos, ACEH (Sent via E-mail to: donna.drogos@acgov.org)
Barbara Jakub, ACEH (Sent via E-mail to: barbara.jakub@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.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.

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.