

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



SCOUT  
8-7-06

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

August 4, 2006

Mr. Ted Dang  
Tomorrow Development Co., Inc.  
1305 Franklin Street, #500  
Oakland, CA 94612

Mr. John Thorpe  
21790 Hesperian Blvd.  
Hayward, CA 94541-7003

Subject: Fuel Leak Case No. RO0000396, Former Service Station, 2547 East 27<sup>th</sup> Street, Oakland, CA

Dear Mr. Dang and Mr. Thorpe:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site, including the documents entitled, "Soil and Groundwater Sampling Monitoring Well Installations," (revised Investigation Report) dated July, 2006 and received by ACEH on July 20, 2006, and "Interim Corrective Action Plan (revised)," (Interim CAP) dated June 28, 2006 and received by ACEH on July 20, 2006. The Investigation Report and Interim CAP were revised in response to ACEH correspondence dated May 18, 2006. The revised Investigation Report presents the results from soil and groundwater sampling conducted at 14 soil borings on and off the site. The Interim CAP proposes excavation of contaminated soil in the areas of the former tank pits and sampling of one soil boring to a depth of approximately 40 feet bgs. We generally concur with the proposed scope of work provided that the additional activities described in the technical comments below are incorporated during field activities. Therefore, the CAP is conditionally approved provided that the technical comments below are incorporated. If you do not plan to incorporate the technical comments below, you must submit a response to comments and obtain ACEH approval before implementing the CAP.

Therefore, we request that you address the following technical comments, perform the proposed work, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)) prior to the start of field activities.

**TECHNICAL COMMENTS**

1. **Risk Assessment.** The conclusion presented in the Risk Assessment that the concentrations of target analytes do not exceed screening levels and that soil contamination at site is minimal and limited does not appear to be accurate. The maximum concentrations shown on the table in the Risk Assessment, upon which the conclusions appear to be based, do not include results from the 1994 tank removal or borings EB-1 through EB-3. Therefore, the maximum concentrations shown on the table significantly underestimate the maximum

concentrations of fuel hydrocarbons in soil remaining on the site. During the tank removal, eight soil samples were collected from the tank pit excavations and two composite soil samples were collected from the stockpiled soil. The maximum concentrations of TPHg and benzene detected in soil samples collected from the sidewalls of the tank pit excavations, were 930 and 2.2 mg/kg, respectively, both of which significantly exceed their respective screening levels. The two soil samples from the stockpiles contained 750 to 860 mg/kg of TPHg, and <0.005 to 0.36 mg/kg of benzene, respectively. The stockpiled soil represents a large volume of soil with TPHg and benzene concentrations that exceed screening levels, was placed back in the excavations, and remains on site. In borings EB-1 and EB-2, advanced in 2002, TPHg was detected at concentrations of 1,200 to 1,800 mg/kg, which significantly exceeds the maximum TPHg concentration of 32 mg/kg and the screening levels shown in the Risk Assessment. Based on these results, a large volume of soil that exceeds applicable screening levels remains on the site and requires remediation.

2. **Extent of Proposed Excavation.** The extent of presumed excavation shown on the "Soil Excavation Map," needs to be expanded to address the areas of known contamination and limitations of the scope of the 1994 tank removal. The purpose of the excavations is to remove residual contamination that poses a long-term potential for exposure and will be a long-term source of groundwater contamination. A revised Soil Excavation Map is included as Attachment 1. The revised extent of excavation on Attachment 1 includes an expanded area to the north beneath the sidewalk along East 27<sup>th</sup> Street, where contaminated soils were backfilled and the area around boring SB9, where a concentration of 750,000 micrograms per liter ( $\mu\text{g/L}$ ) of TPHd was detected in groundwater. A concentration of 750,000  $\mu\text{g/L}$  of TPHd exceeds the solubility of TPHd in water and likely represents the presence of free product in the area sampling location SB9. Only two shallow soil samples were collected from the area of the former dispensers, which is not sufficient to evaluate whether the former dispensers and product piping were sources of residual soil and groundwater contamination. Therefore, trenches have been added in the area of former dispensers and likely areas of product piping. If soil contamination is observed along the trenches, the excavation is to be expanded beyond the trenches to remove the observed contamination. Please present the results in the Soil Excavation and Soil Boring Report requested below.
3. **Confirmation Soil Samples.** The revised CAP currently proposes that one confirmation soil sample will be collected from each sidewall and two confirmation soil samples will be collected from the bottom of each excavation. We request that confirmation soil samples be collected no greater than 15 feet apart along each sidewall. Therefore, any sidewall that is 0 to 15 feet in length would require one sidewall sample, any sidewall that is 15 to 30 feet in length would require two sidewall samples, and any sidewall that is 30 to 45 feet in length would require three sidewall samples. Sidewall confirmation samples are to be collected from the depth interval where the highest PID readings, odor, or visual contamination was observed during excavation. ACEH may direct additional confirmation soil sampling based upon observations in the field during or following excavation. We concur with the proposal to extend the excavations until PID readings are less than one ppm and analytical results from confirmation soil samples are less than residential Environmental Screening Levels. For any excavation sidewalls where these parameters cannot be achieved due to the presence of surface structures or utilities, ACEH is to be notified and additional confirmation sampling will be required to document the extent of contamination left in place beneath the utility or structure. Please provide a minimum of 48 hours advance notification of confirmation soil

sampling (e-mail preferred to [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)) in order for ACEH to observe conditions in the sidewall and direct any additional confirmation soil sampling required. Please present the results in the Soil Excavation and Soil Boring Report requested below.

4. **Laboratory Analyses for Confirmation Soil Samples.** We concur with the proposal to analyze soil samples in the area of the former fuel tanks (areas around EB1 and EB2) for TPHg, TPHd, and BTEX. Confirmation soil samples in the waste oil excavation (area around EB3) are to be analyzed for TPHg by EPA Method 8015 or 8260, TPHd by EPA Method 8015 or 8260, TPHm by EPA Method 8015, oil & grease by EPA Method 9070, BTEX by EPA Method 8260, chlorinated hydrocarbons by EPA Method 8260, 1,4 dioxane by EPA Method 8270M, EDB and EDC by EPA Method 8260, fuel oxygenates (MTBE, TAME, ETBE, DIPE, TBE, and ethanol) by EPA Method 8260, metals (cadmium, chromium, lead, nickel, and zinc) by ICAP or AA, PCBs, and PNAs. Please present the results in the Soil Excavation and Soil Boring Report requested below.
5. **Groundwater Concentration Figures.** For all future figures showing the distribution of concentrations, the results for each sampling location are to be posted on the figure. Displaying only contours of concentrations is not acceptable.
6. **Groundwater Monitoring.** We concur with the proposal to conduct quarterly groundwater monitoring using each of the five existing monitoring wells. Please present the sampling results in the quarterly monitoring reports requested below.
7. **Geotracker EDF Submittals.** A review of the Geotracker Website indicates that analytical data from the 2006 site investigation have been submitted but submittal of the required survey data for monitoring wells and complete copies of reports have not been submitted. Pursuant to CCR 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 LUFT 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, and transmitted electronically to the SWRCB GeoTracker system via the internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports is also required in Geotracker (in PDF format). Please upload all required items in accordance with the above-cited regulation by **September 8, 2006**.

### TECHNICAL REPORT REQUEST

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

- **November 15, 2006** – Quarterly Monitoring Report for Third Quarter 2006
- **December 8, 2006** – Soil Excavation and Soil Boring Report
- **February 15, 2007** – Quarterly Monitoring Report for Fourth Quarter 2006

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

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. 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](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.

**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.

Sincerely,



Jerry Wickham  
Hazardous Materials Specialist

Attachment 1: Revised Soil Excavation Map

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Ryan Meyer  
Ceres Associates  
424 First Street  
Benicia, CA 94510

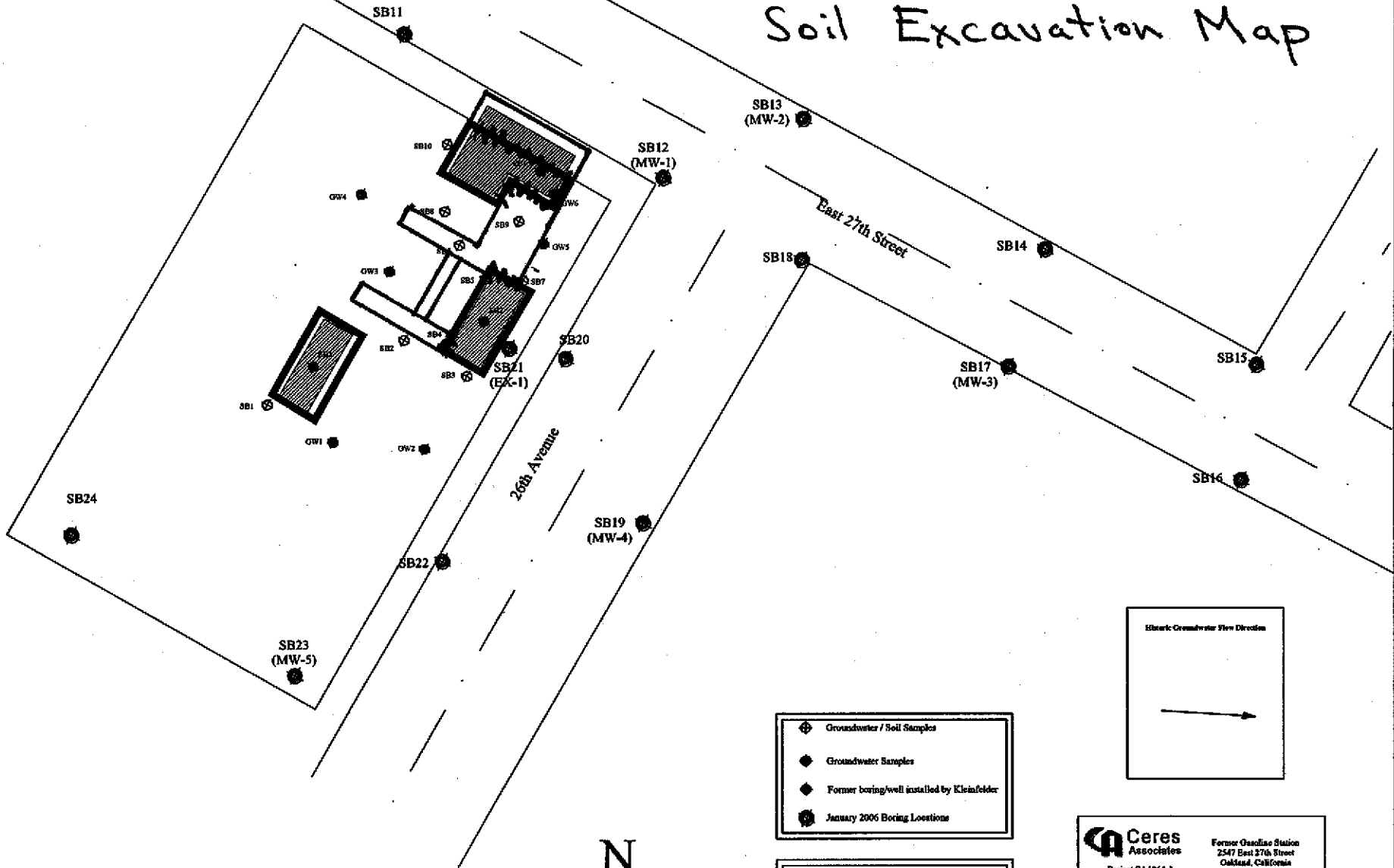
Ted Dang  
John Thorpe  
August 4, 2006  
Page 6





Ken Durand  
Ceres Associates  
424 First Street  
Benicia, CA 94510


Pat Preslar  
State Water Resources Control Board  
Division of Financial Assistance  
P.O. Box 944212  
Sacramento, CA 94244-2120

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

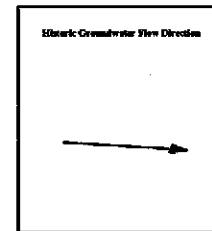
# Attachment 1 - Revised Soil Excavation Map




-  Groundwater / Soil Samples
-  Groundwater Samples
-  Former boring/well installed by Kleinfelder
-  January 2006 Boring Locations



Presumed Extent of Soil Excavation  
(former Backfill areas)





**Ceres Associates**  
Project CA 1264-3

Former Gasoline Station  
2547 East 27th Street  
Oakland, California

**Soil Excavation Map**

**Figure**

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



SENT  
05-19-06

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

May 18, 2006

Mr. Ted Dang  
Tomorrow Development Co., Inc.  
1305 Franklin Street, #500  
Oakland, CA 94612

Mr. John Thorpe  
21790 Hesperian Blvd.  
Hayward, CA 94541-7003

Subject: Fuel Leak Case No. RO0000396, Former Service Station, 2547 East 27<sup>th</sup> Street, Oakland, CA

Dear Mr. Dang and Mr. Thorpe:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site, including the documents entitled, "Soil and Groundwater Sampling Monitoring Well Installations," (Investigation Report) dated February 28, 2006 and received by ACEH on May 9, 2006, "Interim Corrective Action Plan," (Interim CAP) dated April 10, 2006 and received by ACEH on May 9, 2006, and "Well Survey," dated May 15, 2006 and received by ACEH on May 17, 2006. The Interim Corrective Action Plan was submitted more than 2.5 months beyond the scheduled due date of February 15, 2006. Please submit requested reports more promptly in the future.

The Investigation Report presents the results from soil and groundwater sampling conducted at 14 soil borings on and off the site. Because the report is incomplete and due to the issues discussed in the technical comments below, the report entitled, "Soil and Groundwater Sampling Monitoring Well Installations," dated February 28, 2006 must be revised, signed, and resubmitted. We request that a revised report that addresses the technical comments below be prepared and submitted by July 19, 2006. This Revised Investigation Report may be submitted separately or combined with a Revised Interim CAP.

The "Interim Corrective Action Plan," proposes a 72-hour pumping test, soil vapor sampling, and advancing an additional 8 soil borings to collect soil and grab groundwater samples. We request that the Interim CAP be revised to incorporate the technical comments below. Therefore, please revise, sign, and submit the Revised Interim CAP by July 19, 2006.

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

**TECHNICAL COMMENTS ON INVESTIGATION REPORT DATED FEBRUARY 28, 2006**

1. **Boring Logs.** The preparation of boring logs is a standard industry practice to describe the soil types, document the sampling intervals, present field screening results, document static



and first-encountered groundwater, and provide overall documentation of encountered conditions during soil boring advancement. A total of 14 soil borings were advanced at the site as part of the investigation described in the Investigation Report. No soil boring logs were presented in the Investigation Report nor were soil boring logs presented in the previous report entitled, "Soil and Groundwater Sampling Report," dated January 28, 2005. Ceres Associates has now advanced 24 soil borings on site and off site but not presented any boring logs. Page 1 of the report refers to an Appendix – Soil Logs but soil borings logs are not included in the report or listed in the table of contents. The lack of boring logs is not acceptable. ACEH's October 3, 2005 technical comments (attached) on the Work Plan for this investigation stated that soils must be continuously sampled and logged and that boring logs must be presented. Presentation of soil boring logs is particularly relevant for this investigation since observed soil conditions and field screening results were apparently used to make decisions regarding selection of samples for laboratory analysis. Please present soil boring logs in the Revised Investigation Report or describe in the revised report why no soil boring logs can be presented.

2. **Well Completion Diagrams.** The preparation of well completion diagrams is also a standard industry practice to document well construction details. Although the method of well construction was described in general in the report, no well completion diagrams were presented for the five monitoring wells completed at the site. Please present well completion diagrams or describe in the revised report why no well completion diagrams can be presented.
3. **Monitoring Well MW-2.** The report states that well MW-2 was extended only to eight feet bgs due to auger refusal. Numerous borings have been advanced at the site without difficulty; therefore, it is not clear why a monitoring well would be installed in a boring (SB-13) that only reached eight feet bgs. In Section 2.0 of the report, the total depth of boring SB-13 is listed as 15 feet bgs. These facts cannot be checked due to the lack of boring logs or well completion diagrams. Please discuss this discrepancy and the reason for installing well MW-2 in a shallow borehole in the Revised Investigation Report requested below.
4. **Vertical Extent of Contamination.** In our October 3, 2005 correspondence (attached), we requested that soil boring SB-20 be extended to a depth of 40 feet bgs to characterize the stratigraphy of the site and to collect depth-discrete groundwater samples. Boring SB-20 appears to have been advanced only to a depth of 15 feet bgs and no borings appear to have been extended to a depth of more than 20 feet bgs. Please provide the reasons that no borings were extended to define the vertical extent of contamination and provide plans in the Revised Investigation Report requested below to advance one soil boring to a depth of 40 feet bgs as previously requested.
5. **Laboratory Analytical Methods.** The report indicates that the soil and groundwater samples were analyzed using EPA Methods 8015, 8020, and 8260. Please note that EPA method 8020 was not used. Please correct the references to analytical methods in the Revised Investigation Report requested below.
6. **Full Scan VOC Laboratory Analyses.** Soil and groundwater samples were analyzed for full scan volatile organic compounds (VOCs) using EPA Method 8260B. A full scan for VOCs was not proposed in the Work Plan and not requested by ACEH. Our October 3, 2005

technical comments requested that groundwater samples from proposed borings SB-19, SB-20, SB-21, SB-22, and SB-23 be analyzed for chlorinated hydrocarbons, which would require a full scan for VOCs, but did not request this for soil samples or the remaining groundwater samples. Therefore, it is not clear why the additional expense for a full scan of VOCs was incurred. Please discuss in the Revised Investigation Report requested below, the reason for this change in analytical methods.

7. **Contouring.** The contours represented on Figures 3 through 5 are not useful for data interpretation. The contouring is not consistent with known conditions at the site and present a misleading interpretation of contaminant distribution. One example is the depiction on Figure 5 of greater than 2,000 micrograms per liter ( $\mu\text{g/L}$ ) of TPHro between sampling locations SB23 and SB24 even though the results for SB-23 and SB-24 were both not detected, no other data points are nearby, and no suspected sources are located in the vicinity of SB-23 and SB-24. A second example on Figure 5 is the depiction of greater than 3,000  $\mu\text{g/L}$  of TPHro extending off-site to the northwest, upgradient of the former tank pit and boring location EB3. Please revise Figures 3 through 5 by posting the concentration data and only show contours when they accurately show the likely distribution of contamination. Previous results are also to be posted on the figures using different symbols for each investigation.
8. **ESLs on Tables 1 and 2.** The Environmental Screening Levels (ESLs) shown on Tables 1 and 2 do not appear to be correct. For several chemicals, the same ESLs are listed for soil and groundwater on Tables 1 and 2. Please correct the ESLs in the Revised Investigation Report requested below.
9. **Signatures.** The signature blocks of the Site Investigation Report were blank. Please assure that the Revised Investigation Report meets the Professional Certification requirements discussed later in this correspondence.
10. **Groundwater Monitoring.** Please present the results from the initial sampling of the monitoring wells in the Revised Investigation Report. The wells are to be sampled quarterly in the future and the groundwater samples analyzed for TPH as gasoline, TPH as diesel, TPH as motor oil, and BTEX. Please present the sampling results in the quarterly monitoring reports requested below.

#### **TECHNICAL COMMENTS ON INTERIM CORRECTIVE ACTION PLAN DATED APRIL 10, 2006**

11. **Supporting Data Tables or Figures.** The Interim CAP does not include any tables or figures to support the text. Tables and figures must be included as necessary in the Revised Interim CAP to support the conclusions and proposed actions presented.
12. **Soil Contamination in Tank Pit Excavations.** During tank removals in 1994, areas of soil contamination were observed (visual and odor observations) beneath USTs and product piping. Analytical results for soils indicated that the soil contained up to 930 milligrams per kilogram (mg/kg) of total petroleum hydrocarbons as gasoline (TPHg) and up to 2.2 mg/kg of benzene. The ESL (San Francisco Bay Regional Water Quality Control Board, February 2005) for benzene in shallow soil 0.18 mg/kg. The stockpiled soil that was removed from the

tank pit excavation contained up to 860 mg/kg of TPHg and 0.36 mg/kg of benzene. The stockpiled soil was used as "temporary" backfill in the tank pit excavations due to stability concerns for nearby structures. The tank removal report (Aqua Science Engineers, September 15, 1994) indicated that removal of the contaminated backfill was required and recommended overexcavation of residual contaminated soil. Overexcavation of the contaminated backfill material and residual soil contamination is required as the first cleanup action at the site. Please include plans to remove the contaminated backfill and surrounding residual soil contamination in the Revised Interim CAP requested below.

13. **Proposed Groundwater Extraction.** We do not concur with the proposal to conduct a pilot test for groundwater extraction. It is not clear that groundwater pump and treat will be necessary at this site. Removal of contaminated backfill and surrounding residual soil contamination is required before considering groundwater extraction. The petroleum hydrocarbons that have been detected at elevated concentrations in groundwater within and downgradient from the site are primarily in the motor oil and hydraulic oil range. Groundwater pump and treat is not likely to be effective in cleanup of low solubility, high carbon range hydrocarbons. The report states that, "Given the relatively high concentrations of benzene and petroleum hydrocarbons and the relatively small area of impact, removal of these compounds should be attempted to reduce the likelihood of off-site migration." Review of the February 28, 2006 Investigation Report indicates that benzene was not detected in any of the groundwater samples collected. In addition, it is not clear why groundwater pump and treat would be proposed for a "relatively small area of impact" prior to removal of contaminated backfill and residual contamination in the area of the tank pits and piping. Please remove groundwater pump and treat from the Revised Interim CAP.
14. **Soil Vapor Sampling.** We do not concur with soil vapor sampling prior to removal of the contaminated backfill and residual contamination in the area of the tank pits and piping. In addition, it is not clear that soil vapor sampling would be required following removal of the soil sources. The Interim CAP cites, "the relatively high concentrations of BTEX compounds in the groundwater beneath the property," but does not present any tables or comparisons to ESLs to support this statement. The ESL for evaluation of potential vapor intrusion concerns for benzene in groundwater is 540 µg/L under the most conservative high permeability soil and residential land use scenario. The highest concentration of benzene detected in groundwater at the site was 140 µg/L at sample location SB-9, which contained elevated concentrations of TPHg and TPHd indicative of free phase product. The maximum concentrations of toluene, ethylbenzene, and xylenes detected in groundwater at the site are also well below ESLs for evaluation of vapor intrusion. Please remove soil vapor sampling from the Revised Interim CAP requested below.
15. **Proposed Additional Soil Borings in Area of Well EX-1.** The Interim CAP proposes to advance eight soil borings in the vicinity of well EX-1. The tank removal and previous sampling have confirmed that soil contamination is present in the area of the former tank pits. Removal of contaminated backfill and residual contamination in the area of the tank pits and piping is required rather than additional soil borings in this area. Please remove the proposed additional soil borings in the vicinity of well EX-1 from the Revised Interim CAP with the exception of one soil boring to define the vertical extent of contamination as discussed in technical comment 4 above.

- 16. Signatures.** The signature blocks of the Site Investigation Report were blank. Please assure that the Revised Site Investigation Report meets the Professional Certification requirements discussed later in this correspondence.
- 17. Geotracker Submittals.** Our October 3, 2005 correspondence requested that data and reports be submitted to the SWRCB's Geotracker database by November 8, 2005 in accordance with the cited regulations. Review of the Geotracker website for this case indicates that no data or reports have been submitted to date. In order for your site to be in regulatory compliance, it is necessary for you to upload all required analytical data and reports to the Geotracker website by **June 30, 2006**.

#### **TECHNICAL REPORT REQUEST**

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

- **July 19, 2006** – Revised Investigation Report and Revised Interim CAP
- **November 15, 2006** – Quarterly Monitoring Report for Third Quarter 2006

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**

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Ted Dang  
John Thorpe  
May 18, 2006  
Page 6

**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**

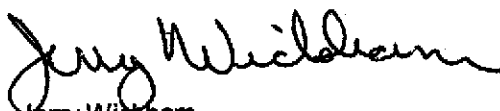
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

**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) 567-6791.

Sincerely,



Jerry Wickham  
Hazardous Materials Specialist

Ted Dang  
John Thorpe  
May 18, 2006  
Page 7

Attachment: ACEH Correspondence Dated October 3, 2005

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Ryan Meyer  
Ceres Associates  
424 First Street  
Benicia, CA 94510

Ken Durand  
Ceres Associates  
424 First Street  
Benicia, CA 94510

Pat Preslar  
State Water Resources Control Board  
Division of Financial Assistance  
P.O. Box 944212  
Sacramento, CA 94244-2120

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES  
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1131 Harbor Bay Parkway, Suite 250  
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FAX (510) 337-9335

October 3, 2005

Mr. Ted Dang  
Tomorrow Development Co., Inc.  
1305 Franklin Street, #500  
Oakland, CA 94612

John Thorpe  
21790 Hesperian Blvd.  
Hayward, CA 94541-7003

Subject: Fuel Leak Case No. RO0000396, Former Service Station, 2547 East 27<sup>th</sup> Street, Oakland, CA – Work Plan Approval

Dear Mr. Dang:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site and the document entitled, "Workplan, 2547 East 27<sup>th</sup> Street, Oakland, California," dated August 5, 2005 and prepared on your behalf by Ceres Associates. The work plan proposes to advance 14 soil borings and convert 6 of the borings into monitoring wells.

ACEH concurs with the proposed scope of work provided the technical comments included below are addressed. We request that you address the following technical comments, perform the proposed work, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to [jerry.wickham@accgov.org](mailto:jerry.wickham@accgov.org)) prior to the start of field activities.

**TECHNICAL COMMENTS**

1. **Proposed Boring Locations.** The proposed boring locations are acceptable.
2. **Soil Boring Logs.** No soil boring logs were presented in the report entitled, "Soil and Groundwater Sampling Report," dated January 28, 2005 for the 10 soil borings completed on site in January 2005. Soil samples were collected in these 10 soil borings at fixed depths of 5 and 10 feet below ground surface (bgs). However, since no boring logs are presented, the vertical extent of contaminated soil and soil type are not known. If soil boring logs were prepared for these 10 soil borings but not presented, please present the boring logs in the Corrective Action Plan requested below. For the proposed 14 soil borings, the soils must be continuously sampled and logged. Please see technical comment 2 below regarding soil samples to be submitted for laboratory analyses. Boring logs for the proposed borings must be presented in the Corrective Action Plan requested below.
3. **Laboratory Analyses of Soil Samples.** The Work Plan indicates that two samples of undisturbed soil nearest the highest PID readings will be submitted for analysis and the

others will be held for further analysis if necessary. ACEH concurs with this approach provided that the following conditions are met:

- ACEH requests that soil samples be submitted for analyses for all depth intervals where staining, odor, or elevated PID readings are observed. If staining, odor, or elevated PID readings are observed over an interval of several feet, a sufficient number of soil samples from this interval should be submitted for laboratory analyses to characterize the fuel hydrocarbon concentrations within this interval. In addition, one soil sample collected approximately two feet below the interval of observed staining, odor, or elevated PID readings should be submitted for laboratory analysis.
- One soil sample collected from the capillary fringe is to be submitted for laboratory analyses from each soil boring.

Please present these results in the Corrective Action Plan requested below.

4. **Vertical Extent of Soil and Groundwater Sampling.** A coarse-grained soil layer was noted at the bottom of each of the three soil boring logs for the site. The deepest soil sample collected at the site was collected approximately 19 feet bgs. ACEH requests that proposed boring SB-20 be extended to a depth of 40 feet bgs to characterize the stratigraphy of the site. Soils are to be continuously sampled and logged as discussed in technical comments 2 and 3 above. Please collect one groundwater sample approximately 5 feet below first encountered groundwater in proposed boring SB-20. Please use the soil boring log for boring SB-20 to target coarse-grained layers below the water table for depth-discrete groundwater sampling. The depth-discrete groundwater samples are to be collected in a boring(s) adjacent to proposed boring SB-20 using techniques that will prevent cross-contamination of separate water-bearing zones and contamination of the depth-discrete groundwater sample by contaminated groundwater from a shallower interval. Please present these results in the Corrective Action Plan requested below.
5. **Laboratory Analyses.** ACEH concurs with the proposed analyses for soil and groundwater samples but requests that ethylene dibromide and 1,2-dichloroethane be included as additional analytes for all samples. In addition, we request that chlorinated hydrocarbons be included as analytes for groundwater samples from proposed borings SB-19, SB-20, SB-21, SB-22, and SB-23. Please present these results in the Corrective Action Plan requested below.
6. **Well Survey.** We request that you locate all wells (monitoring and production wells; active, inactive, standby, decommissioned, abandoned and dewatering, drainage and cathodic protection wells) within 2,000 ft of the subject site. We recommend that you obtain well information from both Alameda County Public Works Agency and the State of California Department of Water Resources, at a minimum. Submittal of maps showing the location of all wells identified in your study, and the use of tables to report the data collected as part of your survey are required. Please present your results in the Corrective Action Plan requested below.
7. **Utilities and Other Preferential Pathways.** The potential for utility lines and trenches (including sewers, storm drains, pipelines, and trench backfill within the vicinity of the site to act as preferential pathways for contaminant movement is to be evaluated. The depth of utilities is to be compared to current and potential future groundwater elevations to assess



whether utilities are likely or potential preferential pathways for contaminant movement. The locations and depths for utilities located within proximity to the site are to be plotted on a site map. Any sensitive receptors in the vicinity of the site are to be identified and their locations plotted on a map of the site vicinity. Please present these results in the Corrective Action Plan requested below.

8. **Remedial Action.** Elevated concentrations of fuel hydrocarbons have been detected in soils and groundwater on site. Free product was described in one of the three soil boring logs for the site. Please include plans for site cleanup in the Corrective Action Plan requested below.
9. **Geotracker EDF Submittals.** Pursuant to CCR 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 LUFT 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, and transmitted electronically to the SWRCB GeoTracker system via the internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports is also required in Geotracker (in PDF format). Please upload all analytical data (collected on or after September 1, 2001), to the SWRCB's GeoTracker database website in accordance with the above-cited regulation by **November 8, 2005**.

#### **TECHNICAL REPORT REQUEST**

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

- **February 15, 2006** – Corrective Action 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) now request submission of reports in electronic form. The electronic copy is intended to replace the need for a paper copy 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 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, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). Please visit the State Water Resources Control Board for more information on these requirements ([http://www.swrcb.ca.gov/ust/cleanup/electronic\\_reporting](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.

#### 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.

Sincerely,



Jerry Wickham

Ted Dang  
October 3, 2005  
Page 5

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Ryan Meyer  
Ceres Associates  
424 First Street  
Benicia, CA 94510

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director  
October 4, 2002



10-7-02

Mr. Ted Dang  
Tomorrow Development Co., Inc.  
1305 Franklin St. #500  
Oakland, CA 94612

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

Dear Mr. Dang:

Subject: Fuel Leak Site No. RO0000396, 2547 E. 27<sup>th</sup> St., Oakland, CA 94601

Alameda County Environmental Health, Local Oversight Program (LOP), has received and reviewed the Phase One Environmental Site Assessment and Report of Limited Soil and Groundwater Assessment submitted to our office. We request that you address the following technical comments and submit the technical reports requested below.

Technical Comments

1. Please provide the well construction diagrams for the three wells installed at this site.
2. The depth to water in the wells, as pointed out by Kleinfelder, do not allow for groundwater gradient determination. Additional well(s) must be installed to obtain reliable data for gradient determination.
3. The soil within the former gasoline tanks has not been adequately characterized and its concentrations exceed applicable threshold limits. Our office recommends this soil be re-excavated and properly disposed.
4. The soil sample from within the former waste oil tank should be run for semi-volatiles (EPA Method 8270) and the metals, cadmium, chromium, lead, nickel and zinc.
5. The extent of the soil and groundwater contamination must be defined. One approach suggested by Kleinfelder, the advancement of borings in a gridlike pattern, would be an acceptable approach.
6. Groundwater monitoring should continue from the installed wells on a quarterly schedule.

Technical Report Request

Please submit the following technical reports to our office according to the following schedule:

- November 8, 2002- Groundwater Monitoring Report and work plan for soil disposition, soil and groundwater contamination delineation and soil re-sampling.
- February 8, 2003- Groundwater Monitoring Report and well installation work plan.

These reports are requested pursuant to the Section 13267 of the California Water Code.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

C: B. Chan, files  
Ms. Alyce Sandbach, Alameda County District Attorney's Office

2reprq2547E27th

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



9-25-02

September 24, 2002

Mr. Ted Dang  
Tomorrow Development Co., Inc.  
1305 Franklin St. #500  
Oakland, CA 94612

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

Dear Mr. Dang:

Subject: Fuel Leak Case RO0000396, 2547 E. 27<sup>th</sup> St., Oakland, CA 94601

Alameda County Environmental Health, Local Oversight Program (LOP), has received your September 17, 2002 correspondence and the attached copies of reports in reference to the subject site. Please be advised, these reports are not acceptable in their submitted form. All reports must be submitted as complete, signed documents by certified or registered professionals in their appropriate field. You may refer to the California Business and Professional Code Sections 6735, 7835 and 7835.1. In addition, we recommend that all work plans for this site be submitted to our office for review and concurrence prior to performance if such work is for the purpose of obtaining "site closure" or approval for development.

Technical Report Request

Please submit the entire signed reports along with a cover letter from yourself to our office within 10 working days or no later than October 7, 2002. You should also anticipate commencing groundwater monitoring on a quarterly basis or as directed by our office.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

C: B. Chan, files

Ms. Alyce Sandbach, Alameda County District Attorney's Office

D. Drogos, ACEH

Reprq2547E27th

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



02-21-01

20396

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

February 20, 2001  
StID # 4848

Mr. John Thorpe  
21790 Hesperian Blvd.  
Hayward CA 94541

**Re: Request for Technical Reports for 2547 E. 27<sup>th</sup> St., Oakland CA 94601**

Dear Mr. Thorpe:

In response to your request for technical reports for the above referenced site, please make a written request to review the files for this site. You may make that request to the attention of Ms. Earlene Ali. She will contact you to set up an appointment at which time you may copy any and all records in the file. You can also fax your request to our office @ (510) 337-9335.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

C: B. Chan, files  
Mr. M.O'Connor, Alameda County District Attorney's Office  
File#q2547E27

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



12-6-00

RO396

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

December 6, 2000  
StID # 4848

Mr. John Thorpe  
21790 Hesperian Blvd.  
Hayward, CA 94541

Re: 2547 E. 27<sup>th</sup> St. Property, Oakland CA 94601

Dear Mr. Thorpe:

This letter serves to respond to your November 22, 2000 letter to Mr. O'Connor of the District Attorney's Office where you clarified the actions you have taken to initiate the requested environmental investigation at the above referenced site.

Our office has the following comments and observations:

- As you have stated, the City of Oakland's investigation of the site consisted of an above ground investigation, which, unfortunately, will not assist in this investigation.
- You appear to be requesting information on an assessment, which indicates the presence of hazardous materials at this site. Please be informed that the information contained in the original Aqua Science Engineer Tank Removal Report (9/15/94) is all the information the County has. In this report there is sufficient evidence that a petroleum hydrocarbon release has occurred, which will need further investigation.
- Our office has not spoken with any consultants regarding this site. It is unclear whether you have received any proposals for the installation of wells, however, our office has not received anything of the sort.
- Lastly, our office is certainly hopeful that a buyer can be found to complete the required investigation. Prior to negotiations, a prudent buyer would want to have a reasonable estimate of remediation costs. To do this, our office is willing to meet with consultants to discuss and/or entertain remediation and investigation options.

Please contact me at (510) 567-6765 should you have any comments or questions.

Sincerely,

A handwritten signature in black ink that reads "Barney M. Chan".

Barney M. Chan  
Hazardous Materials Specialist

C: B. Chan, files  
Mr. M. O'Connor, Alameda County District Attorney Office

Comment2547E27

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



11-2-00

20396

November 1, 2000  
StID # 4848

Mr. Micheal O'Conner  
Alameda County District Attorney's Office  
7677 Oakport St., Suite 650  
Oakland CA 94621

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

**Re: Environmental Investigation at 2547 E. 27<sup>th</sup> St., Oakland CA 94601**

Dear Mr. O'Conner:

I would like to update you on the current status of the referenced site. Your office issued an August 8, 2000 letter to follow-up the August 7, 2000 meeting held at the District Attorney's Office. At this meeting were Mr. Bob Chambers, Mr. Joe Vogel, the property owner, Mr. John Thorpe, his attorney Mr. Gregory Lyons and myself. Due to financial hardship, your office allowed Mr. Thorpe to do the following:

- Request copies of any environmental work done by the City of Oakland and determine the extent of any liens placed on the property and
- Contact the former consultant, Aqua Science, (or any other) to obtain a bid for the installation of three monitoring wells.

Mr. Thorpe was given 60 days (early October) to accomplish these tasks. To date, our office has not been provided any of the requested reports.

To familiarize you, the history of the site is briefly the following:

The site is located at the northwest intersection of E. 27<sup>th</sup> St. and 26<sup>th</sup> Ave. in Oakland in a mixed commercial/residential setting, with residential homes located immediately next to the site.

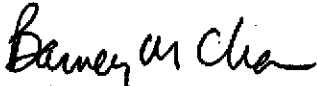
- Four gasoline tanks and one waste oil tank were removed from the site in August 1994. The tanks were located on the property boundaries along E. 27<sup>th</sup> St. and 26<sup>th</sup> Ave. Moderate levels of gasoline and BTEX were detected in samples collected along E. 27<sup>th</sup> St. Samples from the stockpile soil were similarly contaminated with petroleum hydrocarbons at moderate levels. Because the former tanks were located next to the street and near a utility pole, the spoils were immediately returned to the tank pits pending their future remediation or disposal.
- Essentially no further work has been done in behalf of the property owner since this time due to financial difficulties. The owner has not even been able to give the property to the City of Oakland who has some interest in it. The City may have performed a Phase I or Phase II investigation of the site during their scoping stage, hence the task was noted to contact the City for any information on the site.

Please let me know how to proceed from here. You may contact me at (510) 567-6765.



Mr. M. O'Conner  
Re: 2547 E. 27<sup>th</sup> St., Oakland 94601  
StID # 4848  
November 1, 2000  
Page 2.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

C: B. Chan, files

Mr. J. Thorpe, 21790 Hesperian Blvd., Hayward CA 94541

Mr. Gregory Lyons, Attorney at Law, 1999 Harrison St., Suite 1650, Oakland CA 94612

Mr. J. Vogel, Alameda County District Attorney Office

stat2547E27

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0396

September 22, 1999  
StID #4848

ENVIRONMENTAL HEALTH SERVICES

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

Ms. Jill Duerig  
Alameda County District Attorney Office  
7677 Oakport St., Suite 400  
Oakland CA 94621

**Re: Subsurface Environmental Investigation for 2547 E. 27<sup>th</sup> St., Oakland CA 94601**

Dear Ms. Duerig:

This letter is to inform you of a site, which I am requesting assistance in order to obtain compliance with underground tank investigation requirements. Enclosed, please find a site summary prepared for the pre-enforcement hearing held at our offices on September 4, 1996. Ms. Jennifer Krebs was present representing the District Attorney Office. As a result of the hearing, Mr. Thorpe, the property owner, was requested to provide additional information. I have included a copy of the September 26, 1996 response letter. During the pre-enforcement hearing, Mr. Thorpe made it clear that he did not have the funds to continue the investigation and had little interest in the property. According to item 3 in his September 26 letter, William J. and Norma J. Alich claim title to all real property in Mr. Thorpe's name. Thus, these individuals may have some interest or liability in the investigation of this site.

Since the pre-enforcement hearing, our office has not been contacted by Mr. Thorpe. In a February 3, 1998 letter, I informed Mr. Thorpe that our office was considering requesting that this site be considered a candidate for the EAR (Emergency, Abandoned, Recalcitrant) account. Unfortunately, our application was too late for the Water Board to consider.

At this time, I would welcome your recommendation as to how to proceed. I believe that a hearing at the District Attorney Office may prove motivational to Mr. Thorpe, who is an attorney himself.

Please contact me at (510) 567-6765 for any comments or questions.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

enclosures

c: B. Chan, files  
Mr. J. Thorpe, 21790 Hesperian Blvd., Hayward, CA 94541

DAassist2547

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



RO#396

February 3, 1998  
StID # 4848

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

Mr. John M. Thorpe, Atty. At Law  
21790 Hesperian Blvd.  
Hayward CA 94541

**RE: Subsurface Investigation at 2547 E. 27th St., Oakland CA  
94601**

Dear Mr. Thorpe:

Due to the lack of activity in investigating the petroleum release at the above referenced site, our office is considering requesting that this site be considered a candidate for the **Emergency, Abandoned, Recalcitrant (EAR) Account**.

Chapter 6.75 of the Health and Safety Code authorizes the State Water Board to provide funding for local agencies, such as ours, for initiating direct cleanup of petroleum UST sites requiring corrective action to protect human health, safety and the environment.

Please be aware that the State Water Board is required to recover costs. Once the EAR Account is accessed, you will not be eligible to participate in the UST Cleanup Fund. In addition, your ownership of this property after remediation will be in jeopardy.

Please contact our office in writing within 10 days or by **February 16, 1998** should you want to avoid this proposed action.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

c: B. Chan, files  
EAR-2547

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0#396

October 31, 1996  
STID #4848

Mr. John Thorpe  
21790 Hesperian Blvd.  
Hayward CA 94541

Re: 2547 E. 27th St., Oakland CA 94601

Dear Mr. Thorpe:

Our office has received your September 26, 1996 letter which responded to questions asked during the September 4, 1996 Pre-enforcement Panel Review at the County Offices. During the panel review, you were requested to:

1. Provide a time table for the provision of a work plan for additional site investigation;
2. Complete a Cleanup Fund Application; and
3. Identify any other potential responsible parties.

Your letter did not address all the above items, therefore, our office requests the following:

1. Please inform our office as to the status of your application to the Cleanup Fund. The Fund requires a "deductible" expense be paid by the responsible party and three bids for proposed work. Enclosed please find information on the Cleanup Fund.
2. Please provide a schedule for the submittal and the implementation of your subsurface investigation work plan.
3. Please identify by name, address and phone number the members of or the descendants of your partnership and of the original property owner. Please provide a copy of the purchase contract for the property.
4. Please provide evidence that Mr. William Alich and Ms. Norma Alich have performed due diligence and accepted title of this property. Please provide their address and telephone number.

Please provide written response to the items within 30 days or by November 29, 1996.

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

Mr. John Thorpe  
StID # 4848  
2547 E. 27th St.  
October 31, 1996  
Page 2.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

enclosure

c: B. Chan, file  
J. Krebs, Alameda County District Attorney Office

pre2547

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

RO#396

Alameda County CC4580  
Environmental Health Services  
1131 Harbor Bay Pkwy., #250  
Alameda CA 94502-6577  
(510)567-6700 FAX(510)337-9335

June 17, 1996  
StID # 4848

Mr. John Thorpe  
21790 Hesperian Blvd.  
Hayward, CA 94541

**Re: Subsurface Investigation at 2547 E. 27th St., Oakland CA  
94601**

Dear Mr. Thorpe:

In response to my May 13, 1996 Final Notice of Violation letter, our office has received a letter from Aqua Science Engineers Inc., (ASE), addressed to you regarding their proposal #96-136 for **Soil and Groundwater Assessment** at the above site. Your May 29, 1996 cover letter asks whether this proposal meets the County's requirements. The general contents of this proposal meet our requirements for site characterization, however, our office requires an **actual signed work plan** complete with specific details (such as a site map, historical data, site specific health and safety plan and a tentative work schedule) for our review and approval.

Based on a conversation with ASE, it appears that you have not yet authorized ASE to prepare such a work plan. Please have your consultant provide our office with an appropriate work plan **within 14 days or by July 1, 1996**. ASE has assured me that they can meet this time schedule. You should then be prepared to initiate your work plan immediately after County approval.

Because you have already been delinquent in providing requested technical reports pursuant to California Health and Safety Code Sections 25299.37 and 25299.78, failure to submit the requested document will result in enforcement by the District Attorney's Office.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

c: G. Jensen, Alameda County District Attorney Office  
Mr. D. Allen, ASE Inc., 2411 Old Crow Canyon Rd., #4, San  
Ramon, CA 94583  
G. Coleman, files  
1-FNOV2547

ALAMEDA COUNTY  
HEALTH CARE SERVICES



RO# 396

AGENCY  
DAVID J. KEARS, Agency Director

Alameda County CC4580  
Environmental Health Services  
1131 Harbor Bay Pkwy., #250  
Alameda CA 94502-6577  
(510)567-6700 FAX(510)337-9335

May 13, 1996  
StID # 4848

Mr. John Thorpe  
21790 Hesperian Blvd.  
Hayward, CA 94541

**FINAL NOTICE OF VIOLATION**

**Re: Request for Work Plan for Soil and Groundwater Investigation  
at 2547 E. 27th St., Oakland CA 94601**

Dear Mr. Thorpe:

My last letter dated August 31, 1995 approved of Aqua Science Engineers' work plan to overexcavate and dispose of the soils of the former underground tank pits and install three monitoring wells. Recall, all soils from the initial tank excavation were reused to backfill the tank pits for site security reasons. I approved this work and you were requested to initiate this field work by November 1, 1995. To this date, our office is not aware that this field work has occurred. Our assumption is that it has not.

However, based on recommendations from the Regional Water Quality Control Board (RWQCB) that the findings of the Lawrence Livermore National Laboratory (LLNL) study be applied to underground fuel tank sites, extensive overexcavation may not be the initial preferred remedial technique at this site. The LLNL study concluded that most underground tank fuel release cases are of low risk. The study further concluded that drinking water wells were rarely impacted, the groundwater contaminant plume was limited in its extent of migration and that natural bioremediation occurred in both soil and groundwater. Sites should, therefore, be prioritized to determine their risk. If a low risk site is verified, the appropriate management strategy would be to either monitor the site to determine plume stability and verify that natural bioremediation is occurring or close the site. Due to this change in recommended remedial approach, you are requested to determine whether this site is of low risk or not, prior to developing a corrective action plan (CAP).

Please provide an appropriate work plan to determine the extent and degree of soil and groundwater contamination at this site **within 30 days or by June 14, 1996**. This may be done by using such rapid site assessment tools as Geoprobe, Hydropunch et al. Both soil and grab groundwater samples will be required. Because you will need to further characterize the soils reused as backfill, your borings must sample both soil within the backfill and beneath the depth of the former tank bottom.

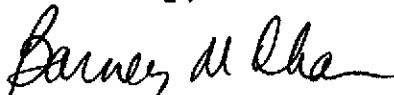
Mr. John Thorpe  
StID # 4848  
2547 E. 27th St.  
May 13, 1996  
Page 2.

Based on the results of this initial site characterization, further investigation may or may not be warranted. Please keep in mind, however, that the LLNL report states that this recommended management strategy can be used only after the site has been properly characterized and when the site has been verified to be of low risk.

Because of the inactivity at this site since the August 1994 tank removals, failure to submit your work plan and complete the approved investigation will cause your case to be referred to the Alameda County District Attorney's Office for enforcement.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

c: G. Jensen, Alameda County District Attorney Office  
Mr. D. Allen, ASE, Inc., 2411 Old Crow Canyon Rd., #4, San  
Ramon, CA 94583  
G. Coleman, files

FNOV2547



ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R0396

RAFAT A. SHAHID, Director

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Environmental Protection Division  
1131 Harbor Bay Parkway, #250  
Alameda, CA 94502-6577  
(510) 567-6700

August 31, 1995  
StID # 4848

Mr. John Thorpe  
21790 Hesperian Blvd.  
Hayward, CA 94541

**Re: Comment on the August 4 1995 Workplan for Soil Overexcavation  
and Groundwater Assessment at 2547 E. 27th St., Oakland 94601**

Dear Mr. Thorpe:

Thank you for the submittal of the above referenced work plan as prepared by your consultant, Aqua Science Engineers, Inc., (ASE). The elements of this work plan were discussed previously with you and your consultant in our February 2, 1995 meeting at our offices, therefore, the work plan is acceptable with the following comments/conditions:

1. Please run the confirmatory soil sample from the former waste oil tank pit for the parameters: chlorinated hydrocarbons (Method 8010) and semi-volatiles (Method 8270) in addition to TPHg, BTEX and oil and grease. This is requested since we failed to run these parameters on the initial soil sample. Since TPHd was not found in the initial soil sample, you may forego this analysis.
2. Due to the sensitive nature of neighboring buildings, you should implement an air monitoring program during all excation activies. Please use an instrument which can either determine or allow for the estimation of volatile TPH concentration.
3. Please initiate this field work within 60 days or by November 1, 1995 at the latest. Please notify me 48 working hours prior to your field work so I may arrange to be present if possible.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Barney M. Chan".

Barney M. Chan  
Hazardous Materials Specialist

cc: Mr. D. Allen, ASE, Inc., 2411 Old Crow Canyon Rd., #4, San Ramon, CA 94583

L. Todd, files  
wpap2547

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R0396

RAFAT A. SHAHID, Director

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Environmental Protection Division  
1131 Harbor Bay Parkway, #250  
Alameda, CA 94502-6577  
(510) 567-6700

July 6, 1995  
StID # 4848

Mr. John Thorpe  
21790 Hesperian Blvd.  
Hayward, CA 94541

**SECOND NOTICE OF VIOLATION**

**Re: Request for Work Plan for Subsurface Investigation at  
2547 E. 27th St., Oakland CA 94601.**

Dear Mr. Thorpe:

My May 23, 1995 letter to you requested the submittal of a work plan for subsurface investigation for the above site by June 23, 1995. This was in fact the second time I requested such a work plan, as the first time was after our February 2, 1995 meeting at the County's office. To date, our office has not received the requested work plan. Please be reminded that the failure to submit the requested reports is considered the improper closure of underground tanks, a violation of Chapter 6.7 of the Health and Safety Code, Section 25299a, subject to civil liability through the District Attorney Office.

Please submit your work plan to our office **within 30 days or by August 7, 1995**. You should be prepared to implement this work plan as soon as it has received approval from our office or no later than 60 days after its submittal.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office  
Mr. D. Allen, Aqua Science Engineers, Inc., 2411 Old Crow  
Canyon Rd., #4, San Ramon, CA 94583  
J. Makishima, files  
2NOV2547

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R0396

RAFAT A. SHAHID, DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6700

May 23, 1995  
StID # 4848

Mr. John Thorpe  
21790 Hesperian Blvd.  
Hayward, CA 94541

**NOTICE OF VIOLATION**

**Re: Request for Work Plan for Subsurface Investigation at  
2547 E. 27th St., Oakland CA 94601**

Dear Mr. Thorpe:

At our meeting on February 2, 1995 at the County offices, we discussed what steps should be taken to complete the tank removal and initiate your soil and groundwater investigation for the above site. It was agreed that our office would allow you to perform this work in a step-wise approach as you simultaneously applied for the Cleanup Fund. Recall, the first thing you were to do is provide a work plan to excavate and dispose of the stockpiled soils generated during the tank removals. Then you were to take confirmatory soil samples and lastly you would install groundwater monitoring wells to determine the extent of groundwater contamination, if any.

A work plan was to be submitted within 30 days of this meeting ie by March 2, 1995. To this date, our office has yet to receive your work plan. We have received only your Unauthorized Leak Report (ULR). Please keep in mind that failure to submit the requested report will cause this case to be referred to either the Water Board or the District Attorney's Office for enforcement. It will also, obviously, eliminate you from eligibility to the Cleanup Fund.

Please submit the requested work plan to our office **within 30 days or by June 23, 1995.**

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

cc: Mr. D. Allen, Aqua Science Engineers, Inc., 2411 Old Crow  
Canyon Rd., #4, San Ramon, CA 94583

M. Ling Tung, files  
NOV2547

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

R0396

December 2, 1994  
StID # 4848

Mr. John Thorpe  
21790 Hesperian Blvd.  
Hayward, CA 94541

DEPARTMENT OF ENVIRONMENTAL HEALTH  
ALAMEDA COUNTY CC4580  
DEPT. OF ENVIRONMENTAL HEALTH  
ENVIRONMENTAL PROTECTION DIVISION  
1131 HARBOR BAY PKWY., #250  
ALAMEDA CA 94502-6577

**Re: Request for Technical Reports for Subsurface Investigation at  
2547 E. 27th St., Oakland CA 94601**

Dear Mr. Thorpe:

Our office has just received and reviewed the September 15, 1994 underground storage tank removal report as prepared by Aqua Science Engineers Inc. The report details the removal of the five tanks and the subsequent field activities at the above site. The analytical results confirm the observation that there had been a release of petroleum hydrocarbons at this site. Several areas where soil was sampled detected as high as 930 parts per million (ppm) gasoline. In addition, the results of composite samples from the excavated soils reported up to 860 ppm gasoline. Because of these results you must:

- a. Complete and return to our office **within 10 days**, the previously sent URF (Unauthorized Release Form).
- b. The soils generated from the tank removal were reused as a precautionary measure. Since they have been confirmed as being contaminated, these soils must be removed for proper disposal.
- c. After the previously excavated soils have been removed, confirmatory sampling should be performed. Overexcavation of the previously identified contaminated locations is advisable at this time. Though all locations within the tank pit may not need to be sample and analyzed in a certified lab, all locations should be minimally screened using a field instrument such as an organic vapor analyzer (OVA).
- d. A groundwater investigation must be performed to determine the amount and extent of contamination imparted to the groundwater by this fuel release. Monitoring well(s) in the verified downgradient direction relative to the contaminated source areas will be required. A work plan should be provided for the implementation of the above items **within 30 days or by January 3, 1995.**

Mr. John Thorpe  
StID #4848  
2547 E. 27th St.  
December 2, 1994  
Page 2.

This is a formal request for technical reports pursuant to the Water Code Section 13267(b). Failure to submit the requested documents may result in civil liability.

You may reach me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

cc: Mr. D. Allen, Aqua Science Engineers, Inc., 2411 Old Crow  
Canyon Rd., #4, San Ramon, CA 94583  
E. Howell, files

wprq2547

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R0396

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH

October 21, 1994  
StID # 4848

Alameda County  
Health Care Services Agency  
Dept. Of Environmental Health  
1131 Harbor Bay Pkwy 2nd Flr.  
Alameda Ca 94502-6577

Mr. John Thorpe  
21790 Hesperian Blvd.  
Hayward CA 94541

**Re: Request for Underground Tank Closure Report for 2547 E. 27th  
St., Oakland CA 94601**

Dear Mr. Thorpe:

As you may be aware, underground petroleum storage tanks were removed from the above referenced site on August 30 and 31 this year by the contractor, Iconco Inc. A representative from Aqua Science Engineers was present to take soil samples on these days. Considerable fuel odor was noticed during the excavation, so the potential of contaminated soils exists.

Recent conversations with Aqua Science Engineers indicate that they have completed a report for the tank removals and that some amounts of gasoline were detected in soil samples. Please be aware, the County requires the submission of a complete tank removal report **within 60 days** of conclusion of the tank removal, therefore, you are requested to provide such a report by **October 21, 1994**. In addition, if you have evidence that there has been a release of petroleum hydrocarbon, you are required to complete the enclosed **Unauthorized Release Form (URF)**, and submit this form to our office **within 10 days**.

Please be aware that our office has been delegated the lead agency by the Regional Water Quality Control Board (RWQCB) to oversee sites which experience a release of petroleum hydrocarbon from an underground tank.

You should therefore consider this a formal request for technical reports pursuant to the California Water Code Section 13267 (b). Failure to submit the requested reports may subject you to civil liability. In addition, the California Health and Safety Code (CH&SC) requires a responsible party must demonstrate to the appropriate agency that each underground tank removed has been properly closed. Failure to perform this requirement may subject you to fines up to \$5000 per day per tank which is in violation.

Mr. John Thorpe  
StID # 4848  
2547 E. 27th St.  
October 21, 1994  
Page 2.

You may reach me at (510) 567-6765 if you have any questions.

Please be advised of our new address:

1131 Harbor Bay Parkway, Room 250, Alameda CA 94502-6577.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

enclosure (Mr. Thorpe)

cc: D. Allen, Aqua Science Engineers, Inc., 2411 Old Crow Canyon  
Rd., #4, San Ramon, CA 94583  
E. Howell, file

Rep2547