

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**

AGENCY

ALEX BRISCOE, Director



ENVIRONMENTAL HEALTH DEPARTMENT  
ENVIRONMENTAL PROTECTION  
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August 13, 2010

Pat Cullen  
State Water Resources Control Board  
Division of Financial Assistance  
1001 I Street  
Sacramento, CA 95814  
(Sent via E-mail to: [PCullen@waterboards.ca.gov](mailto:PCullen@waterboards.ca.gov))

Robert Trommer  
State Water Resources Control Board  
Division of Financial Assistance  
1001 I Street  
Sacramento, CA 95814  
(Sent via E-mail to [RTrommer@waterboards.ca.gov](mailto:RTrommer@waterboards.ca.gov))

Subject: Response to UST Cleanup Fund Five Year Review for Fuel Leak Case No. RO0000403 and GeoTracker Global ID T0600100210, BP #11133, 2220 98<sup>th</sup> Avenue, Oakland, CA 94603

Dear Mr. Cullen & Mr. Trommer:

We have received the Preliminary 5-Year Review Summary Reports dated July 22, 2010 from the Underground Storage Tank Cleanup Fund (Fund) for the site listed below. This Summary Report represents the Preliminary 5-year review of Alameda County Environmental Health (ACEH) Local Oversight Program cases by the Fund. The Fund correspondence requests that ACEH respond to the Fund correspondence within 45 days of the date of the letter. Responses to the Fund recommendations for the site for which Pares Khatri is the case worker, are presented below. We have reviewed the contents of the correspondence in the context of the appropriateness of recommendations. However, we have not reviewed the reports for accuracy of all information presented.

**[ACEH does not concur with USTCF review](#)**

ACEH Case No.: RO000403  
USTCF Claim No.: 5502  
Global ID No.: T0600100210  
Site Address: 2220 98<sup>th</sup> Avenue, Oakland, CA 94603

**USTCF Recommendation in Review Summary dated July 22, 2010 (Received July 28, 2010):**

The UST Fund staff has completed a 5-Year Review of this Claim and offers the following recommendations for LOP consideration.

- The UST Fund staff recommends a directive be issued to locate and destroy well AW-7 which has been unable to be located since 2001 because it provides a direct conduit for contamination to enter the groundwater.
- Considering the concentrations of other water quality parameters such as alkalinity, hardness, TDS, metals, nutrients methane and carbon dioxide this groundwater was not current or future beneficial use. Considering poor water quality, this Site should be considered for closure providing the land use remain commercial.

ACEH Response:

ACEH has noted the USTCF's recommendation for locating and properly decommissioning well AW-7. However, ACEH does not concur with USTCF that case closure should be considered, since elevated concentrations of TPH-g and benzene (i.e. sheen detected in wells MW-1 & MW-1 during 1<sup>st</sup> qtr 2010) are still present in groundwater, indicating that the site may pose a potential risk to human health and the environment, an elementary school is located directly down-gradient of the site, and the site is located adjacent to residences. Corrective action is underway to abate elevated concentrations of petroleum hydrocarbons and sheen. ACEH respectfully requests that the USTCF omit their second bullet item since the site is not yet ready for closure consideration.

Thank you for providing ACEH with the opportunity to comment on the subject sites. Please contact me if you have any questions regarding the above responses. I look forward to hearing from you soon.

Sincerely,

Paresh C. Khatri  
Hazardous Materials Specialist

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

cc: Donna Drogos, ACEH (*Sent via E-mail to: [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org)*)  
Paresh Khatri, ACEH (*Sent via E-mail to: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org)*)  
GeoTracker  
File

## 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](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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> July 20, 2010
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

## REQUIREMENTS

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection.**
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- **Signature pages and perjury statements must be included and have either original or electronic signature.**
- **Do not password protect the document.** Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:  
RO#\_Report Name\_Year-Month-Date (e.g., RO#5555\_WorkPlan\_2005-06-14)

## Submission Instructions

- 1) Obtain User Name and Password:
  - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
    - i) Send an e-mail to [dehloptoxic@acgov.org](mailto:dehloptoxic@acgov.org)
  - b) In the subject line of your request, be sure to include **"ftp PASSWORD REQUEST"** and in the body of your request, include the **Contact Information, Site Addresses**, and the **Case Numbers (RO# available in Geotracker) you will be posting for.**
- 2) Upload Files to the ftp Site
  - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
    - (i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site.
  - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
  - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
  - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
  - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
  - a) Send email to [dehloptoxic@acgov.org](mailto: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.