

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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August 26, 2009

Mr. William Thompson
Desert Petroleum
3781 Telegraph Road
Ventura, CA 93003-3420

Mr. Kin Man Li et al.
P.O. Box 348
Oakland, CA 94604

Mr. Tony Razi
3609 East 14th Street
Oakland, CA 94601

Golpad & Karimabadi
c/o Matt Haley
1633 San Pablo Avenue
Oakland, CA 94608

Subject: Fuel Leak Case No. RO000429 and Geotracker Global ID T0600100158, Desert Petroleum Site DP793, 4035 Park Boulevard, Oakland, CA 94602 – Work Plan Review

Dear Mr. Thompson, Li, Razi, and Haley:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced fuel leak case including the recently submitted document entitled, "*Revision of the February 6, 2006 Work Plan for Site DP793 Located at 4035 Park Blvd., Oakland, CA,*" dated August 11, 2009 and received by ACEH on August 24, 2009. The August 11, 2009 Revised Work Plan, which was prepared on your behalf by Western Geo-Engineers, proposes the excavation and removal of contaminated soil. Excavation and removal of contaminated soil is to be conducted as an interim remedial action.

The extent of excavation proposed in the August 11, 2009 Revised Work Plan is generally acceptable; however, some revisions are required to address technical comments 1 through 3. We request that you address the technical comments below and submit a Revised Work Plan **no later than September 25, 2009.**

TECHNICAL COMMENTS

- 1. Task 3 – Confirmation Soil Samples.** Confirmation samples are to be collected at intervals of no greater than 20 feet along the sidewalls of the excavation. A minimum of three confirmation soil samples are to be collected from the base of the excavation. 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. The excavation is to be extended to remove visibly stained and odorous soil prior to confirmation soil sampling. All soil samples are to be analyzed for total petroleum hydrocarbons as gasoline, BTEX, and methyl tert-butyl ether. Please provide a minimum of 48 hours advance notification of confirmation soil sampling (e-mail preferred to jerry.wickham@acgov.org) in order for ACEH to observe conditions and direct any additional confirmation soil sampling required. Please include confirmation sampling in the Revised Work Plan requested below.

- 2. Criteria for Soil Re-use.** The Revised Work Plan proposes to segregate soils for disposal and on-site re-use but does not describe the criteria to be used in determining whether the soil can remain on site. Soil that is to be re-used on site is to be sampled and analyzed for total petroleum hydrocarbons as gasoline, BTEX, and methyl tert-butyl ether. One soil sample is to be collected from each 25 cubic yards of the stockpile. If the concentration of any analyte exceeds the lowest Environmental Screening Level (San Francisco Bay Regional Water Quality Control Board – Interim Final May 2008) for residential land use, the portion of the stockpile with the elevated concentration is not to be re-used on site. Prior to backfilling of the upper five feet of the excavation, ACEH is to be contacted for approval of the backfilling. If the upper five feet of soil consists of clean, imported fill, the source of the fill is to be identified. If the upper five feet of soil consists of clean overburden from the site, the location and depth interval from which the soil was removed and analytical results from confirmation soil sampling must be provided for approval prior to backfilling the upper five feet of the excavation. Please include these criteria in the Revised Work Plan requested below.
- 3. Backfilling.** The Revised Work Plan proposes backfilling the excavation with drain rock up to a depth of 12 feet bgs and road base up to 8 feet bgs. We question whether backfilling a large vertical interval of the excavation with drain rock and road base may provide a potential vapor migration pathway from the base of the excavation to shallow soil below the proposed residences. Please address this potential for the drain and base rock to provide a preferential vapor migration pathway and modify the proposed backfilling as necessary in the Revised Work Plan requested below. An alternate proposal to limit the vertical interval of drain rock or to limit the drain rock to backfill around horizontal piping along the base of the excavation may be appropriate.
- 4. Vapor Extraction Test.** The proposal to implement a vapor extraction test is generally acceptable provided that the issues identified in technical comment 3 regarding backfilling of the excavation are addressed.
- 5. Excavation Procedures.** In the Revised Work Plan requested below, please expand the discussion of the procedures for stockpiling of soils, air monitoring, dust control, and preventing surface runoff from the stockpiles and site.
- 6. Task 4.** The February 6, 2006 work plan proposed four tasks: 1) excavation and removal of benzene contaminated soils; 2) destruction of unnecessary monitoring wells; 3) further delineation of the extent of contamination west of Brighton Avenue; and 4) construction of a treatment compound along an underground lateral to provide continuous pumping from trench wells T1 and T2. To date, only tasks 2 and 3 have been completed. Tasks 1 and 4 have not been implemented. Please present a schedule for implementation and completion of Task 4 in the Revised Work Plan requested below.
- 7. Groundwater Monitoring.** As requested in our correspondence dated July 23, 2009, groundwater monitoring for your site is to be reduced from quarterly to semiannual monitoring unless site-specific needs warrant otherwise. Please refer to the July 23, 2009 correspondence and present groundwater monitoring results in semi-annual groundwater monitoring reports.

TECHNICAL REPORT REQUEST

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

- **September 25, 2009** – Revised Work 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) 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/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 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

Responsible Parties
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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 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 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,



Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: George Converse, Western Geo-Engineers, 1386 Beamer Street
Woodland, CA 95776

Michael Gabriel, Glenview Neighborhood Association, 4200 Park Boulevard, Box 111
Oakland, CA 94602

Derrick Williams, 4032 Brighton Avenue, Oakland, CA 94602

Donna Drogos, ACEH
Jerry Wickham, ACEH

Geotracker, File

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.