



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
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April 22, 2010

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. RO0000429 and Geotracker Global ID T0600100158, Desert Petroleum Site DP793, 4035 Park Boulevard, Oakland, CA 94602 – Revised 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, *“Response to November 6, 2009 Glenview Neighborhood Association request for clarification, i.e. items 1 through 9) as requested by Alameda County Environmental Health correspondence March 2, 2010,”* dated March 19, 2010. Thank you for preparing the response to the Glenview Neighborhood Association concerns.

As an attachment to this correspondence, we have included an electronic mail message from Mr. Robert Gray, President of the Glenview Neighborhood Association, with additional comments on your March 19, 2010 responses. The comments were addressed to ACEH and the City of Oakland. ACEH and the City of Oakland staff are in the process of preparing responses to Mr. Gray’s comments.

Based upon our review of the March 19, 2010 responses, we request several modifications and/or clarifications to the proposed activities. We request that you address the technical comments below, perform the proposed work, and send us the reports requested below. .

TECHNICAL COMMENTS

- 1. Project Schedule and Public Notification, Items 1 and 2.** The proposed schedule to begin the project in August/September 2010 is generally acceptable. However, you may wish to incorporate contingencies to assure project completion by October 15. We anticipate that after all planning issues related to the excavation have been addressed, ACEH will send out a Fact Sheet to residents and property owners in the surrounding area. We also request that you provide notification of the excavation and soil removal to nearby residents at least 30 days prior to the start of excavation. The notification is to be distributed to the addresses on the mailing list previously provided by ACEH.

2. **Air Monitoring, Item 3.** Due to the close proximity of residences to the proposed excavation, the use of a 300 ppm PID response action level at the excavation and a 30 ppm PID response action level at the perimeter is not acceptable. We request that you revise the proposed air monitoring program to include the following:

- In addition to the use of an ionizing detector PID with a 10.6ev bulb for air monitoring, we request that you also use a PID with a 9.8EV bulb fitted with a benzene sample filter and an instrument detection limit of 0.1 ppm/v to continuously monitor for benzene. Draeger tubes are to be used to confirm the PID measurements but are not to be used as the sole method for monitoring benzene because they are generally limited to single, short duration use.
- Air monitoring is to be conducted on a real time rotating basis at the following locations: the downwind edge of the excavation, the fence line between the excavation and the nearest residence at 1227 Hampel Avenue, the downwind property boundary, and the upwind property boundary.
- In addition to air monitoring on a real-time basis during excavation, baseline air monitoring measurements are to be collected at the beginning and end of each day for each of the above monitoring locations and downwind of each soil stockpile.
- Air monitoring measurements and wind conditions are to be recorded at the beginning and end of each day and hourly for each monitoring location.
- Mitigation measures including water mist and work slow down or stoppage are to be applied when action levels are exceeded at any of the air monitoring locations or noticeable odors are observed. We request that you also develop a contingency for covering portions of the excavation as a mitigation measure.
- We request that you propose revised action levels for each of the monitoring locations: the downwind edge of the excavation, the fence line between the excavation and the nearest residence at 1227 Hampel Avenue, the downwind property boundary, and the upwind property boundary. The currently proposed action levels appear to be based upon occupational exposures that are time-weighted averages over an 8-hour period. These occupational exposures are not appropriate for potential exposure of nearby residents who potentially have longer term exposure. The action level for benzene at the perimeters of the property must not exceed 0.5 ppm.

Please include the above measures including revised air monitoring action levels in a Soil Excavation Work Plan Addendum as requested below.

3. **Day Care Center, Item 4.** The March 22, 2010 response appears to rely upon a consistent wind direction to mitigate potential impacts to a day care center at 3947 Park Boulevard. We request that you provide further information on wind monitoring and describe the wind direction and speeds under which mitigation measures will be used or excavation stopped. This discussion should include consideration of the revisions to perimeter air monitoring requested in technical comment 2 and a contingency plan for adverse conditions. Please include this discussion in the Soil Excavation Work Plan Addendum requested below.

4. **Soil Aeration, Item 6.** The proposal to separate soils by field screening into three stockpiles for potential re-use is acceptable. Confirmation soil sampling results will be used to determine whether the soils are disposed off-site or directly re-used for backfilling on-site. On-site aeration to reduce concentrations for re-use will not be an option for this site. Soils will be either disposed off-site or re-used without aeration.

Responsible Parties
RO0000429
April 22, 2010
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TECHNICAL REPORT REQUEST

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

- **May 28, 2010** – Soil Excavation Work Plan Addendum

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

Attachments: Responsible Party(ies) Legal Requirements/Obligations
Electronic Mail Message from Robert Gray dated April 13, 2010

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 2032 (Sent via E-mail to: lgriffin@oaklandnet.com)

George Converse, Western Geo-Engineers, 1386 Beamer Street, Woodland, CA 95776
(Sent via E-mail to: wege@cal.net)

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

Wickham, Jerry, Env. Health

From: Robert B. Gray [r_gray40@sbcglobal.net]
Sent: Wednesday, April 14, 2010 11:54 PM
To: Wickham, Jerry, Env. Health; cpon@oaklandnet.com; low@oaklandnet.com; floiser@oaklandnet.com; mhunt@oaklandnet.com; idelafuente@oaklandnet.com; jrusso@oaklandcityattorney.org; wmorris@actransit.org
Cc: 'Viola Gonzales'; 'Betty Gray'; 'Bob Gray'; 'Carol Heard'; 'Christian Downer'; 'Delana Toler'; 'Marie Munson'; 'Michael Kilian'; 'Michelle Ellison'; 'Tim Roberts'
Subject: 4035 Park Blvd Superfund site

LAW OFFICE OF ROBERT B. GRAY

1970 Broadway, Suite 1200
Oakland, California 94612
(510) 444-5895
Fax: (510) 530-6926

April 13, 2010

Mr. Jerry Wickham
Senior Hazardous Materials Manager
Environmental Health Services, Environmental Protection
Alameda County Health Care Services Agency 1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502

re: Fuel Leak Case No RO0000429, Desert Petroleum Site DP793,
4035 Park Boulevard, Oakland, CA 94602 –
Glenview Neighborhood Association Concerns Regarding Proposed Remediation

Dear Mr. Wickham:

The Board of Directors of Glenview Neighborhood Association has reviewed the *Notice of Soil Removal Action* (September 17, 2009) and the *Revision of the February 6, 2006 Work Plan for site DP793 located at 4035 Park Blvd, Oakland, CA* (August 28, 2009) and the response to our November 9, 2009 letter and we still have some questions and concerns. The location of the Site adjacent to a bus stop, a casual carpool pickup, a church, and close to a preschool is still a concern. We appreciate the response to our questions of November 9, 2009 but we have some comments and remaining concerns.

Our comments on the reply to the November 9, 2009 letter:

Item 1, Item 2. The Responsible Parties (RPs) indicate a planned schedule of August/September 2010. They also indicated a planned duration of 4 weeks. I assume this means they plan to complete before October 15, so that there start date will not be later than September 15 (earlier if they need some flex in the schedule. We assume this means we should see notification from them by no later than August 15, 2010. Are these correct assumptions?

Item 3: Air Monitoring - We are not clear on why 30 ppm is used as a perimeter action level. The action level for benzene is usually 0.5ppmv. If benzene is present above 0.5 ppm but below 30 ppm, it will not be noticed using the proposed observations. We respectfully suggest that a more stringent criteria for sampling with Draeger tubes is needed. One possibility might be to analyze with Draeger tubes at the site perimeter periodically during excavation in the depth range known to contain benzene, or to analyze with the Draeger tube when PID readings at the downwind edge of the perimeter exceed 0.5 ppmv.

Also, the OSHA levels cited are for workers, not for residents, children or the elderly. What standard is protective, particularly for the children is a question we assume that ACEH will answer as that is their job.

Also, what action will be taken if they get concentrations with the Draeger tubes above 0.5 ppm? It appears that they plan to document the excessive readings, but what will be done?

Item 4.

Day Care Center - They state that the center is predominantly upwind, and implies there will therefore be no exposure. They also state that there will be wind direction indicators placed and monitored. What will happen if the wind is blowing west or southwest? Will they suspend work? Increase monitoring? If so, at what wind speed and in what directions? Can they seal off excess emissions to the southwest? Also while wind direction is most frequently from the Southwest, a 180° wind shift is not that uncommon in this area (just ask any sailor). What will they do in event of a wind shift or unusual pattern? Also the Church across the street is quite high compared to the ground level of the subject site and this also affects the local wind direction so the wind on site not only must be monitored but some alternative set forth for winds outside the predominant winds. Local wind monitoring needs to be done and plans set out what to do in the event of adverse winds. The response says winds will be monitored, but without contingency plans seems quite inadequate.

Casual Carpool - Closed for 4 weeks- To minimize disruption for casual carpoolers - can the location be moved temporarily somewhere nearby (this is a question for City). At the least, the carpoolers need to be notified so they can make other arrangements. GNA could help with this by a post to Glenfriends, our community listserve. The information-letting folks know the schedule, maybe even posting and handing out flyers if we are provided with public notice information by the owner or ACEH. (maybe the owner could get us copies of the public notice so that we can help disseminate it) could also be undertaken.

Health and Safety of users. ... - They need a method of keeping the street and sidewalks clean. How will they avoid tracking soil into street and up Park Blvd? How will they clean it up when it gets there? Will they have a street sweeper available?

AC Bus Stop 18 We agree that it is prudent to close this during excavation, loading and unloading. Does it really need to be closed during the time when the site is idle, waiting for test results and waste profiling? Are the contractor/owner aware that Alameda County, City of Oakland, and AC Transit are separate organizations - they will need to notify AC Transit in addition to the County (or will ACEH or the City take care of that?). We are sending AC Transit a copy of this letter so they can be prepared for the notice from the contractor. What is AC Transit's lead time for modifying stops? Also, there are at least two busses which use the bus stop: the 18 and the V (possibly some school bus routes as well). The bus riders should be notified if the stop is to be closed temporarily (which seems prudent), so that they can make other arrangements.

Maybe the V, which has limited stops, as well as the school busses, could be allowed to stop temporarily in front of the elder housing instead of at Hampel. Who will ask AC Transit and also the City traffic, for approval of the bus stop change?

Item 5: Stockpiles: We want to make sure that the on site folks actually cover inactive stockpiles each night and when the site is not active.

Item 6: Soil Aeration: Is the third soil stockpile actually part of the same footprint as the contaminated soil stockpile? Otherwise, where does it go? It is not shown in Figure 2. Does ACEH approve aeration? Or is that based on the BAAQMD Regulation 8 Rule 40? Will the contractor be notifying BAAQMD five days prior to start of excavation and aeration? Is aeration really viable for this property in the middle of a residential area, across the street from a church and near a child care facility. Odor is noted as a problem in their response. What criteria will ACEH use to decide whether to allow aeration?

Item 7: Traffic Control -

Waiting Truck location - As far as we know, there are no "rest stops" on any freeways in Oakland. Generally the truckers will arrive all together and idle near the site until needed (they are not supposed to idle more than 10 minutes to reduce diesel particulate issues). Maybe we, (GNA & ACEH & the RPs) need to request traffic enforcement assistance from the City during off haul days so that we do not have a lot of idling trucks hanging out.

Traffic control people need to be on site to direct traffic when the trucks move as it is likely they will be blocking both lanes of Park Blvd traffic to do the turn onto the site. If so, is that an acceptable practice during rush hour? (Maybe so, if it isn't more than a few days of disruption, but complaints during the morning commute are sure to arise- perhaps timing

the arrival time for the early morning trucks would be a good idea). Maybe truck traffic could be restricted to after 9:00am. Before 7:30 am could also be viable but noise limitation for the early morning would also be in effect. The planning to go through the site (in from Park and out on Hampel) is a tight fit for big trucks. Down from hwy13 and back to hwy13 is fine but the turn around will be difficult and block Park and Hampel.

Otherwise, the traffic control looks ok, as long as they have a plan to clean up soil tracked onto the street.

Also, the City of Oakland (and the contractor) may want to photograph the sidewalks and road in the vicinity just prior to the start of work. The loaded end dumps can weigh up to 90,000 pounds, and may damage the sidewalks. We want to make sure this is documented so that it gets repaired. At the same time, the contractor shouldn't get blamed for existing problems with the sidewalks or roads.

Item 8: Excavation Depth and Slope Stability -as long as they have a Professional Engineer taking responsibility for the excavation we assume it is okay. We don't have the necessary skills to question the slope stability for the site soil quality for the deep dig but that must be monitored.

Project Supervision/Oversight: Will the City or ACEH be overseeing this project? How are ACEH and the City coordinating their efforts on this project? What permits will be issued? How will community concerns be addressed in a timely manner during the work?

We are still in favor of the remediation proceeding expeditiously, and our intent is not to slow down or obstruct the process, but simply to gain clarity on several issues and to make sure that neighborhood health and safety concerns have been addressed in the planning stage and will be addressed during implementation of the work.

Sincerely, Robert B. Gray
President, Glenview Neighborhood Association

cc:

Craig Pon, Watershed and Storm Water Program, CEDA, City of Oakland, (510) 238-6544,

cpon@oaklandnet.com

Tim Low, Inspection Services, CEDA, City of Oakland, (510) 238-6315,

tlow@oaklandnet.com

Fred Loeser, Right-of-Way Management, CEDA, City of Oakland, (510) 238-6348

floiser@oaklandnet.com

Ignacio DeLaFeunte, Oakland City Council Member District 5

idelafuente@oaklandnet.com

Michael Hunt, aide to Ignacio DeLaFuente for Glenview

mhunt@oaklandnet.com

John Russo, Oakland City Attorney

jrusso@oaklandcityattorney.org

William Morris, AC Transit safety manager

wmorris@actransit.org

Attachment 1
Responsible Party(ies) Legal Requirements/Obligations

REPORT REQUESTS

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) GeoTracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and [other](#) data to the GeoTracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in GeoTracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

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

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

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

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

REQUIREMENTS

- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- Signature pages and perjury statements **must** be included and have either original or electronic signature.
- **Do not password protect the document**. Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:
RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

Submission Instructions

- 1) Obtain User Name and Password:
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to dehloptoxic@acgov.org
Or
 - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of My Le Huynh.
 - b) In the subject line of your request, be sure to include **"ftp PASSWORD REQUEST"** and in the body of your request, include the **Contact Information, Site Addresses**, and the **Case Numbers (RO# available in Geotracker) you will be posting for**.
- 2) Upload Files to the ftp Site
 - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape and Firefox browsers will not open the FTP site.
 - b) Click on File, then on Login As.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
 - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to dehloptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @acgov.org. (e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload) If site is a new case without an RO# use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.