

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



F

ENVIRONMENTAL HEALTH SERVICES

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

November 29, 2007

Denis Brown
Shell Oil Products US
20945 S. Wilmington Ave.
Carson, CA 90810-1039

Som Gupta
c/o Carmerlengo & Johnson
500 Airport Blvd., Suite 230
Burlingame, CA 94010

Andrew Saberi
Sabek, Inc.
1045 Airport Blvd.
South San Francisco, CA 94080

Subject: Fuel Leak Case No. RO0000433 and Geotracker Global ID T0600101691, Shell/Sabek Inc, 1230 14th Street, Oakland, CA 94607

Dear Mr. Brown, Mr. Gupta, and Mr. Saberi:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site, including the recently submitted correspondence entitled, "Lead Change Notification and Draft CAP Recommendation," dated November 5, 2007. The November 5, 2007 correspondence, which was prepared on behalf of property owner, Andy Saberi by Pangea Environmental Services, Inc., indicates that Mr. Andy Saberi and Shell Oil Products reached a tentative settlement agreement and that under the terms of the agreement, Mr. Saberi will be responsible for implementing all site corrective action conducted after October 31, 2007 with court confirmation of the final settlement agreement anticipated in the near future. The November 5, 2007 correspondence also recommends an alternative schedule for submittal of a Draft Corrective Action Plan/Pilot Test Work Plan that would allow pilot testing and system installation during the dry season of 2008. We have no objection to the proposed schedule since conducting the pilot test during a period of lower water levels is advantageous. Therefore, we request that you **submit a Draft Corrective Action Plan/Pilot Test Work Plan by January 11, 2008.**

As previously discussed in our September 19, 2007 correspondence, we are requiring pilot testing of proposed remedial technologies prior to implementation of a *full-scale remediation* system. The Draft CAP is to evaluate three active remedial alternatives (in addition to no action or monitored natural attenuation). We recommend that soil vapor extraction (SVE)/air sparging (AS) and dual phase extraction (DPE)/AS be two of the three active remedial alternatives evaluated in the Draft CAP. The remedial alternative for the site will be selected based upon results of the pilot testing.

Pangea previously submitted technical comments dated July 11, 2007, regarding the predicted effectiveness of soil vapor extraction (SVE) and air sparging (AS) versus dual phase extraction (DPE) and AS. The Pilot Test Work Plan is to include testing to help evaluate the effectiveness of SVE, DPE, and AS.

Denis Brown
Andrew Saberi
Som Gupta
RO0000433
November 29, 2007
Page 2

TECHNICAL REPORT REQUEST

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

- **January 11, 2008** – Draft CAP/Pilot Test Work Plan
- **45 days following the end of each quarter** – Quarterly Monitoring Reports

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

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).

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.

Denis Brown
Andrew Saberi
Som Gupta
RO0000433
November 29, 2007
Page 3

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

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Larry Blazer, Alameda County District Attorney's Office, Airport Corporate Center, 7677
Oakport Street, Suite 650, Oakland, CA 94621

Ana Friel, Conestoga-Rovers & Associates, 19449 Riverside Drive, Suite 230, Sonoma, CA
95476

Denis Brown
Andrew Saberi
Som Gupta
RO0000433
November 29, 2007
Page 4

Joan Mack, Caldwell, Leslie, Proctor & Pettit, PC, 1000 Wilshire Blvd., Suite 600, Los Angeles, CA 90017-2463

Robert Clark-Ridell, Pangea, 1710 Franklin Street, Suite 200, Oakland, CA 94612

Ellen Wyrick-Parkinson, 1420 Magnolia Street, Oakland, CA 94607

M. Willingham, 1418-1420 Union Street, Oakland, CA 94607

Donna Drogos, ACEH
Jerry Wickham, ACEH
File