

1324 Mangrove Ave., Suite 212
Chico, CA 95926
Ph (530) 566-1400
Fx (530) 566-1401

RECEIVED
10:47 am, Nov 21, 2008
Alameda County
Environmental Health

Transmittal

Date: 20 November 2008

Project: 06-08-661-01

**To: City of Alameda – Permit Center
Planning & Building Department
2263 Santa Clara Avenue, Room 190
Alameda, CA 94501-4477**

Attention: Ms. Lucy Barraca

We are sending by: Regular Mail
 Special Delivery
 Air Mail
 Airborne Express
 Carrier
 Other FedEx

The following: Enclosed
 Separately

Quantity:	Description:
1	Form Affidavit/Declaration for Duplication of Building Plans Pursuant to Health & Safety Code Section 19851C (signed), with blank Architect/Professional Authorization Form and blank Owner Authorization Form. Includes BAI Check #1213 for \$48.00.
1	Letter from Mr. Paresh Khatri (Alameda County Environmental Health Services) dated 21 August 2008, re: Fuel Leak Case RO0000511 and GeoTracker Global ID T0600101198, BP #11270, 3255 Mecartney Road, Alameda, CA 94501

Comments:

Re-submittal of package originally mailed 29 September 2008. We are under a timed directive (now expired) from the Alameda County Environmental Health Services Agency to provide the information contained within the requested plans (see attached letter). Furthermore, it is a pressing health and safety issue to determine if the underground infrastructure shown in these plans may be acting as preferential pathways for the offsite migration of hazardous substances. Any assistance you can provide to expedite the copy request of the archive plans would be greatly appreciated. Please contact me immediately should you have any questions or comments.

Sent by: Tom Venus, PE

**Copies to: Mr. Paresh Khatri, Alameda County Environmental Health Services (without enclosure)
File**



City of Alameda
Permit Center
2263 Santa Clara Ave, Room 190
Alameda, CA 94501
(510) 747-6800

PROCEDURE FOR OBTAINING COPIES OF PLANS
FROM THE PERMIT CENTER
HEALTH & SAFETY CODE 19851 (c)

- 1. Complete the attached Affidavit/Declaration form and pay \$48.00 fee. If plans must be retrieved from off-site storage, an additional fee of \$21.00 is required.
2. When the requestor determines which plans are of interest, the Permit Center will request written authorization from the current property owner and architect/professional. (Please note that this process may take up to 45 calendar days to complete.)

NOTE: If authorization is not granted by the current property owner or the licensed professional, the City of Alameda cannot release the plans for copying.

- 3. When authorization is received by the Permit Center, the requested plans will be retrieved from off-site storage. The requestor will be notified to return to the Permit Center office to indicate what plan pages are to be copied.
4. The Permit Center will contact a bonded blueprint company to pick up, copy, and return the original plans to the Permit Center within ten (10) working days. The bonded blueprint company will contact requestor when the copies of plans are available. The requestor is responsible to pick-up the copies and pay the copying fees.

Attachments:

- 1. Form Affidavit/De
2. Owner Authoriza
3. Architect/Profess
G:\CENPERM.B\INFORMS\PL

Washington Mutual check for \$48.00 payable to City of Alameda, dated 11-20-2008. Includes bank information and MICR line.



City of Alameda
Permit Center
2263 Santa Clara Ave, Room 190
Alameda, CA 94501
(510) 747-6800

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G:\CENPERM.B\FORMS\PL

Washington Mutual check for \$48.00 payable to City of Alameda, dated 9-29-2008. Includes MICR line and security features.

City of Alameda Permit Center
2263 Santa Clara Ave, Room 190
Alameda, CA 94501
(510) 747-6800

FORM AFFIDAVIT/DECLARATION
FOR DUPLICATION OF BUILDING PLANS
PURSUANT TO HEALTH AND SAFETY CODE SECTION 19851 C

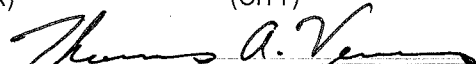
1. I have requested a duplicate of the official copy of plans from the **City of Alameda, Permit Center**, for:

Reason for duplication: Request from Alameda Co. Environ. Health to locate underground utilities.		Permit No.: BP801233
Address: 3255 Mecartney Road, Alameda, CA 94502		
Owner Name: Harbor Bay Landing LLC (Attn: Chien Ping Liu) PO Box 117610, Burlingame, CA 94011		
Architect/Professional Information Name	Jones-Tillson & Associates, Civil Engineers Address/City/State Palo Alto, CA	License No. None

2. I declare that the copy of the plans shall be used for the maintenance, operation, and use of the building.
3. Drawings are instruments of professional service and are incomplete without the interpretation of the certified, licensed, or registered professional of record.
4. Subdivision (a) of Section 536.25 of the Business and Professions Code states that a licensed architect who signs plans, specifications, reports, or documents shall not be responsible for damage caused by subsequent changes to, or use of those plans, specifications, reports, or documents where subsequent changes of uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the licensed architect that originally signed the plans, specifications, reports, or documents, provided that the architectural service rendered by the architect who signed the plans, specifications, reports, or documents was not also a proximate cause of the damage.
5. I agree to pay the appropriate fees.

I declare under penalty of perjury under the laws of the State of California that the foregoing Form Affidavit/Declaration for Duplication of Building Plans Pursuant to Health and Safety Code Section 19851(C) is true and correct and of my own personal knowledge.

Executed on Sept. 29, 2008, at Chico, California.
(MONTH, DAY) (YEAR) (CITY)

Name: 
Signature

Name: Thomas A. Venus
Printed Name

Address: Broadbent & Associates, Inc.
1324 Mangrove Ave.#212, Chico CA 95926

Telephone: 530-566-1400

Date: _____

ARCHITECT/PROFESSIONAL AUTHORIZATION FORM

TO: City of Alameda
Permit Center
2263 Santa Clara Avenue, Room 190
Alameda, CA 94501

JAMES-TILLSAW &
ASSOCIATES IS NO
LONGER IN BUSINESS.

SUBJECT: 3255 Mecartney Road, Alameda, California 94502

Job Address of Plans Requested

To Whom It May Concern: _____

This correspondence serves as (check only one):

- _____ **Approval to permit duplication of plans as described on the attached "Form Affidavit"**
- _____ **Refusal to permit duplication of plans as described on the attached "Form Affidavit"**

I declare that I am the certified, licensed or registered professional or representing his/her successor that originally signed the plans requested.

I declare under penalty of perjury under the laws of the State of California that the foregoing Form Affidavit/Declaration for Duplication of Building Department Plans Pursuant to Health and Safety Code Section 19851(C) is true and correct.

Executed on _____, _____, at _____, California.
(MONTH, DAY) (YEAR) (CITY)

Name: _____
Signature

Name: _____
Printed Name

Address: _____

Telephone: _____

Attached: Form Affidavit

Date: _____

OWNER AUTHORIZATION FORM

TO: City of Alameda
Permit Center
2263 Santa Clara Avenue, Room 190
Alameda, CA 94501

MANAGER OF HARBOUR
BAY LANDINGS LLC
(CHIEN PING LIU - JACK)
PH.# 510-522-8866
FAX# 510-522-8668

SUBJECT: 3255 Mecartney Road, Alameda, California 94502
Job Address of Plans Requested

To Whom It May Concern: _____

This correspondence serves as (check only one):

- _____ **Approval to permit duplication of plans as described on the attached "Form Affidavit"**
- _____ **Refusal to permit duplication of plans as described on the attached "Form Affidavit"**

I declare that I am the property owner of the above noted job address.

I declare under penalty of perjury under the laws of the State of California that the foregoing Form Affidavit/Declaration for Duplication of Building Plans Pursuant to Health and Safety Code Section 19851(C) is true and correct.

Executed on _____, _____, at _____, California.
(MONTH, DAY) (YEAR) (CITY)

Name: _____
Signature

Name: _____
Printed Name

Address: _____

Telephone: _____

Attached: Form Affidavit

HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RECEIVED
AUG 25 2008
BY:

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

August 21, 2008

COPIY

Paul Supple
Atlantic Richfield Company
(A BP Affiliated Company)
P.O. Box 1257
San Ramon, CA 94583

Terry Grayson
ConocoPhillips
76 Broadway
Sacramento, CA 95818

Ping Liu Chien
Harbor Bay Landing, LLC.
P.O. Box 117610
Burlingame, CA 93950

Subject: Fuel Leak Case No. RO0000511 and Geotracker Global ID T0600101198, BP #11270,
3255 Mecartney Road, Alameda, CA 94501

Dear Mr. Supple:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the document entitled, "Case Closure Summary," dated October 27, 2004, which was prepared by URS Corporation for the subject site. URS submitted the case closure summary to assist in ACEH's case closure evaluation for the site. In the closure summary, URS stated that the elevated residual total petroleum hydrocarbons (TPH) as gasoline (g) and benzene concentrations of 860 mg/kg and 5 mg/kg, respectively, in soil at eight feet below the ground surface (bgs) should not pose a risk to on-site workers based on a risk assessment conducted by Foster Wheeler Environmental Corporation (Foster Wheeler) for the subject site. However, Foster Wheeler also stated that risks to potential hypothetical future residents are exceeded. Based on the analytical data, the site appears to pose a significant risk to human health and the environment and hence, the case closure does not appear adequately justified for the site. In addition, ACEH's review has identified a few data gaps, which are summarized below, that need to be addressed prior to case closure evaluation.

Therefore, ACEH cannot consider case closure for the subject site at this time. This decision to deny closure is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39.2(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Please contact the SWRCB Underground Storage Tank Program at (916) 341-5851 for information regarding the appeal process.

ACEH requests that you address the following technical comments and send us the technical reports requested below.

TECHNICAL COMMENTS

1. **Residual Hydrocarbons in Soil** – As stated above, elevated residual TPH-g and benzene concentrations of 860 mg/kg and 5 mg/kg, respectively, were detected in the soil at eight feet bgs. However, in another sidewall sample SW1 collected at 4.5 feet bgs, TPH-g and benzene were detected at 2,000 mg/kg and 18 mg/kg, respectively. It is not clear whether this sidewall was over-excavated or that the concentration of TPH-g and benzene remains in place. The limits of the excavation depicted on Figure 1 of the above-mentioned report appears to indicate that SW1 is the sidewall soil sample collected from the 1 to 4.5 feet excavation conducted between the two dispenser islands, while SW3 is the sidewall sample collected from the 8.5 feet excavation. In Table 1 of the above-mentioned report, all the soil samples are listed and are not differentiated as excavation and/or over-excavation soil samples. Therefore, it is reasonable to assume that concentrations up to 2,000 mg/kg TPH-g and 18 mg/kg benzene remain in place. Also, based on the soil analytical data, the vertical extent of contamination appears undefined since 860 mg/kg TPH-g and 5 mg/kg benzene was detected at 8 feet bgs. Please propose a scope of work to address the above-mentioned concerns and submit a work plan by the date specified below.

2. **Preferential Pathway Study**- Depth to groundwater at the site has ranged between 5 to 9 feet below the ground surface (bgs). Since groundwater is relatively shallow at the site, a preferential pathway evaluation appears prudent. The purpose of the preferential pathway study is to locate potential migration pathways and conduits and determine the probability of the NAPL and/or plume encountering preferential pathways and conduits that could spread contamination. Since significantly elevated concentrations of MtBE were detected in 1998 in groundwater monitoring well MW-6, we request that you perform a preferential pathway study that details the potential migration pathways and potential conduits (wells, utilities, pipelines, etc.) for vertical and lateral migration that may be present in the vicinity of the site.

Discuss your analysis and interpretation of the results of the preferential pathway study (including the well survey and utility survey requested below) and report your results in the Soil and Groundwater Investigation Work Plan requested below. The results of your study shall contain all information required by California Code of Regulations, Title 23, Division 3, Chapter 16, §2654(b).

a. Utility Survey

An evaluation of all utility lines and trenches (including sewers, storm drains, pipelines, trench backfill, etc.) within and near the site and plume area(s) is required as part of your study. Please include maps and cross-sections illustrating the location and depth of all utility lines and trenches within and near the site and plume areas(s) as part of your study.

b. Well Survey

A well survey was conducted in November 1992. Since several years have lapsed since the survey was conducted, it appears prudent to obtain current data regarding potential sensitive receptors. Please note that the preferential pathway evaluation shall include a detailed well survey of all wells (monitoring and production wells: active, inactive, standby, decommissioned (sealed with concrete), abandoned (improperly decommissioned or lost); and dewatering, drainage, and cathodic protection wells) within a ¼ mile radius of the subject

site. As part of your detailed well survey, please perform a background study of the historical land uses of the site and properties in the vicinity of the site. Use the results of your background study to determine the existence of unrecorded/unknown (abandoned) wells, which can act as contaminant migration pathways at or from your site. Please review and submit copies of historical maps, such as Sanborn maps, aerial photographs, etc., when conducting the background study. Please incorporate the results of the evaluation and present it in the work plan due by the date specified below.

3. **Groundwater Contaminant Plume Monitoring** - According to our records, the most recent groundwater monitoring event was conducted on September 18, 2001. Please initiate groundwater monitoring at the site. Prior to collecting groundwater samples, it is recommended that the monitoring wells be re-developed so that groundwater samples representative of actual site conditions are collected. Please collect the groundwater samples and submit a report by the due date specified below.

TECHNICAL REPORT REQUEST

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

- **October 20, 2008** – Soil and Water Investigation Work Plan with Preferential Pathway Evaluation
- **October 30, 2008** - Quarterly Monitoring Report (3rd Quarter 2008)

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

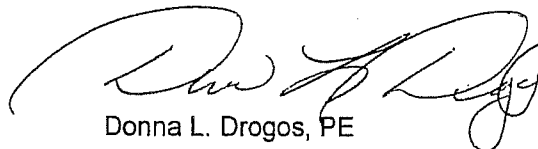
If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section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

If you have any questions, please call me at (510) 777-2478 or send me an electronic mail message at paresh.khatri@acgov.org.

Sincerely,



Paresh C. Khatri
Hazardous Materials Specialist



Donna L. Drogos, PE
Supervising Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Tom Venus, Broadbent & Associates, Inc., 1324 Mangrove Ave., Ste 212, Chico, CA 95926
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA
94612-2032
Donna Drogos, ACEH
Paresh Khatri, ACEH
File