



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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September 25, 2008

Mr. Gary Lyons  
WE Lyons Construction Company  
50 Hegerberger Loop  
Oakland, CA 94621

Subject: Fuel Leak Case No. RO00002447 Global ID # T06019708237, WE Lyons Construction Company, 50 Hegerberger Loop, Oakland, CA

Dear Mr. Lyons:

Alameda County Environmental Health Department (ACEH) staff has reviewed the the "Workplan for Additional Drive Sampling and Analysis" received on August 21, 2008 and submitted by The Consulting Group (TCG). In a previous correspondence dated April 24, 2008 ACEH requested that soil borings be installed at tank pit #1 and tank pit #2 to evaluate the impacts to soil and groundwater at these locations. Your consultant states that tank pit #1 is a closed issued. Unfortunately, the Work Plan failed to address our concerns regarding the lack of data associated with tank pit #1. Therefore, your work plan is incomplete and not ready for regulatory submission in its current form.

Based on ACEH staff review of the documents referenced above, we request that you address the following technical comments, perform the proposed work, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to [steven.plunkett@acgov.org](mailto:steven.plunkett@acgov.org)) prior to the start of field activities.

#### TECHNICAL COMMENTS

1. **Professional Certification/Registration.** Due to the submission of the Work Plan without the proper professional certification as required, ACEH informed you that the Work Plan must be submitted by a certified/registered professional. You subsequently re-submitted the Work Plan with the proper professional registration. Please note 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. All future reports must be contain the proper certifications.
2. **Tank Pit #1 and Dispenser Island.** ACEH's letter of April 17, 2008 required that you evaluate the potential impacts to soil and groundwater from an unauthorized release at tank pit #1. Borings in the tank pit and dispenser were required at the tank pit #1 location. Your consultant states that tank pit #1 is a closed issue. We do not concur with your consultant. Our justification for this sampling was detailed in comment #1 of the above referenced directive letter. We require that you perform this work. As the work plan does not address our concerns regarding residual contamination from the former UST and dispenser island, please prepare a revised work plan to assess the potential impacts to soil and groundwater and present the revised work plan according to the schedule below.

3. **UST # 2.** TCG has proposed the installation of one soil boring to a depth of 10 feet bgs to define the downgradient extent of contamination in soil and groundwater beneath your site. ACEH does not agree with the shallow depth of the soil boring. In order to determine the vertical extent of contamination the soil boring must be installed to 20 feet bgs, minimum, as previously requested of you in our April 17, 2008 directive letter. Furthermore, groundwater flow direction has not been determined beneath the site; therefore, we request that one additional soil boring be installed south west of boring B-3.

During the soil boring installation, soil samples should be screened with a PID and examined for visible staining and hydrocarbon odor. Any interval where staining, odor, or elevated PID readings occur a soil sample is to be collected and submitted for laboratory analysis. If no staining, odor, or elevated PID readings are observed, soil sample are to be collected from each boring at 5 foot interval and the capillary fringe, where groundwater is first encountered, at changes in lithology and at the total depth of the boring at least 20 feet below ground surface. Please present the location for all soil borings in the revised work plan requested below.

4. **Soil and Groundwater Analysis.** All soil and groundwater samples collected during the investigation are to be analyzed for TPHg, TPHd, BTEX, MtBE, TAME, TBA, DIPE, ETBE, EDB and EDC. Please present results for the soil and groundwater in the investigation report requested below.
5. **Figures and Tables.** ACEH's directive letter dated April 17, 2008 required the following;

“4. **Figures and Tables.** Summary tables presenting all current and historical soil and groundwater analytical data shall be prepared for your site (including soil and groundwater data from the UST excavation). In addition, figures showing confirmation soil sampling locations during UST removal, soil boring locations with boring ID #, location of two former USTs and appurtenance (including dispenser island), site buildings and adjacent parcels and roads, a scale with clear legend must also be prepared. Additionally, we recommend you consider using and aerial photo as a base map.”

The required figures and tables were not provided in your work plan. Please provide the required information in the revised work plan requested below.

6. **GeoTracker Non-compliance** – During our customary review of the State Water Resources Control Board's (SWRCB) GeoTracker website indicate that electronic copies reports have not been submitted. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please claim your site in GeoTracker, complete the surveying and upload all applicable electronic submittal types such as the analytical data (EDF), survey data (GEO\_XY and GEO\_Z), and PDF reports from July 1, 2005 to current to GeoTracker by the date specified below. Electronic reporting is described below.

## **TECHNICAL REPORT REQUEST**

Please submit technical reports to Alameda County Environmental Health (Attention: Mr. Steven Plunkett), according to the following schedule:

- **October 15, 2008** – Revised Work Plan for Soil and Groundwater Investigation
- **October 15, 2008** – Geotracker Document Uploads

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](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 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.

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**UNDERGROUND STORAGE TANK CLEANUP FUND**

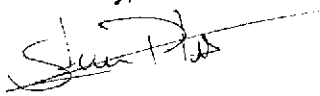
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

**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) 383-1767.

Sincerely,



Steven Plunkett  
Hazardous Materials Specialist



Donna Drogos, PE  
Supervising Hazardous Material Specialist

cc: Woody Lovejoy  
The Consulting Group  
394 Cecilia Way  
Tiburon, CA 94920

Leroy Griffin  
Oakland Fire Department  
250 Frank Ogawa Plaza, Suite 3341  
Oakland, CA 94612

Donna Drogos, ACEH, Steven Plunkett, ACEH, File