

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



SENT
04-24-06

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

April 21, 2006

Daniel Shaw
D&D Ventures LLC
15700 Winchester Blvd.
Los Gatos, CA 94621

Naresh Sawhney
Realty Investment Group
1125-B Arnold Drive, Suite 246
Martinez, CA 94553-4104

Subject: Fuel Leak Case No. RO0002509, Thanh's Autobody Repair, 901 77th Avenue, Oakland, CA

Dear Mr. Shaw and Mr. Sawhney:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site and the report entitled, "Subsurface Investigation Report (Boreholes B8 through B14 and Monitoring Wells MW1 through MW3)," dated March 22, 2006 and received by ACEH on April 10, 2006. The report presents the results of soil and groundwater sampling conducted at the site in November 2005. Elevated concentrations of fuel hydrocarbons remain in soil and groundwater in the area of the former underground storage tank. Total petroleum hydrocarbons as gasoline (TPHg) were detected in groundwater at concentrations up to 270,000 micrograms per liter ($\mu\text{g/L}$) and benzene was detected at concentrations up to 12,000 $\mu\text{g/L}$. These highly elevated concentrations of fuel hydrocarbons may be indicative of the presence of free phase hydrocarbons in the area of the former tank pit. The report recommends subsurface exploration at two proposed locations to further define the horizontal and vertical extent of fuel hydrocarbons. Following delineation of the extent of fuel hydrocarbons in soil and groundwater, the report also recommends the preparation of a feasibility study. ACEH requests that you submit a Work Plan to advance the two proposed borings and also address the technical comments below by **June 29, 2006**.

We request that you address the following technical comments, perform the proposed work, and send us the technical reports requested below.

TECHNICAL COMMENTS

1. **Site History.** We request that you provide information on the site history, including current, former, and future planned land uses for the site. We also request that you provide information on the installation (date of installation), upgrade history (dates and type of upgrades), and usage of the UST or former USTs at the site (type and volume of fuel used, dates the UST was active, and types of activities supported, where known). Please present information on site history in the Work Plan requested below. Please also describe the

current and planned future land uses for the adjacent properties that potentially may be affected by site contamination.

2. **Dispensers and Piping.** We were not able to find a reference in the case file to the former locations or removal of the dispensers or product piping. Please show the locations of the former dispensers and product piping on a site plan and provide any available information on the removal or abandonment of the dispensers and product piping in the Work Plan requested below.
3. **Potential for Vapor Intrusion.** The concentration of benzene in both soil and groundwater exceeds the Environmental Screening Levels (San Francisco Bay Regional Water Quality Control Board Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater – Interim Final, February 2005) for evaluation of potential vapor intrusion concerns for residential and commercial/industrial exposure. The highest concentrations of benzene in soil and groundwater were detected in samples from boring B-10, which is immediately outside the northeast wall of the building. The potential for indoor vapor intrusion is a concern for this site and is to be evaluated in planning further site assessment or remediation. Please describe in the Work Plan requested below how the potential for indoor vapor intrusion will be evaluated and addressed.
4. **Proposed Boring Locations.** ACEH concurs with the two proposed soil boring locations. Please present plans for soil and groundwater sampling from the two proposed soil borings in the Work Plan requested below.
5. **MTBE in Groundwater.** MTBE was detected in grab groundwater samples collected from borings SB-6 and SB-7, southwest of the former tank pit. Based on the absence of MTBE in soil and groundwater samples near the source area, the report recommends no further investigation for MTBE. ACEH will provide comments regarding the need for further investigation of MTBE following review of the requested information on site history. Please present this information in the Work Plan requested below.
6. **Potential Preferential Pathways.** Due to the presence of separate phase hydrocarbons and elevated concentrations of fuel hydrocarbons in soil and groundwater adjacent to the building, please evaluate the potential for contamination to migrate through preferential pathways such as utility trenches beneath the building and former tank pit area. The depth and location of utilities in the area of the former tank pit are to be reviewed and the potential for the utilities to act as preferential pathways is to be evaluated. Please present the results of this evaluation in the Work Plan requested below.
7. **Detailed Well Survey.** We request that you conduct a well survey to locate all wells (monitoring and water supply wells: active, inactive, standby, decommissioned, and abandoned wells) within a 2,000-foot radius of the site. Submittal of maps showing the location of all wells identified in your study, and the use of tables to report the data collected as part of your survey are required. Please provide a table that includes the well designation, location, total depth, diameter, screen interval, date of well installation, current status, historic use, and owner of the wells. In addition, please provide well logs and completion records for wells downgradient from the site that are potential receptors. We recommend that you obtain well information from the Alameda County Public Works Agency and State of California

Department of Water Resources, at a minimum. Please include an analysis and interpretation of your findings, and report your results in the Work Plan requested below.

8. **Groundwater Monitoring.** Please implement quarterly groundwater monitoring for the three monitoring wells installed at the site and present the results in the reports requested below. The groundwater samples are to be analyzed for TPHg, BTEX, and MTBE.

TECHNICAL REPORT REQUEST

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

- **June 29, 2006** – Work Plan
- **August 15, 2006** – Quarterly Monitoring Report for the Second Quarter 2006
- **November 15, 2006** – Quarterly Monitoring Report for the Third Quarter 2006

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

Effective **January 31, 2006**, 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).

In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail

Daniel Shaw
Naresh Sawhney
April 21, 2006
Page 4

addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at jerry.wickham@acgov.org.

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) 567-6791.

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Daniel Shaw
Naresh Sawhney
April 21, 2006
Page 5

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Paul King
P & D Environmental
4020 Panama Court
Oakland, CA 94611

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



SENT
04/03/06

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

March 31, 2006

Daniel Shaw
D&D Ventures LLC
15700 Winchester Blvd.
Los Gatos, CA 94621

Naresh Sawhney
Realty Investment Group
1125-B Arnold Drive, Suite 246
Martinez, CA 94553-4104

Subject: Fuel Leak Case No. RO0002509, Thanh's Autobody Repair, 901 77th Avenue, Oakland, CA

Dear Mr. Shaw and Mr. Sawhney:

In correspondence dated June 27, 2005 (copy attached), Alameda County Environmental Health (ACEH) requested that you implement a subsurface investigation and submit a Soil and Groundwater Investigation Report for the above-referenced site by September 30, 2005. Based upon a request made on your behalf by Mr. Paul King of P&D Environmental, the schedule for submittal of the Soil and Groundwater Investigation Report was extended to January 13, 2006. To date, we have not received your Soil and Groundwater Investigation Report.

Your Soil and Groundwater Investigation Report is late, and your fuel leak site is not in compliance with ACEH directives. We request that you submit the Soil and Groundwater Investigation Report as soon as possible. ACEH makes this request pursuant to California Health & Safety Code Section 25296.10. CCR Title 23 sections 2652 through 2654, and 2721 through 2728 outline the duties of a responsible party in response to a reportable unauthorized release from a petroleum UST system, and require your compliance with this request.

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

Please note that further delays in investigation, late reports, or enforcement actions may result in your becoming ineligible to receive cost reimbursement from the State's Underground Storage Tank Cleanup Fund.

Mr. Daniel Shaw
Mr. Naresh Sawhney
March 31, 2006
Page 2

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Attachment: ACEH Correspondence Dated June 27, 2005 Requesting Soil and Groundwater Investigation Report

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Paul King
P & D Environmental
4020 Panama Court
Oakland, CA 94611

Shari Knieriem
SWRCB-USTCF
P.O. Box 944212
Sacramento, CA 94244

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

June 27, 2005

Daniel Shaw
D&D Ventures LLC
15700 Winchester Blvd.
Los Gatos, CA 94621

Dear Mr. Shaw:

Subject: Fuel Leak Case No. RO0002509, Thanh's Autobody Repair, 901 77th Avenue, Oakland, CA – Work Plan Approval

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the subject site and the reports entitled, "Subsurface Investigation Work Plan (B8 through B12)," dated October 26, 2004 and "Subsurface Investigation Work Plan (B8 through B12) Addendum," dated January 17, 2005. Both work plans were prepared by P & D Environmental. ACEH concurs with the proposed subsurface investigation as modified by the January 17, 2005 work plan addendum.

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.

TECHNICAL COMMENTS

1. **Source of MTBE.** In addition to a discussion of potential alternate sources for the MTBE detected in groundwater, the potential for the MTBE to represent a detached plume must also be considered. This discussion is to be included in the Soil and Groundwater Investigation report requested below.
2. **GeoTracker EDF Submittals.** A review of the case file and the State Water Resources Control Board's (SWRCB) GeoTracker website indicate that electronic copies of analytical data have not been submitted for your site. Pursuant to CCR 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 LUFT program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. Additionally, 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, and transmitted electronically to the SWRCB GeoTracker system via the internet. In order to remain in regulatory compliance, please upload all analytical data (collected on or after September 1, 2001), to the SWRCB's GeoTracker database website in accordance with the above-cited regulation. **Please perform the electronic submittals for applicable data and submit verification to this Agency by August 15, 2005.**

TECHNICAL REPORT REQUEST

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

- **September 30, 2005 – Soil and Groundwater Investigation Report**

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.

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.

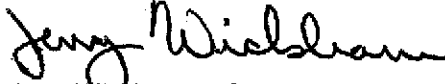
AGENCY OVERSIGHT

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.

Daniel Shaw
June 27, 2005
Page 3

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham, P.G.
Hazardous Materials Specialist

cc: Naresh Sawhney
Realty Investment Group
1125-B Arnold Drive, Suite 246
Martinez, CA 94553-4108

Paul King
P & D Environmental
4020 Panama Court
Oakland, CA 94611

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



02-03-03

February 3, 2003

RO0002509

Mr. Daniel Shaw
D&D Venture LLC
15700 Winchester Blvd
Los Gatos, CA 95030

RE: Thanh's Autobody Repair property, 901 77th Ave. Oakland, CA
94621

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

LANDOWNER NOTIFICATION AND PARTICIPATION REQUIREMENTS

Dear Mr. Shaw:

This letter is to inform you of new legislative requirements pertaining to cleanup and closure of sites where an unauthorized release of hazardous substance, including petroleum, has occurred from an underground storage tank (UST). Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code requires the primary or active responsible party to notify all current record owners of fee title to the site of: 1) a site cleanup proposal, 2) a site closure proposal, 3) a local agency intention to make a determination that no further action is required, and 4) a local agency intention to issue a closure letter. Section 25297.15(b) requires the local agency to take all reasonable steps to accommodate responsible landowners' participation in the cleanup or site closure process and to consider their input and recommendations.

For purposes of implementing these sections, you have been identified as the primary or active responsible party. Please provide to this agency, within twenty (20) calendar days of receipt of this notice, a complete mailing list of all current record owners of fee title to the site. You may use the enclosed "list of landowners" form (sample letter 2) as a template to comply with this requirement. If the list of current record owners of fee title to the site changes, you must notify the local agency of the change within 20 calendar days from when you are notified of the change.

If you are the sole landowner, please indicate that on the landowner list form. The following notice requirements do not apply to responsible parties who are the sole landowner for the site.

LANDOWNER NOTIFICATION
Re: 901 77th Ave. Oakland
February 3, 2003
Page 2 of 2

In accordance with Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code, you must certify to the local agency that all current record owners of fee title to the site have been informed of the proposed action before the local agency may do any of the following:

- 1) consider a cleanup proposal (corrective action plan)
- 2) consider a site closure proposal
- 3) make a determination that no further action is required
- 4) issue a closure letter

You may use the enclosed "notice of proposed action" form (sample letter 3) as a template to comply with this requirement. Before approving a cleanup proposal or site closure proposal, determining that no further action is required, or issuing a closure letter, the local agency will take all reasonable steps necessary to accommodate responsible landowner participation in the cleanup and site closure process and will consider all input and recommendations from any responsible landowner.

Please call me at (510) 567-6876 if you have any questions about the content of this letter.

Sincerely,



Amir K. Gholami, REHS
Hazardous Materials Specialist

cc: Roger Brewer, RWQCB

Attachments: Sample letter 2 and Sample letter 3, which must be filled out by the Responsible Party and mailed to Alameda County.

Alameda County Health care Services Agency
Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

"List of Landowners" form
(Sample Letter 2)

SUBJECT: CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR (Site
name and address)
(to be filled in by the primary responsible party and mailed to
Alameda County)

(Note: Fill out item 1 if there are multiple site landowners. If
you are the sole site landowner, skip item 1 and fill out item 2)

1. In accordance with section 25297.15(a) of Chapter 6.7 of
the Health & Safety Code, I, (name of primary responsible
party), certify that the following is a complete list of
current record fee title owners and their mailing addresses
for the above site:

2. In accordance with section 25297.15(a) of Chapter 6.7 of
the Health & Safety Code, I, (name of primary responsible
party), certify that I am the sole landowner for the above
site.

Sincerely,

Signature of primary responsible party

Name of primary responsible party

Alameda County Health care Services Agency
Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

**"Notice of Proposed Action" form
(Sample Letter 3)**

**SUBJECT: NOTICE OF PROPOSED ACTION SUBMITTED TO LOCAL AGENCY FOR
(site name and address)
(to be filled in by the primary responsible party and mailed to
Alameda county)**

In accordance with section 25297,15(a) of Chapter 6.7 of the
Health & Safety Code, I, (name of primary responsible party),
certify that I have notified all responsible landowners of the
enclosed proposed action. Check space for applicable proposed
action(s):

- cleanup proposal (corrective action plan)
- site closure proposal
- local agency intention to make a determination that no
further action is required
- local agency intention to issue a closure letter

Sincerely,

Signature of primary responsible party

Name of primary responsible party

cc: Names and addresses of all record fee title owners