



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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October 31, 2008

Francis Rush
Rush Property Group
2200 Adeline Street, Suite 350
Oakland, CA 94607

Subject: Fuel Leak Case No. RO0002562 and GeoTracker Global ID T0600194544, Rush Property 28th Street, 1173 28th Street, Oakland, CA 94608

Dear Mr. Rush:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted document entitled, "Closure Request Report," dated August 12, 2008, which was prepared by Gribi Associates (Gribi) for the subject site. According to Gribi, the contaminant source(s) have been removed, the site has been adequately characterized, the contaminant plume is not migrating, and the chemical concentrations in groundwater are expected to attenuate and meet water quality objectives in the future.

ACEH generally concurs with Gribi's recommendation that the site appears to qualify for case closure review and will proceed to evaluate the case for closure consideration. However, there are some statements in the above-mentioned report that require further clarification and/or justification, prior to completing the site closure evaluation. ACEH requests that you address the following technical comments, perform the proposed work, and send us the technical reports described below to expedite our review.

TECHNICAL COMMENTS

1. **Improperly Constructed Well (Boring B-2)** – According to Gribi, boring B-2, which was previously installed in 1991 and apparently left in place by Treadwell & Rollo was located and noted to still containing casing. Rather than properly decommissioning the improperly constructed temporary well, which appears to violate the California Well Standards, Gribi purged approximately three gallons of water from the improperly constructed well, sampled groundwater from it, and based the natural attenuation argument on the analytical results obtained from the boring B-2.

This boring may be a potential conduit since it contains casing, but does not appear to have been completed as a well with a sanitary seal, locking well cap and Christy box. ACEH is concerned that groundwater samples from boring B-2 (improperly constructed well) may not yield analytical results that are representative of actual site conditions since the boring appears to only contain casing, contaminant volatilization may be occurring biasing the sampling results, contaminants and/or surface water may be introduced potentially affecting the sampling results and causing further spreading of contamination, and boring is not constructed as a groundwater monitoring well in accordance with California Well Standards.

Should further use of this sampling location appear necessary, please complete this boring to a properly constructed well to yield results that are representative of site conditions as well as prevent possible migration of surface contaminants to the subsurface. Otherwise, please properly decommission this boring in accordance with the California Well Standards. Additionally, please verify that the all borings have been properly decommissioned. Please address the above-mentioned concerns and submit an addendum report due by the date specified below.

2. **Water Quality Objectives** – According to Gribi, "...chemical concentrations in groundwater are expected to meet water quality objectives in the future[.]" However, the amount of time necessary to reach water quality objectives was not specified. Additionally, Gribi appears to hypothesize that the contaminant plume is naturally attenuating based on analytical data collected from the improperly installed well (boring B-2). Please justify that the data obtained and interpreted to demonstrate natural attenuation is representative of actual site conditions.

Please note that the *short-term* remedial objective for this site is to achieve site cleanup levels and satisfy regulatory criteria to allow site development and subsequent building occupancy. The *long-term* objective is to provide sufficient documentation to justify regulatory case closure and achieve cleanup goals (water quality objectives) within a reasonable time. Please address the above-mentioned concerns and submit a report addendum due by the date specified below.

3. **Preferential Pathway Study/Well Survey** – Gribi states that "[n]o other waters of the State, water supply wells, or other sensitive receptors are likely to be impacted[.]" However, based on a review of the above-mentioned report and the case file, it appears that a preferential pathway evaluation was conducted to verify off-site impact of chlorinated hydrocarbon contamination. However, a well survey does not appear to have been conducted. The preferential pathway study should include a 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. Please review and submit copies of historical maps, such as Sanborn maps, aerial photographs, etc., when conducting the background study. Please complete the study and submit the results in the report addendum due by the date specified below.

4. **GeoTracker Compliance** – A review of the case file and the State Water Resources Control Board's (SWRCB) GeoTracker website indicate that only select electronic copies of analytical data have been submitted, rendering the site to non-compliance status. 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 grab groundwater 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, if applicable. 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 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 ACEH (Attention: Paresh Khatri), according to the following schedule:

- **December 30, 2008** – Soil and Water Investigation Report Addendum

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

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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: James Gribi, Gribi Associates, 1090 Adams Street, Suite k, Benicia, CA 94510
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA
94612-2032
James Yoo, Public Works Agency, 399 Elmhurst Street, Hayward, CA 94544
Donna Drogos, ACEH
Paresh Khatri, ACEH
File

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

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.

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 Alicia Lam-Finneke.
 - 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 at 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)