

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

September 19, 2008

Mr. Bruce Kaye  
Sears, Roebuck and Co.  
3333 Beverly Road, Dept. 824  
Hoffman Estates, IL 60179

Sears Lofts, LLC  
c/o Madison Park Prop.  
409 13<sup>th</sup> Street, Floor 8  
Oakland, CA 94612-2607

Haagen Hollywood Partnership  
c/o Haagen Property Management, Inc.  
3500 N. Sepulveda Blvd.  
Manhattan Beach, CA 90266-3638

Subject: Fuel Leak Case No. RO0002600 and Geotracker Global ID T0600101208, (Former)  
Sears Retail Store #1058, 2633 Telegraph Avenue, Oakland, CA 94612

Dear Sirs:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site for case closure as cited in the February 21, 2006, "Site Status Update," prepared by URS Corporation (URS) for the subject site. In the most recently submitted report entitled, "Report, 2005 Annual Groundwater Monitoring," dated October 5, 2005, which was also prepared by URS, URS details results of the annual groundwater monitoring, preferential pathway evaluation, and interim cleanup activities performed at the site. URS reported that 0.23 feet of separate phase hydrocarbons were detected in groundwater monitoring well FOMW-1, concluded that no domestic, irrigation, municipal, or industrial groundwater wells are located within the site vicinity. URS also stated that shallow utilities in the vicinity of the site do not likely act as preferential pathways at the site, and installed SoakEase™ adsorbent sock to abate separate phase hydrocarbons detected in FOMW-1. URS further concluded that "additional soil and groundwater investigation is warranted to complete delineation of soil and groundwater impacts to the north of the heating oil UST," and recommended replacement of the SoakEase™ adsorbent sock in November 2005, perform annual groundwater monitoring in February 2006, complete site assessment activities in February 2006, and submit a annual groundwater monitoring and site assessment report in April 2006. Based on a review of the case file, the data gaps that have identified and summarized below, must be addressed prior to case closure consideration. At this time, ACEH generally concurs with URS' conclusions presented in their "Report, 2005 Annual Groundwater Monitoring Report," and requests that you address the following technical comments, perform the proposed work, and send us the technical reports described below.

**TECHNICAL COMMENTS**

1. **Site Conceptual Model** – Prior to conducting the subsurface investigation proposed in the above-mentioned report, preparation of a Site Conceptual Model (SCM) for the Site may be advantageous at this time. An SCM, should synthesize all the analytical data and evaluate all potential exposure pathways and potential receptors that may exist at the site, including

identifying, developing, or updating site cleanup levels and cleanup goals, in accordance with the San Francisco Regional Water Quality Control Board Basin Plan and appropriate ESL guidance for all COCs and for the appropriate groundwater designation. Please note that soil cleanup levels should ultimately (within a reasonable timeframe) achieve water quality objectives (cleanup goals) for groundwater in accordance with San Francisco Regional Water Quality Control Board Basin Plan. At a minimum, the SCM should include:

- (1) Local and regional plan view maps that illustrate the location of sources (former facilities, piping, tanks, etc.) extent of contamination, direction and rate of groundwater flow, potential preferential pathways, and locations of receptors;
- (2) Geologic cross section maps that illustrate subsurface features, man-made conduits, and lateral and vertical extent of contamination;
- (3) Plots of chemical concentrations versus time;
- (4) Plots of chemical concentrations versus distance from the source;
- (5) Summary tables of chemical concentrations in different media (i.e. soil, groundwater, and soil vapor); and
- (6) Well logs, boring logs, and well survey maps;
- (7) Discussion of likely contaminant fate and transport.

If data gaps (i.e. potential contaminant volatilization to indoor air or delineation of soil and groundwater impact, etc.) are identified in the SCM, please include a proposed scope of work to address those data gaps in the SCM due by the date specified below. Please note that the scope of work must address all technical comments presented in this correspondence and all data gaps identified in the SCM.

2. **Free Product Abatement Status** – URS reported that a SoakEase™ adsorbent sock was installed in groundwater monitoring well FOMW-1 to abate the consistently detected free product and that the sock was to be replaced in November 2005. At this time, please evaluate the effectiveness of the interim cleanup activities and provide a status of cleanup activities at the site by the date specified below. This may be included in the SCM requested above.
3. **Groundwater Contaminant Plume Monitoring** – In order to evaluate groundwater contaminant plume stability and effectiveness of free product abatement, consecutive groundwater monitoring must be conducted. According to our records, the most recent groundwater monitoring event was conducted on March 21, 2005. Please initiate semi-annual 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. Also please rehabilitate any wells that may be compromised prior to sampling. Your consultant may propose and justify an alternate groundwater monitoring plan for review. This may be incorporated this into the above requested SCM.

### **TECHNICAL REPORT REQUEST**

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

- **October 30, 2008** - Quarterly Monitoring Report (3<sup>rd</sup> Quarter 2008)
- **November 10, 2008** –Site Conceptual Model & Interim Remedial Action Evaluation
- **April 30, 2009** - Quarterly Monitoring Report (1<sup>st</sup> Quarter 2009)

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](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**

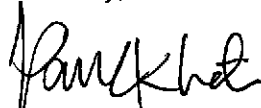
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

**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](mailto: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: J.S. Rowlands, URS Corporation, 2020 East First Street, Suite 400, Santa Ana, CA 92705  
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA  
94612-2032  
Donna Drogos, ACEH  
Paresh Khatri, ACEH  
File

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>ISSUE DATE:</b> July 5, 2005
	<b>REVISION DATE:</b> December 16, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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](mailto: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](mailto: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](mailto: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)