

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

May 24, 2006

Mr. John Buschini  
1260 Shell Circle  
Clayton, CA 94517

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

Dear Mr. Buschini:

Subject: Fuel Leak Case R00002602, St. Francis Pie Shop, 1125 67<sup>th</sup> St., Oakland 94608

Alameda County Environmental Health staff has recently reviewed the case file for the referenced site including the November 14, 2005 Preliminary Site Assessment Report October 2005 by TEC Accutite. The report provides soil and groundwater results from borings and temporary piezometers at the subject site. The report has the following observations and recommendations:

- The extent of soil impact of TPHg, BTEX and MTBE is assessed to the east and west of the former UST, however, additional assessment is needed near boring B7 and B3.
- Groundwater first appeared between 20-30' bgs and rose to 6-8' bgs. No evidence of a shallow water bearing zone was observed even though the adjacent site (McDonald's) reports both a shallow and deeper water bearing zone.
- The highest dissolved phase petroleum hydrocarbon was found near B3.
- The concentrations of soil and groundwater in borings B2, B4 and B5 demonstrate no indoor risk from vapor intrusion exist inside the building onsite, or inside the neighboring house, to the west of the site.
- TEC Accutite recommends the installation of monitoring wells near borings B3, B5 and B7, two at each location, screened from 5-15' bgs and from 30-40' bgs.

We request that you address the following technical comments when performing the proposed work and submit the technical reports requested below.

TECHNICAL COMMENTS

1. Extent of Soil Impact- The extent of soil impact from surface releases appears to have been assessed, however, soil impact as a result of contamination from the petroleum plume has not. Two areas have been identified as containing significant residual petroleum contamination, one near the former dispenser and one just south of the former UST. We concur with TEC Accutite that additional assessment is necessary near borings B7 and B3. Please include assessment of these areas in the work plan requested below.
2. Extent of Groundwater Impact- Additional assessment is required to characterize the full extent of the petroleum plume in addition to the two areas mentioned above. To the east of the former UST, it is unfortunate that no offsite borings were allowed on the neighboring property, ie McDonald's. Please provide our

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office with the contact information for the adjacent property owner so we may aid you in obtaining drilling and monitoring access onto the adjacent property. It appears likely that petroleum releases from these two sites has commingled. The extent of each site's release may initially be estimated by MTBE and TPHd concentrations in groundwater, assumed unique contaminants. Until the geology and releases from each site are better understood, MTBE in groundwater found on the McDonald's site is assumed to have originated from your site and TPHd in groundwater assumed to have originated from the McDonald's. Under a separate letter, the McDonald's site (6623 San Pablo Ave., Oakland, RO000116) is being instructed to continue groundwater monitoring and site characterization. Should you choose to co-operate and jointly investigate the sites, some of the existing and new wells may be jointly monitored, otherwise, you will need to install your own individual wells. TEC Accutite recommends four locations with two wells at each location, screened in the upper and lower water-bearing zones. Prior to well installations, additional characterization down-gradient of the source areas (dispenser and UST) is requested. The number and locations of wells should be determined after the additional site characterization. Although the adjacent site observed shallow and deep permeable lens the borings on your site did not, therefore, the proposed shallow screened wells may not yield groundwater. Please justify their installation in the requested work plan. The extent of groundwater contamination to the east must also be determined. Please indicate whether this will include existing wells, new wells or a combination of these. Please provide a work plan to complete on and off-site plume characterization and justify the well construction proposed. Please include chemical analysis for TPHg, BTEX, MTBE and oxygenates and TPHd.

#### TECHNICAL REPORT REQUEST

- June 26, 2006- Work plan for additional site characterization, off-site responsible party identification and well construction justification.
- 90 days after work plan approval- Soil and Water Investigation Report

#### 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](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 addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at [barney.chan@acgov.org](mailto:barney.chan@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.

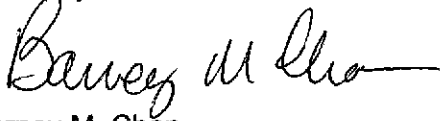
#### AGENCY OVERSIGHT

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.

Mr. John Buschini  
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If you have any questions, please call me at (510) 567-6765.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

C: files, D. Drogos

Mr. Matthew Spielmann, TEC Accutite, 262 Michelle Court, So. San Francisco,  
CA 94080-6201

Ms. Helen Loreto, McDonald's Corp., 2527 Camino Ramon, Suite 300, San Ramon,  
CA 94583

Ms. Ann Johnston, 222 Kearny St., 7<sup>th</sup> Floor, San Francisco, CA 94108-4510

Mr. Charles Duval, Franchise Realty Interstate Corp., 5344 Golden Gate Ave.,  
Oakland, CA 94618-2034