

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) 337-93

November 20, 2008

Mr. Robert Nichols
P.O. Box 6716
Oakland, CA 94603

Mr. John Miller
P.O. Box 61103
Palo Alto, CA 94306

Subject: SLIC Case RO0002661 and Geotracker Global ID T06019788277, Superior Plaster Castings, 4800 Coliseum Way, Oakland, CA 94601

Dear Mr. Nichols and Mr. Miller:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above referenced site including reports submitted for three adjacent sites. In correspondence dated September 26, 2007, ACEH requested that you submit a Work Plan to evaluate the extent of soil and groundwater contamination beneath your property. The September 26, 2007 correspondence discussed similarities in site investigation results from contiguous properties to the north and east of 4800 Coliseum Way. Elevated concentrations of petroleum hydrocarbons and chlorinated solvents with similar characteristics have been detected in soil and groundwater samples collected at four contiguous properties (Former Superior Plaster Castings at 4800 Coliseum Way [Case RO0002661], AAA Equipment at 745 50th Avenue owned by Alta Properties LLC [Case RO0002746], Learner Investment Company at 768 46th Avenue [Case RO0002478], and PG&E GC Gas Service at 4930 Coliseum Way [case RO0000099]). On October 10, 2007, a meeting was held with representatives from each of the four contiguous properties to discuss approaches for investigating petroleum hydrocarbons and chlorinated solvents that appear to be from a common source of historic releases that occurred on each of the four properties. After the meeting, ACEH received correspondence dated October 24, 2007 from ERAS Environmental, Inc. addressed to Mr. Robert Nichols that reviewed historical information and presented speculative conclusions regarding possible sources of contamination.

ACEH again requested that you submit a Work Plan for site assessment in correspondence dated November 30, 2007. On March 6, 2008, Mr. Jerry Wickham and Ms. Donna Drogos of ACEH met with Mr. Robert Nichols, Mr. John Miller, Mr. Raymond Sherman (attorney for Mr. Nichols), and Mr. David Siegel (consultant for Mr. Nichols). During the meeting, Mr. Nichols and Mr. Sherman indicated that the property owners at 4800 Coliseum Way do not plan to move forward with investigation or cleanup of 4800 Coliseum Way.

Subsequent to your refusal to move forward with preparation of a Work Plan for 4800 Coliseum Way, the site owners for the three adjacent properties have submitted work plans and conducted site investigations. Groundwater sampling on the PG&E property east of 4800 Coliseum Way indicates that the highest concentrations of chlorobenzenes in groundwater are along the property boundary with 4800 Coliseum Way. Soil and groundwater sampling conducted on the two properties to the north, the Former Learner property and Former AA property, also found the highest concentrations of chlorobenzene, 1,2-dichlorobenzene, 1,3-dichlorobenzene, 1,4-dichlorobenzene, 1,2,3-trichlorobenzene, and 1,2,4-trichlorobenzene along the property boundary with 4800 Coliseum Way. These results appear to confirm

Mr. Robert Nichols
Mr. John Miller
RO0002661
November 20, 2008
Page 2

that the chlorinated solvents in groundwater originate from a source that includes the 4800 Coliseum Way property and may be common to the four adjacent sites, resulting in a commingled plume.

Based on the above results, we reiterate our request that you prepare a Work Plan for investigating your site at 4800 Coliseum Way. The Work Plan must include a review of the data collected during the recent site investigations in the surrounding areas and soil vapor sampling to evaluate potential vapor intrusion to indoor air for the existing building and the northeastern portion of the 4800 Coliseum Way site. We encourage all parties to work cooperatively to address the source of chlorinated solvents in soil and groundwater beneath the four adjacent sites. Therefore, we recommend that you schedule a meeting with the responsible parties for the adjacent properties and their consultants to help develop the scope of work for your Work Plan.

TECHNICAL REPORT REQUEST

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

- **February 6, 2009** – Work Plan

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/cleanup/electronic reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)).

Mr. Robert Nichols
Mr. John Miller
RO0002661
November 20, 2008
Page 3

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

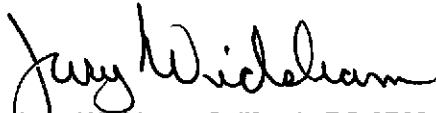
The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For 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.

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 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,



Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

Mr. Robert Nichols
Mr. John Miller
RO0002661
November 20, 2008
Page 4

cc: Mr. Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032

Mr. Ray Sherman, Sherman & Feller, 1970 Broadway, Suite 940, Oakland, CA 94612-2263

Mr. Robert Saur, PG&E, 3400 Crow Canyon Road, San Ramon, CA 94583

Mr. Jack Krause, Alta Properties, LLC, P.O. Box 2399, Oakland, CA 94614

Ms. Marcella Harrison, GVA Kidder Mathews, 505 Sansome Street, Suite 300, San Francisco, CA 94111

Mr. Robert Schultz, Geomatrix, 2101 Webster Street, 12th Floor, Oakland, CA 94612

Mr. Tom Chandler, LFR, 3150 Bristol Street, Suite 250, Costa Mesa, CA 92626-7324

Donna Drogos, ACEH
Jerry Wickham, 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)