

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



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ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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July 10, 2008

Mr. Dan Hall  
Wickland Properties  
P.O. Box 13648  
Sacramento, CA 95853-4648

Mr. Robert Petrina  
EBSC c/o Alta Bates Summit Medical Center  
350 Hawthorne Avenue, Suite G100  
Oakland, CA 94609-3108

Mr. Larry Fusch  
The Surgery Center  
3875 Telegraph Avenue  
Oakland, CA 94609

Subject: Fuel Leak Case No. RO0002875 and Geotracker Global ID T06019716388, Regal #120/East Bay Surgery Center, 3875 Telegraph Avenue, Oakland, CA 94609

Dear Mr. Hall, Mr. Petrina, and Mr. Fusch:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above referenced site including the recently submitted document entitled, "*Preliminary Investigation and Evaluation Report, Former Regal Station #120, LOP Case No. RO0002875, 3875 Telegraph Avenue, Oakland, California,*" dated May 30, 2008 (Investigation Report) and prepared on your behalf by West Environmental Services & Technology. The Investigation Report presents results from a site investigation conducted between March and May 2008.

Collection of soil and groundwater samples from proposed off-site boring W-8 in the off-site, downgradient portion of the plume was not completed as proposed in the, "*Preliminary Site Assessment/Soil, Soil Gas and Groundwater Investigation Work Plan,*" dated August 14, 2007. The Investigation Report indicates that downgradient sampling will be completed at a future date as proposed in the Work Plan. Following the collection of groundwater samples from the downgradient BART property, the Investigation Report proposes preparation of a Corrective Action Plan (CAP). However, as discussed in the technical comments below, several outstanding issues may need to be addressed prior to preparation of a CAP. Therefore, following completion of the proposed off-site sampling, we request that you submit either: 1) a Work Plan to complete site characterization or 2) a Sampling Report with Off-site Sampling Results if no further investigation is proposed. A response to the technical comments below is to be included in either document submitted.

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

## TECHNICAL COMMENTS

1. **Off-Site Sources.** The Data Gap Analysis in the Investigation Report makes reference to, "upgradient and downgradient offsite releases." As we have discussed in previous correspondence, we concur that the detection of elevated concentrations of TPH as diesel in groundwater samples from boring B-4 appears to be related to an unknown off-site source in the upgradient direction. However, we do not concur with the conclusion regarding a downgradient off-site release. Further investigation of the on-site and suspected downgradient source areas would be required to define separate sources and support a conclusion regarding downgradient off-site releases. No additional samples have been collected in the off-site areas since 2005. A discussion of BTEX ratios is not adequate to define source areas.
2. **Downgradient Extent of Fuel Hydrocarbon Plume.** Boring W-8 was the only boring proposed in the Work Plan in the downgradient off-site area. It is not clear that the proposed sampling will fully define downgradient plume extent. Following completion of the proposed off-site sampling, please assess whether the downgradient plume has been fully defined. If further characterization of downgradient plume extent is required, please present plans to complete the characterization in the Work Plan requested below.
3. **Scope of Work for Proposed CAP.** Based on the discussions in the Investigation Report, it is not clear which areas of the site, the CAP will address, particularly given that the former UST pit and fuel islands are largely covered by an existing building. In the Response to Comments requested below, please provide an outline of the scope of the proposed CAP including the areas to be addressed in the CAP.
4. **Soil Vapor Sampling.** The Investigation Report indicates that the, "CSM adequately describes the distribution of VOCs in soil gas." However, the Conceptual Site Model also notes that benzene concentrations in groundwater are variable across the site. Given the variability in benzene concentrations across the site and the limited soil vapor sampling, please evaluate whether the potential for vapor intrusion to indoor air has been adequately assessed. Please include this assessment in the Response to Comments requested below.
5. **Magnetic Anomaly near Boring W-10.** The Investigation Report indicates that boring W-10 was advanced in the area of a magnetic anomaly observed during the pre-drilling magnetometer survey. Please provide further description, including how the magnetic anomaly was identified and its location. In addition, please evaluate whether the magnetic anomaly potentially may represent an underground storage tank. Please include this information in the Response to Comments requested below.
6. **MTBE Detected in Boring B-5.** The groundwater fate and transport section of the Investigation Report cites the detection of MTBE in groundwater sample B-5 as evidence of a more recent release. The groundwater sample from boring B-5, which was collected by Gribi Associates in January 2005, was analyzed by SunStar laboratories January 14, 2005. A review of the analytical report indicates that groundwater sample B-5 was analyzed for MTBE using UEPA Methods 8021B and 8260B. MTBE was reported at a concentration of 390 micrograms per liter ( $\mu\text{g/L}$ ) using EPA Method 8021B but was not detected using USEPA

Method 8260B with a reporting limit of 5 µg/L. USEPA Method 8021B is no longer used for MTBE analysis based on technical deficiencies of the method for MTBE analysis, particularly false positives. USEPA Method 8260B is considered a more reliable analytical method for MTBE analysis. Therefore, it is unlikely that MTBE was present in groundwater sample B-5. We note that MTBE was not detected in groundwater samples collected within 20 to 30 feet east of B-5.

7. **Quarterly Groundwater Monitoring.** Please implement quarterly groundwater sampling for the four monitoring wells completed at the site. The monitoring well sampling methods and analytes previously described in the August 14, 2007 Work Plan are acceptable. Please present results from quarterly groundwater monitoring in the reports requested below.
8. **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 and reports 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 website 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 accurate to within 1-meter accuracy, using NAD 83, and transmitted electronically to the SWRCB Geotracker website. Beginning July 1, 2005, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). 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.

#### **TECHNICAL REPORT REQUEST**

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

- **October 14, 2008** – Work Plan or a Report of Off-site Sampling Results (Include a response to technical comments in either document)
- **November 7, 2008** – Third Quarter 2008 Groundwater Monitoring Report
- **February 13, 2009** – Fourth Quarter 2008 Groundwater Monitoring Report9
- **May 8, 2009** – First Quarter 2009 Groundwater Monitoring 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.

Mr. Daniel Hall  
Mr. Robert Petrina  
Mr. Larry Fusch  
December 18, 2007  
Page 4

#### 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)).

#### 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.

Mr. Daniel Hall  
Mr. Robert Petrina  
Mr. Larry Fusch  
December 18, 2007  
Page 5

**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](mailto: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

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

Peter Morris, West Environmental Services & Technology, 711 Grand Avenue, Suite 220, San Rafael, CA 94901

Lori J. Gualco, Law Offices of David E. Frank, 1517 Lincoln Way, Auburn, CA 95603

Julie Rose, Randick, O'Dea & Tooliatos, LLP, 5000 Hopyard Road, Suite 400, Pleasanton, CA 94588-3348

Gary Jensen, BART, 300 Lakeside Drive, 18<sup>th</sup> Floor, Oakland, CA 94604-2688

Mark Gomez, City of Oakland, 250 Frank H. Ogawa Plaza, Ste. 5301, Oakland, CA 94612-2034

Donna Drogos, ACEH  
Jerry Wickham, 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)
  - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload)