



August 26, 2011

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

NOTICE OF VIOLATION

Mr. Alex Hahn
Hang & Kang Equity I LP
64 Hickory Court
Danville, CA 94506-4527

Hahn Development, LLC
64 Hickory Court
Danville, CA 94506-4527

Mr. Glenn Roberts
Glenn E. Roberts Trust
1030 Circle Creek Drive
Lafayette, CA 94549-3263

Subject: Request for Compliance: Geotracker, SCM, & Data Gap Work Plan; Fuel Leak Case No. RO0002877 and Geotracker Global ID T0600193302, Roberts Tires, 4311-4333 MacArthur Boulevard, Oakland, CA 94619

Dear Messrs. Hahn and Roberts:

A review of the case file for the above-referenced site indicates that your case is currently not in compliance with directives from Alameda County Environmental Health (ACEH) dated December 11, 2006 and April 24, 2008. These directives requested the generation of a Site Conceptual Model (SCM), and generation of a work plan to investigate data gaps identified by the SCM, inclusive of those identified in the December 11, 2006 directive letter. An additional data gap noted by this case worker, and not previously listed, are petroleum hydrocarbon soil vapor concerns at the site, which also require proper investigation and evaluation. Copies of both previous letters are attached for your quick reference. Nearly 60 months have lapsed and the requested work has not been implemented nor has a report documenting the work been received. This renders the site to a non-compliant status.

ACEH thanks you for recently claiming the site in Geotracker. This task was the subject of a directive letter dated July 3, 2008, a Notice of Violation (NOV) dated July 24, 2009, and a second NOV dated February 16, 2011. Please note however, the referenced April 2008 letter also requested compliance with state Geotracker regulations that include uploads of all site information as clarified in that letter, and on the Attachment 1 of this letter. This site is also out of compliance with this portion of the request.

ACEH is also in receipt of a June 2, 2011 letter from the Department of Toxic Substances Control (DTSC) that provides comments on a Notice of Preparation (NOP) for a draft Environmental Impact Report (EIR) for redevelopment of the subject site; however, has not been copied on the document(s), nor been notified of redevelopment plans. ACEH requests the submittal of electronic copies of the documents, as well as related documents, to the ACEH ftp site and to the state Geotracker website, by the date identified below. Please additionally clarify the plans for the proposed redevelopment and include submittal of site redevelopment drawings that will allow ACEH to understand the redevelopment.

Implementation of site characterization and/or cleanup at this site is crucial to be protective of human health and the environment and to move this case towards closure evaluation. Please note that as Responsible Parties, you are required by California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11, §2720 through §2728 to characterize the site and implement corrective action.

Messrs. Hahn and Roberts
RO0002877
August 26, 2011, Page 2

In order to regain compliance, please initiate the requested site activities, submit the requested reports, and electronically upload all documents to GeoTracker and ACEH's ftp site by the dates specified below (additional details can be found on two of the attachments accompanying this letter). Failure to submit the requested work by the due dates specified below may result in possible enforcement action by the District Attorney and/or ineligibility for reimbursement of corrective action costs incurred at the site from the Underground Storage Tank Clean-up Fund.

Pursuant to Chapter 6.7, California Health and Safety code, civil penalties up to \$10,000 for each UST for each day of violation may be imposed. Please note that civil penalties for non-compliance are assessed from the original due date (January 29, 2007).

TECHNICAL REPORT REQUEST

Please submit technical reports to ACEH, according to the following schedule:

- **September 30, 2011** - Geotracker and ACEH ftp Website Upload Compliance (including the NOP and related documents); Submittal of Proposed Redevelopment Clarification and Site Drawings
- **November 18, 2011** – SCM with Data Gap 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.

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

Enclosures: Directive letter dated December 11, 2006
Directive Letter dated April 24, 2008
Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions

cc: Willard N. Hopkins, Questa Engineering Corp., P.O. Box 70356, 1220 Brickyard Cove, Suite 206, Point Richmond, CA 94807; (*sent via electronic mail to whopkins@questaec.com*)
Karen Toth, Department of Toxic Substances Control, Brownfields and Environmental Restoration Program, 700 Heinz Avenue, Berkeley, CA 94710 (*sent via electronic mail to ktoth@dtsc.ca.gov*)
Lynn Warner, City of Oakland, Community and Economic Development Agency, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA; 94612 (*sent via electronic mail to lwarnar@oaklandnet.com*)
Darryl Stewart, Board of Supervisors - District 4, Administration Building, 1221 Oak Street, Oakland, CA 94612; (*sent via electronic mail to Darryl.stewart@acgov.org*)
Leroy Griffin, Oakland Fire Department 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 (*sent via electronic mail to lgriffin@oaklandnet.com*)
Donna Drogos, ACEH, (*sent via electronic mail to donna.drogos@acgov.org*)
Mark Detterman, ACEH, (*sent via electronic mail to mark.detterman@acgov.org*)
Geotracker, Electronic Case File

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

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.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

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

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection.**
- 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)

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 deh.loptoxic@acgov.org
 - 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, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
 - 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 deh.loptoxic@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 @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) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



7

December 11, 2006

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

Mr. Alex Hahn
Hahn & Kang Equity I LP
80 Grand Ave., Suite M
Oakland, CA 94612

Hahn Development LLC
64 Hickory Court
Danville, CA 94506-4527

Glenn Roberts Tr
Mr. Glenn Roberts
1030 Circle Creek Dr.
Lafayette, CA 94549-3263

Dear Messrs. Hahn and Roberts:

Subject: Fuel Leak Case RO0002877, 4311-4333 Mac Arthur Blvd., Oakland, CA 94619
Global ID # T0600193302

Alameda County Environmental Health (ACEH) has recently reviewed the files for the subject site referred to our agency by the Department of Toxic Substances Control, DTSC. As you are aware, DTSC oversaw the remediation of surface soils primarily for the presence of motor oil and lead, which was completed to their satisfaction. The site was previously operated as a gasoline station as well as several different automotive related businesses. The surface petroleum contamination was likely from operation of the automotive businesses. A series of investigations has also identified the fuel contaminants; gasoline, diesel, benzene, toluene, ethyl benzene and xylenes in the soil and groundwater beneath the site. These contaminants are believed to have come from the underground tank system at the site. Our office, as agent to the Water Board and as delegated by the Oakland Fire Department, oversees the investigation and cleanup of these type releases.

A brief history of site activities follows:

Between 1999 and 2004 a series of environmental investigations and soil excavations occurred that resulted in the closure of the soil contamination case in 2005 by DTSC. The investigation apparently started when motor oil and lead were discovered in shallow soils near the border of the Roberts Tire (4311-4333 Mac Arthur) and the PG&E (immediately southwest of Roberts Tires) properties. A Preliminary Assessment conducted by DTSC in March 2001 detected elevated lead and motor oil in surface soils at the site. Excavation of the impacted soils was determined to be the best remedial approach.

In 1999 a magnetometer survey was performed on the property. Results identified five metal objects, three which were believed to be possibly underground tanks. Historic records and the 1957 Sanborn map indicate that USTs existed at the site, however, there is no record of their removal. Two of the metal objects are located within a portion of Mac Arthur Blvd., formerly part of the Robert's property, historically taken to widen the street. It is noted that one of the five objects likely corresponds to a small waste oil container removed during soil excavation in 2004.

Mr. Alex Hahn
RO 2877, 4311-4333 Mac Arthur Blvd., Oakland
Page 2 of 5

In 2000 Clearwater Group drilled six borings (SB1 through SB6) and collected groundwater samples. Elevated TPHg (gasoline) up to 13,000 ppb, TPHd (diesel) up to 14,000 ppb and TPHmo (motor oil) up to 46,000 ppb was detected in samples SB4 and SB-6 on the south and north sides of the site, respectively. Because of the uncertainty of the location of the underground tank system, this contamination may or may not be representative of groundwater releases from the USTs. TPHd was present in all samples.

In 3/2001, under DTSC oversight, four borings, SSRT1-4 and SSRT10, a duplicate of SSRT1, were drilled at the site and identified two elevated lead and motor oil impacted areas. In 9/2002, DTSC oversaw the excavation and re-sampling of these areas and verified soil cleanup to acceptable DTSC and Water Board levels.

In 3/2003 JMK Consultants drilled seven borings, B-1 through B-7, and collected soil and grab groundwater samples. Although the rationale was not stated, it appears that this investigation was meant to duplicate the previous 2000 Clearwater investigation and to include the sampling of soil, not sampled in the 2000 investigation. Low concentrations of contaminants were detected in soil samples, however, these samples were collected at approximately 10.5 and 20' depths, possibly missing shallow contamination. Again, it is unclear how representative these boring locations are relative to the UST system. Elevated gasoline, up to 42,000 ppb, diesel, up to 4000 ppb, and benzene, toluene, ethyl benzene and xylenes (BTEX), up to 5800, 6600, 6000 and 8500 ppb, respectively were detected in groundwater samples. JMK recommended installing borings near the two metal objects in Mac Arthur Blvd. and converting these into monitoring wells in addition to installing two wells on-site and instituting a groundwater monitoring program. They also recommended a pilot study to consider potential remediation alternatives. The JMK report also included a Stellar Environmental Solutions (Stellar) Phase I investigation. Stellar reported that the on-site locations of magnetic anomalies, C, D and E, had evidence of excavation, ie patches or absence of pavement. It was assumed that no USTs were found in these locations. Stellar recommended investigating local groundwater flow direction, defining the extent, magnitude and sources of contamination and installation of monitoring wells.

In 2003 and 2004, soil and groundwater investigation was performed which identified additional areas where TPHmo exceeded the acceptable cleanup level. Further soil excavation was performed along with building demolition and post-excavation soil sampling. It was at this time that an approximate 100 gallon waste oil tank was discovered and removed from the site. Upon satisfaction of excavation results, DTSC issued a no further action letter for soil contamination of motor oil and diesel at the site in 2005.

In October 2006, six borings were drilled and soil and groundwater samples collected. Soil samples collected from 11.5-28' bgs were non-detect, ND, with the exception of 1.7 ppm TPHd and 17 ppm TPHmo for the contaminants sought, TPHg, BTEX, MTBE, TPHd and TPHmo. TPHg up to 1700 ppb, and up to 78, 240, 49 and 207 ppb BTEX, respectively was reported in groundwater samples. TPHd in the range of 230-440 ppb was detected in all water samples. The sampling rationale was not stated, however, it is presumed that another "snap shot" of groundwater conditions was taken to see the effects of the soil removal and/or to determine current conditions.

Upon review of the existing data, we find that additional information is necessary to progress your site to case closure. Our office requests that you address the following technical comments and submit the technical report requested below.

TECHNICAL COMMENTS

1. **Investigation of Metal Anomalies-** the 1999 magnetometer survey identified five metal objects, three of which were identified as potential underground tanks. One of the objects may have been the 100 gallon waste oil tank removed in 2004. Please detail how each of the other identified objects has or will be investigated since they may represent residual sources of contamination. References to the potential excavation of the on-site locations of the anomalies was given, however, we find this information insufficient.
2. **Presentation of Data and Figures-** we find that the presentation of data in the figures and data tables difficult to interpret. The location of samples relative to each other is unclear. This appears to be the result of the presentation of different figures from different consultants, the lack of or difference in scale used in the figures or only the partial representation of the site. We request that you provide figures using the same scale, showing the complete site and indicating the location of former buildings and the magnetic anomalies. Separate figures for each historic investigation and a cumulative figure should be provided. In addition, please provide a cumulative summary of all analytical results.
3. **Conduit Study-** The purpose of the conduit study is to locate potential migration pathways and potential conduits and determine the probability of the plume encountering preferential pathways and conduits that could spread the contamination. Of particular concern is the identification of abandoned wells and improperly-destroyed wells that can act as conduits to deeper water bearing zones.

We request that you perform a conduit study that details the potential migration pathways and potential conduits (utilities, storm drains, etc.) that may be present in the vicinity of the site. Provide a map showing the location and depth of all utility lines and trenches including sewers and storm drains within and near the plume area. The conduit study shall include a well survey of all wells (monitoring and production wells: active, inactive, standby, destroyed (sealed with concrete), abandoned (improperly destroyed); and dewatering, drainage, and cathodic protection wells) within a ¼ mile radius of the subject site. Provide a map(s) showing the location of all wells identified in your study and use data tables to report the data collected as part of your survey.

Using the results of your conduit study and data from previous investigations at the site you are to develop the initial three-dimensional conceptual model of site conditions. You are to use this initial conceptual model to determine the appropriate configuration for sampling points in the Soil and Water Investigation phase of work at this site and propose these in the work plan.

4. **Extent of Groundwater Contamination-** We request that you provide figures indicating the extent of gasoline, diesel, motor oil and BTEX concentrations in groundwater using iso-concentration contours. Based upon your interpretation, we request that

you determine what additional investigation is necessary to complete the contaminant plume definition and submit your proposal in the work plan requested below. If necessary, please pursue any off-site access agreements needed to complete your investigation activities.

5. Groundwater Plume Monitoring- The purpose of plume monitoring is to determine movement, size, magnitude and stability of the contaminant plume. The need for remediation can also be indicated. The historical grab groundwater results indicate a high potential for significant groundwater impact, which requires monitoring. Based upon your summary of data requested above, the previous recommendations of consultants and your work plan for plume definition, we request that you provide in your work plan a proposal for monitoring well installations.
6. Future Use of Property- Please clarify the future use of the property. Cleanup goals and investigations should be consistent the planned use of the site. Site closure requirements for commercial or industrial use differ significantly from that for unrestricted use.

TECHNICAL REPORT REQUEST

Please submit the following technical reports to our office according to the following schedule:

- January 29, 2007- Plans to Investigate and details of Investigation of magnetic anomalies
- January 29, 2007- Site Figures and Analytical Data Tables
- January 29, 2007- Conduit and Receptor Survey
- January 29, 2007- Iso-concentration Contours for Contaminants, Work Plan for Plume Delineation and Monitoring Well Installations

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

Mr. Alex Hahn
RO 2877, 4311-4333 Mac Arthur Blvd., Oakland
Page 5 of 5

Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (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.

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

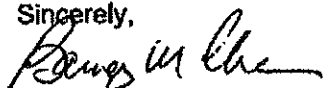
The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For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

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

cc: files, D. Drogos, A. Levi

12_8_06 4311_4333 MacArthur Blvd

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
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April 24, 2008

Mr. Alex Hahn
Hang & Kang Equity I LP
80 Grand Avenue, Suite M
Oakland, CA 94612

Hahn Development, LLC
64 Hickory Court
Danville, CA 94506-4527

Mr. Glenn Roberts
Glenn Roberts TR
1030 Circle Creek Drive
Lafayette, CA 94549-3263

Subject: Fuel Leak Case No. RO0002877 and Geotracker Global ID T0600193302, Roberts
Tires, 4311-4333 Macarthur Boulevard, Oakland, CA 94619

Dear Messrs. Hahn and Roberts:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted document entitled, "Subsurface Investigation of Groundwater and Vadose Zone Soil," dated November 14, 2006, which was prepared by Questa Engineering Corporation for the subject site. According to our records, our Agency issued a correspondence dated December 11, 2006, detailed the necessity to conduct additional investigation subsurface investigation at the site and requested that a work plan be submitted to this Agency by January 29, 2007 (enclosed). To date, the requested work plan has not been received. Please note that the site assessment and cleanup activities are required pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11, §2720 through §2728.

ACEH request that you address the following technical comments and send us the work plan requested below. Failure to submit the required work plan by the due date specified below may result in an issuance of a Notice of Violation and possible enforcement action by the District Attorney and/or ineligibility for reimbursement of corrective action costs incurred at the site from the Underground Storage Tank Clean-up Fund. Pursuant to Chapter 6.7, California Health and Safety code, civil penalties up to \$10,000 for each UST for each day of violation may be imposed. Please note that civil penalties for non-compliance are assessed from the original due date (January 29, 2007).

TECHNICAL COMMENTS

1. **Site Conceptual Model** – At this juncture, it may be advantageous to develop a site conceptual model (SCM), which synthesizes all the analytical data and evaluates all potential exposure pathways and potential receptors that may exist at the site, including identifying or developing site cleanup objectives and goals. 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 contaminant migration along preferential pathways, etc.) are identified in the SCM, please include a proposed scope of work to address those data gaps in the work plan due by the date specified below. Please note that the work plan must address all technical comments presented in our December 11, 2006 correspondence and all data gaps identified in the SCM.

2. **GeoTracker Compliance** - A review of the case file and the State Water Resources Control Board's (SWRCB) GeoTracker website indicate that electronic copies of analytical data have not 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 monitoring well 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. 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 to sub-meter accuracy using NAD 83. 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 complete the surveying and 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.

REQUEST FOR INFORMATION

ACEH's case file for the subject site contains the following reports listed on our website (<http://www.acgov.org/aceh/lop/ust.htm>). You are requested to submit copies of all other reports

related to environmental investigations for this property (including Phase 1 reports) by **Monday, June 9, 2008**.

TECHNICAL REPORT REQUEST

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

- **June 9, 2008** – All reports identified as missing determined from reviewing our website.
- **June 23, 2008** – SCM with 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

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).

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 pares.h.khatri@acgov.org.

Sincerely,



Paresh C. Khatri
Hazardous Materials Specialist



Donna L. Drogos, PE
Supervising Hazardous Material Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions
December 11, 2006 ACEH Correspondence

cc: Willard N. Hopkins, Questa Engineering Corp., P.O. Box 70356, 1220 Brickyard Cove,
Suite 206, Point Richmond, CA 94807

Messrs. Hahn and Roberts
RO0002877
April 24, 2008, Page 5

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

