

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

April 3, 2008

Bishop Robert Jackson  
ACTS Community Development  
1034 66<sup>th</sup> Avenue  
Oakland, CA 94621

Daniel Ustin  
P.O. Box 591  
Garden Vall, ID 83622

Man F. and Siumei L. Chu  
2985 California Street  
Oakland, CA 94602

Subject: LOP Case RO0002905 and Geotracker Global ID SL0600129548, ACTS Community Development, 1001 77<sup>th</sup> Avenue, Oakland, CA 94621

Dear Bishop Jackson, Daniel Ustin, and Man F. and Siumei L. Chu:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site including the recently submitted report entitled, "*Final Technical Report on Offsite Subsurface Hydrogeologic Investigation and Groundwater Monitoring of Hydrocarbons*," dated February 26, 2008 and prepared by Franklin J. Goldman Environmental and Hydrogeological Consulting. The report presents results from installation of three monitoring wells and collection of one soil sample inside the building at 1001 77<sup>th</sup> Avenue. The work was conducted following submittal of a work plan entitled, "*Workplan for an Offsite Subsurface Hydrogeologic Investigation of Hydrocarbons at the Former UST Site*," dated June 27, 2006 and a scope of work described in a document entitled, "*Interim Technical Report on Offsite Subsurface Hydrogeologic Investigation and Groundwater Monitoring of Hydrocarbons*," dated May 9, 2007. ACEH provided technical comments on the proposed work in the June 27, 2006 work plan and the May 9, 2007 report in correspondence dated July 10, 2006 and May 30, 2007, respectively. ACEH conditionally approved the proposed work provided that our technical comments were addressed and incorporated during the field investigation. However, the work was implemented with some variations from the work plan and did not address several of our technical comments. Some of the variations are listed in the technical comments below. In order for ACEH to accept and concur with your results, future work must adhere to work plans and must address the ACEH technical comments.

As discussed in the technical comments, we do not concur with the conclusions presented in the "*Final Technical Report on Offsite Subsurface Hydrogeologic Investigation and Groundwater Monitoring of Hydrocarbons*," dated February 26, 2008 and request that you prepare a work plan to address the technical comments below.

## TECHNICAL COMMENTS

- 1. Soil Vapor Survey.** In the one monitoring well completed on site (MW-5), trichloroethene (TCE) and vinyl chloride were detected in groundwater at concentrations of 1,700 and 3.8 micrograms per liter, respectively. We request that you conduct a soil vapor survey to evaluate the potential for vapor intrusion to indoor air for current and future site occupants. Please identify possible locations of solvent discharge at the site, such as the solvent wash bin, drains, and oil/water separator in planning the soil vapor survey.
- 2. Source of Solvents in Groundwater.** The source of solvents detected in soil and groundwater within and near your site is currently unknown. Further investigation is needed to evaluate whether solvents have moved onto your site from the utility lines along 77<sup>th</sup> Avenue or whether your site is a source of solvents. We do not concur with the conclusions stated in the Franklin J. Goldman Environmental and Hydrogeological Consulting report entitled, "*Final Technical Report on Offsite Subsurface Hydrogeologic Investigation and Groundwater Monitoring of Hydrocarbons*," dated February 26, 2008. Insufficient information is available to make the stated conclusions and recommendations. The report identifies the, "lack of solvents in soil," as evidence that the dissolved solvents are from an off-site source. This conclusion is perplexing because VOC analysis of soil samples has been limited to three soil borings with only one of the three borings advanced on site (MW-5) and the remaining two borings advanced in 77<sup>th</sup> Avenue. In addition, on-site soil boring MW-5 was advanced as a downgradient boring and not in a location to investigate a potential source of solvents. Therefore, the basis for this conclusion is unclear. Furthermore, although soil boring MW-5 was not advanced in a location to investigate a potential source of solvents, the highest concentrations of TCE in soil were detected in two soil samples from the on site boring.
- 3. Hydraulic Lift and Oil/Water Separator.** A hydraulic hoist and oil/water separator within a concrete vault were discovered during site investigation activities in the former service bay within the building. The concrete vault reportedly was filled with a sandy backfill material saturated with oil. In the Work Plan requested below, please describe your plans for either decommissioning or using the hydraulic hoist and oil/water separator in the future. In addition, please describe your plans for dealing with the sandy backfill material containing oil and investigating whether any discharges may have occurred from the vault. Collection of a soil sample from the backfill material was generally referenced in one statement but not described elsewhere in the report. The laboratory reports in the appendix include results for a sample labeled, "Spencer Street." In the Work Plan requested below, please confirm whether this soil sample was collected from the backfill material in the vault and describe the sample collection methods and depth of sampling.
- 4. Utility Survey.** In our correspondence dated July 10, 2006, ACEH requested that you conduct an evaluation of the potential for utility lines and trenches (including sewers, storm drains, pipelines, and trench backfill) to act as preferential pathways for contaminant migration. The Franklin J. Goldman Environmental and Hydrogeological Consulting report entitled, "*Interim Technical Report on Offsite Subsurface Hydrogeologic Investigation and Groundwater Monitoring of Hydrocarbons*," dated May 9, 2007 indicated that, "A more detailed investigation of onsite and offsite underground utilities in, and around, the immediate

vicinity of the subject site will be performed after additional subsurface investigation activities are completed. It is premature to utilize a detailed distribution of all underground utilities as a guide for further characterization." In response to this statement, we again requested in our May 30, 2007 correspondence that you conduct a detailed utility survey. Although the "*Final Technical Report on Offsite Subsurface Hydrogeologic Investigation and Groundwater Monitoring of Hydrocarbons*," dated February 26, 2008 indicates that dissolved solvents in the vicinity of the site are likely migrating along the sewer lines, no detailed utility survey was completed. Appendix C of the report presents a map from the City of Oakland apparently with storm drain and sewer lines. This map would be useful; however, the map does not include a legend or street names for reference. Furthermore, the February 26, 2008 report indicates that flow along the utilities is from southwest to northeast along 77<sup>th</sup> Avenue. Based on our review of the flow line elevation on the map in Appendix C, flow appears to be from northeast to southwest along the sewer lines in what appears to be 77<sup>th</sup> Avenue. Since the sewer lines are suspected to be preferential pathways, we do not understand the rationale for not conducting a utility survey as requested. In order to help evaluate whether solvents have moved onto your site from the utility lines or whether the site is a source of solvents, additional information on the utilities in the area of the site is needed. Please present a map in the Work Plan requested below showing the locations and depths of utility lines and trenches within and near the site, specifically including locating the sanitary sewer line from the on-site building to the street.

5. **Groundwater Monitoring.** Please include plans for groundwater monitoring in the Work Plan requested below.

#### **TECHNICAL COMMENTS – VARIATIONS FROM WORK PLAN AND ACEH COMMENTS**

6. **Laboratory Analyses for Groundwater Samples.** Our May 7, 2007 correspondence requested that all groundwater samples be analyzed for TPH as diesel using EPA Method 8015M and TPH as gasoline, full scan target list for VOCs, BTEX, MTBE, and lead scavengers (ethylene dibromide and 1,2-dichloroethane) using EPA Method 8260B. We note that TPH as diesel analysis was not performed for any of the groundwater samples. In order for ACEH to concur that characterization is complete, it is important to follow the proposed scope of work and to address our technical comments. In the past, ACEH has provided conditional approval of proposed work to expedite implementation of the work and to avoid the additional effort required to produce a revised work plan. Due to the pattern of technical comments not being addressed, we will no longer provide conditional approval of work plans. ACEH approval of work will only be made after work plans have been revised in accordance with our technical comments.
7. **Lead Analyses for Soil Samples.** In both our July 10, 2006 and May 30, 2007 correspondence, ACEH requested that total lead be included as an analyte for all soil samples submitted for laboratory analysis. No lead analyses of soil samples were conducted during either phase of investigation.
8. **Well Installations.** Well MW-1 was installed across the street from its proposed location due to the presence of underground obstructions. Placement of well MW-1 in relatively close proximity to well MW-2 limits the effectiveness of groundwater monitoring to delineate

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contamination northwest of the site. We note that well MW-4 was moved west of its proposed location although ACEH requested (electronic mail dated July 17, 2006) that the well be moved to the east if adjustment of the proposed location was required. The document entitled, "Interim *Technical Report on Offsite Subsurface Hydrogeologic Investigation and Groundwater Monitoring of Hydrocarbons*," dated May 9, 2007 proposed installation of two monitoring wells (MW-5 and MW-6). A third monitoring was added following ACEH approval of the work plan.

### **TECHNICAL REPORT REQUEST**

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

- **June 25, 2008 – 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](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

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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**

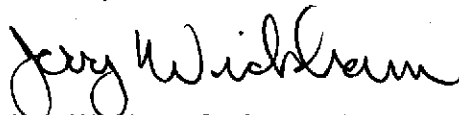
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

#### **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) 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

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cc: Frank Goldman  
Environmental and Hydrogeological Consulting  
P.O. Box 59  
Sonoma, CA 95476

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

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](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)