

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**  
AGENCY  
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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January 8, 2009

Mr. Mark Gibson  
Grand Harbor Fuel Inc.  
2099 Grand Street  
Alameda, CA 94501

Mr. Andy McKinnley  
Encinal Marina, LTD.  
2099 Grand Street  
Alameda, CA 94501

Subject: Fuel Leak Case No. RO0002911, Encinal Marina Ltd., 2099 Grand Avenue, Alameda, CA 94501

Dear Messrs. Gibson and McKinnley

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site including the report entitled, "Tank Closure Report," dated January 27, 2006 and prepared on your behalf by Geologica Inc. The report summarizes the removal of one 12,000 gallon gasoline underground storage tank (USTs) and one 12,000 gallon diesel UST. Geologica noted that during the UST removal, the tanks appeared to be in "good" condition with no visual evidence of rust, holes or obvious leaking.

After the initial tank removal, confirmation soil samples were collected from the excavation bottom at 7 feet bgs in the former UST tank pit, and high concentrations of up to 8,500 parts per million (ppm) TPHg and 2,800 ppm TPHd were detected in soil. Limited over excavation was completed, and confirmation soil samples collected from the excavation at 8 feet bgs detected contamination in soil at concentrations up to 450 parts per million (ppm) TPHg, 200 ppm TPHd and 520 ppm lead. BTEX and MtBE were not detected in soil above laboratory reporting limits. In addition, one "grab" groundwater sample collected from the tank pit detected 210 ppb TPHg and 5,500 ppb TPHd. Soil and groundwater sampling conducted during the UST removal confirm that an unauthorized release of petroleum hydrocarbons occurred. Therefore, we request that you submit a work plan to evaluate the vertical and lateral extent of contamination associated with the unauthorized release beneath your site.

We recommend that your investigation incorporate expedited site assessment techniques. Expedited site assessment tools and methods are a scientifically valid and cost-effective approach to fully define the three-dimensional extent of groundwater contamination. Technical protocol for expedited site assessments are provided in the U.S. Environmental Protection Agency's "Expedited Site Assessment tools for Underground Storage Tanks: A Guide for Regulators," (EPA 510-B-97-001), dated March 1997. Therefore, we recommend that you utilize direct push technology to collect soil samples and depth-discrete groundwater samples prior to the installation of groundwater monitoring wells. Sampling locations should be located to assess the extent of soil and groundwater contamination. Other options for additional investigation may be appropriate to define contamination at your site.

#### **TECHNICAL REPORT REQUEST**

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

- **April 21, 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

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 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.

#### LANDOWNER NOTIFICATION REQUIREMENTS

Pursuant to California Health & Safety Code Section 25297.15, the active or primary responsible party for a fuel leak case must inform all current property owners of the site of cleanup actions or requests for closure. Furthermore, ACEH may not consider any cleanup proposals or requests for case closure without assurance that this notification requirement has been met. Additionally, the active or primary responsible party is required to forward to ACEH a complete mailing list of all record fee title holders to the site.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please be aware that you may be eligible for reimbursement of the costs of investigation from the California Underground Storage Tank Cleanup Fund (Fund). In some cases, a deductible amount may apply. If you believe you meet the eligibility requirements, we strongly encourage you to call the Fund for an application.

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) 383-1767.

Sincerely,



Steven Plunkett  
Hazardous Materials Specialist



Donna L. Drogos, PE  
Supervising Hazardous Materials Specialist

cc: Gene Suernicht  
Geologica Inc.  
594 Howard Street, Suite 400  
San Francisco, CA 94501

Donna Drogos, Steven Plunkett, File