

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
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May 13, 2008

Kimball and Jane Allen
2 Lone Tree Avenue
Mill Valley, CA 94941-1741

Teresa Pucci
Pucci Enterprises
6369 Stone Bridge Road
Santa Rosa, CA 95409-5859

Subject: Fuel Leak Case No. RO0002930 and Geotracker Global ID T0600108713, Allen Property, 325 Martin Luther King Jr Way, Oakland, CA 94607

Dear Kimball and Jane Allen and Teresa Pucci:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site, including the recently submitted document entitled, "*Corrective Action Pilot Test Workplan*," dated April 7, 2008 and received by ACEH on April 14, 2008. In correspondence dated October 10, 2007, ACEH requested that you prepare a Corrective Action Plan to address the residual contamination beneath the building at 325 Martin Luther King Jr Way. The Pilot Test Work Plan, which was prepared on your behalf by AEI Consultants, proposes a pilot test scale treatment using a chemical oxidant and soil vapor monitoring. The goal of the pilot test is to evaluate the feasibility of source area treatment using chemical oxidation. The pilot test may be expanded to full-scale treatment if the use of chemical oxidation is successful.

The proposal to conduct a pilot test for in-situ chemical oxidation is generally acceptable. The proposed scope of work in the Pilot Test Work Plan is conditionally approved and may be implemented provided that the technical comments below are addressed and incorporated during the proposed field investigation. Submittal of a revised Pilot Test Work Plan or work plan addendum is not required unless an alternate scope of work is proposed.

Please address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL COMMENTS

1. **Sub Slab Monitoring.** As noted in the Pilot Test Work Plan, there is a potential for chemical oxidation to cause volatilization of contaminants. Of particular concern is the potential for volatilization to cause contaminant migration along preferential pathways towards occupied spaces in the building or adjacent buildings. We request that you install sub slab probes to collect soil vapor samples from a depth of approximately 0.5 to 1 foot bgs to monitor possible contaminant volatilization and preferential migration within the more permeable sub-slab

material. The sub-slab probes must be effectively sealed to prevent exchange of air between the surface and sub-slab.

2. **Concrete Slab Entry Points.** During and following the pilot test, we request that you monitor potential VOC vapor entry points such as joints and openings around pipes. We request that the monitoring be conducted using a part per billion-range photoionization detector to assure that volatilization of VOCs is not causing indoor vapor intrusion. The monitoring is to be conducted in any areas of the building that potentially may be affected by the chemical oxidation pilot test. Please include results of the monitoring in Pilot Test Report requested below.
3. **Soil Vapor Sampling.** The proposed soil vapor sampling methods and locations are generally acceptable provided that sub-slab sampling is also conducted as requested in technical comment 1. In addition to the proposed analytes for the soil vapor samples, we request that you also analyze the soil vapor samples for ethylene dibromide using method TO-15. Please present the results in the Pilot Test Report requested below.

TECHNICAL REPORT REQUEST

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

- **September 8, 2008** – Pilot Test 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.

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).

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 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, I 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.

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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

cc: Adrian Angel
AEI Consultants
2500 Camino Diablo, Suite 200
Walnut Creek CA 94597

Michael Notaro
Law Offices of Michael Notaro
2411 Santa Clara Avenue, Suite 33
Alameda, CA 94501

Leroy Griffin
Oakland Fire Hazardous Materials Unit
250 Frank Ogawa Plaza, Suite 3341
Oakland, CA 94612

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)