



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

July 26, 2010

Mr. Peter Robertson
Sailsbury Avenue Associates, LLC
2917 MacArthur Blvd., #3F
Oakland, CA 94602
(sent via electronic mail to britpete@aol.com)

Ms. Maria Campos
1424 Fruitvale Ave.
Oakland, CA 94601

Mr. & Mrs. John Madler
1030 Dutton Avenue
San Leandro, CA 94577

Subject: Approval of Work Plan with Modifications; Fuel Leak Case No. RO0002945 and Geotracker Global ID T0619778840, Chevron #9-8861 (Independent), 2145 35th Avenue, Oakland, CA 94601

Dear Mr. Robertson, Ms. Campos, and Mr. & Ms. Madler:

Alameda County Environmental Health (ACEH) staff has reviewed the case file and the *Revised Phase II Investigation Workplan* dated June 4, 2010, and submitted on your behalf by Eagle Environmental Company (EEC). Thank you for submitting the revised work plan.

Based on ACEH staff review of the work plan the proposed scope of work is conditionally approved for implementation provided that the technical comments below are incorporated during the proposed field investigation. Submittal of a revised work plan or a work plan addendum is not required unless an alternate scope of work outside that described in the work plan or technical comments below is proposed. We request that you address the following technical comments, perform the proposed work, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to: mark.detterman@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Clarifications to Investigation Methodology** – ACEH noted a number of areas in the work plan where clarifications of, or modifications to, the investigation methodology may preclude potential differences in data interpretation or improve the quality of data collected. These include the following areas:
 - a. The work plan proposes a pre-demolition site survey that will locate the building corners and provide an accurate scaled figure of the site. Because the building corners were specifically called out for surveying, and it is unclear if other critical features will be surveyed, ACEH also requests that the dispenser island, hydraulic lift, maintenance pit, and waste oil excavation corners also be specifically surveyed. This will help ensure these structures are not mislocated after aboveground features at the site are removed.
 - b. The work plan indicates that proposed bore locations B10 and B11 may be omitted if soil samples collected after removal of the hydraulic lift and the maintenance pit, respectively, indicate no significant impact. If these bores are eliminated, please ensure all bores are numbered consecutively without numeric gaps.

- c. Because of the length of the maintenance pit, ACEH requests that a minimum of two soil samples be authoritatively collected at indications of contamination (PID detections, odor, staining, etc.), or on the bottom at each end of the pit if no indication of contamination is otherwise present.
- d. Three Geoprobe bores are proposed to be advanced to 35 to 40 feet below grade surface (bgs) in order to assess the vertical extent of groundwater impacts. Please ensure the soil lithology encountered in the bores is described in logs as detailed in the work plan and that the groundwater samples are collected in the next deeper water bearing zone. This may require two immediately adjacent bores to preclude collection of induced cross contamination created by withdrawing multiple probe rods. A reduction in the number of deep bore locations may be advisable or appropriate. Please communicate with ACEH if or how this modification is managed by the date identified below.
- e. Laboratory analysis for fuel oxygenates (MTBE, TAME, ETBE, DIPE, TBA) and lead scavengers (EDB & EDC) were not specifically mentioned in the analytical testing program for soil and groundwater at the site and do not appear to have previously been conducted at the site. Please ensure these analytes are included in the analytical suite. Future elimination or reduction of these analytical requirements may be possible if these compounds are demonstrated not to be present beneath the site.
- f. The work plan proposes analysis for TPHg, TPHd, TPHss, and TRPH. ACEH requests that a multi-range analysis (aka, fuel fingerprinting) be requested. A cost savings is likely to be realized, and an improved understanding of site contamination is likely to be derived, if a multi-range analysis is conducted. ACEH requests the analysis be extended to include TPHmo in place of TRPH.
- g. ACEH notes and approves the use of expedited site investigation methodology such as the proposed installation of up to four wells based on investigation derived data, and in conjunction with consultation with ACEH. However, the work plan proposes installation of 15-foot length well screens. ACEH recommends the use of monitoring wells designed with sand pack intervals of 5 feet or less; such wells will likely be representative of depth discrete groundwater conditions. Please note that recently installed wells are required to be sampled on a quarterly basis for a minimum of one year after installation, and that a reduced sampling interval may thereafter be appropriate.
- h. Soil samples below groundwater are not proposed to be collected during future well construction field work. ACEH requests that soil samples also be authoritatively collected based on indications of contamination (PID detections, odor, staining, or etc.) above or below groundwater as encountered in a bore at the time of drilling. This will help determine the vertical and lateral extent of impacts at the site and vicinity, one of the goals for the site. If these indications are not encountered, collection of soil samples at or just above the soil – water interface is requested.

TECHNICAL REPORT REQUEST

Please submit the following deliverables and technical reports to ACEH (Attention: Mark Detterman), according to the following schedule:

- **August 27, 2010** – Addendum to Work Plan, if needed (Item D above)
- **September 24, 2010** – Miscellaneous Report - Preliminary data transmittal and selection of well locations
- **October 29, 2010** – Subsurface Investigation and Quarterly Groundwater Monitoring Report
- **January 30, 2010** – Second Groundwater Monitoring and Sampling Report

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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
Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Suite 3341, Oakland, CA 94612-2032 (sent via electronic mail to lgriffin@oaklandnet.com)

Carmen Harms, Division of Financial Assistance, SWRCB, 1001 I Street, 17th Floor, Sacramento, CA 95814; (sent via electronic mail to Charms@waterboards.ca.gov)

Steven Reinlib, Eagle Environmental Company, 4909 Third Street, San Francisco, CA 94124
(sent via electronic mail to Reinlib@aol.com)

Sami Malaeb, 350 Main Street, Suite H1, Pleasanton, CA 94566
(sent via electronic mail to s.malaeb@comcast.net)

Donna Drogos, ACEH, (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman, ACEH, (sent via electronic mail to mark.detterman@acgov.org)
File

Attachment 1

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.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml).

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)	ISSUE DATE: July 5, 2005
	REVISION DATE: July 8, 2010
	PREVIOUS REVISIONS: December 16, 2005, October 31, 2005
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

- 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 Teena Le Khan.
 - 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 Page on upper right side of browser, 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 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 @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.