



March 15, 2016

Mr. Patrick Kong &  
Ms. Mona Hsieh  
Green Oak Builders  
888 Brannan Street, #101  
San Francisco, CA 94103  
(Sent via E-mail to [patrickykong@gmail.com](mailto:patrickykong@gmail.com))  
(Sent via E-mail to [mona.hsieh@yahoo.com](mailto:mona.hsieh@yahoo.com))

Subject: Request for Work Plan, Fuel Leak Case No. RO0003164 and GeoTracker Global ID T10000006539, Green Oak Builders, 3101 35<sup>th</sup> Avenue, Oakland, CA 94619

Dear Mr. Kong and Ms. Hsieh:

Thank you for attending the meeting today regarding the subject fuel leak case. Prior to the meeting, Alameda County Environmental Health (ACEH) reviewed the case file, including the documents provided as an attachment to an electronic mail dated January 31, 2016. The documents, *Updated Maps with Development Overlay and Cross Sections*, were requested by ACEH during the meeting for the subject case held on January 8, 2016.

Discussion topics at the meeting included the completeness of the site characterization as it applies with the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP).

As discussed, further work is required to assess the extent of contamination within and beneath the former underground storage tank (UST) pit along 35<sup>th</sup> Avenue. Also, areas of the site have not been adequately characterized. These areas were addressed in the work plan ACEH approved on October 2, 2015. Only a portion of the approved work plan was implemented. Please ensure that the case is characterized in light of the requirements contained in the LTCP. At present the case fails General Criteria f and Media-Specific Criteria for Groundwater. The decision was made at the meeting not to immediately address the contaminant plume length until receipt of additional site information.

Based on the review of the case file and our meeting, ACEH requests that you address the following technical comments and send us the documents requested below.

### **TECHNICAL COMMENTS**

- 1. Work Plan** – Please prepare a work plan to address the technical comments above. Please incorporate the elements of the previous ACEH-approved work plan that have not been implemented as well as advancing a soil bore near the center of the tank pit that is located along 35<sup>th</sup> Avenue. ACEH requests the collection of pit backfill soil samples and at least one native soil sample recovered from beneath the base of the UST pit.

Additionally, ACEH requests the collection of a soil gas sample from the vicinity of the previous SG-3 location in order to determine if the tetrachloroethene (PCE) detected at SG-3 is a

spurious concentration or if the distribution of PCE requires further delineation. As requested in the ACEH Staff Letter dated August 19, 2015, please recover a soil sample for analysis at the base of the soil gas bore.

2. **Analysis Scope** – ACEH requests the scope of analysis for the soil samples collected from and beneath the UST pit, as well as the soil-gas bore soil sample, include total petroleum hydrocarbons (TPH) as gasoline (TPHg), TPH as diesel (TPHd), and a full-scan for volatile organic compounds (VOCs), which will include benzene, toluene, ethylbenzene, and xylenes (collectively BTEX), methyl tertiary butyl ether (MTBE), naphthalene, and PCE.
3. **Bore Logs** – ACEH noted the bore logs submitted with the December 4, 2015 investigation report did not include photoionization detector (PID) readings. If the readings are available, please incorporate them into the GEO\_BORE upload requested below. Please include PID readings on all future soil bore logs.
4. **GeoTracker Compliance** – A review of the SWRCB GeoTracker website indicates the soil bore logs (GEO\_BORES) have not been uploaded to GeoTracker. Because this is a state requirement, ACEH requests submittal of the GEO\_BORES.
5. **Site Development Plans** – At the meeting held on January 8, 2016, ACEH requested a copy of the site development plans in electronic format. Though it appears the electronic copy of the plans were provided to ACEH, the case file review did not reveal the plans. Therefore, ACEH requests resubmittal of the site development plans to the County's ftp website.

#### TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Keith Nowell) in accordance with the following specified file naming convention and schedule:

- **March 25, 2016** – Electronic Submittal of Information – GEO\_BORE submittal to GeoTracker.
- **March 25, 2016** – Electronic Submittal of Information – Site Development Plans to the ACEH ftp website (file to be named: RO0003164\_DEV\_PLAN\_yyyy-mm-dd).
- **March 28, 2016** – Work Plan for a Soil, Groundwater, and Soil-Gas Investigation (file to be named: RO0003164\_WP\_R\_yyyy-mm-dd).

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.

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Thank you for your cooperation. ACEH looks forward to working with you and your consultants to advance the case toward closure. Should you have any questions regarding this correspondence

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or your case, please call me at (510) 567-6764 or send an electronic mail message at [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org)

Sincerely,

Keith Nowell, PG, CHG  
Hazardous Materials Specialist

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

cc: Forrest Cook, Almar Environmental, 407 Almar Avenue, Santa Cruz, CA 95060  
(Sent via E-mail to [cook.forrest@gmail.com](mailto:cook.forrest@gmail.com))

Dilan Roe, ACEH (Sent via E-mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))  
Keith Nowell, ACEH (Sent via E-mail to [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org))  
GeoTracker/ 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.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> May 15, 2014
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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](mailto: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](mailto: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.