

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



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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June 12, 2009

Ms. Shelby Lathrop  
ConocoPhillips Company  
76 Broadway  
Sacramento, CA 95818

Mr. Peter Yee  
1000 San Antonio Avenue  
Alameda, CA 94501

Mr. Kin Chan  
Chan's Shell  
4328 Edgewood Avenue  
Oakland, CA 94602-1316

Mr. Bo Gin  
342 Lester Avenue  
Oakland, CA 94606

Mr. Muhammad Usman  
800 Harrison Street  
Oakland, CA 94607

Mr. Hahmoodi Ali  
Armsco Inc.  
PO Box 5427  
Novato, CA 94948-5427

Subject: Fuel Leak Cases No. RO0000231 (Global ID #T0600101486), Unocal #0752, 800 Harrison Street, Oakland, CA;  
No. RO0000321 (Global ID #T0600102122), Chan's Service Station, 726 Harrison Street, Oakland, CA;  
and No. RO0000484 (Global ID #T0600100985), Oakland Auto Parts, 706 Harrison Street, Oakland, CA

Ladies and Gentlemen:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above referenced sites located at 800 Harrison Street, 726 Harrison Street and 706 Harrison Street. On April 2, 2008 ACEH met with the UST Cleanup Fund and the responsible parties of the three sites to discuss their participation in the commingled plume account. Since the 2008 meeting the three sites remain in discussion pertaining to the completion of an agreement to enter into the commingled plume account with the Underground Storage Tank Cleanup Fund. We request that the responsible parties for these sites finalize the agreement as soon as possible, so that these sites can progress to the remediation phase.

Historically, each site had a distinct and separate unauthorized release. Data indicate that the dissolved phase petroleum hydrocarbon plume emanating from 800 Harrison Street is impacting and commingling with the dissolved phase plumes beneath the down-gradient sites located at 726 Harrison Street and 706 Harrison Street. In addition, the dissolved phase contamination originating from 726 Harrison Street appears to be migrating downgradient and commingling with the dissolved phase plume beneath 706 Harrison Street. More importantly, ACEH is concerned that corrective action, if implemented on a site by site basis without coordination, will not be effective. Rather, corrective action performed in a collaborative manner is needed to address soil and groundwater contamination at all three sites concurrently in order to result in effective site cleanup. Therefore, it is appropriate for these sites to implement corrective action via the commingled plume account.

Based on ACEH staff review of the case file, we request that you address the following technical comments and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to [steven.plunkett@acgov.org](mailto:steven.plunkett@acgov.org)) prior to the start of field activities.

## **TECHNICAL COMMENTS**

1. **Semi-Annual Groundwater Monitoring.** A program of coordinated semi-annual groundwater monitoring for all three sites is currently underway. We require that the results of monitoring for all three sites performed in the 1<sup>st</sup> and 3<sup>rd</sup> quarters be presented in a combined semi-annual groundwater monitoring by the date below.
2. **Feasibility Study and Corrective Action Plan (FS/CAP).** During a meeting on April 2, 2008 ACEH, representatives of the USTCUF and Ms. Shelby Lathrop (LOP case RO0000231), Mr. Peter Yee and Mr. Kin Chan (LOP case RO0000321) and Mr. Bo Gin (LOP case RO0000484) discussed participation in the commingled plume account. ACEH and the USTCUF strongly encouraged all responsible parties to participate in the commingled plume account. Currently, representatives of the RPs informed ACEH that the RPs are in the process of completing the commingled plume account application.

We request that you submit one FS/CAP that addresses all three site. The FS/CAP must evaluate at least three active alternatives for remedying or mitigating the actual or potential adverse effects of the unauthorized release(s) besides the "no action" and "monitored natural attenuation" remedial alternatives. Each alternative shall be evaluated for cost-effectiveness, time to achieve cleanup levels and cleanup goals, and the Responsible Party must propose the most cost-effective corrective action.

The FS/CAP must include a concise background of soil and groundwater investigations performed in connection with each case, the potential impact the release and cleanup will have on downgradient sites, and an assessment of the residual impacts of the chemicals of concern (COCs) for the site and the surrounding area where the unauthorized release has migrated or may migrate. The FS/CAP should include, but not belimited to: a detailed evaluation of soil permeability; an in depth description of site lithology, including detailed geologic cross sections through all three sites; and most importantly, contamination cleanup levels and cleanup goals and the timeframe required to reach them, in accordance with the San Francisco Regional Water Quality Control Board Basin Plan and consider appropriate ESL guidance for all COCs and for the appropriate groundwater designation. Please note that soil cleanup levels should ultimately (within a reasonable timeframe) achieve water quality objectives (cleanup goals) for groundwater in accordance with San Francisco Regional Water Quality Control Board Basin Plan. Please propose appropriate cleanup levels and cleanup goals in accordance with 23 CCR Section 2725, 2726, and 2727 in the FS/CAP. Please submit the FS/CAP due by the date specified below. A Feasibility Study, prepared in accordance with California Code of Regulations, Title 23, Division 3, Chapter 16, §2725(f), which evaluates cost effective remedial approaches having likelihood of attaining site cleanup objectives is required. The UST Cleanup Fund typically reimburses costs associated with the most cost-effective remedial alternative.

## **TECHNICAL REPORT REQUEST**

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

- **September 30, 2009** – Feasibility Study and Corrective Action Plan
- **October 15, 2009** – Combined Semi-annual Groundwater Report
- **April 15, 2009** – Combined Semi-annual Groundwater

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.

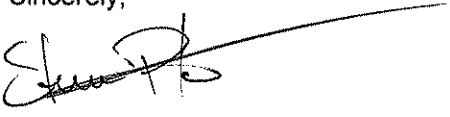
Shelby Lathrop, Peter Yee, Kin Chan, Bo Gin, Muhammad Usman and Hahmoodi Ali  
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AGENCY OVERSIGHT

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

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

- cc: Mr. Leroy Griffin, Assistant Fire Marshal, 150 Frank H. Ogawa Plaza, Suite 3354, Oakland, CA 94612
- Ms. Diane Barkley, Stantec, 3017 Kilgore Road, Suite 100, Rancho Cordova, CA 94607
- Mr. Mark Jonas, Conestoga Rover & Associates, 5900 Hollis Street, Suite A, Emeryville, CA 94608
- Mr. Robert Kitay, Aqua Science Engineers, West Pintado Road, Danville, CA 94526
- Mr. Sunil Ramdass, SWQCB UST Cleanup Fund, 1001 I Street, 17<sup>th</sup> Floor, Sacramento, CA 95814-2828
- Donna Drogos, Steven Plunkett, File

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>ISSUE DATE:</b> July 5, 2005
	<b>REVISION DATE:</b> March 27, 2009
	<b>PREVIOUS REVISIONS:</b> December 16, 2005, October 31, 2005
<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

- 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 My Le Huynh.
  - 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 @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.