

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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April 24, 2008

Mr. Gary Lyons
WE Lyons Construction Company
50 Hegerberger Loop
Oakland, CA 94621

Subject: Fuel Leak Case No. RO00002447 Global ID # T06019708237, WE Lyons Construction Company, 50 Hegenberger Loop, Oakland, CA

Dear Mr. Lyons:

Alameda County Environmental Health Department (ACEH) staff has reviewed the case file and find that the existing soil and groundwater data is limited and additional data is needed to advance toward case closure. We have identified several data gaps in the technical comments below that are to be addressed. Based on our review of subsurface soil and groundwater conditions beneath your site, ACEH requests that you prepare a work plan detailing your proposal to evaluate possible contamination associated with the former USTs and dispenser island. The work plan should suggest additional soil boring locations, soil and groundwater sampling and address the technical comments discussed below.

Based on ACEH staff review of the documents referenced above, 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 steven.plunkett@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Soil Boring Locations.** Due to the lack of soil and groundwater data associated with former tank pit #1, soil borings must be installed to evaluate the extent of contamination at this location. Furthermore, soil excavated during the tank removal was aerated on site and returned to the excavation without proper confirmation sampling. Composite soil samples collected from the soil stock-pile removed during the excavation -prior to aeration- detected TPHg at concentrations of up to 2,800 parts per million (ppm). At least one soil boring shall be advanced in the former tank pit to evaluate if soil and groundwater contamination is present. In addition, soil and groundwater sampling is required at the former dispenser island to evaluate the extent of soil and groundwater contamination at this location.

Tank Pit #2: During the advancement of soil borings B-1 through B-3 a moderate hydrocarbon odor was detected in soil. There is a potential for the downward migration of petroleum hydrocarbon contamination due to water level fluctuations beneath the site. Additionally, soil samples collected from soil boring B-3, which is in the projected downgradient direction from the former tank pit detected TPHg at concentrations of up to 690 ppm. No additional soil borings were advanced downgradient of B-3 to evaluate the lateral extent of contamination. We request that you propose a scope of work in the Work Plan

requested below to define the lateral and vertical extent of soil and groundwater contamination beneath your site.

2. **Soil Sampling and Analysis.** During the soil boring installation, soil samples should be screened with a PID and examined for visible staining and hydrocarbon odor. Any interval where staining, odor, or elevated PID readings occur a soil sample is to be collected and submitted for laboratory analysis. If no staining, odor, or elevated PID readings are observed, soil sample are to be collected from each boring at 5 foot interval and the capillary fringe, where groundwater is first encountered, at changes in lithology and at the total depth of the boring at least 20 feet below ground surface.

Soil samples collected during the investigation are to be analyzed for TPHg and TPHd by EPA Method 8015M or 8260, BTEX, EDB, EDC, MiBE, TAME, ETBE, DIPE, TBA by EPA Method 8260. Please present the results from the soil sampling in the Soil and Groundwater Investigation Report requested below.

3. **Groundwater Sampling and Analysis.** All groundwater samples collected during the investigation are to be analyzed for TPHg, TPHd by EPA Method 8015M or 8260, BTEX, EDB, EDC, MiBE, TAME, ETBE, DIPE, TBA by EPA Method 8260. Please present the results from the soil and groundwater sampling in the Soil and Groundwater Investigation Report requested below.
4. **Figures and Tables.** Summary tables presenting all current and historical soil and groundwater analytical data shall be prepared for your site (including soil and groundwater data from the UST excavation). In addition, figures showing confirmation soil sampling locations during UST removal, soil boring locations with boring ID #, location of two former USTs and appurtenance (including dispenser island), site buildings and adjacent parcels and roads, a scale with clear legend must also be prepared. Additionally, we recommend you consider using an aerial photo as a base map. Please present the updated figures and tables in the report requested below.

TECHNICAL REPORT REQUEST

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

- **June 1, 2008** – Work Plan for Soil and Groundwater Investigation

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

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. 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).

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 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.

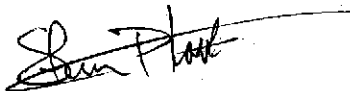
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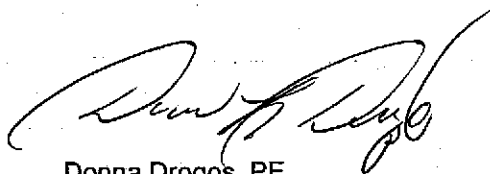
If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 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 Drogos, PE
Supervising Hazardous Material Specialist

cc: Woody Lovejoy
The Consulting Group
394 Cecilia Way
Tiburon, CA 94920

Donna Drogos, ACEH, Steven Plunkett, ACEH, Leroy Griffin, Oakland Fire Department, File