

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



F

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

June 28, 2007

Ms. Felicia Woytak
Ocean Avenue LLC
6114 LaSalle Avenue.
Oakland, CA 94608-1147

Subject: Fuel Leak Case No. RO0002937, Ocean Avenue LLC, 1171 Ocean Avenue, Oakland, CA

Dear Ms. Woytak:

The source of dissolved phase chlorinated solvents (HVOCs) detected in groundwater beneath your site is currently unknown. Further investigation is required to determine whether an on-site source of TCE exists, but has not been detected by soil sampling conducted to date. The site has a history of industrial uses that involved the use of industrial solvents including HVOCs. In particular, the operation of an "oil warehouse", a charter bus company, and a fountain company may have involved the use of solvents. An off-site source has been postulated due to the lack of contamination detected to date in on - site soils. However, it has not been demonstrated that contaminated groundwater is entering the site from an off-site source and the potential for an onsite source remains. Up to this point, we have been unable to determine if there is an upgradient source impacting your site.

Stellar Environmental indicated that several up gradient sites possibly used chlorinated solvents in the past. The Phase I Environmental Site Assessment prepared by Stellar Environmental states, "There are numerous documented releases of hazardous materials and environmental contamination at vicinity sites; however, none have a reasonable potential to adversely impact the subject property." Stellar also states, "The limited data available indicate an onsite source of TCE contamination, and also suggest an onsite source for the petroleum hydrocarbons. Given the site history and time period in which TCE was most commonly used as a cleaning solvent (1950s through early 1980s), the previous use of the site as a chartered bus company is the most likely source." ACEH understands that the Phase 1 preceded any onsite investigation. Subsequently, four soil boring were advanced to collect grab groundwater samples, no soil sampling was conducted during this phase of investigation. An investigation conducted in July 2006 did not detect contamination in soil from 11 soil borings advanced throughout the site. These findings would seem to support the conclusion the site is impacted by an up gradient source; however, no upgradient source has been identified nor has the potential for an on site source been eliminated. Furthermore, review of groundwater analytical data may indicate the presence of a vertical concentrations gradient, which is consistent with the chlorinated solvent TCE, and the relatively low concentrations of TCE above 24 feet bgs. Results of an additional investigation conducted in October 2006 detected dissolved phase HVOC contamination at 36 feet bgs, again, no soil sampling was conducted during this phase of investigation. Lastly, groundwater elevation data from Alaska Gasoline (ACEH ID # RO0000127) located at 6211 San Pablo Avenue, approximately 700 feet southeast of your site consistently

demonstrates a southwest hydraulic gradient, which conflicts with the proposed hydraulic gradient suggested by Stellar Environmental.

Currently, Stellar Environmental believes that no onsite source of TCE contamination exists and states, "numerous historical commercial uses of TCE existed in the San Pablo Avenue area a few blocks up gradient of the site." Yet, no detailed review or discussion of a potential up-gradient, offsite source(s) has been evaluated. In order to determine whether the TCE beneath your site is from an on-site or off-site source, we request that you conduct soil vapor sampling on site and assess TCE concentrations in groundwater upgradient of the area where elevated concentrations of TCE have been detected in groundwater.

Please submit a work plan detailing your proposal to define the extent of soil and groundwater contamination. This report is being requested pursuant to the Regional Water Quality Control Board's authority under Section 13267 of the California Water Code. We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL REPORT REQUEST

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

- **July 21, 2007** – Work Plan for Additional Soil, Soil Gas 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.

Ms. Felicia Woytek
June 20, 2007
Page 3

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 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.

If you have any questions, please call me at (510) 383-1767.

Sincerely,



Steven Plunkett
Hazardous Materials Specialist

cc: Richard Makdisi

Ms. Felicia Woytek
June 20, 2007
Page 4

Stellar Environmental Solutions
2198 Sixth Street, Suite 201
Berkeley, CA 94710

Donna Drogos, ACEH
Steven Plunkett, ACEH
File