



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

NOTICE TO COMPLY

January 8, 2009

Linda Cademartori
Cademartori Family Trust A & B
1833 Peralta Street
Oakland, CA 94607

Subject: Fuel Leak Case No. RO0000015 and GeoTracker Global ID T0600100239, Cademartori Trucking, 1833 Peralta Street, Oakland, CA 94607

Dear Ms. Cademartori:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site to determine the status of the site and whether the site qualifies for case closure evaluation. The following is a brief history, according to our records, summarizing activities that occurred at the site.

- On July 10, 1990, four underground storage tanks (USTs) were excavated and removed from the site. Soil sample analytical results collected during the UST removal detected total petroleum hydrocarbons (TPH) as gasoline (g), diesel (d), total oil and grease (TOG), and benzene at concentrations of 37 mg/kg, 4,800 mg/kg, 730 mg/kg, and 0.17 mg/kg, respectively indicating that an authorized release(s) occurred at the site. Groundwater sample analytical results detected TPH-g, TPH-d, TOG, and benzene at concentrations of 3,200 µg/L, 77,000 µg/L, 4,000 µg/L, and 240 µg/L, respectively, indicating that the groundwater has also been significantly impacted.
- On November 28, 1990, ACEH issued a directive letter approving the monitoring well installation work plan.
- In January 1991, approximately 50 cubic yards of soil was over-excavated and approximately 3,500 gallons of groundwater was evacuated from the UST excavation pits at the site. Confirmation soil samples collected from the excavations at approximately 4 feet below the ground surface (bgs) detected 16 mg/kg TOG with TPH-g, TPH-d, and benzene not detected above the laboratory detection limit. However, confirmation groundwater samples were not collected.
- On April 6, 1992, ACEH issued a directive letter requesting implementation of the previously approved work plan and inquired regarding the status of the stockpiled soil.
- On March 27, 1997, ACEH issued another directive letter regarding the status of the stockpiled soil, whether any groundwater samples were collected following the over-excavation, and clarification regarding the backfill material used at the site.
- On April 11, 1997, the State UST Cleanup Fund issued a "Letter of Commitment" for the site.

- On September 5, 1997, the State UST Cleanup Fund issued a letter to "deobligate" funds if a reimbursement claim was not received within 90 days.
- In May 1998, the stockpiled soil was transported for disposal to Vasco Road Landfill under non-hazardous waste manifest.
- On October 20, 1999, in response to Streamborn's case closure request, ACEH issued a directive letter, which stated that the groundwater must be analyzed for the presence of MTBE prior to case closure.

As the analytical data and site history indicate, data gaps exist that need to be addressed by implementing the work plan (approved on November 28, 1990 over 18 years ago) prior to case closure consideration. Several attempts in the past have been made by this Agency to gain your cooperation to continue the site assessment and cleanup activities, which are required by California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11, §2720 through §2728. As mentioned above, our records indicate that the California UST Cleanup Fund issued you a Letter of Commitment dated April 11, 1997 to reimburse costs associated with the required site assessment/site cleanup activities at your property. However, it appears that no action was taken after the issuance of the Letter of Commitment and subsequently the Letter of Commitment expired with no work conducted at the site.

ACEH request that you address the following technical comments and send us the work plan addendum requested below. Failure to submit the required work plan addendum by the due date specified below may result in an issuance of a Notice of Violation and possible enforcement action by the District Attorney and/or ineligibility for reimbursement of corrective action costs incurred at the site from the Underground Storage Tank Clean-up Fund. Pursuant to Chapter 6.7, California Health and Safety code, civil penalties up to \$10,000 for each UST for each day of violation may be imposed. Once removed from the Clean-up Fund, the costs associated with the subsurface investigation work that is required will not be reimbursed. Please note that civil penalties for non-compliance are assessed from the original due date (January 28, 1991, which is sixty days from the date of the work plan approval directive letter).

TECHNICAL COMMENTS

1. **Contaminant Source Area Characterization** – As mentioned above, significantly elevated concentrations of petroleum hydrocarbons in soil and groundwater were detected at the site. Specifically, TPH-g, at a concentration of 37 mg/kg, TPH-d at a concentration of 4,800 mg/kg, TOG at a concentration of 730 mg/kg, and benzene at concentration of 0.17 mg/kg in soil and TPH-g at a concentration of 3,200 µg/L, TPH-d at a concentration of 77,000 µg/L, TOG at a concentration of 4,000 µg/L, and benzene at concentration of 240 µg/L in groundwater. Although, over-excavation was conducted at the site, the confirmation soil samples were collected at a depth of 4 ft bgs, which appears to be above first encountered groundwater, but significantly above the inverts of the USTs, where a release may have likely occurred. Additionally, since the depth of the soil samples collected during the UST removals appear unknown, the vertical extent of soil impact remains uncharacterized.

Approximately 3,500 gallons of groundwater was evacuated from the UST pit as a remediation measure, however confirmation groundwater samples were not collected. Therefore, the effectiveness of the remediation measure appears unknown at the site. Furthermore, fuel oxygenates analyses have not been conducted at the site as required. Please include fuel oxygenates and methyl tertiary butyl ether (MtBE), ethyl tert-butyl ether (ETBE), tert amyl methyl ether (TAME), diisopropyl ether (DIPE), and lead scavengers (i.e. ethylene dichloride (EDC) and ethylene dibromide (EDB), and alcohol compounds, (i.e. tert-butyl alcohol (TBA) to the analytical suite. Please propose a scope of work to address the above-mentioned concerns and submit a work plan addendum due by the date specified below. It is recommended a series of borings are installed using direct push (or equivalent technology) to quickly delineate soil and evaluate potential groundwater impact as well as to curb investigation costs. Permanent groundwater monitoring points do not appear necessary at this time and the need for monitoring wells will be evaluated based on groundwater sample analytical data.

2. **Contaminant Source Area Characterization** – Elevated concentrations of contaminants were detected in the vicinity of the former USTs. However, the locations of the dispensers and piping runs appear unknown and uncharacterized at this time. Please provide a scaled figure in the work plan addendum that illustrates all potential contaminant source areas and discuss with supporting data whether those potential source areas (dispenser islands, piping runs, etc.) have been assessed. Please propose a scope of work to address the above-mentioned concerns and submit a work plan addendum due by the date specified below.

3. **Groundwater Contaminant Plume Monitoring** – A review of the case file and the State Water Resources Control Board's (SWRCB) GeoTracker website indicate that site has not been "claimed," rendering the site to non-compliance status. Please claim your site pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, and California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, and electronically transmit the work plan addendum to GeoTracker and ACEH's FTP website by the date specified below. Electronic reporting is described below.

TECHNICAL REPORT REQUEST

Please submit technical reports to ACEH (Attention: Paresh Khatri), according to the following schedule:

- **March 9, 2009** – Soil and Water Investigation Work Plan Addendum

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.


Ms. Cademartori
RO0000015
January 8, 2009, Page 5

AGENCY OVERSIGHT

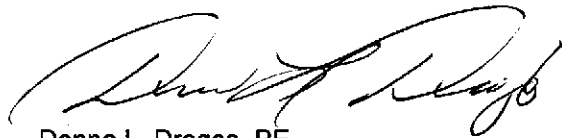
If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 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) 777-2478 or send me an electronic mail message at paresh.khatri@acgov.org.

Sincerely,



Paresh C. Khatri
Hazardous Materials Specialist



Donna L. Drogos, PE
Supervising Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Douglas Lovell, Streamborn, P.O. Box 8330, Berkeley, CA 94707-8330
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA
94612-2032
Donna Drogos, ACEH
Paresh Khatri, ACEH
File

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: December 16, 2005
	PREVIOUS REVISIONS: October 31, 2005
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

Effective **January 31, 2006**, 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 Alicia Lam-Finneke.
 - 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 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 at 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)