

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



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

August 13, 2009

Pritpaul Sappal
872 Coral Drive
Rodeo, CA 94572

Nissan Saidian
5733 Medallion Court
Castro Valley, CA 94522

John Rutherford
Desert Petroleum
3781 Telegraph Road
Ventura, CA 93003-3420

Subject: Notice to Comply for Fuel Leak Case No. RO0000022 and GeoTracker Global ID T0600102128, Alaska Gasoline, 1310 Central Avenue, Alameda, CA 94501

Dear Messrs. Sappal, Saidain, and Rutherford:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted document entitled, "Quarterly Groundwater Monitoring Report," dated May 15, 2009, which was prepared by Matriks Corporation (Matriks) for the subject site. Matriks recommends "...preparation of a Feasibility Study/Corrective Action Plan (FS/CAP) to address remedial alternatives for petroleum hydrocarbons primarily in groundwater but remediation consideration should also be given to the soil proximal to the former USTs." Matriks also stated that "[t]he FS/CAP may also include limited additional characterization of soil or groundwater to further assess the concentrations of TPH-d." However, in ACEH's April 10, 2008 correspondence, we requested submittal of a work plan by May 26, 2008 to address contaminant source area characterization, on and off-site risk evaluation, and upon completion of those activities, submittal of an FS/CAP. According to our records, the April 10, 2008 correspondence was also transmitted via electronic mail on May 19, 2008 to Tom Henderson (thenderson@matrikscorp.com). Therefore, ACEH is perplexed as to why Matriks continues to recommend additional site characterization and an FS/CAP when it was already requested and due over a year ago.

ACEH requests that you address the technical comments in our April 10, 2008 correspondence (enclosed), and send us the technical work plan and reports by the dates requested below. Failure to submit the required work plan 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 (May 26, 2008).

NOTIFICATION OF FIELDWORK ACTIVITIES

Please schedule and complete the fieldwork activities by the date specified below and provide ACEH with at least three (3) business days notification prior to conducting the fieldwork, including routine groundwater sampling.

TECHNICAL REPORT REQUEST

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

- **October 12, 2009** – Soil and Water Investigation Work Plan
- **Due within 90 Days of Soil & Water Investigation Report submittal** – Feasibility Study/Corrective Action Plan
- **Due within 30 Days of Sampling** – Semi-annual Monitoring Report (3rd Quarter 2009)
- **Due within 30 Days of Sampling** – Semi-annual Monitoring Report (1st Quarter 2010)

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.

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,



Digitally signed by Paresh Khatri
DN: cn=Paresh Khatri, o=Alameda
County Environmental Health,
ou=Local Oversight Program,
email=Paresh.Khatri@acgov.org, c=US
Date: 2009.08.14 09:41:27 -07'00'

Paresh C. Khatri
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions
April 10, 2008 ACEH Correspondence

cc: David Janney, Matriks Corporation, 321 Court Street, Woodland, CA 95695
Donna Drogos, ACEH (Sent via E-mail to: donna.drogos@acgov.org)
Paresh Khatri, ACEH (Sent via E-mail to: paresh.khatri@acgov.org)
GeoTracker
File

ALAMEDA COUNTY
HEALTH CARE SERVICES

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F

ENVIRONMENTAL HEALTH SERVICES
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April 10, 2008

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872 Coral Drive
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Nissan Saidian
5733 Medallion Court
Castro Valley, CA 94522

John Rutherford
Desert Petroleum
3781 Telegraph Road
Ventura, CA 93003-3420

Subject: Fuel Leak Case No. RO0000022 and Geotracker Global ID T0600102128,
Alaska Gasoline, 1310 Central Avenue, Alameda, CA 94501

Dear Mr. Sappal, Mr. Saidian and Mr. Rutherford:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted document entitled, "Report for Additional Soil and Groundwater Assessment and Quarterly Groundwater Sampling," dated July 24, 2006, which was prepared by Aqua Science Engineers, Inc. for the subject site. The report details the December 2002 subsurface conduit study, the January 2004 soil boring investigation and sewer sampling, and the December 2005 area well survey and the installation of groundwater monitoring wells MW-4 and MW-5.

ACEH generally concurs with the recommendations to prepare a feasibility study/corrective action plan (FS/CAP) and requests that you address the following technical comments, and send us the technical reports and work plan described below.

TECHNICAL COMMENTS

1. **Contaminant Source Area Characterization** – In May 1996, four underground storage tanks (USTs) were excavated and removed from the site. It appears that an UST removal report was not submitted and results of confirmation soil and groundwater samples are not known. Soil and groundwater samples collected during a subsurface investigation conducted in November 1998 in the vicinity of the former USTs detected elevated concentrations of total petroleum hydrocarbons (TPH) as diesel (d), gasoline (g), benzene, toluene, ethyl benzene, and xylenes (BTEX), and methyl tertiary butyl ether (MtBE). Specifically, TPH-g was detected at a concentration of 5,900 milligrams per kilogram (mg/kg) in a soil sample collected from boring BH-2 at four feet below the ground surface (bgs), benzene was detected at a concentration of 27 mg/kg in a soil sample collected from boring BH-1 at 4 feet bgs, MtBE was detected at a concentration of 1.8 mg/kg in a soil collected from boring BH-2 at 4 feet bgs, and total oil and grease (TOG) was detected a concentration of 3,300 mg/kg in a soil sample collected from boring BH-9 at 4 feet bgs. Based on the analytical data, the vertical and lateral extent of contamination in the source areas appears undefined. Please

propose a scope of work to address the above-mentioned concerns and submit a work plan by the due date specified below.

2. **On-site and Off-site Risk Evaluation** – The petroleum hydrocarbon contaminant plume appears to extend beneath off-site residences located to the north (down-gradient) of the subject site, based on the concentrations of contaminants detected in on-site and off-site groundwater monitoring wells. At this time, it appears prudent to evaluate risk posed to off-site receptors (i.e. residences, irrigation wells, etc.) as well as risk posed to on-site receptors. Please include a detailed risk evaluation in the work plan due by the date specified below. Please note that the figures included in submittals provided to date are insufficient to adequately depict the extent of your contaminant plume in relation to adjacent and neighboring properties. Please prepare extended site maps, which utilize aerial photographs as base maps for your site, and accurately depict neighboring structures and site features in relation to the groundwater contaminant plume in all future reports.
3. **Feasibility Study/Corrective Action Plan** – Once the contaminant source areas are adequately characterized, a Feasibility Study/Corrective Action Plan (FS/CAP) prepared in accordance with Title 23, California Code of Regulations, Section 2725 appears appropriate. The FS/CAP must include a concise background of soil and groundwater investigations performed in connection with this case 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 also include, but not limited to, a detailed description of site lithology, including soil permeability, and most importantly, contamination cleanup levels and cleanup goals, in accordance with the San Francisco Regional Water Quality Control Board Basin Plan and 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.

The FS/CAP must evaluate at least three 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 and the Responsible Party must propose the most cost-effective corrective action.

4. **GeoTracker Compliance** - A review of the case file and the State Water Resources Control Board's (SWRCB) GeoTracker website indicate that electronic copies of analytical data have not been submitted, rendering the site to non-compliance status. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. Additionally, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30,

Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Based on a review of the GeoTracker website, only selected reports appear to have been upload since July 2005. The second and fourth quarter reports for 2005, all the reports for 2006 and the first quarter 2007 quarterly reports have not been uploaded to GeoTracker. Please complete the surveying and upload all applicable electronic submittal types such as the analytical data (EDF), survey data (GEO_XY and GEO_Z), and PDF reports from July 1, 2005 to current to GeoTracker by the date specified below. Electronic reporting is described below.

REQUEST FOR INFORMATION

ACEH's case file for the subject site contain only the electronic reports as listed on our website (<http://www.acgov.org/aceh/top/ust.htm>). You are requested to submit the UST removal report, the area well survey report (including a table listing identified wells and maps illustrating locations) and copies of all other reports related to environmental investigations for this property (including Phase I and Phase II reports) by **April 28, 2008**.

TECHNICAL REPORT REQUEST

Please submit a work plan to Alameda County Environmental Health (Attention: Paresh Khatri), according to the following schedule:

- **May 26, 2008** – Work Plan (to characterize the source area) & GeoTracker uploads
- **July 30, 2008** - Quarterly Monitoring Report (2nd Quarter 2008)
- **October 30, 2008** - Quarterly Monitoring Report (3rd Quarter 2008)
- **January 30, 2009** - Quarterly Monitoring Report (4th Quarter 2008)
- **April 30, 2009** - Quarterly Monitoring Report (1st Quarter 2009)

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 letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

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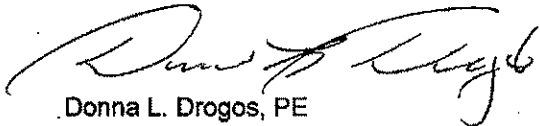
Mr. Sappal, Mr. Saidian, and Mr. Rutherford
RO0000022
April 10, 2008, Page 5

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 Material Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Robert E. Kitay, Aqua Science Engineers, Inc., 208 West El Pintado, Suite C, Danville, CA
94526
Donna Drogos, ACEH
Caseworker, ACEH
File

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: March 27, 2009
	PREVIOUS REVISIONS: December 16, 2005, October 31, 2005
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: 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
 - 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 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.