

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



F

April 2, 2007

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

Mr. Neil Carter
2847 Arguello Drive
Burlingame, CA 94010

Cotter & Coyle
2193 Trafalgar Street
Oakland, CA 94611

Hillary & Lillie Luckett
4102 Lusk St.
Oakland, CA 94608

Dear Ladies and Gentlemen:

Subject: Fuel Leak Case RO0000027 & Global ID# T0600102106, Grove St. Wash
Rack, 3884 Martin Luther King Jr. Way, Oakland, CA 94609

Alameda County Environmental Health (ACEH) staff has reviewed the file for the subject site including the Corrective Action Plan Work Plan for Subsurface Investigation dated November 12, 2006 prepared by John Carver Consulting. This work plan responds to the August 29, 2006 County letter sent by Mr. Don Hwang, the former caseworker. The work plan describes the proposed excavation of the site to approximately 12' bgs, potential expanded excavation in the northeast portion of the site to at least 14' bgs, groundwater removal, soil sampling of residual sidewalls and excavation floor, possible application of Oxygen Releasing Compound (ORC) and installation of three (3) off-site monitoring wells. In addition, a preferential pathway study will be performed and submitted separately. We request that you address the following technical comments prior to performing the proposed work and submit the technical reports requested below.

TECHNICAL COMMENTS

1. Public Participation- Please be aware that once your CAP has been approved by our office it must go out to vested parties for public comment for a period of 30 days. Therefore, you should provide our office with the contact names and parcel addresses of those nearby residences or properties, which may be affected by your site remediation or site release. Please submit this information as requested below.
2. Development Plans- Please provide a copy of the proposed development plans, indicating the locations and depths of parking structures, buildings (indicate use, commercial or residential) and any uncovered, landscaped or playground areas
3. Completeness of Corrective Action Plan- The submitted CAP must also include proposed cleanup levels and a feasibility study which compares at least three alternatives besides no action or monitored natural attenuation (MNA). The alternatives should be compared based upon cost, timeliness and ability to meet cleanup goals. Please submit your amended CAP as requested below.
4. Comments on CAP (Assumption that the proposed CAP is Remediation of Choice)-

- The Executive Discussion of November 12, 2006 work plan states that all soil within the site will be removed down to 12' bgs, however, it appears that the proposed excavation is actually only the northwest portion of the site as shown on Figure 8, Confirmation Sample Locations. Please clarify the limits of the proposed excavation.
- Soil excavation will be expanded in depth in the sidewalk area of MLK Jr. Way. Please also include the area near former tank 3, where up to 3.2 ppm benzene was detected at 14' bgs depth and any other impacted areas observed during the excavation. Those areas of additional excavation will require post-excavation soil sampling beyond the proposed confirmation samples. Soil samples should be collected at the final depth of excavation regardless of the presence of saturated soils.
- Actual groundwater dewatering practices are not specified and will be "left to the excavations contractor and the environmental consultant". We understand this action may not be within your control, however, to contribute affectively to remediation, groundwater removal should concentrate in areas of known groundwater impact ie near the former tank pits.
- Post-excavation sampling is proposed along the sidewall boundaries of the excavation and from the excavation floor. The sidewall samples will be collected every 15 lateral feet at depths of 4', 8' and 12'. The soil samples from the bottom of the excavation are proposed to be taken on a 10' x 10' grid, however, Figure 8 indicates bottom confirmation samples on a 15' x 15' grid. The latter sampling pattern is acceptable with our office. Soil and groundwater samples are proposed for TPHg, BTEX and MTBE analysis. It appears that MTBE and the other oxygenates are not present and can be omitted in your analysis, however, please include analysis of the lead scavengers, EDB and EDC.
- **The County's August 29, 2006 letter requested that you determine both the lateral and vertical extent of groundwater contamination. The presence of deep contamination at this site should be explained and defined. We request that you use expedited site assessment tools such as CPT/MIP and investigate the presence of multiple water bearing zones.**
- It has been our experience that the In-situ bio-remediation by ORC application has not been an effective remediation method alone. It has limited lifespan and mobility. Should you choose this method, we recommend you monitor dissolved oxygen and other bio-remediation parameters to verify its effectiveness.
- **The three groundwater monitoring wells proposed are on the opposite sides of the street from this site. We request additional wells closer to the actual release areas be installed, possibly on the sidewalks of 39th St. and MLK Jr. Way. The well construction design should reflect the information obtained in your vertical delineation investigation. Please note that this comment and the request for vertical delineation (bolded) are independent requests from our comments to the proposed CAP.**

TECHNICAL REPORT REQUEST

Please submit the following technical reports according to the following schedule:

- April 30, 2007- Copy of Proposed Development Plans
- May 15, 2007- Corrective Action Plan & Feasibility Study
- May 15, 2007- Work Plan to determine the vertical extent of contamination
- 45 days after performing vertical delineation- Work Plan for monitoring well installations
- May 15, 2007- Letter Response to CAP Comments

ELECTRONIC SUBMITTAL OF REPORTS

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. 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).

In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at barney.chan@acgov.org.

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

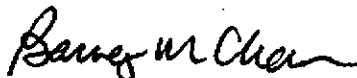
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

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) 567-6765.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

cc: files, D. Drogos
Mr. John Carver, John Carver Consulting, 670 Vernon St., #401, Oakland, CA 94610
4_2_07 3884 MLKJrWay

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)