

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 10, 2008

Neil & Mary Cotter
2847 Arguello Drive
Burlingame, CA 94010

Cotter & Coyle
2193 Trafalgar Street
Oakland, CA 94611

Hillary & Lillie Lockett
4102 Lusk Street
Oakland, CA 94608

Subject: Fuel Leak Case No. RO0000027 and Geotracker Global ID T0600102106, Grove Street Wash Rack, 3884 Martin Luther King Jr. Way, Oakland, CA 94609

Dear Responsible Parties:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the most recent technical correspondence sent from our office dated April 2, 2007. The technical correspondence was sent in response to the document entitled, "Corrective Action Work Plan for Subsurface Investigation," dated November 12, 2006, prepared by John Carver Consulting for the subject site, which was reviewed by this Agency. Our technical correspondence listed several comments and requested that a Feasibility Study and Corrective Action Plan (FS/CAP) be submitted by May 15, 2007. Based on a review of the State Water Resources Control Board's (SWRCB) GeoTracker website and Alameda County's File Transfer Protocol (FTP) server, the requested document has not been received rendering the site to non-compliance status.

ACEH requests that you address the following technical comments including comments identified in our April 2, 2007 technical correspondence (enclosed) and send us the technical reports described below.

TECHNICAL COMMENTS

1. **Feasibility Study and Corrective Action Plan** – Typically, prior to initiating a corrective action remedial alternative, a Feasibility Study (FS) is prepared comparing at least three remedial alternatives besides the "no action" and "monitored natural attenuation" remedial alternatives. This evaluation is performed to ensure that the most cost-effective remedial approach is selected. Selecting the most cost-effective remedial alternative becomes crucial when applying for cost reimbursement from the State Underground Storage Tank Cleanup Fund (USTCF), since they typically only reimburse reasonable costs associated with the most cost-effective remedial alternative. Should you wish to pursue cost reimbursement from the USTCF, please prepare and submit the FS as previously requested. However, if cost

reimbursement is not being pursued currently or in the future, you may waive the FS request and address our comments (identified this correspondence as well the April 2, 2007 correspondence) associated with the CAP and submit a revised CAP requested below.

2. **Preferential Pathway Study** – This work was requested in our August 29, 2006 technical correspondence. Please perform the proposed work, and send us the technical reports requested below.

3. **Soil and Groundwater Characterization** – As stated in our April 2, 2007 technical correspondence, additional monitoring wells closer to the actual release areas appear warranted. Please propose a scope of work to address the above-mentioned concern and submit a work plan.

TECHNICAL REPORT REQUEST

Please submit the revised CAP or FS/CAP and technical reports to Alameda County Environmental Health (Attention: Paresh Khatri), according to the following schedule:

- **June 9, 2008** – Revised CAP or FS/CAP (Includes Preferential Pathway Evaluation, Copy of proposed Development Plans, revised Monitoring Well Installation Work Plan)
- **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.

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.


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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
ACEH April 2, 2007 Technical Correspondence

cc: John Carver, John Carver Consulting, 670 Vernon Street #401, Oakland, CA 94610
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA
94612-2032
Donna Drogos, ACEH
Paresh Khatri, ACEH
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