



ENVIRONMENTAL HEALTH DEPARTMENT  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
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August 16, 2010

Andrew Getz  
HFH Ltd.  
6450 Hollis Street  
Emeryville, CA 94608

Subject: Request for Work Plan; Fuel Leak Case No. RO0000050 and Geotracker Global ID T0600102100, Thoroughbred Building, 1397 55th Street, Emeryville, CA 94608

Dear Mr. Getz:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the ACEH directive letters dated January 31, 2007 and January 29, 2009, and the *Results of Groundwater Investigation Addendum*, dated April 21, 2009, submitted on your behalf by AMEC. The January 2007 ACEH letter requested the collection and analysis of soil samples from proposed soil bores GW-01 and GW-02, but did not require a revised work plan provided the request was incorporated into the scope of work. The request was based on a standard industry practice since inception of standardized investigation guidelines. It is an unfortunate oversight that this was not done as it renders the extent of impacted soil in the source area to be undefined vertically at a minimum, and precludes judgment as to the lateral extent of impacted soil. Additionally, because the depth to first groundwater is unusual for the vicinity, ACEH remains concerned that groundwater has not been appropriately assessed for contamination from the release at the site. As a consequence, ACEH requests that you address the following technical comments and send us the documents requested below.

### **TECHNICAL COMMENTS**

1. **Work Plan for Soil and Groundwater Delineation** – In reviewing the case file ACEH has noted that soil bore GW-01 installed through the source was not logged and that soil from bore GW-02 did not appear to have been screened with a photoionization detector (PID). This would have provided additional indications of potential contamination at the source and in the vicinity of the source, respectively. Details from soil bore GW-01 in particular would have been most useful and would have provided insight from within and beneath the source area.

Review of sites in the vicinity (closest to) of the subject site (California Syrup & Extract; approximately 250 feet east, and Fordham Property; approximately 325 feet northwest) document that groundwater in the vicinity is typically first found at approximately 8 to 9 feet below grade surface (bgs), as suggested by the observed infiltration of groundwater at a depth of 8.5 feet bgs during the UST removal in 1997. Because the shallowest groundwater sample collected during the soil and groundwater investigation began at 15 feet bgs, ACEH remains concerned that the lateral extent of impacted groundwater may not be adequately accessed at the site.

As a consequence of both concerns, please submit a work plan to conduct a limited soil and groundwater investigation by date requested below.

2. **Request for Information** – Review of the Geomatrix *Underground Storage Tank Removal*, dated July 17, 1997 could not determine if excavated soil from the UST pit was reused to backfill the excavation, and also did not find documentation of the offsite disposal of the excavated soil. Reports since the removal are mute. To move the site towards eventual closure, ACEH requests clarification and documentation of the final disposition of the excavated soil in the work plan requested below. If this documentation is not available it may be appropriate to collect representative soil samples from the former excavation.

**TECHNICAL REPORT REQUEST**

Please submit the following deliverables and technical reports to ACEH (Attention: Mark Detterman), according to the following schedule:

- **October 15, 2010 – Work Plan**
- **60 Days After Approval of Work Plan – Soil and Groundwater Report**

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.

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,

Mark E. Detterman, PG, CEG  
Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations  
Electronic Report Upload (ftp) Instructions

cc: Jennifer Patterson, AMEC Geomatrix, Inc, 2101 Webster Street, 12<sup>th</sup> Floor, Oakland, CA 94612-3066; (sent via electronic mail to [jennifer.patterson@amec.com](mailto:jennifer.patterson@amec.com))

Ravi Arulanantham, AMEC Geomatrix, Inc, 2101 Webster Street, 12<sup>th</sup> Floor, Oakland, CA 94612-3066; (sent via electronic mail to [Ravi.Arulanantham@amec.com](mailto:Ravi.Arulanantham@amec.com))

Donna Drogos, ACEH, (sent via electronic mail to [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))  
Mark Detterman, ACEH, (sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))  
Geotracker, e-File

## Attachment 1

### Responsible Party(ies) Legal Requirements / Obligations

#### REPORT REQUESTS

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](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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> July 20, 2010
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection.**
- 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)

## 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](mailto:dehloptoxic@acgov.org)
  - 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, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
  - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
  - 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](mailto: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.