

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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May 1, 2008

Mr. And Mrs. Edward Kozel
20 Oak Knoll Drive
Healdsburg, Ca 95448-3108

Mr. Robert Kovalak
ICI Paints
16654 W. Sprague Rd.
Strongville, OH 44136

Ms. Deborah Castles
McGrath Properties
130 Webster Street, Suite 200
Oakland, CA 94607

Subject: Fuel Leak Case No. RO0000079 (Geotracker global ID #T0600101659), One National Engravers (ONE), 1001 42nd Street, Oakland, CA

Dear Mr. Kozel, Mr. Kovalak and Ms. Castle:

Alameda County Environmental Health (ACEH) staff has reviewed a correspondence dated April 25, 2008 and received from the office of Wendel, Rosen, Black and Dean LLP. The Wendel, Rosen, Black and Dean letter responds to a correspondence from ACEH dated March 20, 2008. As discussed in the ACEH correspondence dated March 20, a Site Conceptual Model (SCM) utilizes an approach that discusses in detail site conditions, evaluates potential sensitive receptors and possible preferential migrations pathways, identifies potential data gaps and proposes specific measures that are designed to address data gaps. Furthermore, the preparation of a SCM is not uncommon for fuel leak cases. The use of an SCM is endorsed by federal, state and local agencies and is a major component of a recent technical course co-sponsored and supported by the State Water Resource Control Board and U.S. Environmental Protection Agency entitled, "Level of Information Necessary to Make Technical Decisions Regarding Site Cleanup and Closure." The UST Cleanup Fund is not expected to request an explanation from ACEH to justify the preparation of a SCM. The preparation of a SCM should precede other documents including the CAP, because the SCM is a crucial component that can be used as a guide during the decision making process, resulting in more efficient use of resources.

In March 2008, ACEH received a work plan for the implementation of phase A of a CAP and a pilot test for separate phase product removal. More importantly, the first task discussed in the submittal was the preparation of a SCM, which was previously requested by ACEH in September 2007. To date we have not received the requested SCM. Consequently, your site is out of compliance with directives from ACEH. **Please submit the SCM by June 1, 2008.** This is not an extension of the due date, the SCM is late and your site is out of compliance with directives from this office.

ACEH has delayed approval of the CAP because we have yet to receive a SCM. Furthermore, our approval of the interim remedial action is not in lieu of the CAP, but rather the interim remedial action is a component of the CAP process. An additional component of the CAP is public notification, which was also discussed in the March 21, 2008 submission.

Lastly, we would encourage the participation of the RWQCB to help determine site cleanup goals prior to the implementation of additional site investigation and remediation.

We request that you perform the proposed work, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to steven.plunkett@acgov.org) prior to the start of field activities.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Steven Plunkett), according to the following schedule:

- **June 1, 2008** – Site Conceptual Model

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) now request submission of reports in electronic form. The electronic copy is intended to replace the need for a paper copy 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 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, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). Please visit the State Water Resources Control Board 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

Mr. Kozel, Mr. Kovalak and Ms. Castle
May 1, 2008
Page 3

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

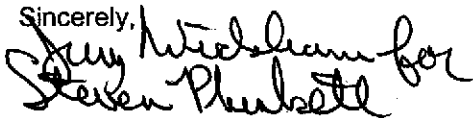
Please note that delays in investigation, late reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

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) 383-1767.

Sincerely,



Steven Plunkett
Hazardous Materials Specialist

cc: Jan Schutze
Schutze & Associates
436 14th Street, Suite 1216
Oakland, CA 94612

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Wendel, Rosen, Black and Dean LLP
1111 Broadway, 24th floor
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Oakland Fire Prevention Bureau
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Donna Drogos, ACEH, Steven Plunkett, ACEH File