



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

July 1, 2010

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

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

Ms. Deborah Castles  
McGrath Properties  
130 Webster Street, Suite 200  
Oakland, CA 94607  
(sent via electronic mail to  
[deborah@mcgrathproperties.com](mailto:deborah@mcgrathproperties.com))

Subject: Work Plan Approval with Modifications; Fuel Leak Case No. RO0000079 (Geotracker Global ID #T0600101659), Oakland National Engravers (ONE), 1001 42<sup>nd</sup> Street, Oakland, CA

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

Alameda County Environmental Health (ACEH) staff has reviewed the case file, the AMEC Geomatrix *Work Plan Addendum for Pilot Study* dated May 3, 2010, and the *Work Plan for Vacuum Extraction Pilot Test* contained in a October 1, 2009 response letter to a previous ACEH directive letter. Thank you for the work plan addendum, as well as re-uploading the October 2009 letter and work plan as had been previously requested.

Based on ACEH staff review of the work plan the proposed scope of work is conditionally approved for implementation provided that the technical comments below are incorporated during the proposed field investigation. Submittal of a revised work plan or work plan addendum is not required unless an alternate scope of work outside that described in the Work Plan or technical comments below is proposed. We request that you address the following technical comments, 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: [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org)) prior to the start of field activities.

## **TECHNICAL COMMENTS**

- 1. Vapor Monitoring Points & Extraction Well** – In response to technical comment #10, AMEC Geomatrix proposed the installation of extraction well EX-1 and the installation of three vapor monitoring wells (VP1, VP2, and VP3) in lieu of utilizing existing wells as extraction and vapor monitoring wells. To clarify, these wells are understood by ACEH to be alternative rather than contingency wells, and as such are judged reasonable by ACEH; if this understanding is incorrect, please notify ACEH before implementation.

ACEH wants to clarify a potential misunderstanding. As reported in the work plan addendum, the design specifications for the proposed vapor wells appear to be based on a recent measurement of the depth to water in well MW-B2. Based on available bore logs the water-bearing zone at the site appears to be confined; groundwater is first encountered in most bores and wells at depths of 10 to 14 feet. Vapor wells drilled to 7.5 feet as proposed and designed may not encounter groundwater. ACEH also notes a potentially important exception to these generalized depths, in that shallow, possibly cultural water (i.e. a potential conduit and not groundwater), was observed along potential

trend lines in the vicinity of well MW BES-1 (bores BH-F, BH-I, and BH-W). ACEH advises caution in finalizing the screen interval for the proposed extraction well EX-1 as well as the vapor wells so that the intervals in each are across actual groundwater. ACEH interprets the proposed well design as examples of intended design; however, requests (and requires) the final well design be based on actual field conditions rather than the described well design.

2. **Relocating / Replacing Well MW-B1** – Should well MW-B1 not be relocated as described, two replacement wells are proposed in order to duplicate existing screen intervals – one with a 20-foot, and a second with a 5 foot screen length. As an alternative ACEH requests the installation of a single well using a multiport sampling system such as CMT or similar technology. This will allow the sampling of multiple depth discrete intervals throughout a 20 foot interval, or the collection of a composite sample; not all intervals may require multiple repeat sampling.
3. **Data Gap Investigation** – The requested deadline for a data gap work plan has just passed (June 28<sup>th</sup>). While the work plan remains a deliverable, ACEH has extended the deadline as identified below.
4. **Groundwater Monitoring:** The last groundwater monitoring event of site and vicinity wells appears to have been March 2006. In order to assess impacts to groundwater after site and vicinity wells have been redeveloped, ACEH requests the wells be included in to a regularly scheduled (quarterly) groundwater monitoring program due to the extended gap in groundwater monitoring. This will gather information relatively quickly; a reduction of the monitoring interval should thereafter be evaluated. Groundwater monitoring in coordination with the adjacent site (Dunne Quality Paints; RO0000073) has previously been requested (July 13, 2009 letter) and remains a valid request. By copy of this letter Dunne is required to participate in joint groundwater monitoring with ONE. Please present results from the combined groundwater monitoring and sampling in the reports requested below.
5. **Mutually Agreeable Timeline** – ACEH has assigned deadlines to a number of technical requests below. To help expedite work, the requested items can be submitted earlier than requested. ACEH is also aware that McGrath Properties may require a schedule to help meet lender imposed deadlines for the initiation of interim remedial actions. ACEH will work to accommodate a schedule; however, it must remain a mutually agreed upon schedule.

#### **TECHNICAL REPORT REQUEST**

Please submit technical reports to Alameda County Environmental Health (Attention: Mr. Mark Detterman), according to the following schedule:

- **July 23, 2010** – Work Plan for Data Gap Investigation for additional on- and off-site investigation (utility mains and laterals, additional sources, and offsite investigations)
- **September 3, 2010** – Pilot Study and Groundwater Monitoring and Sampling Report
- **December 3, 2010** – Groundwater Monitoring and Sampling Report
- **90 Days After Data Gap Work Plan Approval** – Submittal of Soil and Groundwater (Data Gap) Investigation

Reports are 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.

Mr. Kozel, Mr. Kovaiak, and Ms. Castle  
July 1, 2010, RO0000341  
Page 3

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: Oakland National Engravers; RO0000079:

Terry McGrath, McGrath Properties, 130 Webster Street, Suite 200, Oakland, CA 94607  
(sent via electronic mail to [terry@mcgrathproperties.com](mailto:terry@mcgrathproperties.com))

Robert Cheung, AMEC Geomatrix, Inc., 2101 Webster Street, 12<sup>th</sup> Floor, Oakland, CA 94612  
(sent via electronic mail to [robert.cheung@amec.com](mailto:robert.cheung@amec.com))

Syed Rehan, Geomatrix, Inc., 2101 Webster Street, 12<sup>th</sup> Floor, Oakland, CA 94612  
(sent via electronic mail to [syed.rehan@amec.com](mailto:syed.rehan@amec.com))

Dunne Quality Paints; RO0000073:

Terry Turner, Dunn Quality Paints, 707 Glenside Circle, Lafayette, CA 94549

Chad McNamee, 6820 Thornhill Drive, Oakland, CA 94611

Martin Samuels, Green City Lofts, 3675 Delmont Avenue, Oakland, CA 94605

Timothy Bodkin, Bureau Veritas, 6920 Koll Center Parkway, Suite 216, Pleasanton, CA 94566  
(sent via electronic mail to [timothy.bodkin@us.beuraveritas.com](mailto:timothy.bodkin@us.beuraveritas.com))

Celis Service Station; (RO0000453) & Magnolia Terrace Residential (RO0003004):

Markus Niebanck, City of Emeryville, Economic Development & Housing Department, 1333 Park Avenue, Emeryville, CA 94608 (sent via electronic mail to [mniebanck@ci.emeryville.ca.us](mailto:mniebanck@ci.emeryville.ca.us))

Oak Walk Redevelopment; (RO0002733):

Mr. Dai Watkins, The San Joaquin Co., 1120 Hollywood Avenue, Suite 3, Oakland, CA 94602  
(sent via electronic mail to [daiw@sanjoco.com](mailto:daiw@sanjoco.com))

Marilyn Ponte, Bay Rock Residential LLC, 1300 Clay Street, Suite 620, Oakland, CA 94612  
(sent via electronic mail to [marilyn@bay-rock.com](mailto:marilyn@bay-rock.com))

John Tibbetts, Oak's Club Room, 4097 San Pablo Avenue, Emeryville, CA 94608

Concerned Property Owner:

Dave Ennis, PO Box 10985, South Lake Tahoe, CA 96158-3985

Regulatory Contact; City of Oakland:

Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Suite 3341, Oakland, CA 94612-2032 (sent via electronic mail to [lgriffin@oaklandnet.com](mailto:lgriffin@oaklandnet.com))

Donna Drogos, (sent via electronic mail to [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))

Mark Detterman (sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))

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>ISSUE DATE:</b> July 5, 2005
	<b>REVISION DATE:</b> March 27, 2009
	<b>PREVIOUS REVISIONS:</b> December 16, 2005, October 31, 2005
<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

- 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](mailto: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](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.