



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-93

February 27, 2009

Mr. Bob Lawlor
RWL Investments, Inc.
4919 Tidewater Avenue, Unit B
Oakland, CA 94601-4914

Subject: Fuel Leak Case No. RO0000107 and Geotracker Global ID T0600100451, Di Salvo Trucking, 4919 Tidewater Avenue, Oakland, CA 94601

Dear Mr. Lawlor:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site, including the recently submitted report entitled, "*Site Assessment Report, Former Disalvo Trucking, 4919 Tidewater Avenue, Unit B, Oakland, California, 94601,*" (Site Assessment Report) dated January 2009 and received by ACEH on January 26, 2009. The report was prepared on your behalf by ETIC Engineering. The Site Assessment Report presents soil and groundwater sampling results from 16 soil borings.

The presentation of results in the report is generally adequate; however, the Site Assessment Report presents minimal conclusions and no recommendations. An evaluation of the adequacy of site characterization and evaluation of remedial options previously presented in the "*Revised Remedial Action Plan,*" (Revised RAP) dated July 15, 2008 are not included in the conclusions and recommendations. Conclusions and recommendations are a necessary and required component to meet the minimum requirements for the submittal. Therefore, the Site Assessment Report dated January 2009 is rejected. Revision of the Site Assessment Report is required to include recommendations and more comprehensive conclusions. In addition, we request that you incorporate responses to the technical comments below in the Revised Site Assessment Report.

TECHNICAL COMMENTS

1. **Discharge to Surface Water.** Elevated concentrations of total petroleum hydrocarbons as diesel were detected in grab groundwater samples collected from borings C-15 and C-16 along the property boundary. These data indicate that the petroleum hydrocarbon plume of contaminated groundwater extends off-site and is likely discharging to surface water. Please also review technical comment 2 regarding preferential pathways. Recommendations in the Revised Site Assessment Report requested below must address potential discharges to surface water.
2. **Potential Preferential Pathways.** Based on review of boring logs for the site, the thickness of fill material encountered in the area of the former USTs is highly variable. We request that you review historic aerial photographs for the site to identify the locations of former tidal channels, shorelines, or other features that may act as preferential pathways for contaminant migration. Please present a map showing the locations of former tidal channels in relation to site features and your evaluation of potential preferential pathways for contaminant migration in the Site Conceptual Model requested

below. In particular, the potential for any preferential pathways from the fuel plumes to result in discharge to the adjacent surface water.

3. **Hydrogeologic Cross Sections.** The 16 borings advanced at the site in September 2008 provide detailed information on site geology and hydrogeology and contaminant distribution. In order to utilize these data, we request that you use these data along with historic data to prepare a minimum of two hydrogeologic cross sections for the site. The cross sections are to show the lateral and vertical extent of soil layers encountered, the location of the tank pits, dispensers, recovery trenches, buildings, where groundwater was first encountered in borings and the static water levels, screen intervals for monitoring wells and grab groundwater samples, observations of free product, staining, and odor, and analytical results for soil and groundwater samples. Please present the cross sections in the Revised Site Assessment Report requested below.
4. **Potential Remediation Activities.** The Revised RAP dated July 15, 2008 described potential remediation activities consisting of pipeline removal and excavation, soil excavation, excavation dewatering, and groundwater extraction. Please provide recommendations regarding the previously proposed remediation activities.

TECHNICAL REPORT REQUEST

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

- **April 24, 2009** – Revised Site Assessment Report
- **July 28, 2009** – Semi-Annual Groundwater Monitoring Report – Second Quarter 2009
- **January 30, 2010** – Semi-Annual Groundwater Monitoring Report – Fourth 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

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

Mr. Bob Lawlor
RWL Investments, Inc.
RO0000107
February 27, 2009
Page 3

(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/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.

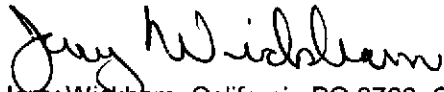
AGENCY OVERSIGHT

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.

Mr. Bob Lawlor
RWL Investments, Inc.
RO0000107
February 27, 2009
Page 4

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,



Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032

Maura Dougherty, ETIC Engineering, 2285 Morello Avenue, Pleasant Hill, CA 94523
12

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

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)