



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

January 12, 2012

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

Mr. John Tounger
RWL Investments, Inc.
859 Harrison Street
San Francisco, CA 94107

RWL Investments, Inc.
PO Box 3765
San Francisco, CA 94120

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

Dear Messrs. Lawlor and Tounger:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site, including the *Site Assessment Report*, and the *Semi-Annual Groundwater Monitoring Report, Fourth Quarter 2008*, both dated January 23, 2009, and both prepared by ETIC Engineering, Inc. of Pleasant Hill, California. Based on the review of the case file it appears that information previously requested of you has not been submitted.

Based on the review of the case file ACEH requests that you address the following technical comments and send us the documents requested below.

TECHNICAL COMMENTS

- 1. Request for a Status Update and a Revised Site Assessment Report** – A February 27, 2009 directive letter issued by ACEH rejected the referenced *Site Assessment Report* as itemized in that letter (a copy is attached for your quick reference). The letter established a revised report submittal schedule; however, copies of the revised report, or the additionally requested semi-annual groundwater monitoring reports, do not appear to have been submitted. ACEH requests a status update for the site, and requests the submittal of these documents, by the dates identified below.
- 2. Geotracker Well Survey Compliance** – A review of the case file and the State's Geotracker database indicates that the site is not in compliance with previous directive letters. Compliance is a State requirement. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. **Compliance is required by the State and is tied to reimbursement funding by the UST Cleanup Fund.** Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. Please upload all submittals to GeoTracker by the date specified below.
- 3. Request for Email Addresses** – If your email address is not listed on the first page of this letter, or in the list of cc's listed below, ACEH requests your email address to help expedite communications and to help lower overall costs. Please provide that information in your next submittal.

TECHNICAL REPORT REQUEST

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

- **February 27, 2012** – Status Update and Revised Site Assessment Report
- **March 30, 2012** – First 2012 Semi-Annual Groundwater Monitoring Report
- **October 1, 2012** – Second 2012 Semi-Annual Groundwater Monitoring 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.

If you have any questions, please call me at (510) 567-6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

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

cc: Gopi Chandran, ETIC Engineering, Inc, 2285 Morello Avenue, Pleasant Hill, CA 94523

Donna Drogos, (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman (sent via electronic mail to mark.detterman@acgov.org)
Electronic File, GeoTracker

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.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

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.

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



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ENVIRONMENTAL PROTECTION
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(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

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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.

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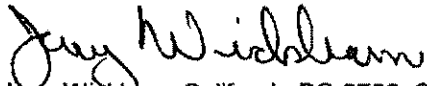
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Mr. Bob Lawlor
RWL Investments, Inc.
RO0000107
February 27, 2009
Page 4

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
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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

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- 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-Firneke.
 - 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
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 - b) Click on File, then on Login As.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
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 - 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)