

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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May 8, 2009

Linda Strough
Donald V. and Linda L. Strough Trust
2 Sea View Ave.
Piedmont, CA 94611

W. Bruce Berkovich
COCRAIG, LTD.
100 The Embarcadero Penthouse
San Francisco, CA 94105

Subject: Fuel Leak Case No. RO0000134 and Geotracker Global ID T0600101644, Val Strough Chevrolet, 327 34th Street, Oakland, CA 94609

Dear Mrs. Strough and Mr. Berkovich:

Alameda County Environmental Health (ACEH) staff has reviewed the December 5, 2008 Response to Comments on the Interim Remedial Action Plan and the January 29, 2009 *IRAP Soil and Groundwater Investigation Report* prepared by LRM Consulting, Inc. (LRM). ACEH cannot concur with the pilot test as proposed at this time. We request that you address the technical comments listed below and send us the addendum report requested below.

TECHNICAL COMMENTS

1. **Pilot Test Performance Monitoring** – LRM's pilot test proposes iSOC injection in one well and monitoring effectiveness over six months. However, the site lacks a monitoring network capable of monitoring the performance of the iSOC injection. We request that you propose an appropriate monitoring well network that will enable you "to make decisions regarding alternative feasibility" within a three month time frame, as we requested in our previous letter. Please submit a plan to install an appropriate performance monitoring well network in the work plan addendum requested below.
2. **Rose Diagram** – The estimated groundwater flow direction arrow was shown to the southeast in the 2009 first quarter monitoring report. However, the rose diagram shows this point to the southwest. Please adjust your map and/or rose diagrams to reflect accurate measurements for this point as well as for all previous quarters' data. Please provide these changes in all future groundwater monitoring reports.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Barbara Jakub), according to the schedule presented below:

- **July 1, 2009** – Work Plan Addendum

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).

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.

If you have any questions, please call me at (510) 639-1287 or send me an electronic mail message at barbara.jakub@acgov.org.

Sincerely,



Barbara J. Jakub, PG
Hazardous Materials Specialist

Enclosures: ACEH Electronic Report Upload (ftp) Instructions

cc: Mehrdad Javaherian, LRM Consulting, Inc., 1534 Plaza Lane, #145, Burlingame, CA 94010
Greggory Brant, Wendel Rosen Black and Dean, 1111 Broadway, 24th Fl., Oakland, CA 94607
Donna Drogos, ACEH, via electronic mail
Barbara Jakub, ACEH
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