

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

July 15, 2008

Dodg Corporation
4849 East 12th Street
Oakland, CA 94601-5107

Max and Fay Smith
M & F Investment Company
7700 Edgewater Drive, Suite 660
Oakland, CA 94621-3095

Mr. Tony and Ms. Fee Ling Chan
78 Park Manor Drive
Daly City, CA 94015

Ms. Jennifer Sedlacheck
ExxonMobil
4096 Piedmont, #194
Oakland, CA 94611

Subject: Fuel Leak Case No. RO0000162, Quan's Automotive, 10100 East International Boulevard, Oakland, CA 94603

Dear Tony and Fee Ling Chan, Ms. Sedlacheck, Max and Fay Smith, and Dodg Corporation:

I am the case worker now assigned to your case. Please address any future correspondence regarding this case to my attention. Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above referenced site and found that the site investigation activities previously requested by ACEH have not been conducted. The most recent correspondence in our files is a May 24, 2001 letter from ACEH to Tony and Lee Fing Chan requesting that the site investigation activities proposed in the, "*Subsurface Investigation Work Plan*," dated July 12, 1999, be implemented. We have no subsequent correspondence or indications that the work was implemented.

Based on the information in ACEH files, this site contained a Humble Oil and Refining Company (succeeded by ExxonMobil) service station from approximately 1962 to 1974 when two 8,000-gallon fuel tanks and one 500-gallon waste oil tank were removed. In October 1993, an oil/water separator (OWS) in the garage service bay was cleaned and the drains plugged. Soil samples collected from two soil borings adjacent to the OWS contained elevated concentrations of TPHg, TPHd, and lead. Tony and Fee Ling Chan and Exxon Company were identified as Responsible Parties for the site in Notices of Responsibility issued by ACEH in December 16, 1994. In Notices of Responsibility dated July 15, 2008, M&F Investment Company, a former owner, and Dodg Corporation, the current owner of the property, were also named additional Responsible Parties.

In correspondence dated March 9, 1999, ACEH required that Exxon Company and Tony and Fee Ling Chang conduct a site investigation to assess the extent of soil and groundwater contamination. A work plan entitled, "*Subsurface Investigation Work Plan*," dated July 12, 1999, which was prepared by RGA Environmental, Inc., was approved for implementation by ACEH in correspondence dated July 30, 1999. The Work Plan proposed four soil borings in the area around the OWS with collection of three soil samples and one groundwater sample from each boring for laboratory analyses. We have not received a technical report or other indication that this work was implemented.

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Based on our review of the case file, we now request that you address the following technical comments and submit a Revised Work Plan to conduct a soil and groundwater investigation **no later than September 19, 2008.**

TECHNICAL COMMENTS

1. **Proposed Soil Boring Locations.** The "*Subsurface Investigation Work Plan*," dated July 12, 1999, proposed four soil borings in the area around the OWS. We request that the scope of the proposed investigation be expanded to include soil borings in the area of the former 500-gallon waste oil UST, the oil/water separator drain, and one or more soil borings in a location that is anticipated to be downgradient from potential releases. Please include these plans in the Revised Work Plan requested below.
2. **Collection of Soil Samples for Laboratory Analyses.** The July 12, 1999 Work Plan proposes that soil samples will be collected for laboratory analyses from a depth equivalent to the bottom of the OWS (about 5 feet below grade), from directly above the water table, and a depth midway between the bottom of the OWS and the water table. ACEH requests that soils be continuously sampled for logging purposes. The soil samples are to be screened in the field to select samples for chemical analyses. Soil samples are to be submitted for laboratory analyses from all depth intervals where staining, odor, or elevated PID readings are observed. If no staining, odor, or elevated PID readings are observed, a minimum of four soil samples are to be collected for laboratory analyses from each soil boring: one from a depth of 2 feet bgs, one from a depth of 5 feet bgs, one from the top of a soil unit that marks a lithologic change between depths of 6 and 20 feet bgs, and one from the capillary fringe. Please include these plans in the Revised Work Plan requested below.
3. **Laboratory Analyses for Soil Samples.** We concur with the proposal in the July 12, 1999 Work Plan to analyze soil samples for TPHd, BTEX, MTBE, and metals (cadmium, chromium, lead, nickel, and zinc). We request that the soil samples are also analyzed for TPH as gasoline, TPH as motor oil, chlorinated hydrocarbons, ethylene dibromide, and 1,2-dichloroethane by EPA approved methods. Please include these plans in the Revised Work Plan requested below.
4. **Laboratory Analyses for Groundwater Samples.** We concur with the proposal in the July 12, 1999 Work Plan to analyze groundwater samples for TPHd, BTEX, MTBE, and metals (cadmium, chromium, lead, nickel, and zinc). We request that the groundwater samples are also analyzed for TPH as gasoline, chlorinated hydrocarbons, ethylene dibromide, and 1,2-dichloroethane by EPA approved methods. Please include these plans in the Revised Work Plan requested below.
5. **Location of Former Fuel USTs.** Please show the location of the two 8,000-gallon fuel USTs removed in 1974 on a site plan in the Revised Work Plan requested below.
6. **Documentation of Soil Excavation near OWS.** Based on information provided in correspondence from Mr. George Benetatos of the Law Office of George Benetatos to Ms. Medhulla Logan of ACEH, an excavation was advanced near the OWS in August 1994. A

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single soil sample from the excavated soil contained 6,200 ppm of TPH as motor oil. The excavation was described as 17 feet deep and 6 feet wide. No further information exists in our file regarding this excavation, including the disposition of the excavated soil. Please provide all available information and documentation regarding this excavation. Specifically, please identify whether the soil was backfilled in the excavation or disposed off-site. If the soil was disposed off-site, please document the transportation and disposal.

TECHNICAL REPORT REQUEST

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

- **September 19, 2008** – Revised Work Plan

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/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.

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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

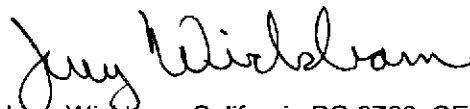
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

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) 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: Paul King, P & D Environmental, 55 Santa Clara Avenue, Suite 240, Oakland, CA 94610

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)