

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY  
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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September 18, 2008

Ravi Sekhon  
21696 Knuppe Place  
Castro Valley, CA 94552

Abdul Ghaffar  
Zaroon, Inc.  
40092 Davis Street  
Fremont, CA 94538

Subject: Fuel Leak Case No. RO0000175, GeoTracker Global ID: T0600102286, Foothill Mini-Mart, 6600 Foothill Boulevard, Oakland, CA 94605

Dear Mr. Sekhon and Mr. Ghaffar:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted documents entitled, "Preferential Pathway Report," dated September 4, 2008, and the "Groundwater Monitoring Report – Third Quarter 2008" both prepared by Environmental Risk Specialties Corporation (ERS) for the subject site. ERS reports in their preferential pathway report that further site characterization is warranted based on potential preferential pathways identified on and off-site, as well as a northerly component of groundwater flow on-site. In addition, ERS recommends that "an immediate response to cleanup the areas containing levels of MTBE and benzene under the subject site should take place prior to the complete characterization of the off-lithology and plume boundary." In the quarterly groundwater monitoring report, ERS recommends that lead scavengers be removed from the analytical suite, MW-3 should be repaired, source zone cleanup should be implemented as soon as possible, and deeper groundwater impact be evaluated after the source zone is cleaned up.

ACEH generally concurs with the proposed scope of work and requests that you address the following technical comments and send us the technical reports described below.

**TECHNICAL COMMENTS**

1. **Preferential Pathway Study & Soil and Groundwater Characterization** – ERS reports that "[u]tilities and/or wells that could have potentially become preferential pathways for the migration of groundwater plume under the subject site have been identified. Compared with the identified potential conduits, the characteristics of lithology for the following offsite areas and their relative impact on plume migration/distribution should be further characterized: across Foothill Boulevard under the properties of 6601 and 6619, east of the subject site under property of 6620, and under Havenscourt Boulevard southwest of the subject site." ERS also concludes that "[h]istorical groundwater monitoring data shows that a component of groundwater flow in the northern direction may have existed. It may significantly affect the distribution of contaminants of concern, including benzene and Methyl Tertiary Butyl Ether (MTBE), into the residential area north of the subject site," and that the northern plume boundary should be further characterized. ACEH concurs with the conclusions and recommendations presented by ERS. A Site Conceptual Model (SCM) and data gap work

plan is currently due by October 22, 2008. A scope of work to address the above-identified data gaps should be included in the pending SCM and data gap work plan submittal.

2. **Interim Remedial Action** – ERS recommends that source area cleanup commence as soon as possible prior to characterizing the deeper impacted groundwater. According to ERS, “[t]his approach will reduce the mass available for vertical migration and avoid potential cross-contamination during further plume characterization.” ACEH is concerned that implementing source area cleanup (Phase 1 site cleanup) prior to completing site characterization, as proposed, may result in a detached plume off-site and duplication of cleanup efforts at a later date on-site and off-site. It appears beneficial as well as cost-effective to characterize the extent of the soil and groundwater contamination and then evaluate at least three active remediation alternatives (besides monitored natural attenuation and no action alternatives), having likelihood of obtaining site cleanup objectives. At this time, adequate justification has not been presented for interim remedial action approval. Should interim remedial action continue to be pursued, please provide adequate justification in the pending SCM and data gap work plan submittal due by October 22, 2008.
3. **Groundwater Contaminant Plume Monitoring** – ERS has identified an obstruction in MW-3 and recommends that the well is repaired prior to the 4<sup>th</sup> quarterly groundwater sampling event and to omit lead scavengers from the analytical suite. ACEH concerns with repairing the MW-3 as soon as possible so that the monitoring well is functional during the next quarterly sampling event. Since lead scavengers (i.e. ethylene dichloride (EDC) and ethylene dibromide (EDB)), have not been detected in groundwater samples collected at the site, you may remove lead scavengers from the analytical suite at this time.

#### **TECHNICAL REPORT REQUEST**

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

- **October 22, 2008** – Site Conceptual Model Report & Data Gap Work Plan
- **January 30, 2009** - Quarterly Monitoring Report (4<sup>th</sup> Quarter 2008)
- **April 30, 2009** - Quarterly Monitoring Report (1<sup>st</sup> Quarter 2009)
- **July 30, 2009** - Quarterly Monitoring Report (2<sup>nd</sup> 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 (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

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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) 777-2478 or send me an electronic mail message at [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org).

Sincerely,



Paresh C. Khatri  
Hazardous Materials Specialist



Donna L. Drogos, PE  
Supervising Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Jim Ho, Environmental Risk Specialties Corp., 1600 Riviera Ave., Suite 310 Walnut Creek, CA 94596  
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032  
Mark Arniola, Public Works Agency, 250 Frank H. Ogawa Plaza, Suite 5301, Oakland, CA 94612  
Larry A. Gallegos, City of Oakland, Community and Economic Development Agency, 250 Frank H. Ogawa Plaza, 5<sup>th</sup> Floor, Oakland, CA 94612  
Dylan T. Radke, Gordon, Watrous, Ryan, Langley, Bruno & Paltenghi, 611 Las Juntas Street, P.O. Box 630, Martinez, CA 94553  
Donna Drogos, ACEH (sent via electronic mail)  
Paresh Khatri, ACEH (sent via electronic mail)  
File

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>ISSUE DATE:</b> July 5, 2005
	<b>REVISION DATE:</b> December 16, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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](mailto: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](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 at acgov.org. (e.g., [firstname.lastname@acgov.org](mailto: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)