

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

February 6, 2009

Ravi Sekhon  
21696 Knuppe Place  
Castro Valley, CA 94552

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

J & S Petroleum, Inc.  
c/o Javad Enterprises  
3300 Powell St., Ste 16  
Emeryville, CA 94608-1528

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 document entitled, "Data Gap Work Plan Addendum," dated January 19, 2009, which was prepared by Environmental Risk Specialties Corporation (ERS) for the subject site. ERS proposes to install shallow and deep groundwater monitoring wells, collecting water samples and preparing Still Diagrams to determine whether shallow and deep water-bearing units are connected, while postponing aquifer pumping until the pilot testing phase, and continuing quarterly groundwater monitoring of existing and proposed groundwater monitoring wells.

ACEH generally concurs with the proposed scope of work and the proposed scope of work may be implemented provided that the modifications requested in the technical comments below are addressed and incorporated during the field implementation. Submittal of a revised Work Plan Addendum is not required unless an alternate scope of work outside that described in the Work Plan, Work Plan Addendum, and technical comments below is proposed.

We request that you address the following technical comments, perform the proposed work, and send us the technical reports requested below.

**TECHNICAL COMMENTS**

1. **Preferential Pathway Study** – In order to evaluate the potential for groundwater contaminant migration along utility corridors, please collect "grab" groundwater samples from borings installed within the groundwater contaminant plume located down-gradient of the site on Foothill Boulevard. Borings should be located up-gradient a few feet of the utility corridor, in the backfill of the utility corridor, and a few feet down-gradient of the utility corridor. Please analyze the "grab" groundwater samples for total petroleum hydrocarbons (TPH) as gasoline (g), benzene, toluene, ethylbenzene, and xylenes (BTEX), fuel oxygenates methyl tertiary butyl ether (MtBE), ethyl tert-butyl ether (ETBE), tertamyl methyl ether (TAME), diisopropyl

ether (DIPE), as well as alcohol compounds, such as tert-butyl alcohol (TBA). Please submit a revised figure that illustrates all proposed boring and well locations, due by the date specified below.

2. **Proposed Monitoring Well Locations** – On Page 13 of the above-mentioned work plan addendum, ERS states that groundwater samples will be collected from proposed well clusters MW-13A/MW-13B. On Table 1 of the same work plan, the proposed well construction data and rationale for the proposed well clusters MW-13A/MW-13B is presented. However, on Figure 3 monitoring well MW-13B is not proposed. Please submit a revised figure that illustrates all proposed boring and well locations, due by the date specified below. Also, please revise the figures in the upcoming report so that all boring and monitoring well locations, including monitoring well MW-13B, accurately depicted.

### **NOTIFICATION OF FIELDWORK ACTIVITIES**

Please schedule and complete the fieldwork activities by the date specified below and provide ACEH with at least three (3) business days notification prior to conducting the fieldwork, including routine groundwater sampling.

### **TECHNICAL REPORT REQUEST**

Please submit technical reports to ACEH (Attention: Paresh Khatri), according to the following schedule:

- **February 18, 2009** – Revised Site Figure
- **April 30, 2009** – Quarterly Monitoring Report (1<sup>st</sup> Quarter 2009)
- **May 4, 2009** – Soil and Water Investigation Report
- **July 30, 2009** – Quarterly Monitoring Report (2<sup>nd</sup> Quarter 2009)
- **October 30, 2009** – Quarterly Monitoring Report (3<sup>rd</sup> Quarter 2009)
- **January 30, 2010** – Quarterly Monitoring Report (4<sup>th</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

Mr. Sekhon and Mr. Ghaffar  
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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 [pareskhatri@acgov.org](mailto:pareskhatri@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  
Councilmember Desley Brooks, City Hall, 1 Frank Ogawa Plaza, Oakland, CA 94612  
Darryl Stewart, Alameda County, 1221 Oak Street, Suite 536, Oakland, CA 94612  
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032  
Mark Gomez, Public Works Agency, 250 Frank H. Ogawa Plaza, Suite 5301, Oakland, CA 94612  
Mark Arniola, Public Works Agency, 250 Frank H. Ogawa Plaza, Suite 5301, Oakland, CA 94612  
Gregory Hunter, Economic Development & Redevelopment, 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  
Paresh Khatri, ACEH  
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)
  - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload)



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HEALTH CARE SERVICES AGENCY

Department Of Environmental Health  
Environmental Protection Division  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577



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0004256164 FEB 11 2009  
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*J.S.*  
J & S Petroleum, Inc.  
c/o Javad Enterprises  
3300 Powell Street, Ste. 16  
Emeryville, CA 94608-1528

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