



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

January 31, 2013

Mr. Montague and Carol Upshaw
Fidelity Roof Company
1075 40th Street
Oakland, CA 94608

Subject: Landowner and Public Participation Notification for Case Closure Consideration for Fuel Leak Case No. RO0000186 (Global ID # T0600102117), Fidelity Roof Company, 1075 40th Street, Oakland, CA 94608

Dear Mr. Upshaw:

Alameda County Environmental Health (ACEH) is reviewing the fuel case file for the above referenced site for potential case closure. As you are aware a site investigation and groundwater monitoring for underground storage tank leaks has been performed at the subject property to which you are named as the primary or active responsible party.

List of Landowners Form

Pursuant to Section 25297.15 (a), Alameda County Environmental Health (ACEH), the local agency, shall not consider cleanup or site closure proposals from the primary or active responsible party, issue a closure letter, or make a determination that no further action is required with respect to a site upon which there was an unauthorized release of hazardous substances from an underground storage tank subject to this chapter unless all current record owners of fee title to the site of the proposed action have been notified of the proposed action by the primary or active responsible party. ACEH is required to notify the primary or active responsible party of their requirement to certify in writing to the local agency that the notification requirement in the above-mentioned regulation has been satisfied and to provide the local agency with a complete mailing list of all record fee title owners.

To satisfy this requirement, please complete the enclosed *List of Landowners Form*, and mail it back to ACEH by the date identified below. Also your comments, if any, must be considered prior to the proposed closure. Please respond within 30 days from the date of this letter for your comments to be considered.

Site Management Requirements

ACEH has reviewed the case for possible closure under a commercial land use scenario with the following site management requirements:

“Residual contamination is documented to remain in-place at the site and as documented is principally concentrated vertically below the area of UST removal and overexcavation, between the approximate depths of 8 and 13 fbs. Residual contamination also appears to remain outside the area of UST excavation / overexcavation. Additionally, soil analytical results for the upper five feet of soil were not collected during investigations and thus are not documented.

This fuel leak case has been evaluated for closure consistent with the criteria in the State Water Resources Control Board Low-Threat Underground Storage Tank Closure Policy (LTCP). Direct soil gas

measurements have been obtained at a depth of 5 feet below grade surface (bgs) and contained concentrations of oxygen between 18.5 and 19.9% at that depth; however, as noted analytical samples have not been collected within 5 feet of the surface as outlined in scenario 2a. However, ACEH judges it appropriate to close the site under scenario 2c with implementation of a land use restriction as an institutional control. Therefore case closure is granted for the current commercial land use and existing building configuration only.

ACEH must be notified if any excavation activities take place or the building footprint is modified. If a change in land use to any residential or other conservative land use scenario occurs at this site; Alameda County Environmental Health (ACEH) must be notified as required by Government Code Section 65850.2.2. Due to the potential for direct exposure and vapor intrusion to indoor air for future buildings or building modifications, ACEH will re-evaluate the case upon receipt of approved development/construction plans.

Excavation or construction activities in areas of residual contamination require planning and implementation of appropriate health and safety procedures by the responsible party (or current property owner/developer) prior to and during excavation and construction activities.

This site is to be entered into the City of Oakland Permit Tracking System due to the residual contamination on site.”

Public Participation

Public participation is a requirement for the Corrective Action Plan and case closure process. In order to notify potentially affected members of the public of the potential fuel leak case closure, ACEH has distributed the attached *Notification of Potential Case Closure* to addresses in the immediate vicinity. The *Notification of Potential Case Closure* requests that landowners or residents submit any comments or questions to ACEH regarding potential case closure by April 2, 2013. ACEH will consider all comments from the public prior to potential case closure.

Request for Monitoring Well Destruction Scheduling

As part of an attempt to expedite closures, and with the recognition that coordination of well decommissioning is a long lead item, ACEH requests that you schedule well decommissioning for approximately two weeks after closure of the public comment period for the site. Please contact the Alameda County Public Works Agency at 510.567.6791 or online, to obtain the required permits. After written ACEH concurrence (email or other) that there have been no comments, and **provided ACEH receives the required *List of Landowners Form*** as is described above, you would be free to proceed. Should there be public comments, then there would be sufficient time to cancel (and / or reschedule) the date and not incur a cost from the drilling company. Please provide notification to ACEH by the date identified below, that you have contracted a licensed drilling contractor for the decommissioning of all remaining wells at the site.

TECHNICAL REPORT REQUEST

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

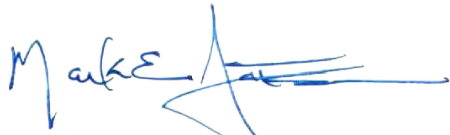
- **March 1, 2013** – Return of *List of Landowner Form*
- **March 1, 2013** - Confirmation of Scheduled Well Decommissioning

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

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Should you have any questions, please contact 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: *Public Notification of Potential Case Closure*
List of Landowners Form

cc: James Gribi, Gribi Associates, 1090 Adams Street, Suite K, Benicia, CA 94510
(sent via electronic mail to: JGribi@gribiassociates.com)

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

LIST OF LANDOWNERS FORM

County of Alameda
Environmental Health Services
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR:

Site Name: Fidelity Roof Company

Address: 1075 40th Street

City, State, Zip: Oakland, CA 94608

Record ID #: RO0000186

Please fill out item 1 if there are multiple site landowners (attach an extra sheet if necessary). If you are the sole site landowner, skip item 1 and fill out item 2.

1. In accordance with Section 25297.15(a) of Chapter 6.7 of the California Health & Safety Code, I, _____ (name of primary responsible party), certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site:

Name: _____

Address: _____

City, State, Zip: _____

E-mail

Address: _____

Name: _____

Address: _____

City, State, Zip: _____

E-mail

Address: _____

Name: _____

Address: _____

City, State, Zip: _____

E-mail

Address: _____

2. In accordance with Section 25297.15(a) of Chapter 6.7 of the California Health & Safety Code, I _____, certify that I am the sole landowner for the above site.

Sincerely,

Signature of Primary
Responsible Party

Printed Name

Date

E-mail Address



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ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
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**PUBLIC NOTIFICATION OF POTENTIAL
CASE CLOSURE OF FUEL LEAK CASE
1075 40th Street, Oakland, CA 94608
January 31, 2013**

**Site Name: Fidelity Roof Company
Site Location: 1075 40th Street, Oakland,
CA 94608
Fuel Leak Case RO0000186 and GeoTracker
Global ID T0600102117**

Summary – This fact sheet has been prepared to inform community members and other interested parties of potential case closure for a fuel leak case at the Fidelity Roof Company yard and offices on the triangle-shaped block formed by 40th Street, Yerba Buena Avenue, and Adeline Street located in Oakland, California (Figure 1).

In December 1995, two underground storage tanks (USTs) containing gasoline and diesel were removed from the southeast corner of the site. Soil samples collected during the tank excavation contained up to 100 mg/kg Total Petroleum Hydrocarbons as gasoline (TPHg), 96 mg/kg Total Petroleum Hydrocarbons as diesel (TPHd), and 29 mg/kg Methyl Tertiary Butyl Ether (MTBE).

Further investigations at the site have included the advancement of multiple soil borings, collection of grab groundwater samples, installation of groundwater monitoring wells, groundwater monitoring, air sparging with soil vapor extraction, remedial excavation around former UST locations, soil vapor sampling, and verification sampling. Contaminants in soil were detected in soil up to 2,900 mg/kg TPHg, 830 mg/kg TPHd, 16 mg/kg benzene, 66 mg/kg ethylbenzene, 320 mg/kg total xylenes, 6.5 mg/kg MTBE, and 2.5 mg/kg TBA (tert-butyl alcohol). Concentrations in groundwater were detected at concentrations up to 110,000 parts per billion (µg/l) TPHg, 40,000 µg/l TPHd, 13,000 µg/l benzene, and 12,000 µg/l MTBE, and 1,600 µg/l TBA. Remediation of the site contamination has been conducted via an air sparge / soil vapor extraction (AS/SVE) system and overexcavation.

Groundwater monitoring has been conducted at the site from March 1997 to December 2011. Remaining contamination appears to be primarily in soil and groundwater in the vicinity of the former underground storage tanks. Groundwater from the most recent monitoring event on November 29, 2011 contained up to 980 µg/l TPHg, 760 µg/l TPHd, 1,600 µg/l MTBE, and non-detectable levels of benzene. The most recent soil vapor samples did not detect concentrations of benzene.

The residual petroleum hydrocarbons present in groundwater, soil, and soil vapor are expected to biodegrade over time, consequently it does not appear that the site's fuel release presents a risk to human health for nearby residents or site workers under current site and vicinity use conditions. Should onsite building configurations, building use, or land use change, site management requirements attached to the land parcel will become effective. Consequently, ACEH is considering potential closure of the fuel leak case.

Next Step – The public is invited to review and comment on the potential closure of the fuel leak case. The entire case file can be viewed over the Internet on the ACEH website (<http://www.acgov.org/aceh/lop/ust.htm>) or the State of California Water Resources Control Board GeoTracker website (<http://geotracker.swrcb.ca.gov>). Please send written comments to Mark Detterman at the address below; all comments will be forwarded to the responsible parties. **Comments received by April 2, 2013** will be considered and responded to prior to a final determination on the proposed case closure.

Additional information: Contact Mark Detterman of the Alameda County Department of Environmental Health, 1131 Harbor Bay Parkway, Alameda, CA 94502 at 510-567-6876 or by email at mark.detterman@acgov.org



Figure 1: Aerial View of Property (Google Earth, 2013)