



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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October 28, 2009

Mr. Gary Bankhead	Mr. Bruce Brecovich	Mr. Bernie Campbell	Ms. Maude Besthorn
Kaiser Foundation Hospitals	Val Strough Honda	224 Mountain Drive	Ptarmigan Drive #7B
1100 San Leandro Blvd, Ste 200	100 Embarcadero, 3 <sup>rd</sup> Fl	Piedmont, CA 94611	Walnut Creek, CA 94595
San Leandro, CA 94577	San Francisco, CA 94105		

Subject: Fuel Leak Case No. RO0000205 (Global ID # T0600101504), Kaiser Development / Val Strough Honda, 3735-3799 Broadway, Oakland CA 94611

Dear Mr. Bankhead, Mr. Brecovich, Mr. Campbell, and Ms. Besthorn:

I have been recently assigned to your case; please send all future correspondence or inquiries to my attention. It will be greatly appreciated. Thank you first for submitting the correspondence entitled *Fuel Leak Case No. RO0000205*, dated April 23, 2009, by Stantec Consulting Corporation (Stantec). It is understood that case closure has been requested by Stantec on behalf of Kaiser Permanente. Thank you also for quantifying the significant volume of groundwater removed during excavation dewatering at the site. Based on Alameda County Environmental Health (ACEH) staff review of the referenced correspondence and of the case file, it would appear that the case is approaching closure; however, the submittal of additional information is required prior to potentially rescinding the ACEH requests contained in the January 23, 2009 letter. As a consequence, ACEH requests that you address the following technical comments and send us the documents described below.

This decision to delay closure is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Please contact Mr. George Lockwood in the SWRCB Underground Storage Tank Program at (916) 341-5752 or [GLockwood@waterboards.ca.gov](mailto:GLockwood@waterboards.ca.gov) for information regarding the appeal process.

### **TECHNICAL COMMENTS**

- Excavation Dewatering** In a previous directive letter (January 23, 2009) ACEH was concerned that residual dissolved phase contamination might remain beneath Areas of Concern (AOC) 2 and AOC 5 due to a lack of post-excavation groundwater sample collection. The SECOR *Soil Management Implementation Report* dated June 11, 2008, contained a general description of groundwater management and discharge compliance, but did not quantify the significant scope of project construction dewatering. In part this may have been the result of discharges handled under a Publicly Owned Treatment Works (POTW) permit overseen by East Bay Municipal Utility District, and under a National Pollutant Discharge Elimination System (NPDES) General Permit overseen by the San Francisco Regional Water Quality Control Board. While a series of 35-, 40-, and 50-foot deep extraction wells are reported to have been evenly spaced around the perimeter of construction, ACEH has not located a depiction of the location and depth of individual dewatering wells at the site in order to help it understand the effect the wells will have had on these two AOC. As a consequence please provide those locations and depths depicted on an updated figure in conjunction with preconstruction residually impacted groundwater in the document requested below.

In general periodic sampling of influent to verify contaminants and concentrations, and periodic adjustments to groundwater extraction rates at individual wells are conducted to balance the dewatering system or dewater specific work areas are undertaken. To help further our understanding of the dewatering process at the site, ACEH requests an understanding of flow rates, total flow from individual wells, date ranges of extraction, and influent sampling collected (individual or manifolded wells). Please submit the information in the document requested below.

- 2. Waste Oil UST Removal and Overexcavation** Appendix A of the June 11, 2008, contained a report on the removal of a waste oil underground storage tank (UST). Tank bottom samples were collected to maximum of approximately 15 feet below grade surface (bgs; or 6 feet below the UST) at the time of removal, and the report states the UST excavation was later overexcavated to this depth. Tank bottom samples contained significant hydrocarbon concentrations that decreased to total excavation depth, and the concentration of Total Petroleum Hydrocarbons (TPH) as diesel remained over the residential ESL at approximately 15 feet bgs (520 milligrams per kilogram [mg/kg]), but are largely attributed to the light fraction of motor oil based on laboratory flags. No fuel related volatile compounds were detected at appropriate limits of detection, and other contaminants of concern were below residential ELS. Unfortunately analysis for the potential waste oil contaminants that include Halogenated Volatile Organic Compounds (HVOCs) or Semi-Volatile Organic Compounds (SVOCs) were not collected once the residual product was typed as waste oil. In part because the former UST was located immediately adjacent to the storm drain ACEH requests confirmation of the removal of these potential contaminants in soil, and groundwater if warranted, to appropriate standards at the site. Please submit a Work Plan according to the following schedule.

### **TECHNICAL REPORT REQUEST**

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

- **January 15, 2010** – Work Plan and Additional Information Submittal

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 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) 383-1767 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,

Mark E. Detterman, PG, CEG  
Hazardous Materials Specialist

cc: Greg Hoehn, Stantec, 57 Lafayette Circle, 2<sup>nd</sup> Floor, Lamarette, CA 94549 (sent via electronic mail to [greg.hoehn@stantec.com](mailto:greg.hoehn@stantec.com))  
Aaron Costa, Chevron Environmental Management, 6111 Bollinger Canyon Rd., Room 3660 San Ramon, CA 94583-2324 (sent via electronic mail to [acosta@chevron.com](mailto:acosta@chevron.com))  
Charlotte Evans, Conestoga-Rovers & Assoc., 5900 Hollis Street, Suite A, Emeryville, CA 94608 (sent via electronic mail to [Cevans@croworld.com](mailto:Cevans@croworld.com))  
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Suite 3341 Oakland, CA 94612-2032 (sent via electronic mail to [lgriffin@oaklandnet.com](mailto:lgriffin@oaklandnet.com))  
Dan Nechkash, Kaiser Permanente, National Environmental, Health & Safety, 75 N. Fair Oaks, 1<sup>st</sup> Floor, Pasadena, CA 91188 (sent via electronic mail to [Daniel.O.Nechkash@kp.org](mailto:Daniel.O.Nechkash@kp.org))  
Donna Drogos (sent via electronic mail to [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org)),  
Mark Detterman (sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org)), File

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>ISSUE DATE:</b> July 5, 2005
	<b>REVISION DATE:</b> March 27, 2009
	<b>PREVIOUS REVISIONS:</b> December 16, 2005, October 31, 2005
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions

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 My Le Huynh.
  - 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 @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) If site is a new case without an RO# use the street address instead.
  - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.