

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  
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July 13, 2007

Mr. Balaji Angle  
B&C Gas Mini Mart  
2008 1<sup>ST</sup> Street  
Livermore, CA 94550

Mr. John Rutherford  
Desert Petroleum  
3781 Telegraph Rd  
Ventura, CA 93003-3420

Dear Messrs. Angle and Rutherford:

Subject: Fuel Leak Case No. RO0000278, Desert Petroleum, 2008 1<sup>ST</sup> Street, Livermore, CA

ACEH staff has reviewed the "Revised Source Zone Remediation Plan Addendum", dated June 28, 2007, and the proposed project schedule dated May, 30, 2007, both prepared by Golder Associates (Golder). Thank you for revising your plan and submitting the details requested by ACEH. We generally concur with the work proposed in the workplan. The proposed scope of work may be implemented provided that the technical comment below is addressed and incorporated during the proposed field work. Submittal of a revised workplan is not required unless an alternative proposal outside that described in the workplan and technical comment below is proposed. We request that you incorporate the following technical comment in your proposed work, perform the work, and send us the reports requested below.

We have reviewed the schedule for permitting and operation of the pilot test program and concur with the proposed schedule of work. ACEH has revised the schedule for submittal of technical reports accordingly as specified below.

Additionally, we have received the "Response to ACEH Comments and SCM Rev. 2.0 Transmittal," dated June 22, 2007. ACEH review of these reports is pending.

#### TECHNICAL COMMENT

1. **Monitoring Well Network for Pilot Test** – We concur with your proposal to install SP-3 through SP-6 to monitor the effectiveness of the remediation system. We are concerned that data from one monitoring location downgradient will not yield sufficient information to evaluate the effectiveness of your system over time. We request that you install an additional well pair between SP-6 and MW-5 and incorporate it into your pilot test monitoring network.

#### TECHNICAL REPORT REQUEST

Please submit technical reports electronically to ACEH (Attention: Ms. Donna L. Drogos), according to the schedule below and as established for the project under the Polanco Act.

- **July 30, 2007** – Quarterly Report for the Second Quarter 2007
- **October 30, 2007** – Quarterly Report for the Third Quarter 2007

- **December 7, 2007** – Pilot Test Report
- **January 30, 2008** - Quarterly Report for the Third Quarter 2007
- **February 1, 2008** - CAP and Public Participation Plan
- **April 30, 2008** - Quarterly Report for the First Quarter 2007

These reports are being requested pursuant to Section 25296.10 of the California Health and Safety Code. 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

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. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

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. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for 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, electronic submittal of a complete copy of all necessary reports was 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](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.

#### 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**

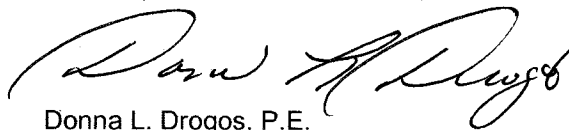
Please note that further delays in investigation and reporting, late reports, or enforcement actions will result in ACEH recommending to the State that you be made ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost 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) 567-6721.

Sincerely,



Donna L. Drogos, P.E.  
LOP Program Manager

cc:	Mr. Bill Fowler (w/Enc) Golder Associates 2580 Wyandotte Street, Suite G Mountain View, CA 94043  <a href="mailto:bfowler@golder.com">bfowler@golder.com</a>	Ms. Mary Rose Cassa Regional Water Quality Control Board San Francisco Bay Region 1515 Clay Street, Suite 1400 Oakland, CA 94612  <a href="mailto:MCassa@waterboards.ca.gov">MCassa@waterboards.ca.gov</a>	Ms. Colleen Winey Zone 7 Water Agency 100 North Canyons Parkway Livermore, CA 94551  <a href="mailto:cwiney@zone7water.com">cwiney@zone7water.com</a>
	Ms. Danielle Stefani Livermore – Pleasanton Fire Department 3560 Nevada Street Pleasanton, CA 94566  <a href="mailto:dstefani@lpfire.org">dstefani@lpfire.org</a>	Mr. Sunil Ramdass State Water Resources Control Board UST Cleanup Fund P.O. Box 944212 Sacramento, CA 94244-2120  <a href="mailto:sramdas@waterboards.ca.gov">sramdas@waterboards.ca.gov</a>	Ms. Chris Davidson City of Livermore 1052 S Livermore Ave Livermore, CA 94550  <a href="mailto:cedavidson@ci.livermore.ca.us">cedavidson@ci.livermore.ca.us</a>

	<p>Mr. John Freeman, Jr. California Water Service 195 South N Street Livermore, CA 94550</p> <p><a href="mailto:jfreeman@calwater.com">jfreeman@calwater.com</a></p>	<p>Michael J. Veiluva Esq Alborg, Veiluva &amp; Epstein LLP 200 Pringle Avenue, Suite 410 Walnut Creek, CA 94596</p> <p><a href="mailto:mveiluva@avelaw.com">mveiluva@avelaw.com</a></p>	<p>Mr. Glenn Young Fugro West, Inc 1000 Broadway, Suite 200 Oakland, CA, 94607</p> <p><a href="mailto:GYoung@Fugro.com">GYoung@Fugro.com</a></p>
	<p>Mr. Balaji Angle <a href="mailto:gasman6020@yahoo.com">gasman6020@yahoo.com</a></p>		
	<p>D. Drogos , files</p>		