



City of Alameda • California

August 16, 2001

AUG 20 2001

Ms. Eva Chu, Hazardous Material Specialist
Environmental Health Services
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, Ca 94502-6577

Re: Site Closure at 2756 Main Street

Dear Ms. Chu:

This City concurs with the Alameda County Environmental Protection (LOP) intention relative to the above site closure as stated in your letter dated July 25, 2001. The City of Alameda is the current record fee title owner of the property.

Please call me at (510)749-5853 if you have questions or need additional information.

Sincerely,

Cheri Sheets
City Engineer/Deputy Public Works Director

By: Wali Waziri, P.E.
Associate Civil Engineer

WW:fh
enclosure
G:\PUBWORKS\CIP\MAINSTR\CORRESP\COUNTY.WPD

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



AUG 20 2001

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

Received

RO0000287

July 25, 2001

Mr. Wali Waziri
City of Alameda County
950 West Mall, #110
Alameda, CA 94501-7552

JUL 27 2001

Public Works
City of Alameda

**SUBJECT: INTENT TO MAKE A DETERMINATION THAT NO FURTHER ACTION IS REQUIRED
OR ISSUE A CLOSURE LETTER FOR 2756 MAIN STREET, ALAMEDA, CA**

Dear Mr. Waziri:

This letter is to inform you that Alameda County Environmental Protection (LOP) intends to make a determination that no further action is required at the above site or to issue a closure letter. Please notify this agency of any input and recommendations you may have on these proposed actions within 20 days of the date of this letter.

In accordance with section 25297.15 of Ch. 6.7 of the Health & Safety Code, you must provide certification to the local agency that all of the current record fee title owners have been informed of the proposed action. Please provide this certification to this office within 20 days of the date of this letter.

If you have any questions about these proposed actions, please contact me at (510) 567-6762.

Sincerely,

eva chu
Hazardous Materials Specialist

c: Chuck Headlee, RWQCB

Chu, Eva, Public Health, EHS

From: Chu, Eva, Public Health, EHS
Sent: January 11, 2001 12:42 PM
To: 'Mallika Ramachandran'
Cc: 'Headlee, Chuck'
Subject: RE: 2756 Main Street, Alameda, CA

Mallika,

I already have that information. The groundwater samples (WB-09, WB-10, and WB-11), collected at the site, contained elevated lead levels. Grab water sample WB-10 was re-analyzed for soluble lead after the lab filtered the sample, and 9.3ppm lead was identified. This is still considered elevated. I believe that the water board would like to see additional water samples collected and prefiltered in the field before the lab performs the analysis.

It may be best for you to contact Chuck Headlee directly at (510) 622-2433 to see what he requires.

evachu

Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502
(510) 567-6762
(510) 337-9335 fax

From: Mallika Ramachandran[SMTP:MRAMACHA@ci.alameda.ca.us]
Sent: January 11, 2001 11:00 AM
To: EChu@co.alameda.ca.us
Cc: Wali Waziri
Subject: Re: 2756 Main Street, Alameda, CA

Hi Eva

N&M told me that they had resend the rpt you requested last week. The soluble lead analysis was done for groundwater at the site. I really would like to close the project. If there are any issues please let us all meet and resolve this month.

>>> "Chu, Eva, Public Health, EHS" <EChu@co.alameda.ca.us>
01/02/01 03:46PM >>>

Hi Mallika,

I was checking into the status of closure for the above referenced site and saw that Mr. Chuck Headlee of the Regional Water Quality Control Board did not sign off on our recommendation for site closure. He requested that soluble lead analysis must be performed for groundwater at the site. To my knowledge, that has not been completed. Please update me on the status of collecting groundwater at the site for soluble lead analysis

Happy New Year

evachu

Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502
(510) 567-6762



California Regional Water Quality Control Board

San Francisco Bay Region



Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov>
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 • FAX (510) 622-2460

CERTIFIED MAIL 391 504 029
RETURN RECEIPT REQUESTED

Date: **SEP 12 2000**
File: 2198.17(RH)

Mr. Matt Naclerio, Director of Public Works
950 West Mall Square, Room 110
Alameda, Ca 94501-7558

Subject: AMENDED COMPLAINT FOR ADMINISTRATIVE CIVIL LIABILITY
The City of Alameda (Dales Bar), 2756 Main Street, Alameda County

Dear Mr. Naclerio:

Enclosed is Amended Complaint No. 00-022 for Administrative Civil Liability issued against the City of Alameda, for their Dales Bar site in Alameda, California.

This Complaint was amended after receipt of your letter dated August 31, 2000, which states that you would prefer to develop an environmental enhancement project in lieu of payment of the liability to the State's Cleanup and Abatement Account. This is acceptable. The proposal for this project is due to this office no later than November 20, 2000. Staff can assist you in identifying and developing an acceptable project.

Please sign the last page of the Amended Complaint Order in the appropriate location and then fax it back to this office at your earliest convenience. By doing so, you agree to pay our staff costs of \$4,400 and develop a \$17,000 environmental enhancement project. This matter will then not be heard by the Board at its September 20, 2000 meeting.

If you have any questions, please contact Richard Hiatt from my staff at (510) 622-2359.

Sincerely,

Lawrence P. Kolb
Acting Executive Officer

Enclosures:
Amended Complaint No. 00-022

California Environmental Protection Agency

**Mr. Matt Naclerio, Director of Public Works
City of Alameda
Administrative Civil Liability Complaint No. 00-022**

Page 2 of 2

cc:

Regional Board

State Water Resources Control Board, Office of the Chief Counsel - Sheryl Freeman

State Water Resources Control Board, Division of Water Quality - Bruce Fujimoto

State Water Resources Control Board, Office of Statewide Consistency - Margie Young

Alameda County Department of Environmental Health - Eva Chu

1131 Harbor Bay Parkway, Suite 250, Alameda, CA 94502-6577

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

		AMENDED ORDER
IN THE MATTER OF)	COMPLAINT NO. 00-022
THE CITY OF ALAMEDA)	FOR
DALE'S BAR)	ADMINISTRATIVE
2756 MAIN STREET)	CIVIL
CITY OF ALAMEDA)	LIABILITY
ALAMEDA COUNTY)	

YOU ARE HEREBY GIVEN NOTICE THAT:

The City of Alameda (hereinafter the Discharger) is alleged to have violated provisions of law, for which the San Francisco Bay Region (Regional Board) may impose civil liability under Section 13385 of the California Water Code.

Unless waived, a hearing on this matter will be held before the Regional Board on September 20, 2000, in the Elihu M. Harris State Building, First Floor Auditorium, 1515 Clay Street, Oakland, California, 94612. The City of Alameda's representatives will have an opportunity to be heard and to contest allegations in this complaint, and the imposition of civil liability by the Regional Board. An agenda showing the time set for the hearing will be mailed no less than ten days before the hearing date. You must submit any written evidence concerning this complaint to the Regional Board before **September 1, 2000**. Any written evidence submitted to the Board after September 1, 2000, may not be included in the record.

At the hearing the Regional Board will consider whether to affirm, reject, or modify the proposed administrative civil liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

ALLEGATIONS

The Discharger is alleged to have violated Section 13376 of the California Water Code, by allowing the discharge of pollutants to Waters of the United States without the required Waste Discharge Requirements.

The following facts are the basis for the alleged violation in this matter:

1. On December 6, 1999, the Discharger initiated the removal of two gasoline underground storage tanks (USTs) from 2756 Main Street (hereinafter the Site), Alameda, Alameda County. Alameda County Health Care Agency, Division of Environmental Protection (ACHCA) is the lead regulatory agency responsible for the oversight of underground storage tank removals, investigations, cleanups and closure plans.

2. Following the UST removals, approximately 1,100 gallons of water and residual product from the waste oil tank pit were removed by vacuum truck and off-hauled. An additional 7,000 gallons of groundwater was pumped from the fuel tanks and excavations into a holding tank. Soil and groundwater analytical data were submitted by the Discharger to the ACHCA for review, to determine if the stockpiled soil and/or groundwater could be re-used at the site. Analytical results for water from the holding tank indicate the water contained up to 11,000 parts per billion (ppb) Total Petroleum Hydrocarbon (TPH) as gasoline, 1,600 ppb TPH as diesel, 2,900 ppb TPH as motor oil, and 310 ppb as benzene. On December 10, 1999, ACHCA staff approved the re-use of stockpiled soil but directed the Discharger not to re-use the groundwater on site.
3. On December 17, 1999, the ACHCA received a complaint regarding the discharge of ground water to an unlined ditch leading to a storm drain on the site. ACHCA staff investigated the site and noted petroleum sheen on the ground water surface within the UST excavation and a strong petroleum odor from one area of the site; however, no obvious discharge to the storm drain was observed. Daily inspection reports from December 17, 1999, and other information provided by the Discharger, state that water from the site was being used for "dust control."
4. On December 22, 1999, ACHCA staff revisited the site. Ponding was observed on several locations of the property. The holding tank was empty, and a strong hydrocarbon odor was noted coming from inside the tank. An estimated 17,000 gallons of polluted groundwater (7,000 from the holding tank and 10,000 from the tank excavation) was discharged to land and/or to the storm sewer system without approval or permits from the ACHCA or the Regional Board.
5. The Discharger, in a letter dated September 6, 2000, states its belief that all dewatering and dust control activities were completed on or before December 18, 1999 and that the alleged offsite discharge is solely attributable to tidal surcharge that has historically flooded this area. The Discharger further states this was done in accordance with the written advice of its Environmental Consultant.
6. Based upon complaint calls, an Office of Emergency Services spill report, and daily inspection reports from the Discharger, ACHCA staff determined that polluted groundwater, from both the holding tank and excavated UST pit, had been illegally discharged while under the oversight of the Discharger. In a letter dated February 28, 2000, the ACHCA requested the Regional Board's enforcement assistance regarding these discharges.
7. The Regional Board adopted Resolution 88-160 on October 19, 1988. The Resolution urges dischargers of extracted ground water from site cleanup operations to reclaim their effluent and when reclamation is not technically or economically feasible, to discharge to a publicly owned treatment works (POTW).

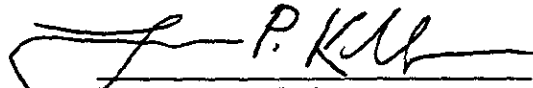
The Discharger neither treated the polluted groundwater nor had authorization to discharge this untreated water for "dust control."

8. If neither reclamation nor discharge to a POTW is found to be technically or economically feasible, dischargers may file an NPDES application with the Regional Board to receive authorization to discharge treated extracted ground water in accordance with the requirements of Order No. 96-078, "General Waste Discharge Requirements for Discharges of Extracted and Treated Groundwater Resulting from the Cleanup of Groundwater Polluted by Fuel Leaks and Other Related Wastes at Service Stations and Similar Sites". The Discharger neither applied for this permit nor treated the polluted ground water prior to discharging it to the storm drain system.
9. The cities of Alameda County (including the Discharger- the City of Alameda), unincorporated areas of Alameda County, and flood control and water conservation districts within Alameda County, joined together to form the Alameda Countywide Clean Water Program and applied for and received coverage under an NPDES Permit (Order 97-030 as modified by Order 99-049) to discharge storm water runoff from storm drains and watercourses within their respective jurisdictions. The Discharger violated Prohibition A.1 of its permit by discharging polluted ground water into its storm drain system.
10. The maximum civil liability which could be imposed by the Regional Board in this matter is as follows:
 - a. Pursuant to Section 13385(c.1), \$10,000 per day of violation; and
 - b. Pursuant to Section 13385(c.2), up to \$10 per gallon for the volume discharged over 1000 gallons.
11. Based on the days of violation the maximum administrative civil liability which could be imposed by the Regional Board in this matter, under Section 13385 of the Water Code, exceeds \$180,000. This amount is based on 2 days of discharge of 17,000 gallons of contaminated groundwater.
12. In determining the amount of administrative civil liability, the Regional Board considered the following factors described in the attached staff report:
" the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the ability to pay, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and any other matters that justice may require" [Water Code Section 13385(e)].
13. The Executive Officer of the Regional Board proposes that the administrative civil liability imposed in the amount of \$21,400 that includes \$4,400 in staff costs.
14. The Discharger has requested that \$17,000 of the amount be suspended pending accomplishment of a supplemental environmental project acceptable to the

Executive Officer. The Discharger must submit to this Board a proposal for such a project by November 20, 2000. If the proposed project is not acceptable, the Discharger has 30 days from receipt of notice of rejection of submittal, to either submit a new or revised proposal or submit payment for the full amount suspended. The accepted project(s) must be completed by October 20, 2001. Any money not used by that date must be submitted to this Board and made payable to the State Cleanup and Abatement Fund of directed toward an alternative project acceptable to the Executive Officer.

15. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et.seq.), in accordance with Section 15321(a)(2), Title 14, of the California Code of Regulations.

9/13/00
Date



Lawrence P. Kolb
Acting Executive Officer

WAIVER OF HEARING

You may waive the right to a hearing. If you wish to waive the hearing, an authorized person must check and sign the waiver below and return it to the Regional Water Quality Control Board, San Francisco Bay Region, at 1515 Clay Street, Suite 1400, Oakland CA 94612. Payment of the civil liability would be due within 60 days from the date of this Complaint. Any waiver will not be effective until 30 days from the date of this Complaint to allow other interested persons to comment on this action.

If you should have any questions, please contact Bruce Wolfe, Chief of the Watershed Management Division at (510) 622-2443 or Sheryl Freeman, the Regional Board's counsel, at (916) 657-2406.

WAIVER

[] By checking this box I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No.00-022 and to remit payment for the civil liability imposed to include a proposal for supplemental environmental projects as mitigation for the amount of liability suspended. I understand that I am giving up my right to be heard, and to argue against the allegations made by the Executive Officer in this complaint, and against the imposition of, or the amount of, civil liability proposed. I agree to remit payment for the civil liability imposed within 60 days from the date of this Complaint.

Date

Discharger



California Regional Water Quality Control Board San Francisco Bay Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov>
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 FAX (510) 622-2460

Gray Davis
Governor

Mr. Matthew T. Naclerio
Public Works Director
City of Alameda
950 West Mall Square, Room 110
Alameda, CA 94501-7552

Date: August 9, 2000
File No. 2198.17 (RH)

SUBJECT: The City of Alameda (Dales Bar), 2756 Main Street, Alameda, Alameda County Administrative Civil Liability, Complaint No. 00-020 – Request for Continuance of Hearing

Dear Mr. Naclerio:

We received your letter requesting a continuance of the hearing scheduled on August 16, 2000, to consider imposition of administrative civil liability for the discharge of polluted ground water. The City requested continuance to allow more time to prepare a response and explore resolution of the Complaint.

We concur with the City's request, considering that the City had only one day to respond to the alleged violations. I will therefore recommend to the Board that they continue the hearing to the September 20, 2000, Board meeting. With this recommendation, all dates in the Complaint for responses from the City are extended to September 1, 2000.

If you have any questions, please contact Richard Hiatt at (510) 622-2359.

Sincerely,

Lawrence P. Kolb
Acting Executive Officer

cc: Sheryl Freeman, SWRCB/OCC

Eva Chu, Alameda County Health Department, 1131 Harbor Bay Parkway, Suite 250,
Alameda, CA 94502

00 AUG 14 5:11 PM '00
PROT
LAWRENCE P. KOLB



California Regional Water Quality Control Board

San Francisco Bay Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov>
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 • FAX (510) 622-2460

Gray Davis
Governor

P 391 502 451
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Date: **AUG 01 2000**
File: 2198.17(RH)

ENVIRONMENTAL
PROTECTION
AUG -3 PM 4:37

Mr. Matt Naclerio, Director of Public Works
950 West Mall Square, Room 110
Alameda, Ca 94501-7558

**Subject: ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. 00-020,
The City of Alameda (Dales Bar), 2756 Main Street, Alameda County**

Dear Mr. Naclerio:

Enclosed is a certified copy of Complaint No. 00-020 and attached staff report for Administrative Civil Liability regarding the discharge of polluted groundwater from your site. A public hearing on this matter has been scheduled for the August 16, 2000, Regional Board Meeting in the Elihu M. Harris State Building, First Floor Auditorium, located at 1515 Clay Street, Oakland, California. The meeting agenda will be mailed to you prior to the hearing.

Pursuant to CWC Section 13385, the complaint proposes a liability of \$21,400 which includes an assessment for the violations and realized economic benefit, and staff costs related to initial inspections and preparation / enforcement of this complaint.

At this time, you have three options:

1. You can appear before the Board during the scheduled meeting to contest the Complaint; written comments are due by August 4, 2000. At that time, the Board may impose the Administrative Civil Liability in the amount proposed, for a different amount, decline to seek civil liability, or refer the case to the Attorney General.
2. You can waive the right to a hearing by signing the attached "Waiver of Hearing" form and submitting it to the Regional Board at 1515 Clay St. Ste. 1400, Oakland, CA 94612, by July 31, 2000. By doing so, you agree to pay the liability within 60 days of this Complaint's issuance.
3. You may request that a portion of the assessment be suspended and an amount equal to the suspended amount be dedicated to a local Supplemental Environmental Project (SEP) If so, do not sign the waiver; instead state your intent in a letter addressed to me, no later than July 31, 2000. Attached is a description of the Regional Board's program for SEPs. Staff can assist you in identifying and developing an acceptable project.

Mr. Matt Naclerio, Director of Public Works
City of Alameda
Administrative Civil Liability Complaint No. 00-020

Page 2 of 2

If you have any questions, please contact the Board's Legal Counsel, Ms. Sheryl Freeman, at (916) 657-2406 or the Surface Water Protection Division Chief, Teng-Chung Wu at (510) 622-2445.

Sincerely,



Lawrence Kolb
Acting Executive Officer

Enclosures:

Complaint No. 00-020
Attachment 1 - Staff Report
Attachment 2 - SEP Information

cc: Regional Board
State Water Resources Control Board, Office of the Chief Counsel - Sheryl Freeman
State Water Resources Control Board, Division of Water Quality - Bruce Fujimoto
State Water Resources Control Board, Office of Statewide Consistency - Margie Young
✓ Alameda County Department of Environmental Health - Eva Chu
1131 Harbor Bay Parkway, Suite 250, Alameda, CA 94502-6577

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

IN THE MATTER OF)	COMPLAINT NO. 00-022
THE CITY OF ALAMEDA)	FOR
DALE'S BAR)	ADMINISTRATIVE
2756 MAIN STREET)	CIVIL
CITY OF ALAMEDA)	LIABILITY
ALAMEDA COUNTY)	

YOU ARE HEREBY GIVEN NOTICE THAT:

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Unless waived, a hearing on this matter will be held before the Regional Board on August 16, 2000, in the Elihu M. Harris State Building, First Floor Auditorium, 1515 Clay Street, Oakland, California, 94612. The City of Alameda's representatives will have an opportunity to be heard and to contest allegations in this complaint, and the imposition of civil liability by the Regional Board. An agenda showing the time set for the hearing will be mailed no less than ten days before the hearing date. You must submit any written evidence concerning this complaint to the Regional Board before **August 4, 2000**. Any written evidence submitted to the Board after August 4, 2000, may not be included in the record.

At the hearing the Regional Board will consider whether to affirm, reject, or modify the proposed administrative civil liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability.

ALLEGATIONS

The Discharger is alleged to have violated Section 13376 of the California Water Code, by allowing the discharge of pollutants to Waters of the United States without the required Waste Discharge Requirements.

The following facts are the basis for the alleged violation in this matter:

1. On December 6, 1999, the Discharger initiated the removal of two gasoline underground storage tanks (USTs) from 2756 Main Street (hereinafter the Site), Alameda, Alameda County. Alameda County Health Care Agency, Division of Environmental Protection (ACHCA) is the lead regulatory agency responsible for the oversight of underground storage tank removals, investigations, cleanups and closure plans

2. Following the UST removals, approximately 1,100 gallons of water and residual product from the waste oil tank pit were removed by vacuum truck and off-hauled. An additional 7,000 gallons of groundwater was pumped from the fuel tanks and excavations into a holding tank. Soil and groundwater analytical data were submitted by the Discharger to the ACHCA for review, to determine if the stockpiled soil and/or groundwater could be re-used at the site. Analytical results for water from the holding tank indicate the water contained up to 11,000 parts per billion (ppb) Total Petroleum Hydrocarbon (TPH) as gasoline, 1,600 ppb TPH as diesel, 2,900 ppb TPH as motor oil, and 310 ppb as benzene. On December 10, 1999, ACHCA staff approved the re-use of stockpiled soil but directed the Discharger not to re-use the groundwater on site.
3. On December 17, 1999, the ACHCA received a complaint regarding the discharge of ground water to an unlined ditch leading to a storm drain on the site. ACHCA staff investigated the site and noted petroleum sheen on the ground water surface within the UST excavation and a strong petroleum odor from one area of the site, however, no obvious discharge to the storm drain was observed. Daily inspection reports from December 17, 1999, provided by the Discharger, state that water from the site was being used for "dust control."
4. On December 22, 1999, ACHCA staff revisited the site. Ponding was observed on several locations of the property. Water discharge to the storm drain on Singleton Avenue was observed. The holding tank was empty, and a strong hydrocarbon odor was noted coming from inside the tank.
5. Based upon complaint calls, an Office of Emergency Services spill report, and daily inspection reports from the Discharger, ACHCA staff determined that polluted groundwater, from both the holding tank and excavated UST pit, had been illegally discharged while under the oversight of the Discharger. An estimated 17,000 gallons of polluted groundwater (7,000 from the holding tank and 10,000 from the tank excavation) was discharged to land and/or the storm sewer system without approval or permits from the ACHCA or the Regional Board. In a letter dated February 28, 2000, the ACHCA requested the Regional Board's enforcement assistance regarding these discharges.
6. The Regional Board adopted Resolution 88-160 on October 19, 1988. The Resolution urges dischargers of extracted ground water from site cleanup operations to reclaim their effluent and when reclamation is not technically or economically feasible, to discharge to a publicly owned treatment works (POTW). The Discharger neither treated the polluted groundwater nor had authorization to discharge this untreated water for "dust control "
7. If neither reclamation nor discharge to a POTW is found to be technically or economically feasible, dischargers may file an NPDES application with the Regional Board to receive authorization to discharge treated extracted ground

water in accordance with the requirements of Order No. 96-078, "General Waste Discharge Requirements for Discharges of Extracted and Treated Groundwater Resulting from the Cleanup of Groundwater Polluted by Fuel Leaks and Other Related Wastes at Service Stations and Similar Sites". The Discharger neither applied for this permit nor treated the polluted ground water prior to discharging it to the storm drain system.

8. The cities of Alameda County (including the Discharger- the City of Alameda), unincorporated areas of Alameda County, and flood control and water conservation districts within Alameda County, joined together to form the Alameda Countywide Clean Water Program and applied for and received coverage under an NPDES Permit (Order 97-030 as modified by Order 99-049) to discharge storm water runoff from storm drains and watercourses within their respective jurisdictions. The Discharger violated Prohibition A.1 of its permit by discharging polluted ground water into its storm drain system.
9. The maximum civil liability which could be imposed by the Regional Board in this matter is as follows:
 - a. Pursuant to Section 13385(c.1), \$10,000 per day of violation; and
 - b. Pursuant to Section 13385(c.2), up to \$10 per gallon for the volume discharged over 1000 gallons.
10. Based on the days of violation the maximum administrative civil liability which could be imposed by the Regional Board in this matter, under Section 13385 of the Water Code, exceeds \$180,000. This amount is based on 2 days of discharge of 17,000 gallons of contaminated groundwater.
11. In determining the amount of administrative civil liability, the Regional Board considered the following factors described in the attached staff report:
" the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the ability to pay, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and any other matters that justice may require." [Water Code Section 13385(e)].
12. The Executive Officer of the Regional Board proposes that the administrative civil liability imposed in the amount of \$21,400 that includes \$4,400 in staff costs.
13. Issuance of this complaint is exempt from the provisions of the California Environmental Quality Act (Public Resources Code 21000 et seq.) in accordance with Section 15321 of Title 14, California Code of Regulations.

7/27/2000
Date


Lawrence P. Kolb
Acting Executive Officer

WAIVER OF HEARING

You may waive the right to a hearing. If you wish to waive the hearing, an authorized person must check and sign the waiver below and return it to the Regional Water Quality Control Board, San Francisco Bay Region, at 1515 Clay Street, Suite 1400, Oakland CA 94612. Payment of the civil liability would be due within 60 days from the date of this Complaint. Any waiver will not be effective until 30 days from the date of this Complaint to allow other interested persons to comment on this action.

If you should have any questions, please contact Richard Hiatt from my staff at (510) 622-2361 or Sheryl Freeman from the Regional Board's counsel at (916) 657-2406.

WAIVER

By checking this box I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No.00-022 and to remit payment for the civil liability imposed. I understand that I am giving up my right to be heard, and to argue against the allegations made by the Executive Officer in this complaint, and against the imposition of, or the amount of, civil liability proposed. I agree to remit payment for the civil liability imposed within 60 days from the date of this Complaint.

Date

Discharger

ATTACHMENT 1 - STAFF REPORT

REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF REPORT

TO: Lawrence P. Kolb DATE: March 25, 2000
Acting Executive Officer

FROM: Richard Hiatt, AWRCE FILE NO.: 2198.17
Field Team
Farhad Azmizadeh, AWRCE
Toxics Cleanup Division

SUBJECT: ACL COMPLAINT NO. 00-022
Staff Report, Recommendation for the Imposition of Administrative Civil
Liability for the Discharge of Untreated Groundwater, City Of Alameda,
2756 Main Street, Alameda County

SUMMARY

The City of Alameda (hereinafter the Discharger) owns the property at 2756 Main Street, in the City of Alameda. During the course of underground storage tank (UST) removals at this site, 17,000 gallons of untreated contaminated water was intentionally discharged to land and/or the storm sewer system. The Discharger violated several provisions of law including: allowing the discharge of pollutants to waters of the United States without Waste Discharge Requirements, failing to obtain authorization from this Board for reclamation requirements to land, and failing to meet the requirements in its own municipal storm water permit for the control of non-storm water discharges within its jurisdiction. This Complaint cites all of these violations as findings, however, the ACL is strictly for the violation of Section 13376 of the Water Code for allowing the discharge of pollutants to waters of the State without waste discharge requirements.

The Alameda County Health Care Services Agency (ACHCA), Environmental Protection Local Oversight Program staff are the lead agency in the oversight of UST removals and investigations in Alameda County. In a letter dated February 28, 2000, the ACHCA has requested our enforcement help in this matter (Attachment 1).

This memo discusses the matter, and recommends imposition of an administrative civil liability in the amount of \$21,400, of which \$4,400 is for recovery of staff costs

BACKGROUND

The subject site is located on Main Street, adjacent to the Alameda Naval Air Station. The site was formerly a gas station and was most recently occupied by Dale's Bar On

December 6, 1999, two gasoline USTs and one waste oil UST sump were removed from the subject site. Approximately 1,100 gallons of water and residual product from the waste oil tank pit were removed by vacuum truck and off-hauled. Another approximately 7,000 gallons of groundwater was pumped from the fuel tanks and excavation into a holding tank. Soil and groundwater analytical data were submitted by the Discharger to the ACHCA for review, to determine if the stockpiled soil and/or groundwater could be re-used at the site. Analytical results for water from the holding tank indicate the water contained up to 11,000 parts per billion (ppb) Total Petroleum Hydrocarbon (TPH) as gasoline, 1,600 ppb TPH as diesel, 2,900 ppb TPH as motor oil, and 310 ppb as benzene. ACHCA staff approved the re-use of stockpiled soil but directed the Discharger not to re-use the groundwater on site.

On December 17, 1999, the ACHCA received a complaint regarding the discharge of ground water to un-lined ditch leading to a storm drain on the site. ACHCA staff investigated the site and noted petroleum sheen on the ground water surface within the UST excavation and a strong petroleum odor from one area of the site; however, no obvious discharge to the storm drain was observed. Inspection reports from December 17, 1999, provided by the Discharger, state that water from the site was being used for "dust control" (Attachment 2).

On December 22, 1999, ACHCA staff revisited the site. Ponding was observed on several locations of the property. Water discharge to the storm drain on Singleton Avenue was observed. The holding tank was empty, and a strong hydrocarbon odor was noted from inside the tank.

Based upon complaint calls, an Office of Emergency Services spill report, and daily inspection reports from the Discharger, ACHCA staff determined that polluted groundwater, from both the holding tank and excavated UST pit, had been illegally discharged while under the oversight of the Discharger. An estimated 17,000 gallons of contaminated groundwater (10,000 from the tank excavation and 7,000 from the holding tank) was discharged to land and/or the storm sewer system without approval or permits from the ACHCA or the RWQCB.

In a letter dated February 28, 2000, the ACHCA requested our enforcement assistance in this matter.

REGULATORY FRAMEWORK

The Discharger neither treated the polluted ground water ^{nor} had authorization to discharge this untreated wastewater as "dust control" reclamation. The Discharger failed to apply for an NPDES permit from this Regional Board and violated Water Code Section 13260 by discharging waste to waters of the State without Waste Discharge Requirements. The Discharger violated Prohibition A.1 of its municipal storm water permit, issued to the Alameda Countywide Clean Water Program, by discharging polluted ground water into its storm drain system.

LEGAL BASIS FOR ACTION

This enforcement action, Complaint No. 00-022, is for violation of Water Code Section 13260 for the discharge of waste to waters of the State without Waste Discharge Requirements.

Section 13385(e) of the Water Code requires a discussion of the following factors that have bearing on the amount of liability:

1. NATURE AND CIRCUMSTANCES OF THE VIOLATION

UST removals, handling practices and treatment and disposal options with the wastes generated from these activities, have been commonplace for over fifteen years within this region.

The authority to direct and manage these activities has been delegated to cities and counties to provide oversight as part of the State's Local Oversight Program. In this instance the ACHCA, as the lead regulatory agency for this removal, gave clear direction on the re-use of soils and groundwater generated from the UST removals at this site. The soils could be re-used and the groundwater could not. The Discharger's decision to disregard the ACHCA's authority and direct the un-authorized discharge to land resulted in the subsequent mishandling of "dust control" operations ultimately resulting in the discharge of waste to waters of the State. The Discharger's decision to illegally discharge waste resulted in violations of the Discharger's storm water permit and other provisions of law as described above.

2. EXTENT AND GRAVITY OF THE VIOLATION

No down stream effects were noted from this discharge, however, citizen's complaints were reported over several days to this office, the county, and the Office of Emergency Services.

The Discharger was well aware that this activity was not sanctioned by the ACHCA yet permitted this discharge anyway.

3. DEGREE OF CULPABILITY OF THE VIOLATOR

The Discharger was fully aware of the California Water Code, its obligation to comply with the ACHCA staff's directions, and its Municipal Storm Water Permit.

4. PRIOR HISTROY OF VIOLATION

The Discharger has no known prior violations for this type of discharge.

5 ECONOMIC SAVINGS RESULTING FROM THE VIOLATION

The Discharger has realized cost savings by not off-hauling the polluted water to an acceptable disposal facility, or discharging to a Publicly Owned Treatment Works (POTW), or failure to pay for treatment of the water and obtain a permit to discharge the treated water to waters of the state, or failure to treat the water and re-use the water in an approved manner on site. The estimated cost savings from each of these four options, as seen below, range from \$2,000 to \$34,000.

- Off hauling: \$1 to \$2 per gallon, @17,000 gallons: \$17,000-\$34,000
- POTW : permit fees, analysis, monitoring: \$3,000 to \$4,000
- Treatment, permit, analysis, and disposal to storm drain: \$2,500
- Treatment, analysis, and disposal on-site: \$2,000 to \$4,000

6. ABILITY TO PAY

The Discharger should be able to pay a modest liability with little or no impact on their ability to conduct business.

7. OTHER MATTERS AS JUSTICE MAY REQUIRE

Staff time to prepare a complaint and supporting information is estimated at 44 hours. Based on an average cost to the State of \$100 per hour, the total cost is \$4,400.

CONCLUSIONS

Section 13385(c) of the Water Code allows the Regional Board to administer civil liability in an amount not to exceed \$10,000 per day of violation and up to \$10 per gallon for the volume discharged over 1000 gallons. Calculations are as follows:

Two Days of Discharge (December 17th and 18th, 1999) =	\$20,000
\$10 per gallon over 1,000 gallons = 16,000 X 10 =	<u>\$160,000</u>
Total	\$180,000

If this matter is referred to the Attorney General, the maximum liability is \$25,000 per violation day. This penalty should be imposed administratively rather than referred to the Attorney General because:

1. This penalty is sufficient to encourage future compliance with water laws and provides for limited compensation for unknown damage to waters of the state;
2. Additional expenditure for staff time to seek greater penalties, such as referral to the Attorney General, is unwarranted at this time, and
3. The means to impose reasonable penalties are provided within the administrative liability provisions of the Water Code.

RECOMMENDATION

Staff recommends that the Board impose civil liability of \$21,400 (including \$4,400 for staff costs). Considerations include:

1. The amount considers the economic benefit gained through non-compliance, saved by the Discharger, in failing to handle its waste in a manner consistent with other sites.
2. The amount is low enough such that the Discharger would be able to pay, yet high enough to decrease the likelihood of other such occurrences.
3. The Discharger has no known prior violations for this type of discharge.

Concur: H Kazemi Hossain Kazemi, Section Leader,
Field Team

Concur: Teng-Chung Wu Teng-Chung Wu, Division Chief,
NPDES Permit Division

Reviewed for Legal
Form and Sufficiency: Teng-Chung Wu for Sheryl Freeman, Esq.
Legal Counsel

Attachment 1: Letter from ACHCA requesting enforcement

Attachment 2: City of Alameda Inspection Report for December 17, 1999

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



StID 6641

February 28, 2000

Mr. Richard Hiett
SF-RWQCB
1515 Clay Street, Suite 1400
Oakland, CA 94612

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION (LOP)
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-8964

CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD
MAR 02 2000

RE: Administrative Action Against 2756 Main Street, Alameda, CA

Dear Mr. Hiett:

The Alameda County Health Care Services Agency (Agency), Division of Environmental Protection, is the Certified Unified Program Agency (CUPA) providing regulatory oversight over various hazardous materials and/or wastes used and/or generated in the City of Alameda (City). The Underground Storage Tank (UST) Program is one element of the CUPA program. Under this program, the Agency approves UST closure plans, oversee the removal of USTs and sampling of soil and/or groundwater beneath the UST complex.

On December 6, 1999, Agency staff arrived at the site (11:00am) for the removal of two gasoline USTs. Apparently the USTs had already been removed. The construction crew from Technology, Engineering and Construction, Inc. (TEC), was removing a sump and/or waste oil tank found near the center of the property. According to the City's consultant, Mr. Dave DeMent of ACC Environmental Consultants (ACC), groundwater samples were already collected from within each gasoline UST. Approximately 7,000 gallons of groundwater was pumped from the fuel tanks and excavation into a holding tank to facilitate the UST removal process. Groundwater began to recharge into the tank excavation immediately after the USTs were removed.

Agency staff directed the City staff and City's consultant to collect a grab groundwater sample from the waste oil tank excavation. In addition, discrete soil samples were to be collected from the stockpiled soil, at a rate of one sample per twenty cubic yards, if they planned to re-use the soil onsite. Soil and groundwater analytical data were to be submitted to the Agency for review and to determine if the soil and/or groundwater can be reused at the site.

On December 10, 1999, Mr. Neil Doran of ACC, faxed over analytical results of the soil collected from the stockpiled soil and groundwater from the waste oil tank excavation. In a teleconference that same day, Mr. Doran said the water samples collected from the fuel tanks contained approximately 300ppb benzene. I advised Mr. Doran to resample groundwater from the gasoline tank pit, waste oil tank pit, and holding tank for fuel constituents using a silica gel cleanup prior to analysis. And, that the groundwater should not be re-used at this time. However, this

Richard Hiett
Re: ACL, 2756 Main Street, Alameda, CA
February 28, 2000
Page 2 of 2

Agency approved the re-use of the stockpiled soil to fill the excavations.

On December 17, 1999, this Agency received a complaint from Mr. Patrick Lynch at 4:30pm that illegal discharge of groundwater to an unlined ditch leading to the storm drain was occurring at the site. A site visit by Agency staff at 5:20pm revealed that groundwater was at grade level in the former gasoline tank excavation. A hydrocarbon sheen was noted on the surface of the water. A hydrocarbon odor was evident from the north corner of the lot. No obvious discharge to the storm drain (on Singleton) or along the sidewalk/street of Main or Singleton was observed.

On December 22, Agency staff revisited the site. The stockpiled soil was gone (probably re-used to backfill excavations). Ponding was noted on several locations on the property. Water discharge the storm drain on Singleton was evident. Soil in the vicinity of the holding tank was wet. The holding tank was empty, and a strong hydrocarbon odor was noted inside the tank.

Agency staff subsequently interviewed Mr. Willy Green (TEC) and Mr. Lynch (complainant). And, after review of ACC's letter to the City, and City staff's field notes, dated Dec 16 and 17, respectively, it was evident that contaminated groundwater within the former gasoline tank pit and holding tank (water in holding tank contained up to 11,000ppb TPHg, 1,600ppb TPHd, 2,900ppb TPHmo, and 310ppb benzene) was discharged to the site on December 17 and 18th under oversight of City staff and without prior notification to, or approval from this Agency. A total of approximately 17,000 gallons of contaminated water (10,000 from tank excavation and 7,000 from holding tank) was discharged.

Alameda County, Division of Environmental Protection, is requesting that the San Francisco Regional Water Quality Control Board take administrative action against the City of Alameda for the illegal discharge of contaminated water to the storm drain and/or subject site.

If you have any questions, I can be reached at (510) 567-6762.



eva chu
Hazardous Materials Specialist

Attachments:

1. ACC's December 16, 1999 Recommendations for Water and Soil Disposal
2. Mark Manzione's December 17, 1999 Inspection Report

Project: Water Main & Sewer (Water Bar)
at Marina St @ Suisun Blvd

Date: 17-DEC-99

Date Inspection Report: _____ Day: Mo Tu We Th Fr Sa Su
Building 03 Remodel
City 503 38 34
Contractor: David Construction Inspector: Grry Nottingham Celia Karian
MARIE MANZIONE

Site Conditions: (Clear) Muddy Dusty Other: DRY T=50°
Weather: Clear Overcast Rain Mist Fog Thunderstorms Hot Cold Warm Temperature Range:

Contractor's Labor Force: Supervision 1 Laborers 2 Other _____ Total 3 Foreman = Willie

SubContractors: Manpower No. Task
Foss (Civil) - tanker Alameda 77-1390

Equipment on Job: 1) B' hoe 1) P.W. 1) 7 ton tr. 1) portable generator tank
("baker tank") generator, subm. pump, rental fencing

Work Performed (continued on next page; if/as necessary):
0845 no activity 0915 same
1340 work on grading; setting up to pump water fr/ main pit
to dust control spray so. of block. weather; started
13140 spraying continuing -> by hand.
oily pit (was to be emptied to vacuum truck subconts,
no show by 1410. m/m continued willy to prevent
water fr/ smaller "oily" pit running to large pit.
1530 - Vacuum truck removed w. fr/ small pit twice. clear w.
rims not seen in firm soil @ 1' below grade. Sent to m. - low tide
1630 - oil pit re-filled w/ septic. closed and fenced
Note: Backhoe has punctured tire! so 1st hole pit was not B-filled.

Remarks, specific field issues and action taken (continue on back, if/as necessary):
Identify type of conflict and no. of hours, equipment and manpower required to resolve.
1) Temp. fencing is recommended for recently-filled compacted
pits. Also include a) Ask Acculite to leave in place through Jan 00,
b) City arrange for rental c) use barricades to block vehicular entry.
2) Passerby (male on bicycle) complained to foreman threatened to
call Health Dept. regarding dirty water. Informed of dust control.
Phone Calls: 0900 m/m -> Ron Breker: 1) should be working @ site
2) Temp. Fencing to be picked up next week 3) Cost estimates will be \$420

Prepared By: M. Manzione Reviewed By: _____

**ATTACHMENT 2 - SUPPLEMENTAL
ENVIRONMENTAL PROJECT INFORMATION**

LOP - RECORD CHANGE REQUEST FORM

printed:
07/18/2000

Mark Out What Needs Changing and Hand to LOP Data Entry
(Name/Address changes go to Annual Programs Data Entry)

Insp: EC

AGENCY # : 10000 SOURCE OF FUNDS: F SUBSTANCE: 8006619
StID : 6641 LOC:
SITE NAME: City Of Alameda DATE REPORTED : 12/10/1999
ADDRESS : 2756 Main Street DATE CONFIRMED: 12/10/1999
CITY/ZIP : Alameda 94501 MULTIPLE RPs : N

SITE STATUS

CASE TYPE: O CONTRACT STATUS: 4 PRIOR CODE:2A4 EMERGENCY RESP:
RP SEARCH: S DATE COMPLETED: 12/27/1999
PRELIMINARY ASMNT: DATE UNDERWAY: DATE COMPLETED:
REM INVESTIGATION: DATE UNDERWAY: DATE COMPLETED:
REMEDIAL ACTION: DATE UNDERWAY: DATE COMPLETED:
POST REMED ACT MON: DATE UNDERWAY: DATE COMPLETED:

ENFORCEMENT ACTION TYPE: 1 DATE ENFORCEMENT ACTION TAKEN: 12/27/1999
LUFT FIELD MANUAL CONSID: 3HSCA
CASE CLOSED: DATE CASE CLOSED:
DATE EXCAVATION STARTED : 12-6-99 REMEDIAL ACTIONS TAKEN:

RESPONSIBLE PARTY INFORMATION

RP#1-CONTACT NAME: Millika Ramashandran
COMPANY NAME: City Of Alameda
ADDRESS: 950 West Mall Square #110
CITY/STATE: Alameda, C A 94501-7552

INSPECTOR VERIFICATION:

NAME _____ SIGNATURE _____ DATE _____

DATA ENTRY INPUT:

Name/Address Changes Only Case Progress Changes

UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		FOR LOCAL AGENCY USE ONLY I HEREBY CERTIFY THAT I HAVE DISTRIBUTED THIS INFORMATION ACCORDING TO THE DISTRIBUTION SHOWN ON THE INSTRUCTION SHEET ON THE BACK PAGE OF THIS FORM.		
REPORT DATE 06/12/00		CASE #		SIGNED: <i>[Signature]</i> DATE: 6/12/00		
REPORTED BY	NAME OF INDIVIDUAL FILING REPORT KRIS LARSON		PHONE (510) 633-5640		SIGNATURE <i>[Signature]</i>	
	REPRESENTING <input checked="" type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> LOCAL AGENCY <input type="checkbox"/> OTHER		COMPANY OR AGENCY NAME CITY OF ALAMEDA PUBLIC WORKS DEPT			
	ADDRESS ALAMEDA POINT, BLDG 4 950 WEST MAIN SQUARE					
RESPONSIBLE PARTY	NAME DALE'S BAR SERVICE STATION		CONTACT PERSON UNKNOWN		PHONE ()	
	ADDRESS 2756 MAIN STREET, ROOM 110 CITY ALAMEDA STATE CA ZIP					
SITE LOCATION	FACILITY NAME (IF APPLICABLE) FORMERLY DALES BAR SERVICE		OPERATOR		PHONE ()	
	ADDRESS 2756 MAIN STREET STATION CITY ALAMEDA COUNTY ALAMEDA ZIP					
	CROSS STREET SINGLETON					
IMPLEMENTING AGENCIES	LOCAL AGENCY ALAMEDA COUNTY ENVIRONMENTAL		AGENCY NAME HEALTH DEPT.		CONTACT PERSON EVA CHU	
	REGIONAL BOARD		PHONE (510) 567-6700		PHONE ()	
SUBSTANCES INVOLVED	(1) NAME GASOLINE		QUANTITY LOST (GALLONS) UNKNOWN			
	(2) NAME DIESEL		QUANTITY LOST (GALLONS) UNKNOWN			
DISCOVERY/ABATEMENT	DATE DISCOVERED 6/2/00		HOW DISCOVERED <input type="checkbox"/> TANK TEST <input checked="" type="checkbox"/> TANK REMOVAL <input type="checkbox"/> INVENTORY CONTROL <input type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS <input type="checkbox"/> OTHER			
	DATE DISCHARGE BEGAN UNKNOWN		METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input type="checkbox"/> REMOVE CONTENTS <input checked="" type="checkbox"/> CLOSE TANK & REMOVE <input type="checkbox"/> REPAIR PIPING <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> CLOSE TANK & FILL IN PLACE <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> REPLACE TANK <input type="checkbox"/> OTHER			
	HAS DISCHARGE BEEN STOPPED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE					
SOURCE/CAUSE	SOURCE OF DISCHARGE <input checked="" type="checkbox"/> TANK LEAK <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER		CAUSE(S) <input checked="" type="checkbox"/> CORROSION <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> SPILL <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER			
	CASE TYPE <input type="checkbox"/> UNDETERMINED <input checked="" type="checkbox"/> SOIL ONLY <input checked="" type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)					
CURRENT STATUS	CHECK ONE ONLY <input type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT WORKPLAN SUBMITTED <input type="checkbox"/> POLLUTION CHARACTERIZATION <input type="checkbox"/> LEAK BEING CONFIRMED <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT UNDERWAY <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> REMEDIATION PLAN <input checked="" type="checkbox"/> CASE CLOSED (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> CLEANUP UNDERWAY					
	CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS) <input type="checkbox"/> CAP SITE (CD) <input type="checkbox"/> EXCAVATE & DISPOSE (ED) <input type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO DEGRADATION (IT) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> VACUUM EXTRACT (VE) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input type="checkbox"/> TREATMENT AT HOOKUP (HU) <input type="checkbox"/> VENT SOIL (VS) <input type="checkbox"/> OTHER (OT)					
REMEDIAL ACTION	SITE UNDER REVIEW FOR CLOSURE					
	COMMENTS SITE IS CURRENTLY BEING REVIEWED FOR CLOSURE					

May 16, 2000

York Gorzolla
Ninyo & Moore
675 Hegenberger Road, Suite 220
Oakland, CA 94621-1919

Add to Alameda site
at Main + Singleton
2756 Main

Re: Plant Tolerance of Soil Metals and Potentially Saline Water at Alameda Greenway

Dear Mr. Gorzolla:

ENTRIX was contracted by Ninyo & Moore to review tolerance of plants planned for the Alameda Greenway project to chemicals detected in soil as well as potentially saline groundwater that may result from salt water intrusion at the site. To evaluate potential impacts to plants from chemicals in the soil, ENTRIX compared levels of contaminants to established soil screening benchmark values (Efroymsen et al. 1997) for plants and regional background soil levels for metals (LBNL 1995). The effects of potential salt water intrusion at the site were evaluated by researching the salt tolerance of the species to be planted in the greenway. Results of our evaluation are discussed below.

Potential Impacts to Plants from Chemicals

ENTRIX reviewed data for metals and organic compounds in soil and groundwater at the Main Street Greenway Project provided by Ninyo & Moore. Data for samples collected outside the greenway area were not included in the evaluation. TPH and VOCs were not detected in any soil samples collected within the greenway area. With the exception of one well (WP-3), results for groundwater collected within the greenway area did not show the presence of total petroleum hydrocarbons (TPH) and volatile organic compounds (VOCs). Well WP-3 is in the northwest corner of the site, where additional soil remediation is planned. Due to the relatively low concentrations of organic chemicals seen in only one well at the edge of the site, potential exposure of plants to these chemicals at the greenway is considered low and was not evaluated further.

Data provided by Ninyo & Moore for metals in soil were evaluated for samples collected within the greenway. These data are summarized in Table 1. The reporting limits for these analyses, although not shown in Table 1, were also reviewed and found to be sufficiently low to compare to screening benchmark values (SBVs) and background levels. SBVs are typically used in ecological risk assessment as a conservative first screening step to determine if further assessment of risk is necessary at an impacted site. Although that is not the objective here, they can be used as an indication of levels of metals that may have an impact on plant viability. The SBVs used here are from a widely used Oak Ridge National Laboratory report (Efroymsen et al 1997), which are conservatively low and expected to be protective of plants. Comparison of the results to regional background levels is also helpful, as it puts site levels in context. The background data used for comparison here are drawn from a 1995 study at Lawrence Berkeley National Laboratory (LBNL 1995), which calculated background metals concentrations in five separate geologic units in the eastern San Francisco Bay Area.

Mr. Gorzolla
May 16, 2000
Page 2 of 4

Sample concentrations of metals shown in bold type in Table 1 exceed both the SBV and the upper end of the range of background concentrations for the particular metal. Five measurements from a total of three samples fall into this category. Cobalt and vanadium show exceedances in sample SP3-3, located in the northwest corner of the site, which will be subject to additional soil remediation prior to planting. Lead was detected at significantly elevated levels in samples SB-3 and SB6-3 at 3 feet below ground surface. Lead concentrations at these locations exceed regional background levels and the screening benchmark values. Zinc slightly exceeds background in sample SB-3. As shown in Table 1, regional background levels of vanadium and zinc (as well as other metals) greatly exceed their respective SBVs, indicating that these SBVs are highly conservative and too low to be a realistic indicator of plant viability in the Bay Area.

Although the SBVs used for comparison here are conservative (i.e., plants may thrive in soil containing somewhat higher levels of the metal), the levels of lead detected in samples SB-3 and SB6-3 are high enough to be of concern. Because boring SB6 is located relatively close to boring SP3, the lead detected at SB6 could be addressed during the additional soil remediation planned for the SP3 area. However, SB3 is located quite a distance from SB6 and SP3, and remediation may be warranted at this location. The following issues should be considered before pursuing remediation: 1) typical rooting depth of the grasses planned for this location, 2) lack of lead data shallower than 3 feet below ground surface (concentrations may be higher or lower than the 241 mg/Kg detected), and 3) studies of the effects of lead on various grass species indicate that lead levels as high as 300 mg/kg do not result in decreased growth. Much lower levels of lead do impair growth of shrub and tree species, however. Due to the lack of available data for lead in soil at less than 3 feet below ground surface, there is some uncertainty regarding the potential effects of lead on grasses planted in this area. Additional soil testing to better define lead levels and determine that they are below 300 mg/kg, or simply removal of some soil in this area would enhance the viability of plants grown there.

Other than the lead results discussed in the previous paragraph, analytical results indicate that there is likely to be minimal impact to plant viability and growth from metals levels detected at the greenway area. Additional amendment of the soil with organic material and/or addition of clean topsoil may reduce the availability of metals present, or other management actions may be beneficial.

Salt Tolerance of Proposed Plants

Many plants do not tolerate exposure to salt, either air-borne or in the soil and groundwater. To evaluate the effects of potential salt-water intrusion at the Main Street Greenway site, the U.S. Salinity lab data posting, native plant selection guides, and garden manuals covering the Alameda area were reviewed for the species proposed (see reference list). Table 2 lists the proposed species and available data regarding salt tolerance for each. For most of the species, either no data were available or the species can be assumed to be non-tolerant of salt. Yarrow and Matilija poppy were the only species noted as salt-tolerant. Coast redwood and deer grass

Mr. Gorzolla
May 16, 2000
Page 3 of 4

were listed as species that do well near the seacoast. However, plants that are tolerant of sea winds are not always tolerant of salt in the soil or groundwater.

In addition, it should be noted that dawn redwood is described as growing best in soil containing peat moss or leaf mold. Plants with this preference usually need acidic soil to do well and would be expected to grow poorly in alkaline soil.

It should be noted that our assessment of the viability of plants proposed for the Greenway is based on limited data and cannot be assumed to be completely predictive of plant success at the site. The review conducted and the information presented here are meant to be a general indication of how site soil conditions may affect proposed plant species, and should not be interpreted as a guarantee of plant viability or future success of the Main Street Greenway.

ENTRIX appreciates this opportunity to be of service. Please do not hesitate to call with any questions or comments.

Sincerely,

ENTRIX, Inc.

Judy Nedoff
Environmental Scientist

jn/JN/GL

Attachments

Mr. Gorzolla
May 16, 2000
Page 4 of 4

Literature Cited

SBVs and Background Concentrations

Efroymson, R.A., M.E. Will, G.W. Suter, and A.C. Wooten. 1997. Toxicological Benchmarks for Screening Contaminants of Potential Concern for Effects on Terrestrial Plants: 1997 Revision. ES/ER/TM-85/R3

LBNL. 1995. Protocol for Determining Background Concentrations of Metals in Soil at Lawrence Berkeley National Laboratory (LBNL). August 1995.

Salt Tolerance

Coate, B. 1990 (2nd ed.). Water-conserving plants and landscapes for the Bay Area. East Bay Municipal Utilities District.

S&S Seeds. 1996. Seed selection guide. Carpinteria, CA: S&S Seeds.

Sunset. 1988. Sunset western garden book. Menlo Park, CA: Lane Publishing Co.

USSL. 1990. United States Salinity Laboratory at www.ussl.srs.usda.gov/test/ows/SALTT44 on 3/23/2000.

**Table 1. Comparison of Soil Data to Screening Benchmark Values and Background Levels
City of Alameda Main Street Greenway Project**

Boring	Date	Antimony	Arsenic	Barium	Beryllium	Cadmium	Chromium	Cobalt	Copper	Lead	Molybdenum	Mercury	Nickel	Selenium	Silver	Thallium	Vanadium	Zinc
SP2-3 ¹	02-25-00	ND	8.04	237	ND	ND	76.6	16.2	23.8	9.65	2.96	0.17	98.2	1.17	ND	2.82	38	51.2
SP3-3	02-25-00	ND	2.43	433	ND	3.14	56.1	37.9	13.7	7.17	5.71	0.13	46.5	ND	ND	5.26	184	50.2
SB-3 ²	02-25-00	ND	15.1	96.4	ND	ND	29.7	ND	40.1	241	ND	0.21	20.1	ND	ND	4.35	79.9	144
SB4-3	02-25-00	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
SB5-3	02-25-00	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
SB6-3	02-25-00	ND	7.41	79.4	ND	0.352	38.1	10.5	35.5	813	2.67	0.13	39.6	ND	ND	4.75	45	90.9
SB7-3	02-25-00	ND	6.87	77.5	ND	ND	65.5	5.9	52.5	22.9	2.8	0.47	43.8	0.874	ND	3.02	44.8	49.2
SB9-2	02-25-00	ND	3.89	62.5	ND	ND	31.7	5.21	18.1	23.9	1.79	0.33	28.1	0.531	ND	1.59	26	102
SB1		5	10	500	10	4	1	20	100	50	2	0.3	30	1	2	1	2	50
Background		5.2 - 7.1	9.3 - 31	154 - 411	0.8 - 1.0	1.5 - 3.3	59 - 142	21 - 25	41 - 100	8.9 - 21.5	3.2 - 11.4	0.3 - 0.6	70 - 144	4.7 - 7	1.5 - 2.2	8.7 - 42.5	36 - 90	85 - 136

Notes:

All units in milligrams per kilogram

Values in bold exceed screening benchmark values

ND: Not detected

¹S - soil sample P - Alameda Power & Telecom boring; 1 = boring location and -2 = depth of sample in feet

²S - soil sample B - City of Alameda Public Works boring; 1 = boring location and -3.5 = depth of sample in feet

NA: Not analyzed

SBV - Screening Benchmark Value

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



StID 6641

February 28, 2000

Mr. Richard Hiatt
SF-RWQCB
1515 Clay Street, Suite 1400
Oakland, CA 94612

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

RE: Administrative Action Against 2756 Main Street, Alameda, CA

Dear Mr. Hiatt:

The Alameda County Health Care Services Agency (Agency), Division of Environmental Protection, is the Certified Unified Program Agency (CUPA) providing regulatory oversight over various hazardous materials and/or wastes used and/or generated in the City of Alameda (City). The Underground Storage Tank (UST) Program is one element of the CUPA program. Under this program, the Agency approves UST closure plans, oversee the removal of USTs and sampling of soil and/or groundwater beneath the UST complex.

On December 6, 1999, Agency staff arrived at the site (11:00am) for the removal of two gasoline USTs. Apparently the USTs had already been removed. The construction crew from Technology, Engineering and Construction, Inc. (TEC), was removing a sump and/or waste oil tank found near the center of the property. According to the City's consultant, Mr. Dave DeMent of ACC Environmental Consultants (ACC), groundwater samples were already collected from within each gasoline UST. Approximately 7,000 gallons of groundwater was pumped from the fuel tanks and excavation into a holding tank to facilitate the UST removal process. Groundwater began to recharge into the tank excavation immediately after the USTs were removed.

Agency staff directed the City staff and City's consultant to collect a grab groundwater sample from the waste oil tank excavation. In addition, discrete soil samples were to be collected from the stockpiled soil, at a rate of one sample per twenty cubic yards, if they planned to re-use the soil onsite. Soil and groundwater analytical data were to be submitted to the Agency for review and to determine if the soil and/or groundwater can be reused at the site.

On December 10, 1999, Mr. Neil Doran of ACC, faxed over analytical results of the soil collected from the stockpiled soil and groundwater from the waste oil tank excavation. In a teleconference that same day, Mr. Doran said the water samples collected from the fuel tanks contained approximately 300ppb benzene. I advised Mr. Doran to resample groundwater from the gasoline tank pit, waste oil tank pit, and holding tank for fuel constituents using a silica gel cleanup prior to analysis. And, that the groundwater should not be re-used at this time. However, this

Richard Hiatt
Re: ACL, 2756 Main Street, Alameda, CA
February 28, 2000
Page 2 of 2

Agency approved the re-use of the stockpiled soil to fill the excavations.

On December 17, 1999, this Agency received a complaint from Mr. Patrick Lynch at 4:30pm that illegal discharge of groundwater to an unlined ditch leading to the storm drain was occurring at the site. A site visit by Agency staff at 5:20pm revealed that groundwater was at grade level in the former gasoline tank excavation. A hydrocarbon sheen was noted on the surface of the water. A hydrocarbon odor was evident from the north corner of the lot. No obvious discharge to the storm drain (on Singleton) or along the sidewalk/street of Main or Singleton was observed.

On December 22, Agency staff revisited the site. The stockpiled soil was gone (probably re-used to backfill excavations). Ponding was noted on several locations on the property. Water discharge to the storm drain on Singleton was evident. Soil in the vicinity of the holding tank was wet. The holding tank was empty, and a strong hydrocarbon odor was noted inside the tank.

Agency staff subsequently interviewed Mr. Willy Green (TEC) and Mr. Lynch (complainant). And, after review of ACC's letter to the City, and City staff's field notes, dated Dec 16 and 17, respectively, it was evident that contaminated groundwater within the former gasoline tank pit and holding tank (water in holding tank contained up to 11,000ppb TPHg, 1,600ppb TPHd, 2,900ppb TPHmo, and 310ppb benzene) was discharged to the site on December 17 and 18th under oversight of City staff and without prior notification to, or approval from this Agency. A total of approximately 17,000 gallons of contaminated water (10,000 from tank excavation and 7,000 from holding tank) was discharged.

Alameda County, Division of Environmental Protection, is requesting that the San Francisco Regional Water Quality Control Board take administrative action against the City of Alameda for the illegal discharge of contaminated water to the storm drain and/or subject site.

If you have any questions, I can be reached at (510) 567-6762.



eva chu
Hazardous Materials Specialist

Attachments:

1. ACC's December 16, 1999 Recommendations for Water and Soil Disposal
2. Mark Manzione's December 17, 1999 Inspection Report



December 16, 1999

Received

Ms. ~~Malecka~~ Ramacha *Mallika Ramachandran*
City of Alameda
950 West Mall Square, #110
Alameda, California

DEC 16 1999
Public Works
City of Alameda

RE: Recommendations for Water and Soil Disposal
2756 Main Street, San Francisco, California
ACC Project No. 6209-015.02

Dear Ms. Ramacha,

ACC collected and analyzed grab water samples from under and beside former underground storage tanks (USTs) at the subject property located at 2756 Main Street, San Francisco, California. With the exception of 1,200 parts per billion (ppb) gasoline, water sample analytical results reported only minor residual concentrations of constituents of concern. The gasoline concentration will have decreased with time, whether the water is present in the open excavation or in the temporary storage tank onsite. In ACC's opinion, water at the site associated with the former gasoline USTs (pit water and pit water pumped into the storage tank) may be utilized for dust control as long as a significant volume does not migrate directly into a surface water conveyance. This will facilitate volatilization of the residual gasoline constituents with no impact to human health or the environment.

ACC strongly recommends that water present in the smaller excavation created by the removal of the used oil tank be pumped out with the use of a vacuum truck and properly disposed at an accepting facility. Analysis of this water was requested by Ms. Eva Chu with Alameda County Health Care Services Agency, and analytical results indicate the water should be disposed as a means of source removal. ACC estimates that the small excavation contains approximately 2,200 gallons.

If you have any questions, please call me at (510) 638-8400.

Sincerely,

A handwritten signature in black ink that reads 'Dave DeMent'. The signature is written in a cursive, slightly slanted style.

Dave DeMent, RG
Environmental Division Manager

cc Mr Ron Breckenridge, Accutite

Project: [unclear] (11/17/99)
Date: 17-DEC-99

Day: Mo Tu We Th Fr Sa Su

Date Inspection Report: [unclear]
Building 03 Remodel
City: 03 30 00
Contractor: [unclear] MARCO MANZONI
Inspector: Gary Nottingham Celia Karlan

Site Conditions: Clear Muddy Dusty Other: DRY T=50°
Weather: Clear Overcast Rain Mist Fog Thunderstorms Hot Cold Warm Temperature Range:

Contractor's Labor Force: Supervision 1 Laborers 2 Other Total 3 Foreman = Willy

SubContractors: Manpower No. Task

Foss (Envil) - tank in Alameda 77-1390

Equipment on Job: 1) B'hoer 1) P.W. 1) 7 ton tr. 1) portable trailer tank
("Baker tank") generator, subm. pump, rental fence

Work Performed (continued on next page; if/as necessary):

0845 no activity 0915 same
1340 work on grading; setting up to pump water f/l main pit
to dust control spray sb. of belly location; started
13140 spraying continuing -> by hand
oily pit (was to be emptied to vacuum truck subcont,
no show by 1410. M/M continued willy to prevent
water f/l smaller "oily" pit running to large pit.
1530 - Vacuum truck removed w. fr/small pit twice. clear w.
rims not seen in firm soil @ 1' below grade. Sent to non-14500 site
1630 - oil pit re-filled w/ second. load and fenced
Note: Backhoe has punctured tire! so small pit was not B-filled.

Remarks, specific field issues and action taken (continue on back, if/as necessary):

Identify type of conflict and no. of hours, equipment and manpower required to resolve.
1) Temp. Fencing is recommended for recently-filled uncompacted
pit. Apts include a) Ask Acculite to leave in place through period,
b) City arrange for rental c) use barricades to block vehicular entry.
2) Passerby male on bicycle complained to foreman threatened to
call Health Dept. regarding dirty water. Informed of dust control.

Phone Calls: 0900 M/M -> Ron Breker: 1) should be working @ site;
2) Temp. Fencing to be picked up next week 3) Cost estimated will be \$420

Prepared By: M. Manzone

Reviewed By:

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

StID 6641

February 22, 2000

Ms. Mallika Ramachandran
City of Alameda, Public Works
950 West Mall Square, Room 110
Alameda, CA 94501-7558

RE: Work Plan Approval for 2756 Main Street, Alameda, CA

Dear Ms. Ramachandran:

I have completed review of Ninyo & Moore's February 2000 report entitled *Subsurface Site Investigation Work Plan* prepared for the above referenced site. The proposal to advance soil borings and collected soil and grab groundwater samples is acceptable with the following changes/additions:

- Quantify MTBE in all samples.
- Prepare samples with a silica gel cleanup prior to TPHd and TPHmo analyses.
- Two additional borings will be advanced and one soil boring will be relocated as per my conversation with Mr. Kris Larson.

It is my understanding that the work plan will be implemented this Friday. If there are any changes or if you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

email: Kris Larson (klarson@ninyoandmoore.com)

Alameda County Environmental Health

1131 Harbor Bay Pkwy., #250
Alameda CA 94502-6577
Telephone (510) 567-6700 FAX (510) 337-9335

FACSIMILE COVER SHEET

TO: Mallika Ramashandran

FROM: eva chu
Alameda County Environmental Health

DATE: 2/2/00

Total number of pages including cover sheet 7

-NOTES- Here is the recommended guideline for an initial
subsurface investigation. Since you already have done previous
work, you can just pick up ~~where~~ investigation from there. We
will need groundwater data collected from the downgradient
direction of the former USTs and sump. Your consultant will
complete a workplan for our review and approval. Call if you
have add'l questions -

faxdoc doc'n arreguin 5-11-98

eva 510/567-6762

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

StID 6641

February 2, 2000

Ms. Mallika Ramachandran
City of Alameda, Public Works
950 West Mall Square, Room 110
Alameda, CA 94501-7558

RE: **PSA for 2756 Main Street, Alameda, CA**

Dear Ms. Ramachandran:

I have completed review of ACC Environmental Consultants' January 2000 report entitled *Underground Storage Tank Removal Report* prepared for the above referenced site. That report summarized activities conducted for the removal of three underground storage tanks (USTs). Grab groundwater samples collected from the former waste oil pit contained up to 29,000 parts per billion (ppb) total petroleum hydrocarbons as diesel (TPHd), 62,000ppb TPH as motor oil (TPHmo), and 1,200 ppb TPH as gasoline (TPHg). Grab groundwater samples collected from the former gasoline tank pit contained up to 11,000ppb TPHg, 310ppb benzene, 1,600ppb TPHd, and 2,900ppb TPHmo.

At this time, additional investigations are required to assess groundwater quality beneath the site. Such an investigation shall be in the form of a **Preliminary Site Assessment**, or PSA. The information gathered by the PSA will be used to determine an appropriate course of action to remediate the site, if deemed necessary. The PSA must be conducted in accordance with the RWQCB Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks, and Article 11 of Title 23, California Code of Regulations. The major elements of such an investigation are summarized in the attached Appendix A.

The PSA proposal is due **within 45 days** of the date of this letter. Once the proposal is approved, field work should commence within 60 days. A report must be submitted within 45 days after the completion of this phase of work at the site. Subsequent reports are to be submitted quarterly until this site qualifies for RWQCB "sign off." All reports and proposals must be submitted under seal of a California Registered Geologist, Certified Engineering Geologist, or Registered Civil Engineer.

If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

alameda-manst-2

City of Alameda, California



FAX TRANSMITTAL

Date: 1/10/00

FAX Number: 510-337-9335

Total Number of Pages: 4
(including cover sheet)

Ph No: 567-6700

To: Eva Chy
H.M.S.
Alameda County

From: Mallika Ramachandran
Supervising Civil Engineer
City of Alameda

Regarding: Dale's Bar E.G. Tank Removal Project

Comments: Dear EVA
I am faxing you the letter from ACC & our field office
in response to your Notice of Responsibility dated
12/21/99 & our subsequent phone conversations.
Please advise how to proceed & receive.
Thank you

Original will not follow

Original will follow via:

Mallika Ramachandran
749-7000

FAX No: 337
- 9335

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

12/10/1999

Certified Mail # Z 330 741 300
12/27/1999

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700
(510) 337-9432

Notice of Responsibility

StID#: 6641
City Of Alameda
2756 Main Street
Alameda, CA 94501

SITE

Date First Reported 12/10/1999
Substance: Gasoline
Funding (Federal or State): F
Multiple RPs?: N

Millika Ramashandran
City Of Alameda
950 West Mall Square #110
Alameda, C A 94501-7552

Responsible Party (RP)
Property Owner

Pursuant to sections 25297.1 and 25297.15 of the Health and Safety Code, you are hereby notified that the above site has been placed in the Local Oversight Program and the individual(s) or entity(ies) shown above, or on the attached list, has (have) been identified as the party(ies) responsible for investigation and cleanup of the above site. Section 25297.15 further requires the primary or active Responsible Party to notify all current record owners of fee title before the local agency considers cleanup or site closure proposals or issues a closure letter. For purposes of implementing section 25297.15, this agency has identified _____ as the primary or active Responsible Party. It is the responsibility of the primary or active Responsible Party to submit a letter to this agency within 20 calendar days of receipt of this notice which identifies all current record owners of fee title. It is also the responsibility of the primary or active Responsible Party to certify to the local agency that the required notifications have been made at the time a cleanup or site closure proposal is made or before the local agency makes a determination that no further action is required. If property ownership changes in the future, you must notify this local agency within 20 calendar days from when you are informed of the change.

Any action or inaction by this local agency associated with corrective action, including responsible party identification, is subject to petition to the State Water Resources Control Board. Petitions must be filed within 30 days from the date of the action/inaction. To obtain petition procedures, please FAX your request to the State Water Board at (916) 227-4349 or telephone (916) 227-4408.

Pursuant to section 25299.37(c)(7) of the Health and Safety Code, a responsible party may request the designation of an administering agency when required to conduct corrective action. Please contact Eva Chu, Hazardous Materials Specialist at this office at (510) 567-6700 for further information about the site designation process.

[Signature]
Ariu Levi, Chief
Contract Project Director

Date: 12/10/99

Please Print: Add Delete Change

Reason:

cc: Lori Casias, SWRCB
Eva Chu, Hazardous Materials Specialist

ACC

ENVIRONMENTAL
CONSULTANTS

December 16, 1999

Received

Ms. ~~Malecka~~ Ramacha *Mallika Ramachandran*
City of Alameda
950 West Mall Square, #110
Alameda, California

DEC 21 1999
Public Works
City of Alameda

RE: Recommendations for Water and Soil Disposal
2756 Main Street, San Francisco, California
ACC Project No. 6209-015.02

Dear Ms. Ramacha,

ACC collected and analyzed grab water samples from under and beside former underground storage tanks (USTs) at the subject property located at 2756 Main Street, San Francisco, California. With the exception of 1,200 parts per billion (ppb) gasoline, water sample analytical results reported only minor residual concentrations of constituents of concern. The gasoline concentration will have decreased with time, whether the water is present in the open excavation or in the temporary storage tank onsite. In ACC's opinion, water at the site associated with the former gasoline USTs (pit water and pit water pumped into the storage tank) may be utilized for dust control as long as a significant volume does not migrate directly into a surface water conveyance. This will facilitate volatilization of the residual gasoline constituents with no impact to human health or the environment.

ACC strongly recommends that water present in the smaller excavation created by the removal of the used oil tank be pumped out with the use of a vacuum truck and properly disposed at an accepting facility. Analysis of this water was requested by Ms. Eva Chu with Alameda County Health Care Services Agency, and analytical results indicate the water should be disposed as a means of source removal. ACC estimates that the small excavation contains approximately 2,200 gallons.

If you have any questions, please call me at (510) 638-8400.

Sincerely,



Dave DeMent, RG
Environmental Division Manager

cc: Mr. Ron Breckenridge, Accutite

Date: 11 DEC 99

Day: Mo Tu We Th (Fr Sa Su)

Inspector: Grry Nottingham Celia Karian

MARCO MARZANO

Weather: Clear Overcast Rain Misc Fog Thunderstorms Hot Cold Warm Muddy Dusty Other: DRY T=50°
Site Conditions: Clear Muddy Dusty Other: DRY T=50°
Temperature Range:

Contractor's Labor Force: Supervisor 1 Laborers 2 Other Total 3 Foreman Willy

SubContractors: Manpower No. Task
Foss (Phil) - Forker Alameda 119-1390

Equipment on Job: 1) B'hoel 1) P.U. 1) 7 ton tr. 1) portable water tank
("Baker tank") generator, submers pump, rental lumby

Work Performed (continued on next page, if/as necessary):
0845 no activity 0915 same
1340 work on grading; setting up to pump water w/ main pit
to ~~the~~ ~~central~~ spray sp. of belly location; started
13:40 spraying continuing -> by hand
Oil pit (was to be emptied to vacuum truck subconts,
no show by 1410. M/M contacted Willy to prevent
water w/ smaller "oil" pit running to large pit.
1530 - Vacuum truck removed w. fr/small pit twice. clear w.
rims not seen in firm soil @ 1' below grade. Sent to non-~~to~~ area
1630 - oil pit re-filled w/ second. closed and fenced
Note: Backhoe has punctured tire so 1st pit was not BFilled.

Remarks, specific field issues and action taken (continue on back, if/as necessary):
Identify type of conflict and no. of hours, equipment and manpower required to resolve.
1) Temp. fencing is recommended for reentry-filled compacted
pit. Also include a) Ask Acculite to leave in place through Jan 00,
b) City arrange for rental c) use barricades to block vehicular entry.
2) Passerby male on bicycle complained to foreman threatened to
call Health Dept. regarding dirty water. Informed of dust control.

Phone Calls: 0900 M/M -> Ron Brecker: 1) should be working @ site;
2) Temp. fencing to be picked up next week 3) Cost estimates, until be ~~at~~

Prepared By: M. Marzono Reviewed By:

LOP - RECORD CHANGE REQUEST FORM

printed:
12/27/1999

Mark Out What Needs Changing and Hand to LOP Data Entry
(Name/Address changes go to Annual Programs Data Entry)

Insp: EC

AGENCY # : 10000 SOURCE OF FUNDS: F SUBSTANCE: 8006619
StID : 6641 LOC:
SITE NAME: City Of Alameda DATE REPORTED : 12/10/1999
ADDRESS : 2756 Main Street DATE CONFIRMED: 12/10/1999
CITY/ZIP : Alameda 94501 MULTIPLE RPs : N

SITE STATUS

CASE TYPE: 0 CONTRACT STATUS: 2 PRIOR CODE:2A4 EMERGENCY RESP:
RP SEARCH: S DATE COMPLETED: 12/27/1999
PRELIMINARY ASMNT: DATE UNDERWAY: DATE COMPLETED:
REM INVESTIGATION: DATE UNDERWAY: DATE COMPLETED:
REMEDIAL ACTION: DATE UNDERWAY: DATE COMPLETED:
POST REMED ACT MON: DATE UNDERWAY: DATE COMPLETED:

ENFORCEMENT ACTION TYPE: 1 DATE ENFORCEMENT ACTION TAKEN: 12/27/1999
LUFT FIELD MANUAL CONSID: 3HSCA
CASE CLOSED: DATE CASE CLOSED:
DATE EXCAVATION STARTED : REMEDIAL ACTIONS TAKEN:

RESPONSIBLE PARTY INFORMATION

RP#1-CONTACT NAME: Millika Ramashandran
COMPANY NAME: City Of Alameda
ADDRESS: 950 West Mall Square #110
CITY/STATE: Alameda, C A 94501-7552

INSPECTOR VERIFICATION:

NAME _____ SIGNATURE _____ DATE _____

DATA ENTRY INPUT:

Name/Address Changes Only Case Progress Changes

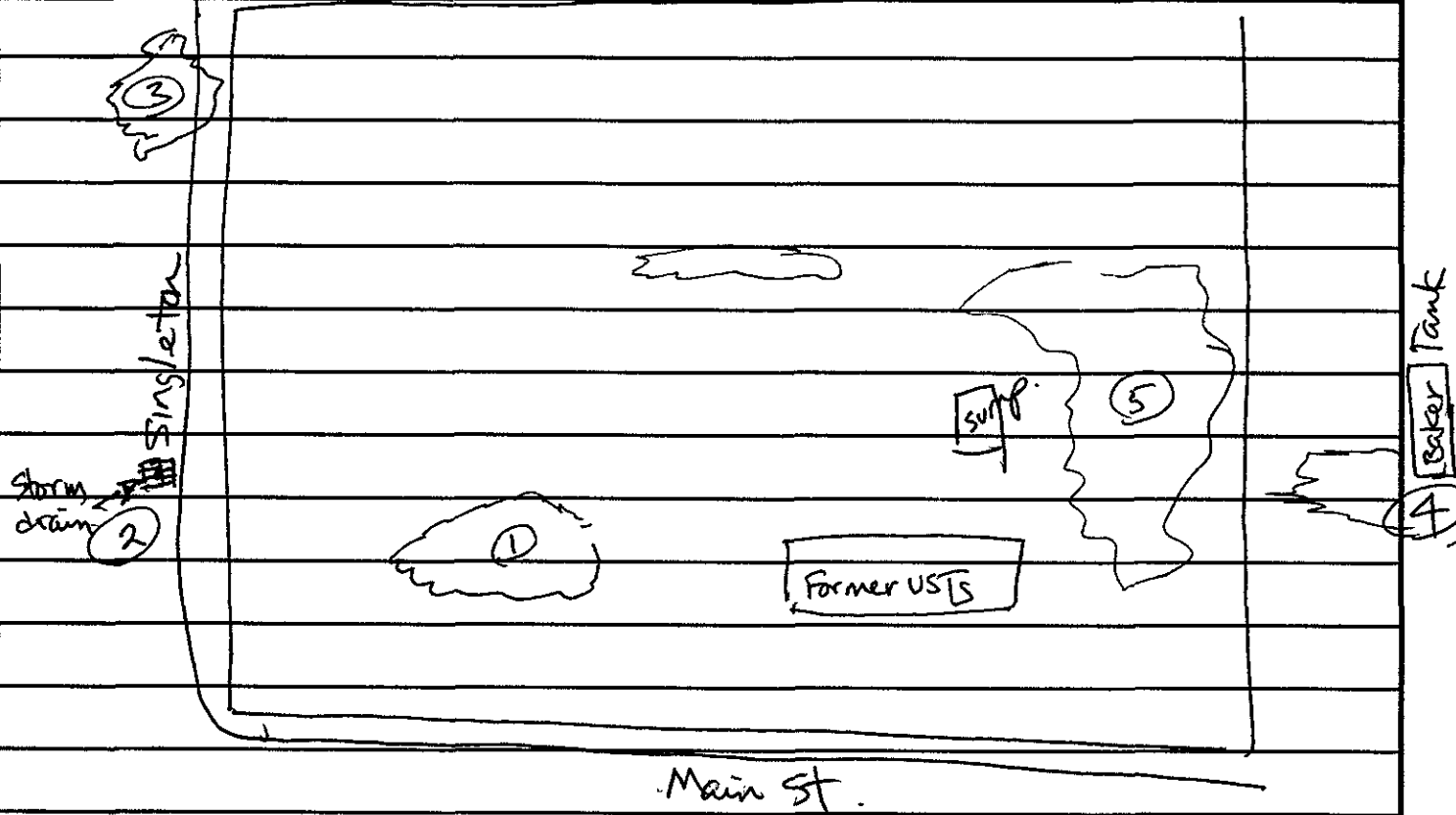
ANPNPGMS _____ LOP _____ DATE _____ LOP _____ DATE _____

HAZARDOUS WASTE GENERATOR INSPECTION REPORT

STID #: 6641	FACILITY NAME: City of Alameda 2756 Main St Alameda	PG. _____	OF _____
--------------	-----------------------------------------------------	-----------	----------

SUPPLEMENTAL FORM

see photo # 2



On site visit this afternoon (1:00pm) - Stockpile soil gone.
 Ponding noted at several locations on property. Discharge noted
 at storm drain on Singleton (2); Ponding at (3), (1), (5); wet
 soil by Boiler tank (4)

PRINT NAME	INSPECTED BY: Eva CHW
SIGNATURE	DATE: Dec 22, 1999

99 OCT 20 PM 3:57

OCT 21 1999

ACCEPTED

Underground Storage Tank Closure Permit Application
 Alameda County Division of Hazardous Materials
 1131 Harbor Bay Parkway, Suite 250
 Alameda, CA 94502-6577

These closure/removal plans have been received and found to be acceptable and essentially meet the requirements of State and Local Health Laws. Changes to your closure plans indicated by this Department are to assure compliance with State and local laws. The project proposed herein is now released for issuance of any required building permits for construction/demolition.

One copy of the accepted plans must be on the job and available to all contractors and craftsmen involved with the removal.

Any changes or alterations of these plans and specifications must be submitted to this Department and to the Fire and Building Inspectors Department to determine if such changes meet the requirements of State and local laws. Notify this Department at least 72 hours prior to the following required inspections:

- Removal of Tank(s) and Piping
- Sampling
- Final Inspection

Issuance of a permit to operate, by permittee after closure, is dependent on compliance with accepted plans and all applicable laws and regulations.

THERE IS A FINANCIAL PENALTY FOR NOT OBTAINING THESE INSPECTIONS:

Contact Specialist: *W. Weston*

SEE ADDITIONAL ANALYSES

UNDERGROUND TANK CLOSURE PLAN

* * * Complete plan according to attached instructions * * *

1. Name of Business City of Alameda Ms. Mallika Ramashandran
 Business Owner or Contact Person (PRINT) Ed Sommerauer
2. Site Address 2756 Main Street 749-5863
 City Alameda Zip 94501 Phone 510-749-5840
3. Mailing Address Same as above
 City _____ Zip _____ Phone _____
4. Property Owner Same as above
 Business Name (if applicable) _____
 Address _____
 City, State _____ Zip _____
5. Generator name under which tank will be manifested
Ecology Control Industries
 EPA ID# under which tank will be manifested CACC01321976

Cap Improved
 Sup. Engr. CIP

6. Contractor Accutite Environmental Engineering
Address 35 South Linden Avenue
City So. San Francisco Phone 650-952-5551
License Type A, HAZ, B ID# 94-331-5374 x210
7. Consultant (if applicable) Same as above
Address _____
City, State _____ Phone _____
8. Main Contact Person for Investigation (if applicable)
Name Ron Breckenridge Title Project Manager
Company Accutite
Phone 650-952-5551 x210
9. Number of underground tanks being closed with this plan 2
Length of piping being removed under this plan 40 Feet
Total number of underground tanks at this facility (**confirmed with owner or operator) 2
10. State Registered Hazardous Waste Transporters/Facilities (see instructions).

**** Underground storage tanks must be handled as hazardous waste ****

a) Product/Residual Sludge/Rinsate Transporter

Name Ecology Control Industries EPA I.D. No. ECICAD982030173
Hauler License No. 1753 License Exp. Date 6/2000
Address 255 Parr Blvd.
City Richmond State CA Zip 94801

b) Product/Residual Sludge/Rinsate Disposal Site

Name Same as above EPA ID# _____
Address _____
City _____ State _____ Zip _____

c) Tank and Piping Transporter

Name E.C.T. EPA I.D. No. E.C.T. CAD 982030173
Hauler License No. 1753 License Exp. Date 6/2000
Address 255 Pan Blvd
City Richmond State Calif Zip 94801

d) Tank and Piping Disposal Site

Name Ecology Control Industries EPA I.D. No. _____
Address (Same)
City _____ State _____ Zip _____

11. Sample Collector

Name _____
Company Accutite
Address Same
City _____ State _____ Zip _____ Phone _____

12. Laboratory

Name North State Environmental
Address P.O. Box 5624
City So. San Francisco State CA Zip 94083
State Certification No. _____

13. Have tanks or pipes leaked in the past? Yes [] No [] Unknown [X]

If yes, describe. _____

14. Describe methods to be used for rendering tank(s) inert:

Dry ice will be used to render the tanks inert; however if dry ice is not sufficient, we will rinse the tank prior to removal.

Before tanks are pumped out and inerted, all associated piping must be flushed back into the tank(s). All accessible piping must then be removed. Inaccessible piping must be permanently plugged using grout.

The Bay Area Air Quality Management District, 415/771-6000, along with local Fire and Building Departments, must also be contacted for tank removal permits. Fire departments typically require the use of a combustible gas indicator to verify tank inertness. It is the contractor's responsibility to have a functional combustible gas indicator on-site to verify that the tank(s) is inerted.

15. Tank History and Sampling Information *** (see instructions) ***

Tank		Material to be sampled (tank contents, soil, groundwater)	Location and Depth of Samples
Capacity	Use History include date last used (estimated)		
6,000	Unknown	Soil, groundwater	
6,000	Unknown	Soil, groundwater	

One soil sample must be collected for every 20 linear feet of piping that is removed. A ground water sample must be collected if any ground water is present in the excavation.

Excavated/Stockpiled Soil	
Stockpiled Soil Volume (estimated) 100 cubic Yards	Sampling Plan one four point composite sample per 100 cubic yards.

Stockpiled soil must be placed on bermed plastic and must be completely covered by plastic sheeting.

Will the excavated soil be returned to the excavation immediately after tank removal? yes no unknown

If yes, explain reasoning _____

If unknown at this point in time, please be aware that excavated soil may not be returned to the excavation without prior approval from this office. This means that the contractor, consultant, or responsible party must communicate with the Specialist IN ADVANCE of backfilling activities.

16. Chemical methods and associated detection limits to be used for analyzing samples:

The Tri-Regional Board recommended minimum verification analyses and practical quantitation reporting limits should be followed. See attached Table 2.

17. Submit Site Health and Safety Plan (See Instructions)

Contaminant Sought	EPA or Other Sample Preparation Method Number	EPA or Other Analysis Method Number	Method Detection Limit
GASOLINE UNKNOWN Fuel	TPH- G BTEX MTBE TTL- lead TPHD		1 ppm soil 1 ppb water

18. Submit Worker's Compensation Certificate copy

Name of Insurer Fremont Compensation

19. Submit Plot Plan ***** (See Instructions) *****

20. Enclose Deposit (See Instructions)

21. Report all leaks or contamination to this office within 5 days of discovery. The written report shall be made on an Underground Storage Tank Unauthorized Leak/Contamination Site Report (ULR) form.

22. Submit a closure report to this office within 60 days of the tank removal. The report must contain all information listed in item 22 of the instructions.

23. Submit State (Underground Storage Tank Permit Application) Forms A and B (one-B form for each UST to be removed) (mark box 8 for "tank removed" in the upper right hand corner)

I declare that to the best of my knowledge and belief that the statements and information provided above are correct and true.

I understand that information, in addition to that provided above, may be needed in order to obtain approval from the Environmental Protection Division and that no work is to begin on this project until this plan is approved.

I understand that any changes in design, materials or equipment will void this plan if prior approval is not obtained.

I understand that all work performed during this project will be done in compliance with all applicable OSHA (Occupational Safety and Health Administration) requirements concerning personnel health and safety. I understand that site and worker safety are solely the responsibility of the property owner or his agent and that this responsibility is not shared nor assumed by the County of Alameda.

Once I have received my stamped, accepted closure plan, I will contact the project Hazardous Materials Specialist at least three working days in advance of site work to schedule the required inspections.

CONTRACTOR INFORMATION

Name of Business Accutite Environmental Engineering

Name of Individual Ron Breckenridge

Signature [Signature] Date 10/14/99

PROPERTY OWNER OR MOST RECENT TANK OPERATOR (Circle one)

Name of Business CITY OF ALAMEDA

Name of Individual Ed Sommerauer

Signature [Signature] Date 10-14-99

INSTRUCTIONS

General Instructions

- * Three (3) copies of this plan plus attachments and a deposit must be submitted to this Department.
- * Any cutting into tanks requires local fire department approval.
- * One complete copy of your approved plan must be at the construction site at all times; a copy of your approved plan must also be sent to the landowner.
- * State of California Permit Application Forms A and B are to be submitted to this office. One Form A per site, one Form B for each removed tank.

Line Item Specific Instructions

2. SITE ADDRESS
Address at which closure is taking place.
5. EPA I.D. NO. under which the tanks will be manifested
EPA I.D. numbers may be obtained from the State Department of Toxic Substances Control, 916/324-1781.
6. CONTRACTOR
Prime contractor for the project.
10. STATE REGISTERED HAZARDOUS WASTE TRANSPORTERS/FACILITIES
 - a) All residual liquids and sludges are to be removed from tanks before tanks are inerted.
 - c) Tanks must be hauled as hazardous waste.
 - d) This is the place where tanks will be taken for cleaning.
15. TANK HISTORY AND SAMPLING INFORMATION
Use History - This information is essential and must be accurate. Include tank installation date, products stored in the tank, and the date when the tank was last used.

Material to be sampled - e.g. water, oil, sludge, soil, etc.

Location and depth of samples - e.g. beneath the tank a maximum of two feet below the native soil/backfill interface, side wall at the high water mark, etc.

16. CHEMICAL METHODS AND ASSOCIATED DETECTION LIMITS

See attached Table 2.

17. SITE HEALTH AND SAFETY PLAN

A site specific Health and Safety plan must be submitted. We advocate the site health and safety plan include the following items, at a minimum:

- a) The name and responsibilities of the site health and safety officer;
- b) An outline of briefings to be held before work each day to appraise employees of site health and safety hazards;
- c) Identification of health and safety hazards of each work task. Include potential fire, explosion, physical, and chemical hazards;
- d) For each hazard, identify the action levels (contaminant concentrations in air) or physical conditions which will trigger changes in work habits to ensure workers are not exposed to unsafe chemical levels or physical conditions;
- e) Description of the work habit changes triggered by the above action levels or physical conditions;
- f) Frequency and types of air and personnel monitoring - along with the environmental sampling techniques and instrumentation - to be used to detect the above action levels. Include instrumentation maintenance and calibration methods and frequencies;
- g) Confined space entry procedures (if applicable);
- h) Decontamination procedures;
- i) Measures to be taken to secure the site, excavation and stockpiled soil during and after work hours (e.g. barricades, caution tape, fencing, trench plates, plastic sheeting, security guards, etc.);
- j) Spill containment/emergency/contingency plan. Be sure to include emergency phone numbers, the location of the phone nearest the site, and directions to the hospital nearest the site;
- k) Documentation that all site workers have received the appropriate OSHA approved trainings and participate in appropriate medical surveillance per 29 CFR 1910.120; and
- l) A page for employees to sign acknowledging that they have read and will comply with the site health and safety plan.

The safety plan must be distributed to all employees and contractors working in hazardous waste operations on site. A complete copy of the site health and safety plan along with any standard operating procedures shall be on site and accessible at all times.

NOTE: These requirements are excerpts from 29 CFR Part 1910.120(b)(4), Hazardous Waste Operations and Emergency Response; Final Rule, March 6, 1989. Safety plans of certain underground tank sites may need to meet the complete requirements of this Rule.

19. PLOT PLAN

The plan should consist of a scaled view of the facility at which the tank(s) are located and should include the following information:

- a) Scale;
- b) North Arrow;
- c) Property Lines;
- d) Location of all Structures;
- e) Location of all relevant existing equipment including tanks and piping to be removed and dispensers;
- f) Streets;
- g) Underground conduits, sewers, water lines, utilities;
- h) Existing wells (drinking, monitoring, etc.);
- i) Depth to ground water; and
- j) All existing tank(s) and piping in addition to the tank(s) being removed.

20. DEPOSIT

A deposit, payable to "Treasurer of Alameda County" for the amount indicated on the Alameda County Underground Storage Tank Fee Schedule, must accompany the plans.

21. Blank Unauthorized Leak/Contamination Site Report forms may be obtained in limited quantities from this office or from the San Francisco Bay Regional Water Quality Control Board (510/286-1255). Larger quantities may be obtained directly from the State Water Resources Control Board at (916) 739-2421.

22. TANK CLOSURE REPORT

The tank closure report should contain the following information:

- a) General description of the closure activities;
- b) Description of tank, fittings and piping conditions. Indicate tank size and former contents; note any corrosion, pitting, holes, etc.;
- c) Description of the excavation itself. Include the tank and excavation depth, a log of the stratigraphic units encountered within the excavation, a description of root holes or other potential contaminant pathways, the depth to any observed ground water, descriptions and locations of stained or odor-bearing soil, and descriptions of any observed free product or sheen;
- d) Detailed description of sampling methods; i.e. backhoe bucket, drive sampler, bailer, bottle(s), sleeves
- e) Description of any remedial measures conducted at the time of tank removal;
- f) To-scale figures showing the excavation size and depth, nearby buildings, sample locations and depths, and tank and piping locations. Include a copy of the plot plan prepared for the Tank Closure Plan under item 19;
- g) Chain of custody records;
- h) Copies of signed laboratory reports;
- i) Copies of "TSDF to Generator" Manifests for all hazardous wastes hauled offsite (sludge, rinsate, tanks and piping, contaminated soil, etc.); and
- j) Documentation of the disposal of/and volume and final destination of all non-manifested contaminated soil disposed offsite.

TABLE #2
RECOMMENDED MINIMUM VERIFICATION ANALYSES FOR
UNDERGROUND TANK LEAKS

<u>HYDROCARBON LEAK</u>	<u>SOIL ANALYSIS</u>	<u>WATER ANALYSIS</u>
Unknown Fuel	TPH G GCFID(5030)	TPH G GCFID(5030)
	TPH D GCFID(3550)	TPH D GCFID(3510)
	BTX&E 8020 or 8240	BTX&E 602, 624 or 8260
	TPH AND BTX&E 8260	
Leaded Gas	TPH G GCFID(5030)	TPH G GCFID(5030)
	BTX&E 8020 OR 8240	BTX&E 602 or 624
	TPH AND BTX&E 8260	TOTAL LEAD AA
	TOTAL LEAD AA	
	-----Optional-----	
	TEL DHS-LUFT EDB DHS-AB1803	TEL DHS-LUFT EDB DHS-AB1803
Unleaded Gas	TPH G GCFID(5030)	TPH G GCFID(5030)
	BTX&E 8020 or 8240	BTX&E 602, 624 or 8260
	TPH AND BTX&E 8260	
Diesel, Jet Fuel and Kerosene	TPH D GCFID(3550)	TPH D GCFID(3510)
	BTX&E 8020 or 8240	BTX&E 602, 624 or 8260
	TPH AND BTX&E 8260	
Fuel/Heating Oil	TPH D GCFID(3550)	TPH D G C F I D (3 5 1 0)
	BTX&E 8020 or 8240	BTX&E 602, 624 or 8260
	TPH AND BTX&E 8260	
Chlorinated Solvents	CL HC 8010 or 8240	CL HC 601 or 624
	BTX&E 8020 or 8240	BTX&E 602 or 624
	CL HC AND BTX&E 8260	CL HC AND BTX&E 8260
Non-chlorinated Solvents	TPH D GCFID(3550)	TPH D GCFID(3510)
	BTX&E 8020 or 8240	BTX&E 602 or 624
	TPH AND BTX&E 8260	TPH and BTX&E 8260
Waste and Used Oil or Unknown (All analyses must be completed and submitted)	TPH G GCFID(5030)	TPH G GCFID(5030)
	TPH D GCFID(3550)	TPH D GCFID(3510)
	TPH AND BTX&E 8260	
	O & G 5520 D & F	O & G 5520 B & F
	BTX&E 8020 or 8240	BTX&E 602, 624 or 8260
	CL HC 8010 or 8240	CL HC 601 or 624
	ICAP or AA TO DETECT METALS: Cd, Cr, Pb, Zn, Ni	
	METHOD 8270 FOR SOIL OR WATER TO DETECT:	
	PCB*	PCB
	PCP*	PCP
	PNA	PNA
	CREOSOTE	CREOSOTE

* If found, analyze for dibenzofurans (PCBs) or dioxins (PCP)

Reference: Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Tank Sites, 10 August 1990

EXPLANATION FOR TABLE #2: MINIMUM VERIFICATION ANALYSIS

1. OTHER METHODOLOGIES are continually being developed and as methods are accepted by EPA or DHS, they also can be used.
2. For DRINKING WATER SOURCES, EPA recommends that the 500 series for volatile organics be used in preference to the 600 series because the detection limits are lower and the QA/QC is better.
3. APPROPRIATE STANDARDS for the materials stored in the tank are to be used for all analyses on Table #2. For instance, seasonally, there may be five different jet fuel mixtures to be considered.
4. To AVOID FALSE POSITIVE detection of benzene, benzene-free solvents are to be used.
5. TOTAL PETROLEUM HYDROCARBONS (TPH) as gasoline (G) and diesel (D) ranges (volatile and extractable, respectively) are to be analyzed and characterized by GC/FID with a fused capillary column and prepared by EPA method 5030 (purge and trap) for volatile hydrocarbons, or extracted by sonication using 3550 methodology for extractable hydrocarbons. Fused capillary columns are preferred to packed columns; a packed column may be used as a "first cut" with "dirty" samples or once the hydrocarbons have been characterized and proper QA/QC is followed.
6. TETRAETHYL LEAD (TEL) analysis may be required if total lead is detected unless the determination is made that the total lead concentration is geogenic (naturally occurring).
7. CHLORINATED HYDROCARBONS (CL HC) AND BENZENE, TOLUENE, XYLENE AND ETHYLBENZENE (BTX&E) are analyzed in soil by EPA methods 8010 and 8020 respectively, (or 8240) and in water, 601 and 602, respectively (or 624).
8. OIL AND GREASE (O & G) may be used when heavy, straight chain hydrocarbons may be present. Infrared analysis by method 418.1 may also be acceptable for O & G if proper standards are used. Standard Methods" 17th Edition, 1989, has changed the 503 series to 5520.
9. PRACTICAL QUANTITATION REPORTING LIMITS are influenced by matrix problems and laboratory QA/QC procedures. Following are the Practical Quantitation Reporting Limits:

	<u>SOIL PPM</u>	<u>WATER PPB</u>
TPH G	1.0	50.0
TPH D	1.0	50.0
BTX&E	0.005	0.5
O & G	50.0	5,000.0

10 August 1990

Based upon a Regional Board survey of Department of Health Services Certified Laboratories, the Practical Quantitation Reporting Limits are attainable by a majority of laboratories with the exception of diesel fuel in soils. The Diesel Practical Quantitation Reporting Limits, shown by the survey, are:

ROUTINE	MODIFIED PROTOCOL
≤ 10 ppm (42%)	≤ 10 ppm (10%)
≤ 5 ppm (19%)	≤ 5 ppm (21%)
≤ 1 ppm (35%)	≤ 1 ppm (60%)

When the Practical Quantitation Reporting Limits are not achievable, an explanation of the problem is to be submitted on the laboratory data sheets.

- LABORATORY DATA SHEETS are to be signed and submitted and include the laboratory's assessment of the condition of the samples on receipt including temperature, suitable container type, air bubbles present/absent in VOA bottles, proper preservation, etc. The sheets are to include the dates sampled, submitted, prepared for analysis, and analyzed.
- IF PEAKS ARE FOUND, when running samples, that do not conform to the standard, laboratories are to report the peaks, including any unknown complex mixtures that elute at times varying from the standards. Recognizing that these mixtures may be contrary to the standard, they may not be readily identified; however, they are to be reported. At the discretion of the LIA or Regional Board the following information is to be contained in the laboratory report:

The relative retention time for the unknown peak(s) relative to the reference peak in the standard, copies of the chromatogram(s), the type of column used, initial temperature, temperature program is C/minute, and the final temperature.
- REPORTING LIMITS FOR TPH are: gasoline standard ≤ 20 carbon atoms, diesel and jet fuel (kerosene) standard ≤ 50 carbon atoms. It is not necessary to continue the chromatography beyond the limit, standard, or EPA/DHS method protocol (whichever time is greater).

EPILOGUE

ADDITIVES: Major oil companies are being encouraged or required by the federal government to reformulate gasoline as cleaner burning fuels to reduce air emissions. MTBE (Methyl-tertiary butyl ether), ETHANOL (ethyl alcohol), and other chemicals may be added to reformulate gasolines to increase the oxygen content in the fuel and thereby decrease undesirable emissions (about four percent with MTBE). MTBE and ethanol are, for practical purposes, soluble in water. The removal from the water column will be difficult. Other compounds are being added by the oil companies for various purposes. The refinements for detection and analysis for all of these additives are still being worked out. If you have any questions about the methodology, please call your Regional Board representative.

ALAMEDA COUNTY ENVIRONMENTAL PROTECTION DIVISION

DECLARATION OF SITE ACCOUNT REFUND RECIPIENT

There may be excess funds remaining in the Site Account at the completion of this project. The PAYOR (person or company that issues the check) will use this form to predesignate another party to receive any funds refunded at the completion of this project. In the absence of this form, the PAYOR will receive the refund.

SITE INFORMATION:

Site ID Number
(if known)

CITY OF ALAMEDA

Name of Site

2756 Main St

Street Address

Alameda, CA 94501

City, State & Zip Code

I designate the following person or business to receive any refund due at the completion of all deposit/refund projects:

ACCUTITE

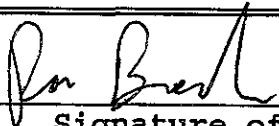
Name

35 S. LINDEN

Street Address

SOUTH SAN FRANCISCO CA 94080

City, State & Zip Code

 ACCUTITE
Signature of Payor

10-14-99
Date

RON BRECKENRIDGE
Name of Payor
(PLEASE PRINT CLEARLY)

ACCUTITE
Company Name of Payor

RETURN FORM TO:

County of Alameda, Environmental Protection
1131 Harbor Bay Parkway, Rm 250
Alameda CA 94502-6577
Phone#(510) 567-6700



Technology, Engineering & Construction, Inc.

35 South Linden Avenue • South San Francisco, CA 94080-6407
Tel: (650) 952-5551 • Fax: (650) 952-7631 • Contractor's Lic. #762034

*Willie x 203
Green*

SITE SAFETY PLAN

CITY OF ALAMEDA
2756 MAIN STREET
ALAMEDA, CA 94501

This Site Safety Plan establishes the general safety requirements necessary to protect the public, contractor, employees, owner/operator and properties involved in this project.

SCOPE OF WORK:

Accutite will excavate, remove and dispose of the following underground storage tank:

- Two (2) 6,000 gallon regular gasoline storage tanks.

ACCUTITE PERSONNEL:

Project Manager: Ron Breckenridge (Designated Health & Safety Coordinator (HSC))
 Foreman: _____
 Laborer/s: _____
 Equipment Operator: _____
 Engineer/s: _____

Accutite personnel have taken the 40 hour Hazardous Waste Operations and Emergency Response Class and, as required by OSHA 29 CFR 1910.120.

The Health and Safety Coordinator will be on site during all work to verify adherence with the Site Safety Plan. The Health and Safety Coordinator will also coordinate all work with Local and State Health and Safety Representative as needed.

SAFETY AND PROTECTIVE PROCEDURES:

1. Accutite personnel fills out daily, an on-site Job Site Safety Meeting Report and a Daily Inspection Checklist and Correction Form. (Sample copies attached).
2. If required, Accutite will notify USA 48 hours before the scheduled removal to locate underground utilities.
3. If required, Accutite will notify Bay Area Air Quality Management District 5 days prior to the scheduled removal.
4. The Health and Safety Coordinator will monitor the site during all work for the presence of gasoline vapors utilizing a combustible Gas Detector (GasTech Model 1314)
5. The Health and Safety Coordinator will mark the exclusion zone and monitor the site for the presence of non-OSHA trained personnel on-site. All visitors shall sign in. If non-OSHA trained visitors or personnel are on-site the HSC will ask the individual/s to exit the exclusion zone.
6. No smoking, drinking or eating will be allowed in work areas.

7. All personnel are properly trained and will wear half-mask air purifying cartridge respirators (organic cartridge with dust prefilter) when significant detector readings are recorded, or if a significant gasoline odor is detected.
8. Should any emergency arise, work shall be halted and the following regulatory agencies will be notified:
 - (1) Alameda Fire Department (510) 846-3413
 - (2) California Regional Water Quality Control Board San Mateo Region (510) 286-1255
 - (3) Alameda County Department of Environmental Health (510) 567-6700

Personnel required to work in the area of gasoline pooling will wear neoprene rubber gloves, chemical goggles, protective clothing, chemical resistant safety boots and a cartridge respirator.

In the event of emergency, personnel will be taken to the nearest hospital, in this case

**KAISER FOUNDATION HEALTH
1 KAISER PLZ
OAKLAND CA 94612
(510) 271-5800**

***EMERGENCY DIAL 911 WHEN INJURED PERSON/S CANNOT BE REMOVED FROM SITE
DUE TO SEVERE INJURIES.**

Note: Information will be listed on site.

If any of the following exist, please list:

Physical Hazards: _____

Chemical Hazards: _____

Level of Protection (A to D): _____

Nearest Phone and Emergency Numbers _____

DEPARTMENT/JOBSITE SAFETY MEETING REPORT

DEPARTMENT: _____

MEETING DATE: _____

JOBSITE: _____

TIME: _____ **A.M./P.M.**

EMPLOYEES IN ATTENDANCE:

ACCIDENTS:

REVIEW OF ANY ACCIDENTS THAT HAVE OCCURRED SINCE LAST MEETING:

UNSAFE ACTS/CONDITIONS FROM INSPECTION:

REVIEW OF UNSAFE ACTS/CONDITIONS FROM LAST MEETING:

SAFETY TOPICS DISCUSSED:

EMPLOYEE/SUBCONTRACTOR/SUGGESTIONS/RECOMMENDATIONS/REMARKS:

JOBSITE FOREMAN/SUGGESTIONS/RECOMMENDATIONS/REMARKS:

**TEC/ACCUTITE ENVIRONMENTAL ENGINEERING
INSPECTION CHECKLIST AND CORRECTION FORM**

MONTHLY: _____

DAILY: _____

WEEKLY: _____

**GENERAL AREA OR JOB SAFETY CLASS: TANK INSTALLATIONS, REMOVALS,
OVEREXCAVATIONS & DRILLING**

DATE PREPARED _____

PREPARER _____

**SAFE WORK CONDITION, SAFE WORK PRACTICES
OR PERSONAL PROTECTIVE EQUIPMENT**

**CHECKED
(INITIAL)**

1. CAL/OSHA PERMIT ON SITE (IF REQUIRED)	
2. U.G. UTILITIES MARKED BY U.S.A.	
3. EXCAVATION BARRICADED	
4. SPOILS PILES 2 FEET OR MORE FROM EDGE	
5. EMPLOYEES WEARING PROPER PROTECTION	
5A. HARD HATS	
5B. SAFETY SHOES	
5C. RESPIRATORS AVAILABLE	
6. FIRE EXTINGUISHERS WITHIN 75 FEET OF EXCAVATION	
7. FIRST AID KITS ON SITE	
8. ALL VEHICLES, EQUIPMENT, AND POWER TOOLS IN SAFE OPERATING ORDER	
9. POTABLE WATER AVAILABLE	
10. EMERGENCY MEDICAL SERVICES AVAILABLE	

CORRECTIVE ACTION NEEDED/TAKEN: _____

IS EQUIPMENT LOCKED OUT DUE TO IMMINENT HAZARD? _____

PERSON RESPONSIBLE FOR CORRECTION: _____

COPY PROVIDED: _____
(DATE) (TIME)

CORRECTED: _____

REVIEWED BY: _____ **DATE:** _____





**GOVERNOR'S OFFICE OF
EMERGENCY SERVICES
Hazardous Materials Spill Report**

Form OES 5205 10/95/LSG 1404

DATE: 12/18/99 TIME: 1404	RECEIVED BY: OES - Denise Orsini OSPR -	CONTROL#: 99-5355
--------------------------------------------	------------------------------------------------------	-----------------------------

1. PERSON NOTIFYING GOVERNOR'S OES:

a. NAME: Patrick Lynch **b. AGENCY:** Private Citizen **c. PHONE#:** 510-522-2165 **d. Ext:** **e. PAG/CELL:**

2. SUBSTANCE TYPE:

2. a. SUBSTANCE:	b. QTY: >= <	Amount	Measure	c. TYPE:	d. OTHER:
1. Gasoline waste water	=	2000	Gal(e)	PETROLEUM	
2.	=				
3.	=				
4.	=				

e. DESCRIPTION: Citizen observed the City of Alameda excavate an underground tank, then discharged material adjacent to the property. Substance entered into an unnamed canal adjacent to the property which enters the San Francisco Bay.

f. CONTAINED: Yes **g. WATER INVOLVED:** Yes **h. WATERWAY:** San Francisco Bay

3. a. INCIDENT LOCATION: Main St and Singleton Ave
b. CITY: Alameda **c. COUNTY:** Alameda County **d. ZIP:** 94501

4. INCIDENT DESCRIPTION:

a. DATE: 12/17/99 **b. TIME (Military):** 1400 **c. SITE:** Merchant/Business
d. INJURIES#: 0 **e. FATALS #:** 0 **f. EVACS #:** 0 **g. CLEANUP BY:** Unknown

5. RESPONSIBLE PARTY:

a. NAME: **b. AGENCY:** City of Alameda **c. PHONE#:** **d. EXT.:**
e. MAIL ADDRESS: Main St and Singleton Ave **f. CITY:** Alameda **g. STATE:** CA **h. ZIP:** 94501

6. NOTIFICATION INFORMATION:

a. NRCH#: **b. ON SCENE:**
c. OTHER ON SCENE: **d. OTHER NOTIFIED:**
e. ADMIN. AGENCY: Alameda County Environmental Health **f. SEC. AGENCY:**

8. NOTIFICATION LIST:

		DOG Unit:	RWQCB Unit: 2	
<input checked="" type="checkbox"/> AA/CLPA	<input checked="" type="checkbox"/> DFG OSPR	<input type="checkbox"/> EMSA	<input type="checkbox"/> OES PLANS UNIT	<input checked="" type="checkbox"/> RWQCB
<input type="checkbox"/> AIR RESOURCES ED	<input type="checkbox"/> DHS D O	<input type="checkbox"/> FEMA	<input type="checkbox"/> OES REG	<input type="checkbox"/> SPM
<input type="checkbox"/> CALTRANS	<input type="checkbox"/> DOG	<input type="checkbox"/> FOOD & AG	<input type="checkbox"/> OSHA	<input checked="" type="checkbox"/> US EPA
<input type="checkbox"/> CDF	<input checked="" type="checkbox"/> DTSC	<input checked="" type="checkbox"/> LANDS	<input checked="" type="checkbox"/> PARKS & REC	<input type="checkbox"/> USMMMS
<input checked="" type="checkbox"/> COASTAL COM	<input type="checkbox"/> SB PARKS	<input type="checkbox"/> OES HAZMAT UNIT	<input type="checkbox"/> PUC	<input checked="" type="checkbox"/> USCO
				<input checked="" type="checkbox"/> USFWS
				<input type="checkbox"/> OTHER

HAZARDOUS WASTE GENERATOR INSPECTION REPORT

STID #: 6641 FACILITY NAME: City of Alameda 2756 Main Street PG. OF

SUPPLEMENTAL FORM
12/17/99 ~ 4:30 pm

Received a call from ~~Pat~~ Patricia Lynch - He complained that the contractors at the site are discharging pit water to the surface and to an unlined ditch which feeds directly to the storm drain.

I inspected the site @ ~ 5:20pm. Gw from the fuel tank pit was at grade level. A sheen was on the water's surface. Ponding also noted at vicinity of former fuel tank excavation. Stockpile soil is partially covered w/ vegetation. Some HCl/organic odor noted from SE corner of intersection, at Main + Singletan (ie ~~the~~ same corner of lot). Lot is fenced. No obvious discharge to storm drain or street noted.

12/20/99 Spoke w/ Dave DeMent at Acc regarding complaint. He said some of the Gw was being used (mis'ed) for dust control. He will fax me analytical data of Gw from fuel tank (from fuel tank excavation). Also met w/ John Flood (Alameda City Public Works) that water should not be used.

PRINT NAME: INSPECTED BY:
SIGNATURE: DATE:

BOARD MEETING DATE: December 15,
1999

AGENDA NO: **15**

PROPOSAL: ADOPT PROPOSED AMENDMENTS TO REGULATION 8, RULE 40: AERATION OF CONTAMINATED SOIL AND REMOVAL OF UNDERGROUND STORAGE TANKS, AND APPROVE CEQA NEGATIVE DECLARATION

SUMMARY: Public Hearing to adopt proposed amendments to Regulation 8, Rule 40. The proposed amendments to Regulation 8, Rule 40 would prohibit uncontrolled aeration of contaminated soil beyond set exemption limits, effective June 1, 2000. Adoption of the proposed amendments is estimated to result in emission reductions of between 2.6 and 2.8 tons per day of VOC. This will contribute toward re-attainment of the federal one-hour ozone standard and toward attainment of the more stringent State ozone standard, as well as satisfy control measure implementation requirements of the District's 1997 Clean Air Plan and 1999 Ozone Attainment Plan.

RECOMMENDED ACTION:

Adopt proposed Amendments to Regulation 8, Rule 40: Aeration of Contaminated Soil and Removal of Underground Storage Tanks, and approve a CEQA Negative Declaration for the proposed amendments.

Ellen Garvey

Executive Officer

Background

The proposed amendments to Regulation 8, Rule 40 were developed to satisfy stationary source Control Measures SS-09 and SS-10 in the District's 1999 Ozone Attainment Plan for the federal ozone standard. Staff has been developing this rule since the beginning of 1999 in consultation with Bay Area soil remediation contractors and other agencies involved in the handling or processing of contaminated soil, and the removal of underground storage tanks. A public workshop was conducted on September 3, 1999. Due to the lack of a quorum, the Public Hearing has been continued from the November 17, 1999 Board Meeting.

Proposal

Regulation 8, Rule 40 was originally adopted in 1986 to reduce the potential for nuisance complaints from soil aeration activities, and to prevent any one site from exceeding the New Source Review (Regulation 2, Rule 2) standard of 150 pounds per day (1986 standard). Depending on the level of contamination, the current rule allows aeration of contaminated soil at various daily rates. As such, the current rule provides limited emissions reductions, because the emissions may simply be spread out over time. The proposed amendments would prohibit uncontrolled aeration of contaminated soil beyond set exemption limits, effective June 1, 2000. Additional amendments require emission reduction measures to be employed during the excavation and handling of contaminated soil. District-wide emission reductions as a result of adoption of the proposed amendments are estimated to range between 2.6 and 2.8 tons per day of VOC. Facilities in the District subject to the rule include gasoline service stations, petroleum and

chemical manufacturing facilities, solid waste disposal sites, and any other site where contaminated soil or underground storage tanks are present.

Major proposed amendments to Regulation 8, Rule 40 include:

- Effective June 1, 2000, uncontrolled aeration of contaminated soil is prohibited.
- Contaminated soil is defined as soil having a volatile organic content exceeding 50 parts per million by weight (ppmw).
- Add exemptions for small volumes of contaminated soil or soil contaminated by limited accidental spills.
- Add exemption from notification for aeration projects which emit less than 150 pounds and less than the Toxic Trigger Levels as per Regulation 2, Rule 1, Section 316.
- Add provisions for the use of an organic vapor analyzer (OVA) as a real time monitor of compliance.
- Add emission reduction measures for excavation and removal of contaminated soil.
- Add more specific reporting requirements for soil excavations and tank removals.
- Add definitions for greater clarity.

Public Hearing:

The Public Hearing for the proposed amendments was opened at the November 17, 1999 Board Meeting. Four members of the public spoke at the Public Hearing; three against and one in favor of the amendments. A representative for Chesapeake Environmental Group, Inc. spoke in favor of the amendments, advocating that they be adopted as written. He further advocated enhanced enforcement of the regulation and additional regulatory actions to ensure achievement of the emission reductions posed by the amendments. Two representatives for New Pacific Properties (NPP), a land development company, and one representative of the Western States Petroleum Association (WSPA) testified against the proposal. Both parties expressed concern that the amendments would impose costly sampling requirements and create overly burdensome management practices for sites with minimally contaminated soil. The representatives for NPP concluded that the amendments would prevent redevelopment of "Brownfield" sites, and thereby cause a significant adverse environmental impact that would void the CEQA Negative Declaration proposed for the rulemaking project. The representative for WSPA objected to restrictions on soil management, and objected to the added regulatory complexity posed by the amendments.

Due to the absence of a quorum, the Public Hearing was continued to the December 15, 1999 Board Meeting. In the time since the initial Public Hearing, staff has met with both NPP and WSPA to better understand their concerns with the proposed amendments. As a result of these meetings, some minor revisions have been made to the proposed rule amendments. These changes are described in the section below. Specific comments raised by NPP and WSPA, along with District staff's responses, are provided in an attached document titled "Recent Comments on Proposed Amendments to Regulation 8, Rule 40, and District Staff Responses."

Proposed Rule Changes since November 17, 1999 Public Hearing. After the Public Hearing of November 17, 1999, staff made some additional minor changes to enhance rule effectiveness and clarity. These changes are not substantial and do not significantly affect the intent of the rule such that the proposed amendments would need to be delayed pursuant to Health and Safety Code Section 40726. These recent changes are reflected in the attached amended rule by double strike-through/double underline (e.g. double strike-through double underline).

1. The quarterly limitation for small volume exemptions in Section 8-40-116 has been moved to subsection 8-40-116.2. This will allow for unlimited application of the one cubic yard exemption for soil excavation or aeration projects at individual facilities. Circumvention of the rule requirements by over-use of this exemption is

unlikely to occur due to the small size of soil covered (one cubic yard).

2. The last sentence has been deleted from the definition of Contaminated Soil in Section 8-40-205. This sentence implied that only soil sampling and subsequent laboratory analysis could determine that soil was not contaminated. Deletion of this sentence allows the use of an OVA for compliance determinations.
3. The definition of "Backfill" in Section 8-40-215 has been amended to incorporate soil use where a new grade is established. Use of contaminated soil as cover material at landfills has been specifically excluded from this definition and continues to be prohibited. A new Section 8-40-306.6 has been added to detail requirements to minimize emissions during backfilling.
4. In Sections 8-40-306, the time limit for resolution of excavated contaminated soil was increased from 45 days to 90 days for soil containing less than 500 ppmw volatile organic compounds. Extending the timeframe will not likely result in significant emissions provided the soil cover is maintained as required. The soil resolution requirements of Section 8-40-310 have been deleted because they were redundant to those in Section 8-40-306.
5. The sampling requirements of Section 8-40-601 have been amended to detail specifically when sampling and laboratory analysis are required. This should allow for the use of an OVA to determine compliance where soil contamination is not previously known. Sampling is now only required for: a) prior to June 1, 2000, soil which will be aerated according to Table 1 in Section 8-40-301; b) excavation projects seeking the 8 yards at 500 ppmw exemption under Section 8-40-116.2; c) excavation projects seeking the 90 day resolution limit based on organic content (less than 500 ppmw); and d) soil associated with the removal of an Underground Storage Tank.
6. The language regarding the measuring distance when using an OVA has been amended in Section 8-40-604. The standard has been set at three inches rather than "no more than three inches" to eliminate potential controversy over measurements taken at different distances from the soil. Provisions have been added for allowing the surface of the soil to be disturbed to improve the effectiveness of this method for determining compliance.


Socioeconomic Impact:


The socioeconomic impact analysis prepared for the amendments shows that the changes could potentially affect a variety of businesses, many of which would be characterized as small businesses. The cost impacts are absorbable for most affected facilities with the greatest impact on gasoline service stations. There is, however, financial assistance available for these facilities through California's Underground Storage Tank Cleanup Fund administered by the State Water Resources Control Board.

California Environmental Quality Act (CEQA)

Based on an initial study performed for this project, staff has determined that there is no substantive evidence, in light of the entire record, that the proposed amendments to Regulation 8, Rule 40 will have a significant environmental impact. Pursuant to Public Resources Code, Section 21080 (c) and state CEQA Guidelines 15070, staff recommends adoption of the attached negative declaration.


Attachments

A. Recent Comments on Proposed Amendments to Regulation 8, Rule 40, and District Staff Response 

B. Proposed Regulation 8, Rule 40 

C. Staff Report 

D. **Socioeconomic Impact Analysis**

E. CEQA Negative Declaration 

F. CEQA Initial Study 



Acrobat General Information

You will need the Adobe Acrobat® Reader to view the documents. If you do not have the Acrobat® Reader, you may download the Reader, free of charge.

Acrobat® is a trademark for Adobe Systems Incorporated.

(last updated 12/09/1999)

Recent Comments on Proposed Amendments to Regulation 8, Rule 40 and District Staff Responses

NPP Comments and District Staff Responses:

Two representatives for NPP met with District staff from the Executive, Legal, Permit Services and Planning Divisions on December 2, 1999. The comments from NPP are summarized below.

1. Rule Applicability and Requirements: NPP cited several examples of tasks associated with site grading and general soil relocation activities. They then asked staff what would be required under Regulation 8, Rule 40 for these activities. NPP's initial understanding of the proposed amendments was that it would require treatment for all soil that contained greater than 50 ppmw organic compounds. Their projected cost for such soil decontamination would allegedly render many Brownfield redevelopment projects uneconomical. This would in turn prevent in-fill development and exacerbate urban sprawl, thereby causing a detrimental environmental impact. NPP argued that this economic impact was not addressed in either the cost effectiveness section of the Staff Report, nor the Socioeconomic Impact Report, and the potential environmental impact was ignored in the CEQA Negative Declaration. Given NPP's assumption that the proposed amendments would require such costly treatment, NPP questioned the validity of staff's supporting documents for the proposed amendments to Regulation 8, Rule 40.

Staff Response: Staff explained that the proposed amendments did not require treatment for all contaminated soil. For all of the examples of tasks provided by NPP, the proposed amendments would require emission minimization procedures such as watering and covering of contaminated soil during soil movement. These procedures are very inexpensive to implement, so they were not addressed in the cost analyses. NPP's arguments against the proposed CEQA Negative Declaration were based on the conclusory and highly speculative notion that the proposed amendments to Reg. 8, Rule 40 will deter development of Brownfield sites in the Bay Area by increasing site remediation costs. NPP offered no evidence to support this conclusion. Staff asserts that its Socioeconomic and CEQA analyses are reasonable.

2. Backfilling Requirements: NPP recommended that the definition of Backfill be modified to allow for deposition of contaminated soil other than in excavated pits. NPP proposed a number of additional emission minimization procedures to be included in the definition. These procedures would be listed in Section 8-40-306 as procedures to minimize exposure of contaminated soil to the atmosphere. The recommended language proposed by NPP did not require implementation of these measures specifically, but rather required exposure to be minimized by such measures. NPP also requested that backfilled soil be allowed to be left uncovered overnight, and possibly as long as over a weekend.

Staff Response: Staff agreed that backfill may be performed in such a way as to establish a new grade, so long as the contaminated soil is covered with clean fill and the backfilled location is the final resting place of the contaminated soil. The definition of Backfill in Section 8-40-215 has been amended to incorporate soil use where a new grade is established. Use of contaminated soil as cover material at landfills has been specifically excluded from this definition. A new Section 8-40-306.6 has been added to detail requirements to minimize emissions during backfilling. Included in this section is a requirement for covering of backfilled soil for periods of inactivity longer than 12 hours. This will allow for overnight breaks during backfill operations. District staff believes the potential for emissions to be just too great from backfilled soil over an entire weekend, especially during the summer ozone season.

3. Sampling Requirements: NPP feels that the sampling requirements contained in the rule are burdensome, particularly for sites involving large quantities of soil such as theirs. NPP suggested new language which would allow persons responsible for projects involving more than 750 cubic yards of contaminated soil to submit an alternate "sampling plan." This plan would justify "a sampling frequency based upon the soil characteristics and variability, provided, however, that the plan shall specify at least ten samples shall be collected and analyzed."

Staff Response: NPP's proposed language is entirely too broad and provides unjustified discretionary powers to whomever reviews such a plan. Staff believes the issues raised by NPP to be rendered moot, given the previously mentioned amendments to the sampling requirements and the provisions added for the use of an OVA for compliance monitoring. Brownfield redevelopment projects would not be required to collect any samples so long as the emission minimization methods are employed. The sampling requirements of Section 8-40-601 have been amended to detail specifically when sampling and laboratory analysis are required. This should allow for the use of an OVA to determine compliance where soil contamination is not previously known. Sampling is now only required for: a) prior to June 1, 2000, soil which will be aerated according to Table 1 in Section 8-40-301; b) excavation projects seeking the 8 yards at 500 ppmw exemption under Section 8-40-116.2; c) excavation projects seeking the 90 day resolution limit based on organic content (less than 500 ppmw); and d) soil associated with the removal of an underground storage tank.

WSPA Comments and District Staff Response:

Two representatives of WSPA met with District staff from the Permit Services and Planning Divisions on December 2, 1999. The comments from WSPA are summarized below.

1. Small Volume Exemption: WSPA feels that the small volume exemption is too stringent for refineries. Once the one cubic yard or 8 cubic yard exemption has been used for that quarter, every shovelful of contaminated soil would be subject to all the notification, sampling, and control requirements of the rule. WSPA requests that the one cubic yard exemption be unlimited and that the 8 cubic yard (at less than 500 ppmw) exemption once per quarter be applied to any excavation site, not to a total facility.

Staff Response: Staff is inclined to modify the exemption; however, not to the extent requested by WSPA. The quarterly limit is necessary for the 8 cubic yards because the potential is just too great for circumventing the intent of the rule by applying the exemption repeatedly for various excavation projects. The quarterly limitation for small volume exemptions in Section 8-40-116 has been moved to subsection 8-40-116.2. This will allow for unlimited application of the one cubic yard exemption for soil excavation or aeration projects at individual facilities. Staff believes that circumvention of the rule requirements by over-use of this exemption is unlikely to occur due to the small size (one cubic yard). However, staff will monitor the refineries use of this exemption for circumvention and will return to the Board of Director's for a correction if the exemption is misused.

2. Use of an Organic Vapor Analyzer is not Definitive: WSPA objects to the wording of the Definition of Contaminated Soil. Since soil may be determined uncontaminated only by laboratory sampling, there is no point to using an Organic Vapor Analyzer (OVA) to determine compliance. An OVA reading of below 50 ppmv must be validated by sampling, which means that all uncontaminated soil must be sampled. The OVA needs to be authorized to determine that soil is not contaminated.

Staff Response: Due to the previous wording in the definition of Contaminated Soil, an OVA would likely only be used by District staff to find contaminated soil. To reduce the financial impacts of the proposed amendments at sites with minimally impacted soil, staff has made modifications to the proposed Rule amendments. The last sentence has been deleted from the definition of Contaminated Soil in Section 8-40-205. This sentence implied that only soil sampling and subsequent laboratory analysis could determine that soil was not contaminated. Deletion of this sentence allows the use of an OVA for compliance determinations. In addition, the sampling requirements of Section 8-40-601 have been amended to detail specifically when sampling and laboratory analysis are required. This should allow for the use of an OVA to determine compliance where soil contamination is not previously known.

3. 45 Day Limit for Soil Resolution: Although the time limit for resolution of excavated contaminated soil in Sections 8-40-306 had been previously raised from 30 to 45 days by District staff, WSPA still objects to this limit. WSPA feels that most of the emissions from a covered pile would be emitted in the first 30 days, so extending the time limit further would not likely result in excess emissions. Bob Chamberlain estimated the soil contamination levels at Chevron's Avon refinery to range from 100 to 500 ppmw, with an average of about 170 ppmw. He would prefer that the limit be raised to 6-months or a year, to prevent premature disposal of soil at a Landfill and allow for reuse of the soil onsite. Hazardous waste regulations currently subject facilities to a 90-day limit for resolution of hazardous waste. Adopting the same limit would avoid adding a significant level of regulatory complexity for overwhelmed petroleum refinery staff.

Staff Response: Staff is inclined to agree that excess emissions are unlikely to occur provided the soil is not highly contaminated. In keeping with the bifurcated small volume exemption, the time limit for resolution of excavated contaminated soil has been increased from 45 days to 90 days for soil containing less than 500 ppmw volatile organic compounds. Extending the timeframe will not likely result in significant emissions provided the soil cover is maintained as required.

4. OVA Measurement Distance: WSPA is concerned over the potential conflict which may result from stating the OVA measurement distance of "no more than 3 inches." Readings taken at the soil surface are likely to be different than those taken at 3 inches. WSPA would prefer that the measurement distance be changed to "at a distance of three inches."

Staff Response: The phrase "no more than 3 inches" was taken directly from South Coast AQMD rule 1166, and was left unchanged to allow for variability in the contour of the soil surface. In the interest of eliminating potential conflicts between OVA readings taken at different distances, the standard has been revised to "at a distance of 3 inches."

REC:rec

ALAMEDA COUNTY - ENVIRONMENTAL HEALTH
Transfer of Eligible Local Oversight Case

STID 6641 Date transferred _____

Date: Dec 10, 1999 From: Rza CHW

Site Name: 920508 City of Alameda

Address: 2750 Main St. City: Alameda Zip: 94501

To be eligible for LOP, case must meet 3 qualifications:

1. N Tanks Removed? # of removed? 2 Date removed: 12/6/99
2. N Samples received? Contamination level: 29 ppm 110 ppm TPH g in soil
Type of test TPH in groundwater
Contamination should be over 100 ppm TPH to qualify for LOP
3. N Petroleum? Circle Type(s):
• Avgas • leaded • unleaded • fuel oil • jet
• diesel • waste oil • kerosene • solvents

Procedure to follow should your site meet all the above qualifications:

1. a. Close the deposit refund case.
b. Account for **ALL** time you have spent on the case.
c. Turn in account sheet to Leslie.
If there are funds still remaining it is still better to transfer the case to LOP as the rate for LOP allows more overhead. **DO NOT** attempt to continue to oversee the site simply because there are funds remaining!

in process

Remaining DepRef \$'s: _____

DepRef Case Closed with Candyce/Leslie? Y N (If no, explain why below.)

2. Submit the completed A and B permit application forms to NORMA.
3. Give the entire case to the proper LOP staff.

HAZARDOUS WASTE GENERATOR INSPECTION REPORT

STID #: 6641 FACILITY NAME: City of Alameda 2756 Main - Alameda PG. 1 OF 1

SUPPLEMENTAL FORM

Dec 6, 1999

Collect ~~one~~ grab groundwater sample from pit where sump/septic tank was previously located.

If stockpiled soil is to be re-used on-site collect a discrete soil sample for every 20 cy.
~~It is~~ Analyze soil samples for TPHg, TPHd, BTEX, MTBE

Water in Baker Tank already sampled. Wait for analytical results before they can re-use

Analyze water sample for TPHg, TPHd, TOG, BTEX, MTBE, 5 metals (dissolved) (Cd, Cr, Pb, Ni, Zn) - HVOCs and SVOCs and TDS

PRINT NAME [Signature]

INSPECTED BY [Signature]

SIGNATURE [Signature]

DATE [Date]

Agenda
Preconstruction Meeting
Underground Storage Tank Removal
October 19, 1999

1. Project management and technical issues contact: Ed Sommerauer (510) 749-5845
ACC Environmental: Dave Dement (510) 638-8400 ext 109 *NEIL*
2. City Construction Inspector: John Flood @ (510) 749-5858
3. Bonds/Insurance. *MAIL CHECK BACK TO ACCUTITE*
4. Submit emergency information form.
5. Notice to Proceed.
6. Testing requirements (ACC, County, and Fire) *UEL, O₂*
7. Construction schedule.
8. Health and Safety Plan
9. Change proposals or extra work orders must be approved by the City Engineer.
10. Pay cut off dates: 2nd Thursday of every month
11. Permits and license are to be obtained by the Contractor.
12. Submit No Parking form to Police Department or vehicles will be ticketed and towed.
13. Contractor must pay for no parking signs at Central Permits Office: (510) 748-4530.
14. Working hours are 7am-7pm Monday-Friday .
15. Noise control.
16. Urban Runoff Program.
17. Dust control
18. Truck route map
19. Clean up daily and on Friday's over all clean up and barricades in place and proper

protection to all working areas.

20. Follow the URT Removal program outlined on page 26 of the specs. Section 9-1.00 copy attached.

SECTION 9. DESCRIPTION OF WORK

9-1.00 General Work Description

The project consists of underground storage tank removal at 2476 Main Street.

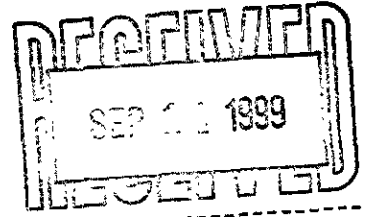
UST Removal (BASE BID): The work to be done includes:

1. Secure all necessary permits;
2. Prepare a site specific Health and Safety Plan;
3. Secure the work area during work activities, including providing temporary construction fencing around site;
4. Remove all asphalt concrete and concrete stockpile, and existing concrete slab;
5. Excavate and temporarily stockpile overlying soil;
6. Remove any product from within the underground storage tanks (USTs);
7. Disconnect and properly abandon any utilities associated with the USTs;
8. Inert the USTs with dry ice or other approved means;
9. Remove two 6000-gallon USTs and any associated piping;
10. Perform dust control to minimize airborne dust impacting adjacent properties as necessary;
11. Break, cut, and remove the product lines belowgrade;
12. Load, haul, and dispose of USTs and any removed piping;
13. Remove, load, and dispose of up to 160 Tons of contaminated soil from zones 2 and 3. See Underground Storage Tank Location Oversight Report;
14. Load, haul, and backfill the excavations to grade with compacted City supplied backfill material from the Ferry Terminal Overflow Lot;
15. Regrade site to level condition.

All work is to be in conformance with the plans and specifications and as required by the Engineer. The contract shall include all work necessary to make the job complete as herein specified or as shown on the plans.



City of Alameda • California



September 9, 1999

232.09 9.15

TO: PROSPECTIVE BIDDERS

Certified Mail,
Return Receipt

UNDERGROUND STORAGE TANK REMOVAL
2756 MAIN STREET
ADDENDUM No. 1

Addendum No. 1 is hereby issued to make the following changes:

BIDDER'S GUARANTY:

The enclosed Bidder's Guaranty and return of Bidder's Guaranty per attached is hereby made part of the specifications.

APPROVED: Cheri R. Sheets
Cheri R. Sheets, City Engineer/DPWD

DATE: 9/9/99

Receipt is hereby acknowledged of Addendum No. 1, Underground Storage Tank Removal, 2756 Main Street.

Contractor

By: _____

Dated: _____

OFFICE OF THE CITY ENGINEER

Public Works Department

Alameda Point, Building 1
950 West Mall Square Room 110
Alameda, CA 94501-7552
510 749 5840 • Fax 510 749 5867 • TDD 510 522 7538

3003

BIDDER'S GUARANTY. All bids shall be presented under sealed cover and accompanied by one of the following forms of bidder's guaranty: cash, a cashier's check, a certified check, or a bidder's bond executed by an admitted surety insurer, made payable to the City of Alameda. The security shall be in an amount equal to at least ten percent (10%) of the amount bid. A bid shall not be considered unless one of the forms of bidder's security is enclosed with it. If, in lieu of depositing cash, a cashier's check, or a certified check, the bidder submits a bidder's bond, the said bond shall, in form, be satisfactory to the City Attorney of the City of Alameda.

Said bidder's guaranty which is submitted according to the above paragraph shall, in the event of the failure, for any reason, of the successful bidder or bidders to execute the contract as awarded, be deemed to be liquidated damages to be retained in full by the City of Alameda, but shall not be construed as a penalty for failure to execute said contract. The full amount of the said bidder's guaranty shall also be retained in full by the City of Alameda as consideration payable to the City of Alameda for engineering, accounting and clerical services in formulating specifications for such bid or bids, for advertising costs to the City of Alameda in connection with such bid or bids, and further, as consideration for the award of such contract to such bidder or bidders. It is understood and agreed by and between the City of Alameda and the bidder or bidders that it would be difficult to ascertain the damages accruing to the City of Alameda upon failure of the bidder or bidders to execute said contract and that the said parties are therefore making provision herein for liquidated damages.

Any bid bond submitted under this Section shall incorporate therein by reference, or otherwise, all of the provisions of this section.

RETURN OF BIDDER'S GUARANTIES. Within ten (10) days after the award of the contract, the City Clerk will return the proposal guaranties accompanying such of the proposals which are not to be considered in making the award. All other proposal guaranties will be held until the contract has been finally executed, after which they will be returned to the respective bidders whose proposals they accompany.

ACORD CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY) **7/2/1999**

PRODUCER
Andreini & Co License 0208825
 220 West 20th Ave.
 San Mateo, CA 94403
 (650) 573-1111 Fax(650) 378-4361

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

- COMPANY LETTER **A UNITED CAPITOL INS. CO.**
- COMPANY LETTER **B GOLDEN EAGLE INSURANCE CORP.**
- COMPANY LETTER **C FREMONT COMPENSATION**
- COMPANY LETTER **D**
- COMPANY LETTER **E**

INSURED
ACCUTITE ENVIRONMENTAL ENGINEERING
 35 SO. LINDEN AVE.
 SO. SAN FRANCISCO, CA 94080

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

DO TR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input checked="" type="checkbox"/> OCCUR. OWNERS & CONTRACTORS PROT. <input checked="" type="checkbox"/> POLL. LIAB.	GLA1003728	07/01/99	07/01/00	GENERAL AGGREGATE \$ 5,000,000 PRODUCTS-COMP/OP AGG. \$ 5,000,000 PERSONAL & ADV. INJURY \$ 5,000,000 EACH OCCURRENCE \$ 5,000,000 FIRE DAMAGE (Any one fire) \$ 50,000 MED. EXPENSE (Any one person) \$ 5,000 COMBINED SINGLE LIMIT \$ 1,000,000
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS GARAGE LIABILITY	CCP 601603-00	04/07/99	04/07/00	BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$ EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
A	EXCESS LIABILITY <input checked="" type="checkbox"/> UMBRELLA FORM OTHER THAN UMBRELLA FORM	UMB 1480004	07/01/99	07/01/00	STATUTORY LIMITS EACH ACCIDENT \$ 1,000,000 DISEASE - POLICY LIMIT \$ 1,000,000 DISEASE - EACH EMPLOYEE \$ 1,000,000
C	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY	WN98-12469-01	04/07/99	10/01/99	EACH ACCIDENT \$ 1,000,000 DISEASE - POLICY LIMIT \$ 1,000,000 DISEASE - EACH EMPLOYEE \$ 1,000,000
A	OTHER PROFESSIONAL LIABILITY	GLA1003728	07/01/99	07/01/00	EACH LOSS CLAIMS MADE 5,000,000

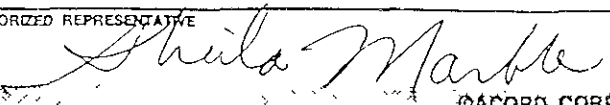
DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

30 DAYS CANCELLATION EXCEPT WITH RESPECT TO NON-PAY, WHICH IS 10 DAYS.

CERTIFICATE HOLDER _____ CANCELLATION _____

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES

SPECIMEN

AUTHORIZED REPRESENTATIVE




State of California
CONTRACTORS STATE LICENSE BOARD
ACTIVE LICENSE



License Number **762034**

Entity **CORP**

Business Name **TECHNOLOGY ENGINEERING &
CONSTRUCTION INC DBA ACCUTITE**

Classification(s) **A HAZ B**

Expiration Date **04/30/2001**



ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



August 20, 1990

owner/operator
2756 Main St.
Alameda, CA 94501

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94621
(415)

RE: 2756 Main St.

FINAL NOTICE OF VIOLATION

Dear owner/operator:

Our records indicate that there are underground tank(s) at your site at the above facility. You have been notified of the below violations and you have not yet corrected them.

In accordance with the California Code of Regulations, Title 23, Chapter 3, Subchapter 16 Underground Tank Regulations you must perform one of the following actions:

1. Submit a tank closure plan to this Department as required by Article 7, 2670, forms available from this office, or
2. Apply for a permit as required by Article 10, 2710. Permit applications Part A and B are available from this office.

Please note that section 25299 of the California Health and Safety Code states that any operator or owner of an underground storage tank is liable for a civil penalty of not less than five hundred dollars or more than five thousand dollars per day for failure to obtain a permit, or failing to properly close an underground storage tank, as required by section 25298.

If you have any questions concerning this matter, please contact this office at 271-4320.

Sincerely,

Thomas F. Peacock, Senior HMS
Hazardous Materials Division

TFP:tfp

cc: Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Agency
Lester Feldman, RWQCB