



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

September 10, 2009

Mr. William Thompson
Desert Petroleum
3781 Telegraph Road
Ventura, CA 93003-3420

Mr. Kin Man Li et al.
P.O. Box 348
Oakland, CA 94604

Mr. Tony Razi
3609 East 14th Street
Oakland, CA 94601

Golpad & Karimabadi
c/o Matt Haley
1633 San Pablo Avenue
Oakland, CA 94608

Subject: Fuel Leak Case No. RO0000429 and Geotracker Global ID T0600100158, Desert Petroleum Site DP793, 4035 Park Boulevard, Oakland, CA 94602 – Revised Work Plan Review

Dear Mr. Thompson, Li, Razi, and Haley:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced fuel leak case including the recently submitted document entitled, "*Revision of the February 6, 2006 Work Plan for Site DP793 Located at 4035 Park Blvd., Oakland, CA,*" dated August 28, 2009 and received by ACEH on September 2, 2009. The August 28, 2009 Revised Work Plan, which was prepared on your behalf by Western Geo-Engineers, appears to adequately address the technical comments in our August 26, 2009 correspondence. Therefore, the proposed excavation and removal of contaminated soil may be implemented provided that the technical comment regarding notification of nearby residents is addressed.

We request that you address the technical comment below, perform the proposed work, and send us the reports requested below. Please provide a minimum of 48 hours advance notification of confirmation soil sampling (e-mail preferred to jerry.wickham@acgov.org) in order for ACEH to observe conditions and direct any additional confirmation soil sampling required.

TECHNICAL COMMENTS

- 1. Notification of Nearby Residents.** Due to the nature of the proposed work and potential for nuisance conditions, nearby residents are to be notified of the proposed excavation activities. We request that you prepare and distribute a notification of the excavation and soil removal to nearby residents. We have attached an example of a fact sheet that can be used as a general example or template. Also attached is a list of mailing addresses for distribution of the notification. Please provide a draft copy of the notification to ACEH for review prior to distribution. The notification is to be distributed to the addresses on the attached mailing list so that the notification is received a minimum of 14 days prior to the start of excavation.

TECHNICAL REPORT REQUEST

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

- **January 19, 2010** – Soil Excavation Report

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature,

Responsible Parties
RO0000429
September 10, 2009
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and statement of professional certification. Please ensure all that all technical reports submitted for this case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

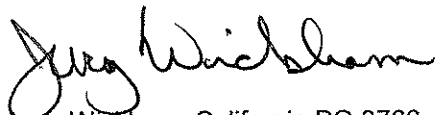
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,



Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

Attachments: Example of Notification and Mailing List

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: George Converse, Western Geo-Engineers, 1386 Beamer Street
Woodland, CA 95776

Michael Gabriel, Glenview Neighborhood Association, 4200 Park Boulevard, Box 111
Oakland, CA 94602

Derrick Williams, 4032 Brighton Avenue, Oakland, CA 94602

Donna Drogos, ACEH
Jerry Wickham, ACEH

Geotracker, File

DRAFT

NOTIFICATION OF SOIL REMOVAL ACTION
Desert Petroleum Site DP793
September 10, 2009

Site Location: Desert Petroleum Site DP793, 4035 Park Boulevard, Oakland, California
94602
Fuel Leak Case #RO0000429 and Geotracker Global ID # T0600100158

Summary – This fact sheet has been prepared to inform community members and other interested parties of a plan to conduct a soil cleanup at ...*briefly describe proposed action, soil stockpiling, duration of activity, dust control measures, etc.*

Background – This property was used for a...*insert brief site history*

Contact Information – *Insert Contact Information for Responsible Parties or Consultant*

The proposed soil cleanup is described in work plans prepared by xxxx. These work plans and the entire case file can be viewed over the Internet on the ACEH website (<http://www.acgov.org/aceh/lop/ust.htm>) or the State of California Water Resources Control Board Geotracker website (<http://geotracker.swrcb.ca.gov>).

Additional information: Contact Jerry Wickham of the Alameda County Department of Environmental Health, 1131 Harbor Bay Parkway, Alameda, CA 94502 at 510-567-6791 or by email at jerry.wickham@acgov.org

CAMPBELL RICHARD D &
Parcel #: 24-533-6
920 PARAMOUNT RD
OAKLAND CA 94610

LEVITT RICHARD A & KAREN
Parcel #: 24-533-11
4026 BRIGHTON AVE
OAKLAND CA 94602

LEWIS DANIEL V &
Parcel #: 24-528-3
1425 LEIMERT BLVD #300
OAKLAND CA 94602

LI KIN M ETAL
Parcel #: 24-533-7
PO BOX 348
OAKLAND CA 94604

MESSER J D & V M
Parcel #: 24-533-10
959 LEE AVE
SAN LEANDRO CA 94577

MILLER ROBERT J &
Parcel #: 24-533-5
S109 W 35150 JACKS BAY RD
MUKWONAGO WI 53149

PARK BOULEVARD
Parcel #: 24-535-15-1
4101 PARK BLVD
OAKLAND CA 94602

RAPHAEL DOUGLAS B &
Parcel #: 24-533-4
1215 HAMPEL ST
OAKLAND CA 94602

RESIDENT
Parcel #: 24-533-10
4012 BRIGHTON AVE
OAKLAND CA 94602

RESIDENT
Parcel #: 24-533-7
4035 PARK BLVD
OAKLAND CA 94602

RESIDENT
Parcel #: 24-533-8
4003 PARK BLVD
OAKLAND CA 94602

RESIDENT
Parcel #: 24-533-5
1221 HAMPEL ST
OAKLAND CA 94602

RESIDENT
Parcel #: 24-533-6
1227 HAMPEL ST
OAKLAND CA 94602

RESIDENT
Parcel #: 24-528-3
4040 PARK BLVD
OAKLAND CA 94602

RUSSELL MAUREEN A & RAY
Parcel #: 24-533-8
3501 ST MARYS RD
LAFAYETTE CA 94549

THUDIUM KENT B & BENSON
Parcel #: 24-535-16
1220 HAMPEL ST
OAKLAND CA 94602

TRUJILLO ANA
Parcel #: 24-533-9
4006 BRIGHTON AVE
OAKLAND CA 94602

WILLIAMS DERRIK & REA
Parcel #: 24-533-12
4032 BRIGHTON AVE
OAKLAND CA 94602

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

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

REQUIREMENTS

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- Signature pages and perjury statements **must** be included and have either original or electronic signature.
- **Do not password protect the document**. Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:
RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

Submission Instructions

- 1) Obtain User Name and Password:
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to dehloptoxic@acgov.org
 - Or
 - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of My Le Huynh.
 - b) In the subject line of your request, be sure to include **"ftp PASSWORD REQUEST"** and in the body of your request, include the **Contact Information, Site Addresses, and the Case Numbers (RO# available in Geotracker) you will be posting for.**
- 2) Upload Files to the ftp Site
 - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape and Firefox browsers will not open the FTP site.
 - b) Click on File, then on Login As.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
 - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to dehloptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @acgov.org. (e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload) If site is a new case without an RO# use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.