



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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December 21, 2011

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

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

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

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 most recently submitted document entitled, "*Revision of the February 6, 2006 and Revised September 24, 2008 Work Plans for Site DP793 Located at 4035 Park Blvd, Oakland, CA,*" dated November 23, 2011 and received by ACEH on December 5, 2011. The Work Plan, which was prepared on your behalf by Western Geo-Engineers, presents generalized plans for excavation of gasoline-contaminated soils. Excavation of the site has been proposed in the following work plans and work plan addenda since 2006 but has not been implemented to date:

- *Work Plan for Site DP793 Located at 4035 Park Blvd,, Oakland, CA dated February 13, 2006*
- *Revision of the February 6, 2006 Work Plan for Site DP793 Located at 4035 Park Blvd,, Oakland, CA dated September 24, 2008*
- *Revision of the February 6, 2006 Work Plan for Site DP793 Located at 4035 Park Blvd,, Oakland, CA dated August 11, 2009*
- *Revision of the February 6, 2006 Work Plan for Site DP793 Located at 4035 Park Blvd,, Oakland, CA updated August 28, 2009*
- *Response to November 6, 2009 Glenview Neighborhood Association Request for Clarification, i.e. items 1 through 9 as directed by Alameda County Environmental Health Care Services Correspondence March 2, 2010*
- *Desert Petroleum Site DP793, 4035 Park Blvd., Oakland, CA, Addendum to Soil Excavation Work Plan dated May 26, 2010*
- *Work Plan, Natural Attenuation Soil Sampling dated June 8, 2011*
- *"Revision of the February 6, 2006 and Revised September 24, 2008 Work Plans for Site DP793 Located at 4035 Park Blvd, Oakland, CA," dated November 23, 2011*

The Work Plans and addenda listed above have presented various plans for excavation of gasoline-contaminated soil beneath the former station building and the northwest corner of the site. The most recent Work Plan dated November 23, 2011 proposes a much more limited excavation to reduce the total cost of the remedy. The deeper portions of the proposed

excavation are targeted on removing selected sample locations where elevated concentrations of petroleum hydrocarbons were detected. Given that the extent of contamination extends beyond the targeted sample locations, the effectiveness of the proposed excavation to achieve source removal is highly questionable. Based on the limited source removal, the cost effectiveness of the proposed excavation appears questionable. In addition, the expected disruptions and nuisance to the surrounding community caused by excavation may not be justified by the limited source removal that would actually be achieved by the reduced excavation.

The November 23, 2011 Work Plan appears to be conceptual in nature and does not include all necessary elements for an excavation work plan. Several excavation procedures are missing from the Work Plan. In particular, several procedures and issues that have been raised during previous reviews of Work Plan and addenda by both ACEH and the Glenview Neighborhood Association are not included in the November 23, 2011 Work Plan. These procedures or issues include but are not limited to procedures for stockpiling of soils, confirmation sampling, air monitoring, dust control, criteria for soil re-use, sources of imported fill, preventing surface runoff from the stockpiles, traffic control, and notifications to the public.

ACEH previously commented upon the use of drain rock and road base as backfill up to a depth of 7 feet bgs and the potential for the drain rock and road base to provide a potential vapor migration pathway from the base and sides of the excavation to shallow soil. The November 23, 2001 Work Plan indicates that this issue has been alleviated by reducing the thickness of drain rock versus road base. It is not clear that reducing the thickness of drain rock adequately addresses this concern. During the current review of the case file, we noted that the former UST and pump island area, which was overexcavated in 1995, was backfilled with pea gravel and road base AB fill to land surface. The potential for this area and the area of a "cobble fill" to provide a preferential vapor migration pathway must be evaluated by soil vapor sampling prior to development of the site.

Given the limited source removal that would be achieved by the currently proposed excavation and the incomplete nature of the Work Plan, we do not concur with the November 23, 2011 Work Plan. Therefore, we request that you prepare a Draft Corrective Action Plan that evaluates additional remedial alternatives including in-situ methods and meets the criteria described in the technical comments below.

TECHNICAL COMMENTS

1. **Corrective Action Plan.** We request that you prepare a Draft Corrective Action Plan (Draft CAP) that meets the provisions of section 2725 of the UST regulations (CCR, Title 23, Chapter 16, section 2600, et seq.) and includes the following minimum information:
 - Proposed cleanup goals and the basis for cleanup goals.
 - Summary of site characterization data.
 - Receptor information including likely future land use scenarios, adjacent land use and sensitive receptors, and potential groundwater receptors.
 - Evaluation of a minimum of three active remedial alternatives including discussion of feasibility, cost effectiveness, estimated time to reach cleanup goals, and limitations for each remedial alternative.

- Detailed description of proposed remediation including confirmation sampling and monitoring during implementation.
- Post-remediation monitoring.
- Schedule for implementation of cleanup.

Public participation is a requirement for the Corrective Action Plan process. Therefore, we request that you submit a Draft CAP for ACEH review. Upon ACEH approval of a Draft CAP, ACEH will notify potentially affected members of the public who live or own property in the surrounding area of the proposed remediation described in the Draft CAP. Public comments on the proposed remediation will be accepted for a 30-day period.

TECHNICAL REPORT REQUEST

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

- **February 22, 2012** – Draft Corrective Action Plan

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org. Case files can be reviewed online at the following website: <http://www.acgov.org/aceh/index.htm>. If your email address does not appear on the cover page of this notification ACEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

Sincerely,

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

Attachment: Responsible Party(ies) Legal Requirements/Obligations

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 2032 (Sent via E-mail to: lgriffin@oaklandnet.com)

Sunil Ramdass, State Water Resources Control Board, 1001 I Street, Sacramento, CA 94244 (Sent via E-mail to: Sramdass@waterboard.ca.gov)

George Converse, Western Geo-Engineers, 1386 Beamer Street, Woodland, CA 95776 (Sent via E-mail to: wege@cal.net)

Responsible Parties
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Robert Gray, Glenview Neighborhood Association, 1970 Broadway, Suite 1200, Oakland, CA 94612 (Sent via E-mail to: r_gray40@sbcglobal.net)

Robert Roat, Glenview Neighborhood Association (Sent via E-mail to: broat@earthlink.net)

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

Derrick Williams, 4032 Brighton Avenue, Oakland, CA 94602

Donna Drogos, ACEH (Sent via E-mail to: donna.drogos@acgov.org)

Jerry Wickham, ACEH (Sent via E-mail to: jerry.wickham@acgov.org)

GeoTracker, eFile

Attachment 1

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

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.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

PERJURY STATEMENT

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

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

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

UNDERGROUND STORAGE TANK CLEANUP FUND

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

AGENCY OVERSIGHT

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

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
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

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection.**
- 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)

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 deh.loptoxic@acgov.org
 - 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, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
 - 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 deh.loptoxic@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.