

Alameda County

JAN 26 2009

Environmental Health

January 23, 2009



ENVIRONMENTAL ENGINEERING, INC.
6620 Owens Drive, Suite A • Pleasanton, CA 94588
TEL (925)734-6400 • FAX (925)734-6401

Mr. Ronald M. Duff, PE, Fund Manager
Underground Storage Tank Cleanup Fund
State Water Resources Control Board
Division of Financial Assistance
P.O. Box 944212
Sacramento, CA 94244-2120

Re: Claim No. 16793, Appeal to Request Change to Priority Class B
Fund Manager Decision
Site Address: 15101 Freedom Avenue, San Leandro, California

Dear Mr. Duff:

On behalf of Mr. Mohammad Pazdel, in accordance with State Water Resources Control Board correspondence dated October 31, 2008 SOMA Environmental Engineering Inc. (SOMA) submits this letter to appeal for change to Priority Class B for the subject site. The subject site is currently under Priority Class C. It is surrounded by a residential neighborhood and impacted by elevated levels of petroleum hydrocarbons and gas oxygenates, including MtBE and TBA. Based on results of our site investigations and extensive groundwater monitoring data, the site is a "high risk" petroleum release site and the contaminant plume is an expanding plume and has already migrated beyond the property boundary toward the residential neighborhood. Unfortunately, the FUND has suspended financial assistance for this site due to the recent financial crisis. Currently, the site is temporarily inactive due to financial difficulties.

SOMA conducted a feasibility study and remedial action investigation and concluded that the site poses unacceptable human health risk to site workers and the surrounding residential neighborhood. SOMA recommended a combination of pump-and-treat system with multi-phase extraction for controlling migration of the chemical plume to the adjacent residential neighborhood and removing chemical sources at the site. SOMA's report entitled "Additional Soil and Groundwater Investigation for Remedial Investigation and Feasibility Study" dated March 14, 2008, was submitted to Alameda County Environmental Health Services (ACEHS). ACEHS approved SOMA's recommended remedial action in a letter dated October 15, 2008. On November 21, 2008, SOMA submitted a workplan entitled "Workplan for Implementation of Corrective Action Plan" to ACEHS.

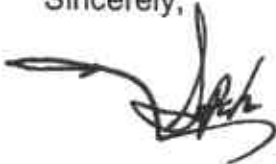
While awaiting ACEHS approval in connection with implementation of the corrective action plan (CAP), we learned that the Underground Storage Tank Cleanup Fund (FUND) has suspended the commitment letter for the above claim number.

Suspension of funding for the subject claim would severely impact human health and the environment and increase cleanup costs. As mentioned above, the site is heavily impacted by petroleum hydrocarbons and gas oxygenates. Currently, up to 50,000 µg/L TPH-g, 3,900 µg/L benzene, 11,000 µg/L total xylenes, 8,700 µg/L TBA and 4,000 µg/L MtBE exist in groundwater beneath the site. These chemicals have already migrated beyond the site boundary and impacted groundwater within the residential area. For instance, about 18,000 µg/L of TPH-g has been detected in groundwater in off-site monitoring well MW-6 within the residential neighborhood. Any delay in implementing the CAP will further jeopardize groundwater quality in the surrounding neighborhood and increase the cost of remediation. The attached figures show the current extent of chemical plumes in groundwater beneath the site and surrounding areas.

According to my discussion with ACEHS, suspension of the commitment letter by the FUND does not relieve the claimant from his cleanup responsibilities. However, because of financial problems Mr. Mohammad Pazdel, the claimant, cannot afford cleanup costs. He is a retired individual with limited financial resources, which will make it almost impossible for him to pay for the upcoming CAP implementation. A copy of Mr. Pazdel's income tax return for years 2000, 2001, 2002 and 2007 are enclosed. As stated, Mr. Pazdel is retired; he does not operate the site. He has sold the business to another individual who is unable to operate the site due to financial difficulties.

For the above reasons, SOMA recommends that the FUND reconsider its decision in connection with suspension of the commitment letter for the subject claim and change the site's Priority Class to B. Copies of the tax return for years 2000, 2001, 2002 and 2007 along with the filled application form are enclosed. Please call me at (925) 734-6400, if you have any questions or comments.

Sincerely,



Mansour Sepehr, PhD, PE
Principal

cc: Mr. Paresh Khatri, ACEHS, without enclosures
Mr. Mohammad Pazdel, Claimant, without enclosures

Attachments



MAILING ADDRESS:

STATE WATER RESOURCES CONTROL
DIVISION OF FINANCIAL ASSISTANCE
UST CLEANUP FUND
P.O. BOX 944212
SACRAMENTO, CA 94244-2120

PHYSICAL ADDRESS:

STATE WATER RESOURCES CONTROL
DIVISION OF FINANCIAL ASSISTANCE
UST CLEANUP FUND
1001 I STREET
SACRAMENTO, CA 95814

Request for Assignment of Claim to Priority Class B (Small Business)
Addendum to the UST Cleanup Fund Application

Claim Number:

Name:

Site Address:

Description of Business: 15101 Freedom Ave. Claim No. 16793 "C"

To qualify as a small business, a business must be independently owned and operated, and not dominant in its field of operation. In addition, the business, together with all affiliates, must employ 100 or fewer employees and have average annual gross receipts of twelve million dollars (\$12,000,000) or less over the previous three years. However, if the business is a manufacturer, there is no revenue test, but the business, together with all affiliates, must employ 100 or fewer employees.

Please check the appropriate box below and provide the required information.

Check this box if you are submitting a small business certification from the Office of Small Business Certification to document the claimant's small business classification. Attach Certification.

Check this box if claimant is a manufacturing business that is independently owned and operated, is not dominant in its field of operation, and, together with all affiliates, employs 100 or fewer employees.

Total number of employees: _____

Submit documentation supporting the number of employees (i.e., Department of Employment Development (DE6) payroll reports for the last four quarters).

Check this box if claimant is not a manufacturer, is independently owned, is not dominant in its field of operation, together with all affiliates employs 100 or fewer employees, and, together with all affiliates, has had average annual gross receipts of twelve million dollars (\$12,000,000) or less over the previous three years.

Total number of employees: _____

Submit documentation supporting the number of employees (i.e., Department of Employment Development (DE6) payroll reports for the last four quarters).

List the previous three years and their respective annual gross receipts.

Year: <u>2000</u>	\$ <u>67,534</u>
Year: <u>2001</u>	\$ <u>26,690</u>
Year: _____	\$ <u>74,574</u>

Average annual gross receipts over the previous three years: \$ 56,266
Submit signed and dated copies of your complete federal tax returns as shown on the attached chart.

I (we) hereby declare under penalty of perjury that all facts and statements set forth above are true and correct to the best of my (our) knowledge and belief. This form is part of my (our) application to the California Underground Storage Tank Cleanup Fund, and I (we) understand that any misrepresentation made on this form may result in disqualification of the claim. Federal tax returns documenting the annual gross receipts, including all affiliates, will be retained for the life of the claim and for at least three years after the last reimbursement issued pursuant to this claim.

Executed at Pleasanton, CA on this 23 day of January, 2009

Claimant Signature: M. A. Pazdel Printed Name: M. A. PAZDEL

Claimant Signature: _____ Printed Name: _____

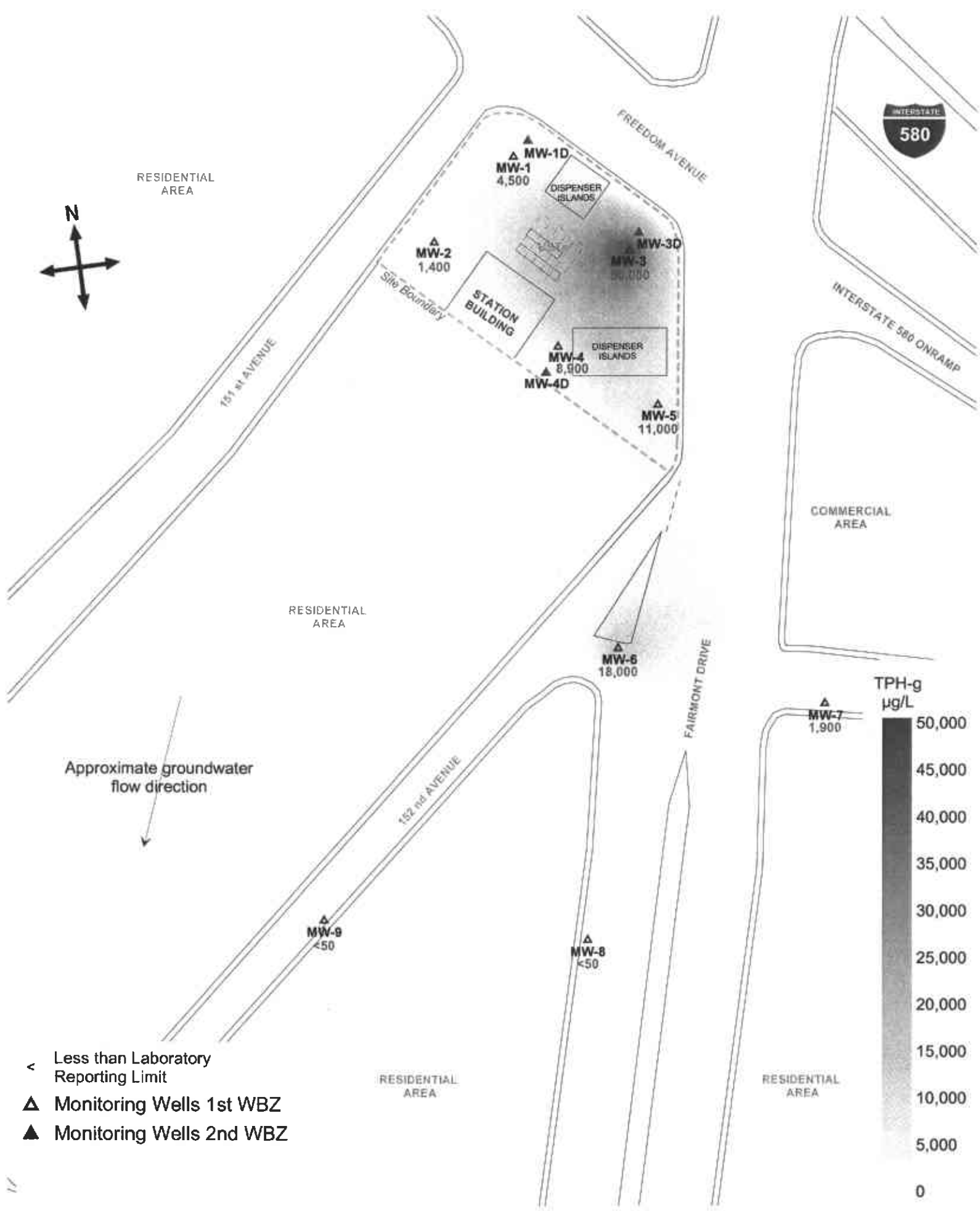


Figure 1: Contour map of TPH-g concentrations in groundwater, First WBZ. October 15 and 16, 2008.

approximate scale in feet



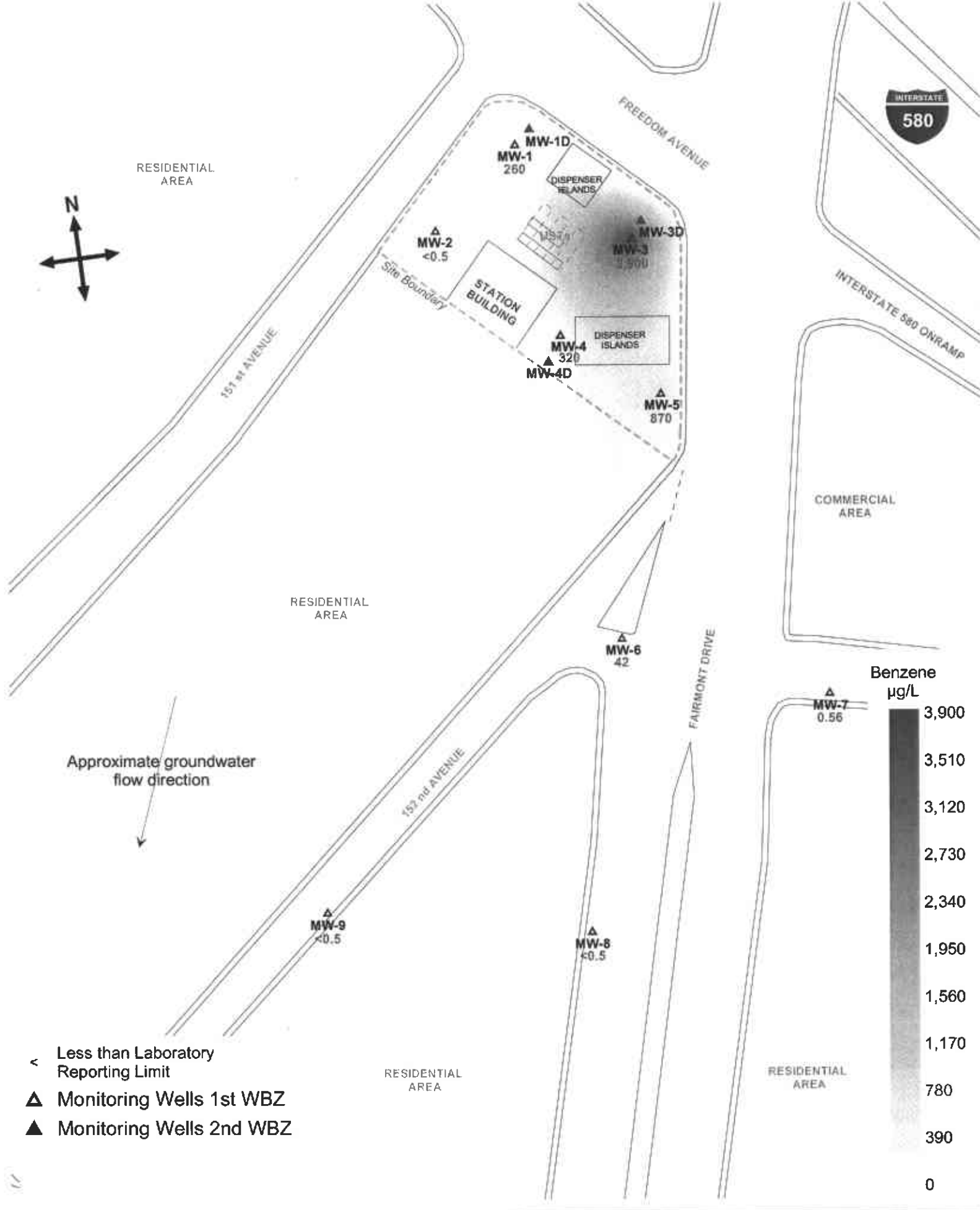
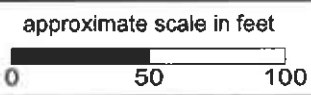


Figure 2: Contour map of benzene concentrations in groundwater, First WBZ. October 15 and 16, 2008.



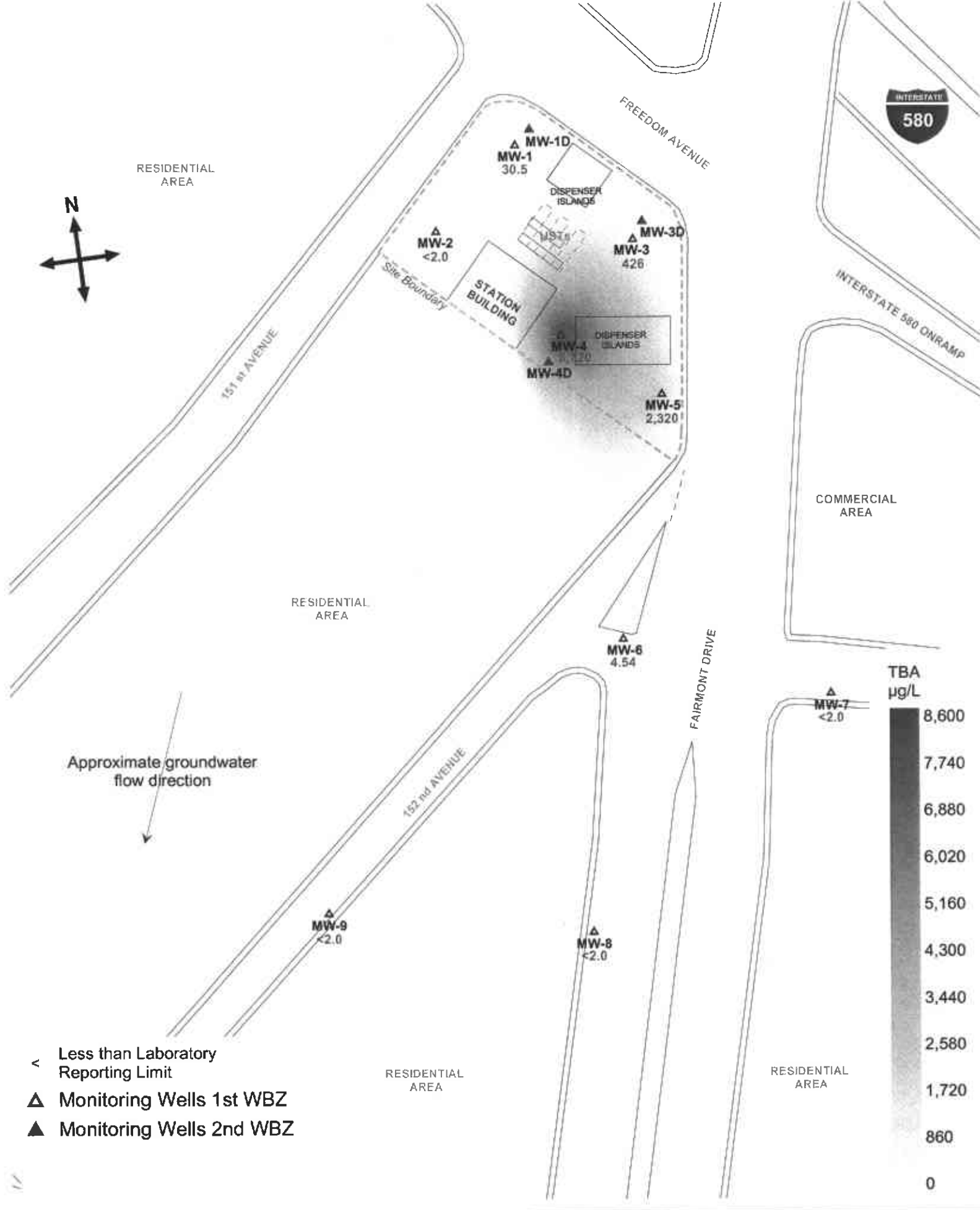
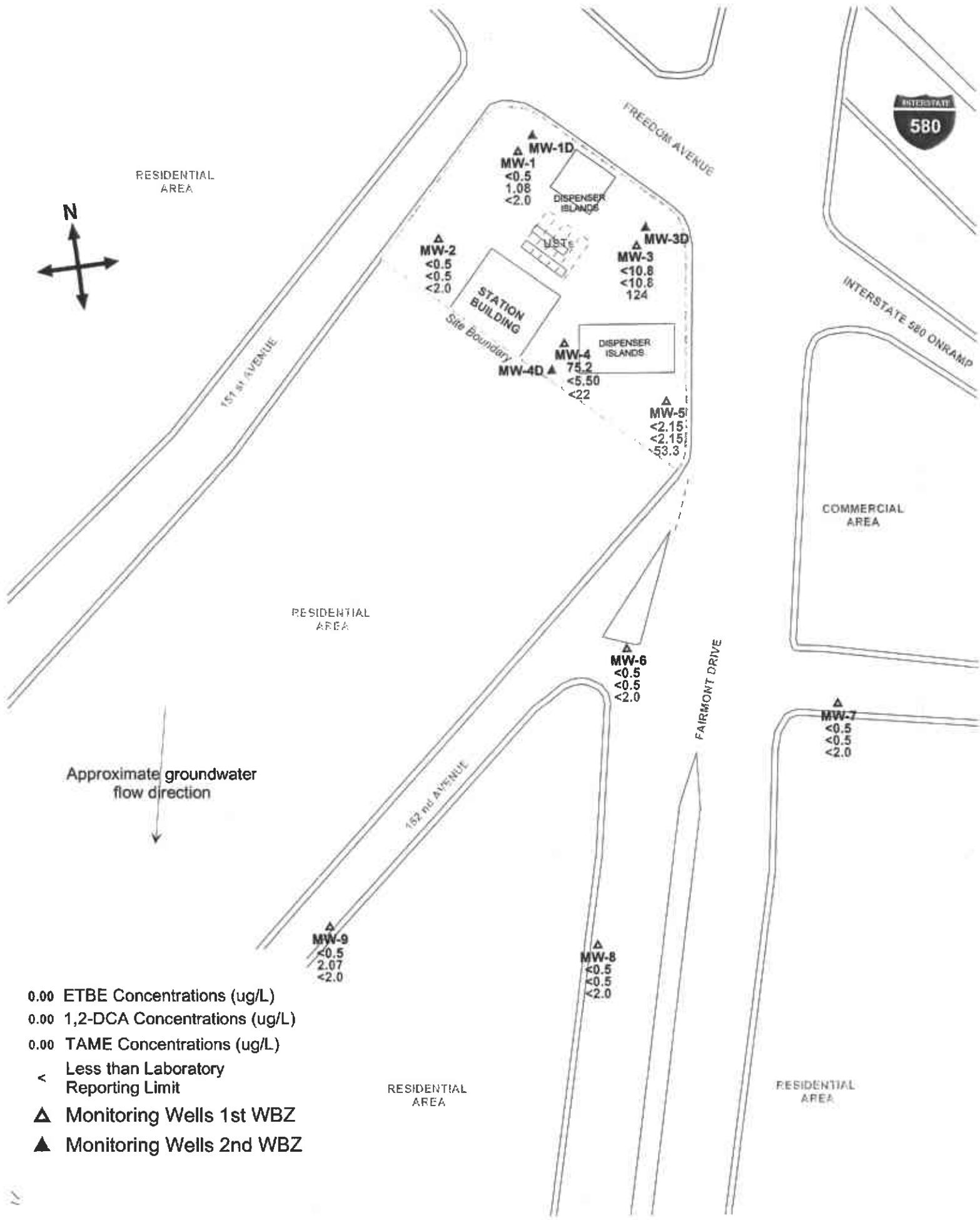


Figure 3: Contour map of TBA concentrations in groundwater, First WBZ. July 2 and 3, 2008.



- 0.00 ETBE Concentrations (ug/L)
- 0.00 1,2-DCA Concentrations (ug/L)
- 0.00 TAME Concentrations (ug/L)
- < Less than Laboratory Reporting Limit
- ▲ Monitoring Wells 1st WBZ
- ▲ Monitoring Wells 2nd WBZ

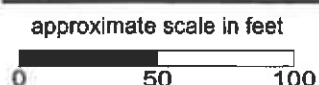


Figure 4: Map showing concentrations of ETBE, 1,2-DCA, and TAME, First WBZ. July 2 and 3, 2008.

