



ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
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March 18, 2011

Mr. Ralph Fattore
Classic Investments, LLC
4145 Broadway
Oakland, CA 94611

Norman Albert
Patterson Ranch Inc.
321 Hartz Avenue, Suite 200
Danville, CA 94549-6217

Subject: Additional Information Request for Fuel Leak Case No. RO0000509 and Geotracker Global ID T0600102227, Downtown Toyota, 4145 Broadway, Oakland, CA 94611

Dear Messrs. Fattore and Albert:

Thank you for the recently submitted document entitled, *Subsurface Investigation Report (Boreholes B5 through B7)* dated February 23, 2010, which was prepared by RGA Environmental, Inc. for the subject site. Alameda County Environmental Health (ACEH) staff has reviewed the case file including the above-mentioned report for the above-referenced site and finds that additional information is needed to progress to case closure at this site.

Please address the following technical comments and send us the report requested below.

TECHNICAL COMMENTS

1. **Contaminant Source Area Characterization and SCM** – Only shallow soil samples were analyzed from the borings adjacent to the 500-gallon waste-oil UST (PS-01 through PS-04). The UST invert depth is greater than the depth of these four foot samples leaving the vertical extent of contamination in soil unevaluated in the source area.

Boring PS-08 contained maximum concentrations of 520,000 micrograms per liter ($\mu\text{g/L}$) total recoverable petroleum hydrocarbons (TRPH), 50,000 $\mu\text{g/L}$ total extractible hydrocarbons as diesel (TEHd) and $<15 \mu\text{g/L}$ benzene. These concentrations indicate that a possible second source area exists at the site. Please discuss if a second source exists at the site in the Site Conceptual Model (SCM) requested below.

In the July 19, 2007 work plan, boring B7 was located closer to boring PS-08 but was not placed at this location. Therefore no confirmation sampling was performed in the area with the highest contamination detected on-site.

Lastly, the SCM that was requested in ACEH's July 25, 2008 letter was not submitted. At this time it appears prudent to complete the SCM previously requested of you. Please also address the apparent data gaps identified in the SCM requested below.

2. **Groundwater Gradient** – Please provide additional information detailing the suggested groundwater flow direction for the site. There are no wells on-site and based on the various nearby sites, groundwater flow direction varies widely.
3. **Preferential Pathway Study** – A preferential pathway study detailing the location of all utilities and any nearby wells was requested in ACEH's July 25, 2008 letter. However, no information on utilities in the area has been provided. Please locate all utility conduits on the sample location map and cross-sections and evaluate whether utility conduits are potential preferential pathways for contaminant migration at this site.
4. **Site Maps and Data Tables** – Please use an aerial photo as the basemap for the site map and present the boring locations and conduits on this photo. Please label and identify the use of all properties on your map.

We request that all soil and groundwater data be tabularized. We thank you for beginning this process but request that the tank pit samples be included as well as all oxygenate data. Please provide this in the SCM requested below.

5. **Request for Information** – Boring logs for borings PS-05 through PS-12 are not included in the case file. Please submit these boring logs.

TECHNICAL REPORT REQUEST

Please submit technical reports to ACEH (Attention: Barbara Jakub), according to the following schedule:

- **May 18, 2011** – SCM

Thank you for your cooperation. Should you have any questions or concerns regarding this correspondence or your case, please call me at (510) 639-1287 or send me an electronic mail message at barbara.jakub@acgov.org.

Sincerely,

Barbara J. Jakub, P.G.
Hazardous Materials Specialist

Enclosure: Responsible Party(ies) Legal Requirements/Obligations
 ACEH Electronic Report Upload (ftp) Instructions

Messrs. Fattore, Albert and Sabatte

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cc: Paul H. King, RGA Environmental, Inc. 1466 66th St., Emeryville, CA 94608
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland,
CA 94612-2032 (Sent via E-mail to: lgriffin@oaklandnet.com)
Donna Drogos, ACEH (Sent via E-mail to: donna.drogos@acgov.org)
Barbara Jakub, ACEH (Sent via E-mail to: barbara.jakub@acgov.org)
GeoTracker, e-file

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.
 - 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.