



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

December 4, 2012

NOTICE TO COMPLY

Mr. James E. Diel
Manager of Environmental Site Remediation
Union Pacific Railroad Company
9451 Atkinson Street, Suite 100
Roseville, CA 95747
Sent via E-mail to: jediel@up.com

Mr. John W. Bacon, Jr.
c/o Economy Lumber Company
750 High Street.
Oakland, CA 94601-4402
Sent via E-mail to: jbacon@economylumberco.com

Mr. Leonard Shirley
Southern Pacific Transportation Company
P.O. Box 2500
Broomfield, CO 80038

Subject: Additional Request for Site Investigation Work Plan, Fuel Leak Case No. RO1135 and GeoTracker Global ID T0600101305, 744 and 758 High Street, Oakland, CA 94601

Dear Gentlemen:

Alameda County Environmental Health (ACEH) sent you a letter dated September 23, 2011 requesting completion of a work plan which was due on December 16, 2011. To date the work plan has not been submitted. A copy of the directive letter detailing this request is attached for your reference. This site is out of compliance with ACEH directives. Corrective actions at this site are required to be protective of human health and the environment and to progress this case towards closure evaluation. Please note that as Responsible Parties, you are required by California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11, §2720 through §2728 to adequately characterize the site and undertake necessary corrective actions.

In order to regain compliance, please undertake the tasks requested below and submit documents to GeoTracker and ACEH's FTP site by the dates specified below. Failure to submit the documents may result in referral and possible enforcement action by the District Attorney. This letter is an additional attempt to preclude further enforcement actions. Pursuant to Chapter 6.7, California Health and Safety Code, civil penalties up to \$10,000 for each UST for each day of violation may be imposed. Please note that civil penalties for non-compliance are assessed from the original due date (December 16, 2011).

ACEH requests that you address the additional technical comments below, which incorporate the technical comments provided in the September 23, 2011 directive letter along with new comments, and send us the requested reports by the date listed below.

ADDITIONAL TECHNICAL COMMENTS:

1. **Request to address September 23, 2011 Directive Letter Technical Comments** - Data gaps noted by ACEH were provided in our attached September 23, 2011 directive letter; please address the technical comments in a data gap work plan and submit the data gap work plan with the initial Site Conceptual Model (SCM) described below.
2. **Request for a Site Conceptual Model and Data Gap Work Plan** - ACEH requests development of a SCM in combination with a data gap work plan in order to fill any apparent data gaps. A SCM synthesizes all the analytical data and evaluates all potential exposure pathways and potential receptors that may exist at the site, including identifying or developing any appropriate site cleanup objectives and goals. At a minimum, the SCM should include the following:
 - Local and regional plan view maps that illustrate the location of sources (former facilities, piping, tanks, etc.) extent of contamination, direction and rate of groundwater flow, potential preferential pathways, and locations of receptors;
 - Geologic cross section maps that illustrate subsurface features, man-made conduits, and lateral and vertical extent of contamination;
 - Plots of chemical concentrations versus time;
 - Plots of chemical concentrations versus distance from the source;
 - Complete summary tables of chemical concentrations in different media (i.e. soil, groundwater, and soil vapor);
 - Copies of well logs, boring logs, and well survey maps;
 - Discussion of likely contaminant fate and transport, and
 - Identification of any remaining data gaps, contaminant migration along preferential pathways such the sanitary sewer/storm drain system, or other.
3. **Request for Preferential Pathway Study** – As a part of the data gap work plan, ACEH requests that a Preferential Pathway Survey be conducted.

The purpose of the preferential pathway study is to locate potential migration pathways and conduits and determine the probability of a non-aqueous phase liquid (NAPL) and/or a groundwater plume encountering preferential pathways and conduits that could spread contamination. For this site, this must include on-site utility laterals such as sewer, water supply, electrical, or other that may be located directly beneath the warehouse building north of the former UST location. We request that you perform a preferential pathway study that details the potential migration pathways and potential

conduits (wells, utilities, utility laterals, pipelines, and etc.) for vertical and lateral migration that may be present in the vicinity of the site.

Please discuss results of the preferential pathway study (including the well survey and utility survey requested below) and report your results in the report requested below. The results of your study shall contain all information required by California Code of Regulations, Title 23, Division 3, Chapter 16, §2654(b).

- i. **Utility Survey** - An evaluation of all utility lines, utility laterals, and trenches (including sewers, storm drains, pipelines, trench backfill, etc.) within and near the site and plume area(s) is required as part of your study. Please reduce and synthesize available information and maps, and generate appropriate (vicinity and / or site specific) maps and cross-sections illustrating the location and depth of all utility lines and trenches within and near the site and plume areas(s) as part of your study.
- ii. **Well Survey** - The preferential pathway study shall include a well survey of all wells (monitoring and production wells: active, inactive, standby, decommissioned (sealed with concrete), abandoned (improperly decommissioned or lost); and dewatering, drainage, and cathodic protection wells) within a ¼ mile radius of the subject site. Please use DWR as well as Alameda County Public Works Agency resources as the databases are sufficiently different to warrant a review of both. As part of your well survey, please perform a background study of the historical land uses of the site and properties in the vicinity of the site. Use the results of your background study to determine the existence of unrecorded/unknown (abandoned) wells, which can act as contaminant migration pathways at or from your site. Report the results of your preferential pathway study in the SCM requested below.

TECHNICAL REPORT REQUEST

Please submit the following technical reports to ACEH (Attention: Karel Detterman), according to the following schedule:

- **January 25, 2013** – Site Conceptual Model and a Data Gap Work Plan
File to be named: RO1135_SCM_WP_YYYY-MM-DD

This report is 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.

Online case files are available for review 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 requests you provide your email address so that we can correspond with you quickly and efficiently regarding your case. As noted in Attachment 1, ACEH no longer accepts paper copies.

Should you have any questions or concerns regarding this correspondence or your case, please call me at (510) 567-6708 or send me an e-mail message at karel.detterman@acgov.org

Gentlemen
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Sincerely,

Karel Detterman, PG
Hazardous Materials Specialist

Enclosures: Attachment 1 - Responsible Party(ies) Legal Requirements/Obligations
ACEH Electronic Report Upload (ftp) Instructions

ACEH's September 23, 2011 Directive Letter

cc: Donna Drogos, ACEH (Sent via E-mail to: donna.drogos@acgov.org)
Karel Detterman, ACEH (Sent via E-mail to: karel.detterman@acgov.org)
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA
94612-2032 (Sent via E-mail to: lgriffin@oaklandnet.com)

GeoTracker, Electronic Case File

Attachment 1

Responsible Party(ies) Legal Requirements/Obligations

REPORT/DATA REQUESTS

These reports/data are being requested pursuant to Division 7 of the California Water Code (Water Quality), Chapter 6.7 of Division 20 of the California Health and Safety Code (Underground Storage of Hazardous Substances), and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations (Underground Storage Tank Regulations).

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (Local Oversight Program [LOP] for unauthorized releases from petroleum Underground Storage Tanks [USTs], and Site Cleanup Program [SCP] for unauthorized releases of non-petroleum hazardous substances) require submission of reports in electronic format pursuant to Chapter 3 of Division 7, Sections 13195 and 13197.5 of the California Water Code, and Chapter 30, Articles 1 and 2, Sections 3890 to 3895 of Division 3 of Title 23 of the California Code of Regulations (23 CCR). Instructions for submission of electronic documents to the ACEH FTP site are provided on the attached "Electronic Report Upload Instructions."

Submission of reports to the ACEH FTP site is in addition to requirements for electronic submittal of information (ESI) to the State Water Resources Control Board's (SWRCB) Geotracker website. In April 2001, the SWRCB adopted 23 CCR, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1 (Electronic Submission of Laboratory Data for UST Reports). Article 12 required electronic submittal of analytical laboratory data submitted in a report to a regulatory agency (effective September 1, 2001), and surveyed locations (latitude, longitude and elevation) of groundwater monitoring wells (effective January 1, 2002) in Electronic Deliverable Format (EDF) to Geotracker. Article 12 was subsequently repealed in 2004 and replaced with Article 30 (Electronic Submittal of Information) which expanded the ESI requirements to include electronic submittal of any report or data required by a regulatory agency from a cleanup site. The expanded ESI submittal requirements for petroleum UST sites subject to the requirements of 23 CCR, Division, 3, Chapter 16, Article 11, became effective December 16, 2004. All other electronic submittals required pursuant to Chapter 30 became effective January 1, 2005. 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, 7835, 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, late 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 SCP)	REVISION DATE: July 25, 2012
	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 (petroleum UST and SCP) 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 .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 <://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 .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.

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
ALEX BRISCOE, Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
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(510) 567-6700
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September 23, 2011

Mr. Leonard Shirley
Southern Pacific Transportation Company
P.O. Box 2500
Broomfield, CO 80038

Mr. Leslie A. Bacon, et al
c/o Economy Lumber Company
750 High Street.
Oakland, CA 94601-4402

Subject: Fuel Leak Case No. RO0001135 and Geotracker Global ID T0600101305, 744 and 758 High Street, Oakland, CA 94601

Dear Mr. Shirley and Mr. Bacon:

Alameda County Environmental Health (ACEH) is in the process of reviewing older open fuel leak cases and has determined that additional information is needed to evaluate your site and progress to case closure. This case was first identified as a fuel leak case in 1992 when ACEH sent Southern Pacific Transportation Company (SPTC) a letter dated March 13, 1992 identifying a gasoline leak from an underground storage tank (UST) had been reported at the site on July 15, 1986.

In March 1988 ACEH inspected business operating on the SPTC property (Assessor Parcel Number (APN) 34-2293-6-7) and found the following two addresses at the parcel: 774 High Street, Kayak America Works (KAW) an auto body repair shop and 758 High Street, Scrap Metal & Supply (SMS), a wet battery & metal recycler. KAW and SMS both occupied a building adjacent to High Street in the northern portion of the SPTC property and SMS also occupied the yard in the central and southern portion of the SPTC property. Information regarding the 744 High Street address was not available in ACEH files.

Between 1989 and 1994 SPTC conducted site assessment and remediation activities in areas of oil-stained soil in the yard in the central portion of the SPTC property south of the building adjacent to High Street. In 1989 six groundwater monitoring wells were installed in the yard and in 1990 three areas of oil-stained soil in the central portion of the yard were excavated to a depth of 2.5' below grade. In 1992, the former SPTC parcel along with the adjacent property at 752 High Street was redeveloped into Economy Lumber which is currently in operation.

The highest post-excavation confirmation soil results in the central portion of the yard were 18 milligrams per kilogram (mg/kg) for Total Petroleum Hydrocarbon (TPH) and 2.5 mg/kg for polychlorinated biphenyls (PCBs). Excavation was not conducted in the southern portion of the yard near monitoring well C-2 where a soil sample contained 2,800 mg/kg Total Oil & Grease (TOG) and 1,100 mg/kg lead.

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The six monitoring wells were sampled in 1989 for TPH and from 1989-1993 for PCBs. Groundwater from monitoring well B-2 had 1,500 micrograms per liter (ug/L) TPH and 2,800 ug/L Oil & Grease (O&G); benzene, toluene, ethylbenzene, and xylenes (BTEX) analyses did not appear to have been performed. Between 1993 and 1994, case closure for PCBs in groundwater was requested by the new property owner but not granted by the Regional Water Quality Control Board (Water Board). In 1994 ACEH received the last SPTC site document.

Based on these results, soil and groundwater contamination are not adequately defined at your site and additional investigation of the site is required. We request that you address the following technical comments by preparing a work plan for the proposed work and send us the reports described below.

TECHNICAL COMMENTS

- 1. Soil & Groundwater Investigation – Northern Portion of Site:** A soil sample taken from soil boring D-1, the only boring located adjacent to High Street in the northern portion of the SPTC property, contained 1,200 mg/kg oil & grease. Please prepare a work plan to investigate the horizontal and vertical extent of contamination in the northern portion of the site adjacent to High Street and please submit the work plan describing your proposed investigation by the date specified below.
- 2. Soil & Groundwater Investigation - Former Railroad Spur:** Figures provided with SPTC's 1988 and 1989 documents show a railroad spur crossing the center portion of the parcel; however subsequent investigations did not collect or analyze soil & groundwater samples in this area. We request that you conduct a soil & groundwater investigation at the railroad spur and please submit a work plan describing your proposed investigation by the date specified below.
- 3. Hydraulic Gradient:** Six groundwater monitoring wells were installed and sampled in 1989; however a groundwater gradient was not provided in any of the groundwater sampling reports. The December 4, 1989 groundwater elevations for the six wells indicate groundwater elevations ranged from 8.07 feet above mean sea level (msl) to -2.24 msl, which may indicate that the wells were not screened in the same water-bearing zone. Correspondence reporting the September 8, 1993 groundwater sampling event indicated that the wells had been paved over and during the effort to uncover the wells, the well casings were damaged. Please include a plan to locate, rehabilitate, and professionally survey all wells to Geotracker standards (see Technical Comment No. 5) in the work plan requested below.
- 4. Groundwater sampling:** The six groundwater monitoring wells were each sampled twice for TPH and TOG only; additionally, elevated detection limits were used (1,000 ug/L). Please include your plan to redevelop and initiate a groundwater monitoring program in the work plan requested below. We request that all groundwater samples from all wells be analyzed for the following compounds:

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- a. Total Petroleum Hydrocarbons-Gasoline and TPH-Diesel by EPA Method 8015M;
 - b. Oil & Grease by EPA Method 1664;
 - c. Benzene, Toluene, Ethyl benzene, and Xylenes, Chlorinated Hydrocarbons, ethylene dibromide (EDB), ethylene dichloride (EDC), Methyl Tertiary-Butyl Ether (MTBE), Tert-amyl-methyl ether (TAME), Ethyl tert-butyl ether (ETBE), Di-isopropyl ether (DIPE), and t-Butyl alcohol (TBA) by EPA Method 8260;
 - d. cadmium, chromium, lead, nickel, zinc;
 - e. Polychlorinated biphenyl (PCB), Pentachlorophenol (PCP), polynuclear aromatic hydrocarbon (PNA), Creosote and 1,4-Dioxane by EPA Method 8270;
 - f. Please note that the listed analysis for ethanol (EtOH) is not needed at this time.
5. **GeoTracker Compliance** - As described in the attached Responsible Party(ies) Legal Requirements/Obligations, all technical reports must be submitted to both the ACEH ftp site and the State Water Resource Control Board (SWRCB) GeoTracker website. Therefore, please claim your site on GeoTracker and upload the Work Plan and all future reports to the GeoTracker website. Pursuant to CCR Sections 2729 and 2729.1, beginning July 1, 2005 for SLIC cases, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the LUFT program, must be transmitted electronically to the SWRCB Geotracker website via the internet. Additionally, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude accurate to within 1-meter accuracy, using NAD 83, and transmitted electronically to the SWRCB Geotracker website. Beginning July 1, 2005, electronic submittal of a complete copy of all reports (LUFT or SLIC) is required in GeoTracker (in PDF format). Please upload all reports prepared after July 1, 2005 to the SWRCB's Geotracker database website in accordance with the above-cited regulation.

REQUEST FOR ADDITIONAL INFORMATION

ACEH requests submittal of electronic copies of all other reports, data, and correspondence related to all environmental investigations for this property (including Phase I reports). The ACEH case file for the subject site contains only the electronic files listed on our web site; please access the web site as described further in the attachments below. The additional information is to be submitted by the date specified below. Case files can be reviewed online at the following website: <http://www.acgov.org/aceh/index.htm>.

TECHNICAL REPORT REQUEST

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

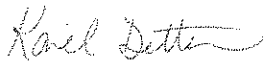
- **November 17, 2011** – Request for additional information
- **December 16, 2011** – Work Plan to Address Technical Comments

If you have any questions, please call me at (510) 567-6708 or send me an electronic mail message at karel.detterman@acgov.org. Online case files are available for review at the

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following website: <http://www.acgov.org/aceh/index.htm>. Please provide ACEH with your email address so that we can correspond with you quickly and efficiently regarding your case.

Sincerely,



Digitally signed by Karel Detterman
DN: cn=Karel Detterman, o, ou,
email=karel.detterman@acgov.org, c=US
Date: 2011.09.26 09:33:12 -07'00'

Karel Detterman, P.G. 5628
Hazardous Materials Specialist

Attachments: Responsible Party(ies) Legal Requirements/Obligations

ACEH Electronic Report Upload (ftp) Instructions

cc: 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)

Karel Detterman, ACEH (Sent via E-mail to: karel.detterman@acgov.org)

GeoTracker, Electronic Case File