



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

November 18, 2008

Mr. Gary Lyons
WE Lyons Construction Company
50 Hegerberger Loop
Oakland, CA 94621

Subject: Fuel Leak Case No. RO00002447 Global ID # T06019708237, WE Lyons Construction Company, 50 Hegerberger Loop, Oakland, CA 94621

Dear Mr. Lyons:

Alameda County Environmental Health Department (ACEH) staff has reviewed the "Workplan for Additional Drive Sampling and Analysis" received on October 30, 2008 and submitted by The Consulting Group (TCG). ACEH generally agrees with the scope of work in the work plan provided the comments are incorporated prior to the implementation of the work plan.

Based on ACEH staff review of the documents referenced above, we request that you address the following technical comments, perform the proposed work, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to steven.plunkett@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Tank Pit #1 and Dispenser Island.** TCH has proposed the installation of one soil boring with soil samples collected every 5 feet. ACEH's generally concurs with the proposed soil boring location and sampling frequency as proposed by TCG. In addition, TCG states that the boring will be left open for one hour and if water infiltrates a grab groundwater sample will be collected. ACEH requests that if groundwater does not infiltrate within one hour then the boring will be left open, for a maximum of 24 hours to allow groundwater to infiltrate. Please present results from the soil and groundwater investigation in the report requested below.
2. **UST Tank Pit # 2.** TCG has proposed the installation of two soil borings, with one boring immediately downgradient of the former tank pit and one soil boring adjacent to the southern end of the tank pit. Please adjust the location of the south boring near #5 and #9 to westerly in the vicinity of #8. (see attached figure for the general vicinity).
3. **Soil and Groundwater Analysis.** All soil and groundwater samples collected during the investigation are to be analyzed for TPHg, TPHd, BTEX, MtBE, TAME, TBA, DIPE, ETBE, EDB and EDC. Please present results for the soil and groundwater in the investigation report requested below.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Mr. Steven Plunkett), according to the following schedule:

- **January 15, 200** – Soil and Groundwater Investigation 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

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. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

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. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for 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 monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was 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 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

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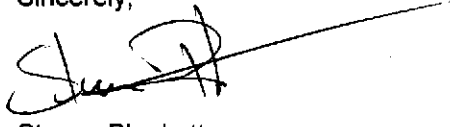
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

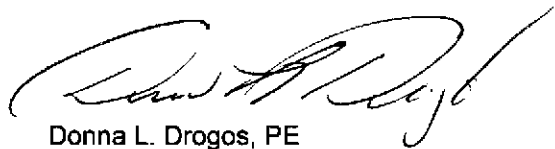
If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 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) 383-1767.

Sincerely,



Steven Plunkett
Hazardous Materials Specialist

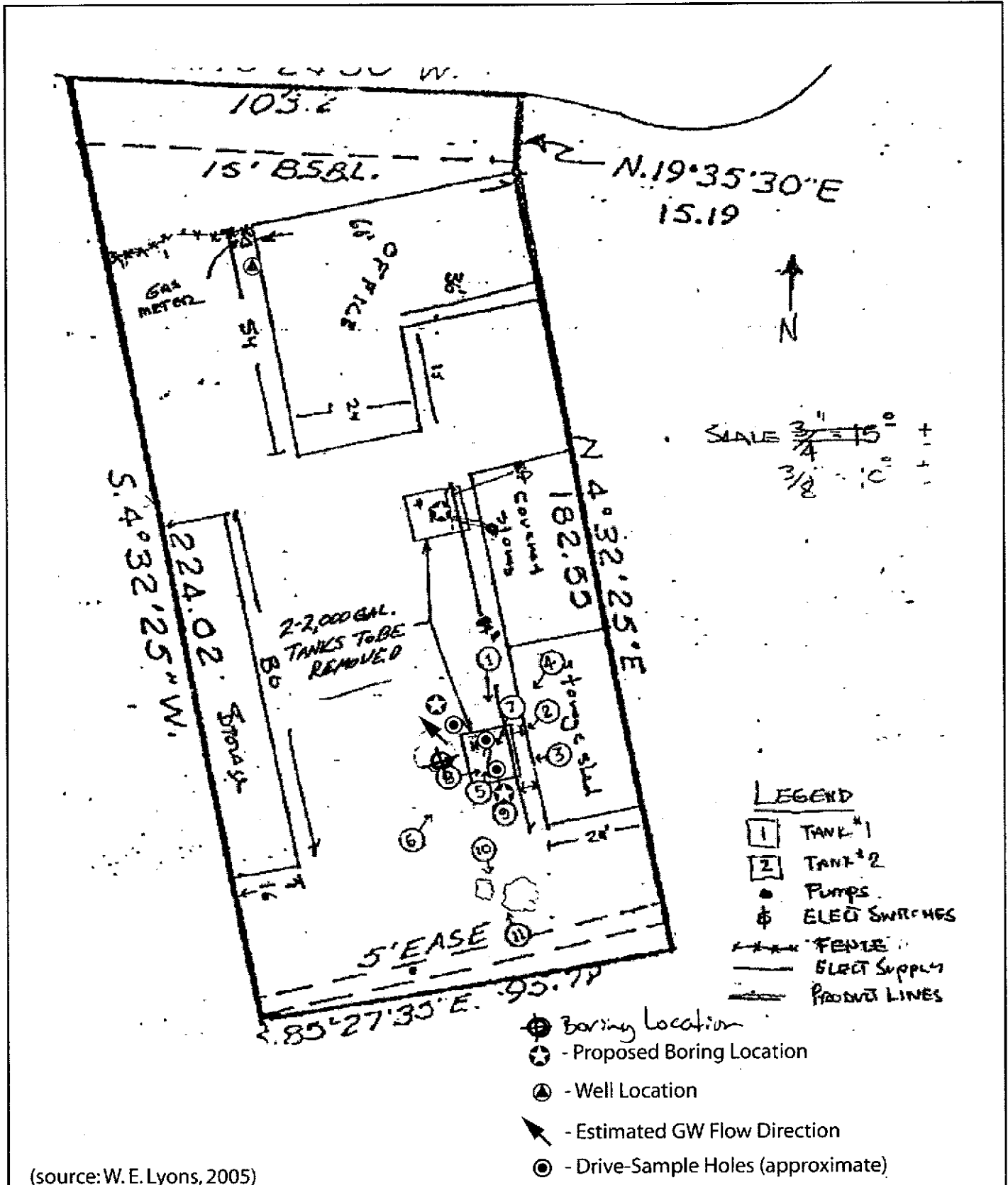


Donna L. Drogos, PE
Supervising Hazardous Material Specialist

cc: Woody Lovejoy
The Consulting Group
394 Cecilia Way
Tiburon, CA 94920

Leroy Griffin
Oakland Fire Department
250 Frank Ogawa Plaza, Suite 3341
Oakland, CA 94612

Donna Drogos, ACEH, Steven Plunkett, ACEH, File



(source: W. E. Lyons, 2005)



THE CONSULTING GROUP
394 Cecilia Way, Tiburon, CA 94920
Tel: 415.381.2560 / Fax: 415.381.1741

Site Layout w/ D-S and Well Locations
Soil Sampling & Analysis
50 Hegenberger Loop
for W. E. Lyons Construction
50 Hegenberger Loop, Oakland CA

Project



Figure

2

Job No. 085101

Date 28 May 08

Drawn by RC

Rev. WL

Apprvd. WL