



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-93

May 5, 2009

Mr. Tom McCoy
Brush Street Group, LLC
1155 3rd Street, Suite 230
Oakland, CA 94607

Subject: SLIC Case RO0002586 and Geotracker Global ID SL0600130797, Francis Plating, 751-785 7th Street, Oakland, CA 94607 – Notice to Comply

Dear Mr. McCoy:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above referenced site. In correspondence dated November 5, 2008, ACEH provided technical comments on the report entitled, "*Documentation of Frog Pond Removal Activities*," dated February 29, 2008, and requested that you prepare a Work Plan by January 29, 2009 to address our technical comments. To date, we have not received the requested Work Plan.

We request that you comply with our directive to prepare a Work Plan that addresses the technical comments in our November 5, 2008 correspondence (attached). **If we do not receive the requested Work Plan by June 30, 2009, a Notice of Violation may be issued.**

TECHNICAL REPORT REQUEST

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

- **June 30, 2009** – Work Plan

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

Mr. Tom McCoy
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May 5, 2009
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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.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 letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

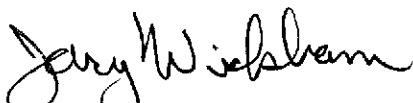
The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For 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.

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) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org. Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Sincerely,



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

Mr. Tom McCoy
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May 5, 2009
Page 3

Attachment: ACEH correspondence dated November 5, 2008

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Suite 3341
Oakland, CA 94612-2032

Margot Lederer Prado, City of Oakland Economic Development Division, Brownfields
Management, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612

Lydia Huang, Baseline Environmental Consulting, 5900 Hollis Street, Suite D, Emeryville,
CA 94608

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
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November 5, 2008

Mr. Tom McCoy
Brush Street Group, LLC
1155 3rd Street, Suite 230
Oakland, CA 94607

Subject: SLIC Case RO0002586 and Geotracker Global ID SL0600130797, Francis Plating, 751-785 7th Street, Oakland, CA 94607

Dear Mr. McCoy:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above referenced site including the report entitled, "*Documentation of Frog Pond Removal Activities*," dated February 29, 2008 and received by ACEH on March 3, 2008. The report describes Frog Pond removal activities that included breaking up and disposing concrete from the sides and bottom of the Frog Pond, disposing of water removed from gravel in the Frog Pond, excavating fill from and inspecting three underground vaults, collecting soil samples, removing a Concrete Column from the southwestern corner of the Frog Pond, and collecting a grab groundwater sample adjacent to a Concrete Column.

The "*Documentation of Frog Pond Removal Activities*," dated February 29, 2008 recommends installation of three monitoring wells in the area of the Frog Pond. Although we concur that monitoring wells should be installed within the area of the Frog Pond, further investigation is required to define the extent of contamination as discussed below. Based upon our review of the case file and "*Documentation of Frog Pond Removal Activities*," report, we request that you prepare a **Work Plan by January 29, 2009** that addresses the following technical comments.

TECHNICAL COMMENTS

1. **Removal of Concrete Column.** It appears that the Frog Pond was originally constructed with a sump approximately 8 feet in diameter that extended to a depth of approximately 20 feet bgs. The Concrete Column that was removed from the southwestern corner of the Frog Pond on September 5, 2007, appears to have been a concrete plug that was poured to seal the sump at some time in the past. The "*Documentation of Frog Pond Removal Activities*," does not describe how the Concrete Column was backfilled after removal of the concrete plug. In the Work Plan requested below, please describe the type of material and methods used to backfill the sump. Please provide an evaluation as to whether the backfill effectively seals the sump and prevents vertical migration of water from the Frog Pond to groundwater.
2. **Eastern Sump.** No groundwater samples have been collected from the eastern half of the Frog Pond. We request that you collect additional groundwater samples to characterize the extent of groundwater contamination in the eastern portion of the Frog Pond, particularly the

Eastern Sump. Please present your plans for groundwater sampling in the Work Plan requested below.

3. **Vertical Delineation.** Elevated concentrations of total chromium, chromium VI, and tetrachloroethene (TCE) were detected in shallow groundwater in the area of the Frog Pond. The vertical extent of contamination has not been fully defined. It appears that metals and VOCs may have been discharged directly to groundwater through the sump in the southwestern corner of the Frog Pond. Discharges into the sump may have created a downward vertical gradient in the area of the sump. Please present plans to assess the vertical extent of contamination in the area of the Frog Pond in the Work Plan requested below.
4. **Off-site Extent of Contamination.** Direct discharges to groundwater through the sump in the Frog Pond potentially may have occurred over a long period of time. Discharges from the sump may have also provided a hydraulic head to cause contaminant migration away from the Frog Pond area. TCE was detected in groundwater at a concentration of 390 micrograms per liter ($\mu\text{g/L}$) at sampling location B-FP20, which is located along the southern property boundary. An off-site investigation is required in order to assess whether a plume of dissolved metals and VOCs extends a significant distance off-site. We note that a monitoring well (MW-9) has been installed southwest of the site in 6th Street as part of the site assessment for the leaking underground fuel tank case for the Shell service station at 610 Market Street. Please incorporate sampling of well MW-9 as part of your efforts to delineate the off-site extent of groundwater contamination in the Work Plan requested below.
5. **Shallow Soils in Rear Yard.** Elevated concentrations of metals (cadmium, total chromium, copper, and nickel) were detected in two soil samples collected at sampling location B-FP11 in the Rear Yard. Sampling location B-FP11 is adjacent to a drainage ditch that crossed the Rear Yard. The extent of metals contamination in shallow soil and groundwater in this area of the site does not appear to have been delineated. In the Work Plan requested below, please present plans to further define the extent of metals contamination in this area of the site.
6. **Source Materials.** The "*Documentation of Frog Pond Removal Activities*," dated February 29, 2008 indicates that no potential source materials that may continue to release contaminants to soil and groundwater near the Frog Pond have been found. However, total chromium has been detected in soil at concentrations up to 5,500 milligrams per kilogram (mg/kg) and chromium VI has been detected in soil at concentrations up to 30 mg/kg in the area of the Frog Pond. In the Work Plan requested below, please describe why the soils with elevated concentrations of metals are not considered a potential source of releases of metals to groundwater.
7. **Potential Vapor Intrusion.** Based on the detection of TCE in groundwater at concentrations up to 1,500 $\mu\text{g/L}$ and the potential for VOCs to have been discharged to shallow soil, we request that you evaluate the potential for vapor intrusion to indoor air for future site occupants. Please present plans to collect soil vapor samples in the Work Plan requested below.

8. **Screening Levels.** The "*Documentation of Frog Pond Removal Activities*," dated February 29, 2008 contains references to screening levels and risk assessment assumptions contained in the *Oakland Urban Land Redevelopment Program Guidance Document* prepared by the City of Oakland Public Works Department and dated January 1, 2000. The application of these screening levels and/or risk assessment assumptions is not acceptable. Please do not include references to the *Oakland Urban Land Redevelopment Program Guidance Document* screening levels or risk assessment assumptions in future reports. The San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels (Interim Final - Revised May 2008) are acceptable for use as Tier 1 screening levels for the site.

TECHNICAL REPORT REQUEST

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

- **January 29, 2009 – Work Plan**

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.

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Mr. Tom McCoy
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November 5, 2008
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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

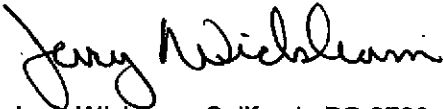
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If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,



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

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

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Lydia Huang, Baseline Environmental Consulting, 5900 Hollis Street, Suite D, Emeryville,
CA 94608

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

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

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

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

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 dehloptoxic@acgov.org
 - Or
 - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of My Le Huynh.
 - 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 and Firefox browsers will not open the FTP site.
 - b) Click on File, then on Login As.
 - 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 dehloptoxic@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.