

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
ALEX BRISCOE, Director



ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
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February 28, 2011

Steve Oelschlaegel
Hans and Gunter Roofing Company
1432 Via Lucas
San Lorenzo, CA 94580

Hwa and Soon Kwa
600 Mountain Blvd.
Oakland, CA 94611

Gunter Kitsch
Hans and Gunter Roofing Company
2603 Hoffman Court
El Dorado Hills, CA 95762

Subject: Closure Denial for Fuel Leak Case No. RO0002608 and GeoTracker Global ID T06019754249, Hans and Gunter Roofing, 2834 E 7th Street, Oakland, CA 94601

Dear Ladies and Gentlemen:

Thank you for the recently submitted document entitled, *Additional Information Report and Request for Closure*, dated October 20, 2008, which was prepared by Pangea Environmental Services, 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 cannot close this case at this time.

Pangea requested case closure based firstly on the "Low permeability of soils and relatively low contaminant concentrations" suggesting "that groundwater would not be impacted by the detected contamination". Secondly, Pangea states that "the site is located approximately 1,200 ft west of Alameda Harbor making groundwater use or drinking water unlikely." Thirdly, Pangea says that the lateral and vertical extent of contamination in soil is defined and that the contamination is located at 10.5 feet bgs "suggests that any potential direct exposure is unlikely."

The maximum concentrations on-site are 270 milligrams per kilogram (mg/Kg) total petroleum hydrocarbons as gasoline (TPHg) and 9.4 micrograms per kilogram ($\mu\text{g/Kg}$) ethylene dibromide (EDB) in soil boring B-2 at 10.5 feet below ground surface (bgs). No benzene or methyl tertiary butyl ether (MTBE) was detected in any boring. However, no groundwater samples were obtained to determine if the groundwater has been impacted. And although Pangea suggests the groundwater is not used, the San Francisco Bay Basin (Region 2) Water Quality Control Plan designates the area as a potential for municipal and domestic water supply. In addition, the potential for vapor intrusion has not been evaluated.

Therefore, since no groundwater samples have been collected, soil vapor has not been assessed, and landowner notification has not been submitted, ACEH cannot consider case closure for the subject site at this time. This decision to deny closure is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39.2(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Please contact the SWRCB Underground Storage Tank Program at (916) 341-5851 for information regarding the appeals process.

ACEH requests that you address the following technical comments and send us a work plan for the work requested below.

TECHNICAL COMMENTS

1. **Groundwater Characterization** – A groundwater sample has not yet been collected and up to 270 mg/kg TPHg and 9.4 µg/kg EDB were detected in soil and it is unknown whether groundwater has been contaminated. We understand that a boring was advanced to 28 ft bgs previously and water was not obtained. However, groundwater at a fuel leak site across the street (RO0000344) has a depth of 3.5 feet below ground surface in its wells. It may be appropriate to consider installing a temporary well(s) to obtain the groundwater sample if the low permeability soils are preventing groundwater from entering the borehole. Please submit your proposal for sampling groundwater at the site in the work plan requested below.
2. **Soil Vapor Assessment** – Pangea notes that no EDB was detected above 10.8 ft bgs. However, the detection limit for the shallow EDB sample was <5.0 µg/kg and the Environmental Screening Level is 0.33 µg/kg for shallow soils, commercial/industrial use. The vapor intrusion pathway has not been evaluated. Please submit your proposal to evaluate the vapor pathway in the work plan requested below.

LANDOWNER NOTIFICATION REQUIREMENTS

ACEH's July 25, 2008 directive letter requested you to submit landowner information by October 31, 2008. This information has not yet been submitted. Pursuant to California Health & Safety Code Section 25297.15, the active or primary responsible party for a fuel leak case must inform all current property owners of the site of cleanup actions or requests for closure. Furthermore, ACEH may not consider any cleanup proposals or requests for case closure without assurance that this notification requirement has been met. Additionally, the active or primary responsible party is required to forward to ACEH a complete mailing list of all record fee title holders to the site. Please complete the attached Landowner Notification Form. Note, the deadline is not an extension from the original due date.

TECHNICAL REPORT REQUEST

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

- **October 31, 2008** – Landowner Notification

Mr. Ladies and Gentlemen
RO0002608
February 28, 2011, Page 3

- **April 29, 2011** – Work Plan

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: List of Landowners Form
Responsible Party(ies) Legal Requirements/Obligations
ACEH Electronic Report Upload (ftp) Instructions

cc: Bob Clark-Riddell, P.E., Pangea Environmental Services, Inc., 1710 Franklin St., Suite 200, Oakland, CA 94612 (Sent via e-mail to briddell@pangeaenv.com)
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

LIST OF LANDOWNERS FORM

County of Alameda
Environmental Health Services
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR:

Site Name: _____

Address: _____

City, State, Zip: _____

Record ID #: RO _____

Please fill out item 1 if there are multiple site landowners (attach an extra sheet if necessary). If you are the sole site landowner, skip item 1 and fill out item 2.

1. In accordance with Section 25297.15(a) of Chapter 6.7 of the California Health & Safety Code, I, _____ (name of primary responsible party), certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site:

Name: _____

Address: _____

City, State, Zip: _____

E-mail Address: _____

Name: _____

Address: _____

City, State, Zip: _____

E-mail Address: _____

Name: _____

Address: _____

City, State, Zip: _____

E-mail Address: _____

2. In accordance with Section 25297.15(a) of Chapter 6.7 of the California Health & Safety Code, I _____, certify that I am the sole landowner for the above site.

Sincerely,

Signature of Primary Responsible Party Printed Name Date E-mail Address

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.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml).

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 dehloptoxic@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 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.