



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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December 23, 2009

Mr. Ron Silberman  
1240 Powell Street LLC  
5835 Doyle Street, Suite 101  
Emeryville, CA 94608  
(sent via electronic mail to:  
[RonS51@yahoo.com](mailto:RonS51@yahoo.com))

Sean Absher  
1240 Powell St LLC  
44 Montgomery St # 4200  
San Francisco, CA 94104

Frank Garza  
Garza & Associates  
Unknown Address

Subject: Modified Work Plan Approval; Fuel Leak Case No. RO0002869 and Geotracker, Global ID # Geotracker Global ID T06019727624, Garza & Associates, 1240 Powell St., Emeryville CA 94608

Dear Mr.'s Silberman, Absher, and Garza:

Thank you for the recent submittal of the document entitled *Work Plan Soil and Groundwater Investigation*, dated October 26, 2009, and received at the County's FTP website on November 13, 2009. The document was submitted on your behalf by Nozaki & Associates. ACEH staff has reviewed the document and are in general agreement with the approach outlined in the work plan, but requests several minor modifications, or clarifications, as detailed in the following technical comments. Provided the technical comments are incorporated into the work, it may be implemented. Please provide advance written notification to this office by e-mail ([mark.detterman@acgov.org](mailto:mark.detterman@acgov.org)) 72 hours prior to the start of field activities.

#### **TECHNICAL COMMENTS**

1. **Source Area Characterization at Waste Oil UST** – Figure 2 of the Work Plan depicts a soil bore location in close proximity to the former location of the waste oil UST. The location appears appropriate to detect potential impact in both soil and groundwater proximal to the former UST location. Please also ensure the following technical comments are incorporated into the work at this location.
  - a. The Work Plan indicates that soil and groundwater samples for the waste oil underground storage tank (UST) investigation will be analyzed for total oil and grease (TOG) and polycyclic aromatic hydrocarbons (PAHs). Please also analyze Total Petroleum Hydrocarbons (TPH) as gasoline, TPH as diesel, BTEX, fuel oxygenates and lead scavengers, halogenated volatile organic compounds, the five LUFT metals, PCB, PCP (i.e. all compounds or metals as listed in the *Recommended Minimum Verification Analysis for Underground Storage Tank Leaks* for waste oil USTs) by appropriate methodology.
2. **Potential Improper Well Screen Interval** - Figure 2 of the Work Plan depicts a second soil bore location downgradient of the former location of the fuel hydrocarbon USTs at the site to investigate the depth of first groundwater at the site. Please also ensure the following technical comments are incorporated into the work at this location.
  - a. Please install this soil bore no deeper than 8 feet bgs to investigate the possibility of shallow groundwater beneath the site, rather than the estimated 12 to 13 feet bgs described in the Work Plan. Please allow sufficient time for water to infiltrate.

- b. The Work Plan indicates that the groundwater sample to be collected for this portion of the investigation will be analyzed for BTEX and MTBE by EPA Method 8021B/602 and VOCs by EPA Method 8260B (in addition to TPHg and TPHd by EPA Method 8015M/602). To clarify this point, please also ensure that all fuel oxygenates and lead scavengers are also analyzed with EPA Method 8260B, if shallow groundwater is present in the soil bore. If groundwater is not present please ensure that a soil sample is collected and analyzed as indicated by staining, PID detections, or if none are encountered, at the base of the soil bore above groundwater.
3. **General Technical Comments** – The following technical comments are applicable to both portions of the proposed investigation:
  - a. The Work Plan did not describe soil bore sampling protocols; while likely an oversight, please ensure that a PID (Photo-Ionization Detector) is utilized to monitor soil during drilling, and that soils will be classified, and soil bore logs submitted, using USCS methods.
  - b. The Work Plan specified two sample collection depths of 6 and 12 feet below grade surface (bgs). Rather than collect soil samples at the predetermined depths, please ensure that soil samples are collected at signs of impact (staining, PID detections, etc), changes in lithology, or if impacted media is not encountered, directly above first encountered groundwater. Collection of additional soil samples below the lowest sign of contamination will also delineate the vertical extent of any contamination; please ensure that a minimum of one deeper soil sample is collected in each bore.

### **TECHNICAL REPORT REQUEST**

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

- **March 1, 2010** – 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**

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](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.

Should you have any questions, please contact me at (510) 567-6876 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,

Mark E. Detterman, PG, CEG  
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Norman Nozaki, Nozaki & Associates, 3390 Dwight Way, Berkeley, CA 94704  
(sent via electronic mail to [nozaki4472@gmail.com](mailto:nozaki4472@gmail.com))  
Donna Drogos (sent via electronic mail to [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))  
Mark Detterman (sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org)), File

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>ISSUE DATE:</b> July 5, 2005
	<b>REVISION DATE:</b> March 27, 2009
	<b>PREVIOUS REVISIONS:</b> December 16, 2005, October 31, 2005
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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](mailto: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](mailto: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.