

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



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

July 16, 2007

Ms. Mary Kranz  
10106 Coronado Ave., NE  
Albuquerque, NM 87122

Ms. Luella Penserga  
387 Orange Street #2  
Oakland, CA 94610

Mr. Michael Raganal  
387 Orange Street #2  
Oakland, CA 94610

Mr. Setareh Serrafan  
387 Orange Street #2  
Oakland, CA 94610

Subject: Fuel Leak Case No. RO0002921 (Geotracker ID# T06019730058), Ulibarri Property, 387 Orange Street, Oakland, CA

Dear: Mmes. Kranz and Penserga; Messrs. Raganal and Serrafan

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site and the document entitled, "Soil and Groundwater Investigation Report (SWI)," dated January 31, 2007 and submitted on your behalf by Stellar Environmental Solutions, Inc. Results of the SWI indicate that residual free phase petroleum hydrocarbon contamination is present in both soil and groundwater beneath your site.

Soil and groundwater sampling conducted during the May 2007 SWI detected the presence of TPHd at maximum concentrations of up to 460 mg/kg and 2,400,000 µg/L, respectively. Therefore, to assess the impacts of separate phase petroleum hydrocarbon contamination to soil and groundwater beneath you site, ACEH requests that you submit a work plan detailing your proposal to mitigate soil and groundwater contamination at your site. In addition, the work plan must discuss whether additional site characterization is necessary to define the horizontal and vertical extent of contamination beneath your site.

Please submit a work plan detailing your proposal to mitigate soil and groundwater contamination by August 15, 2007. This report is being requested pursuant to the Regional Water Quality Control Board's authority under Section 13267 of the California Water Code. 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@accgov.org](mailto:steven.plunkett@accgov.org)) prior to the start of field activities.

**TECHNICAL REPORT REQUEST**

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

- **August 15, 2007 – 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) now request submission of reports in electronic form. The electronic copy is intended to replace the need for a paper copy 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 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, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). Please visit the State Water Resources Control Board for more information on these requirements ([http://www.swrcb.ca.gov/ust/cleanup/electronic\\_reporting](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.

Mary Kranz  
July 12, 2007  
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UNDERGROUND STORAGE TANK CLEANUP FUND

Please be aware that you may be eligible for reimbursement of the costs of investigation from the California Underground Storage Tank Cleanup Fund (Fund). In some cases, a deductible amount may apply. If you believe you meet the eligibility requirements, I strongly encourage you to call the Fund for an application.

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

cc: Richard Makdisi  
Stellar Environmental Solutions, Inc.  
2198 Sixth Street, Suite 201  
Berkeley, CA ~~94502-6577~~ 94710

Donna Drogos, ACEH  
Steven Plunkett, ACEH  
File