



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

**NOTICE TO COMPLY**

October 16, 2008

Mr. Peter Robertson  
Sailsbury Avenue Associates, LLC  
2917 MacArthur Blvd., #3F  
Oakland, CA 94602

Ms. Maria Campos  
1424 Fruitvale Ave.  
Oakland, CA 94601.

Mr. & Mrs. John Madler  
1030 Dutton Ave.  
San Leandro, CA 94577

Subject: Fuel Leak Case No. RO0002945 and Geotracker Global ID T0619778840, Chevron #9-8861 (Independent), 2145 35<sup>th</sup> Avenue, Oakland, CA 94601

Dear Mr. Robertson, Ms. Campos, and Mr. & Ms. Madler:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site and determined that the site is currently not in compliance with our April 4, 2008 directive letter (enclosed). Our April 4, 2008 directive letter requested that a Site Conceptual Model (SCM), including a preferential pathway evaluation and a Soil and Groundwater Investigation Work Plan be submitted by June 2, 2008. Over four months have lapsed and the required work plan has not been received.

In order to re-gain compliance status, please submit the required SCM with preferential pathway evaluation and Soil and Groundwater Investigation Work Plan, as detailed in our April 4, 2008 directive letter, within thirty days from the date of this letter (**November 17, 2008**). Failure to submit the required work plan by the due date specified below will result in an issuance of a Notice of Violation and possible referral to the District Attorney for enforcement action and/or ineligibility for reimbursement of corrective action costs incurred at the site from the Underground Storage Tank Clean-up Fund. Pursuant to Chapter 6.7, California Health and Safety code, civil penalties up to \$10,000 for each UST for each day of violation may be imposed. Once removed from the Clean-up Fund, the costs associated with the subsurface investigation work that is required will not be reimbursed. Please note that civil penalties for non-compliance are assessed from the original due date (June 2, 2008).

**TECHNICAL REPORT REQUEST**

Please submit technical reports to ACEH (Attention: Paresh Khatri), according to the following schedule:

- **November 17, 2008** – SCM with Soil and Water Investigation Work Plan & Preferential Pathway Study

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.

Mr. Robertson, Ms. Campos, and Mr. & Ms. Madler  
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**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.

If you have any questions, please call me at (510) 777-2478 or send me an electronic mail message at [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org).

Sincerely,



Paresh C. Khatri  
Hazardous Materials Specialist



Donna L. Drogos, PE  
Supervising Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Robert E. Roat, Brighton Environmental Consulting, 3815 Brighton Avenue, Oakland, CA 94602  
Ken Mifsud, Alameda County District Attorney's Office, 7677 Oakport Street, Ste. 650, Oakland, CA 94621  
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032  
Donna Drogos, ACEH  
Paresh Khatri, ACEH  
File

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>ISSUE DATE:</b> July 5, 2005
	<b>REVISION DATE:</b> December 16, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions

Effective **January 31, 2006**, 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 Alicia Lam-Finneke.
  - 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 at acgov.org. (e.g., [firstname.lastname@acgov.org](mailto: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)

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  
FAX (510) 337-9335

April 4, 2008

Mr. Peter Robertson  
Sailsbury Avenue Associates, LLC  
2917 MacArthur Blvd., #3F  
Oakland, CA 94602

Ms. Maria Campos  
1424 Fruitvale Ave.  
Oakland, CA 94601.

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Subject: Fuel Leak Case No. RO0002945 and Geotracker Global ID T0619778840, Chevron #9-8861 (Independent), 2145 35<sup>th</sup> Avenue, Oakland, CA 94601

Dear Mr. Robertson, Ms. Campos, and Mr. & Ms. Madler:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted document entitled, "Phase II Investigation Work Plan," dated November 1, 2007, which was prepared by Brighton Environmental Consulting for the subject site. The work plan, as presented, cannot be approved at this time. The proposed scope of work does not adequately address all potential source areas on-site, does not propose a scope of work to adequately define the extent of soil and groundwater contamination, an adequate conduit study was not presented, and the Site Conceptual Model appears incomplete.

ACEH requests that a work plan addendum is prepared with a revised scope of work that addresses the following technical comments described below.

**TECHNICAL COMMENTS**

1. **Preferential Pathway Study (Conduit Study)** – As requested in our September 5, 2007 correspondence, a conduit study was conducted and presented in Appendix A and B of the above-mentioned work plan. However, an adequate discussion on whether preferential pathway(s) exist at the site was not presented and only storm drains and sanitary sewer lines were presented in the appendices without any evaluations of potential migration discussions in the text. Other utilities (e.g. water lines, electrical lines, cable lines, gas lines, etc.) that may be present at the site do not appear to have been evaluated or illustrated on figures. Please complete the preferential pathway study and include the results in the work plan addendum due by the date specified below.
2. **Soil and Groundwater Characterization** – The present scope of work does not appear to adequately characterize all chemicals of concern detected at the site. Total petroleum hydrocarbons (TPH) as gasoline (g), TPH as Stoddard Solvent (ss), and TPH as diesel (d) were detected at concentrations of 2,100 milligrams per kilogram (mg/kg), 1,200 mg/kg, and

360 mg/kg, respectively, in soil samples collected in the vicinity of the former gasoline USTs indicating that an unauthorized release has occurred. "Grab" groundwater sample analytical results detected 87,000 micrograms per liter ( $\mu\text{g/L}$ ) TPH-g, 69,000  $\mu\text{g/L}$  TPH-d, 71,000  $\mu\text{g/L}$  TPH-ss, 1,800  $\mu\text{g/L}$  TPH as motor oil (mo), 39  $\mu\text{g/L}$  benzene, and 530  $\mu\text{g/L}$  naphthalene indicating that the groundwater has been impacted. Please include naphthalene in the proposed groundwater analytical suite. Based on the locations of borings proposed, the groundwater contaminant plume may not be adequately characterized. Please propose a revised scope of work to address the above-mentioned concerns and submit a work plan addendum by the date specified below.

3. **Contaminant Source Area Characterization** – There are several potential source areas on-site (e.g. former gasoline USTs, the dispenser island, former waste oil UST, the access pit, and hydraulic lift). Most of the proposed boring locations should provide some insight as to whether additional source area(s) exist at the site. However, the proposed sampling locations may not adequately characterize the vertical extent of soil contamination detected in the vicinity of the former gasoline USTs, nor do the borings locations adequately characterize the dispenser island. Please propose a revised scope of work to address the above-mentioned concerns and submit a work plan addendum by the date specified below. It is recommended that "step-out" borings be proposed in locations where contamination is obvious to expeditiously characterize the site.
  
4. **Site Conceptual Model** – A Site Conceptual Model (SCM) is presented in Section 4 of the above-mentioned work plan. However, potential exposure scenarios, potential migration pathways, etc. were not evaluated or discussed. At this juncture, it may be advantageous to develop a site conceptual model (SCM), which synthesizes all the analytical data and evaluates all potential exposure pathways and potential receptors that may exist at the site, including identifying or developing site cleanup goals. At a minimum, the SCM should include:
  - (1) Local and regional plan view maps that illustrate the location of sources (former facilities, piping, tanks, etc.) extent of contamination, direction and rate of groundwater flow, potential preferential pathways, and locations of receptors;
  - (2) Geologic cross section maps that illustrate subsurface features, man-made conduits, and lateral and vertical extent of contamination;
  - (3) Plots of chemical concentrations versus time;
  - (4) Plots of chemical concentrations versus distance from the source;
  - (5) Summary tables of chemical concentrations in different media (i.e. soil, groundwater, and soil vapor); and
  - (6) Well logs, boring logs, and well survey maps;
  - (7) Discussion of likely contaminant fate and transport.

If data gaps (i.e. potential contaminant volatilization to indoor air or contaminant migration along preferential pathways, etc.) are identified in the SCM, please propose a scope of work to address those data gaps. The work plan addendum may be included in the SCM.

5. **GeoTracker Compliance** – A review of the case file and the State Water Resources Control Board's (SWRCB) GeoTracker website indicate that electronic copies of analytical data have not been submitted, rendering the site to non-compliance status. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. Additionally, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please complete the surveying, if applicable, and upload all applicable electronic submittal types such as the analytical data (EDF), survey data (GEO\_XY and GEO\_Z), and PDF reports from July 1, 2005 to current to GeoTracker by the date specified below. Electronic reporting is described below.

#### **TECHNICAL REPORT REQUEST**

Please submit the work plan addendum to Alameda County Environmental Health (Attention: Paresh Khatri), according to the following schedule:

- **June 2, 2008** – SCM with Soil and Water Investigation Work Plan & Preferential Pathway Study

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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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](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)).

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#### **AGENCY OVERSIGHT**

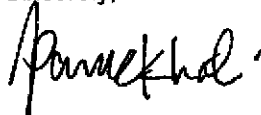
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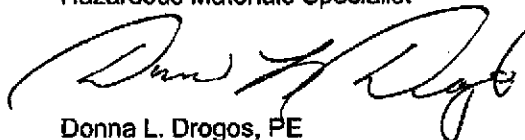


Mr. Robertson, Ms. Campos, and Mr. & Ms. Madler  
RO0002945  
April 4, 2008, Page 5

Sincerely,



Paresh C. Khatri  
Hazardous Materials Specialist



Donna L. Drogos, PE  
Supervising Hazardous Material Specialist

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cc: Robert E. Roat, Brighton Environmental Consulting, 3815 Brighton Avenue, Oakland, CA  
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File