

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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February 29, 2008

Mr. Leo Puig
Amcal Housing, Inc.
4545 North West Avenue, Suite 118
Fresno, CA 93705

Subject: SLIC Case RO0002958 and Geotracker Global ID SLT19701216, Amcal Multi-Housing Development, 555 98th Avenue, Oakland, CA 94603

Dear Mr. Puig:

I am the caseworker recently assigned to Spills, Leaks, Investigations, and Cleanups (SLIC) case RO0002958. Please send future correspondence for this case to my attention. Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site including the most recent documents entitled, "Letter Report to Alameda County Department of Environmental Health," prepared by SCS Engineers and dated October 10, 2007 and "Additional Site Investigation Activities, 555 98th Avenue, Oakland, California," prepared by SCS Engineers and dated June 19, 2007.

The site was occupied by a gasoline service station from the early 1950s until approximately 1995. Fuel contamination was detected in soil and groundwater following the removal of three underground storage tanks in December 1993. Following completion of site investigation activities and some excavation in the former UST area, ACEH issued a Remedial Action Completion Certificate on August 25, 1997 for fuel leak case RO0000694. The Remedial Action Completion Certificate and Case Closure Summary contained a site management requirement to review the corrective action if land use changed in the future. The land use at the time of case closure on August 25, 2007 was commercial land use. Based on the proposed development of the site for residential land use, case RO0002958 has been opened to evaluate the site for unrestricted future land use.

In order to complete the review for case closure with unrestricted future land use, we request that you address the following technical comments, perform the proposed work, and send us the information described below.

TECHNICAL COMMENT

1. **Site Development Plans.** Please confirm that the site development plans are for Alameda County Assessor's parcel 45-5302-10-5 only and do not include adjacent parcel 45-5302-10-3. We request that you submit a site map showing all planned structures along with a description of the building use and occupancy and the type of foundation.
2. **Hydraulic Lifts and Oil Water Separator.** The Phase I report entitled, "Limited Phase I Environmental Site Assessment, 9755 Eads Avenue/593 98th Avenue, Oakland, California,"

which was dated August 28, 1997 and prepared by Gettler-Ryan, Inc., indicated that, "Two hydraulic hoists and an oil water separator were present on the concrete floor pad," in the former service station building. A later Phase I Report entitled, "Phase I Environmental Site Assessment, Assessor's Parcel Number (APN) 045-5302-101-05, 555, 591, 594, and 599 98th Avenue, Oakland, California," which was dated November 8, 2006 and prepared by SCS Engineers, refers to previous historic observations of the hydraulic hoists and oil water separator but does not indicate whether the hydraulic hoists remain at the site or were removed. Please clarify whether the two hydraulic hoists and oil water separator located in the concrete pad of the former service station building are still present or were removed. If the hydraulic hoists were removed, please provide documentation of the removal and environmental conditions in the surrounding soil.

- 3. Geotracker EDF Submittals.** Beginning July 1, 2005, electronic submittal of a complete copy of all reports (LUFT or SLIC) is required in Geotracker (in PDF format). In order to remain in regulatory compliance, please upload copies of all reports post July 1, 2005, to the SWRCB's Geotracker database website in accordance with the above-cited regulation.

TECHNICAL REPORT REQUEST

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

- **April 30, 2008** – Site Plans and Information Regarding Hydraulic Hoists and Oil Water Separator

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

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. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

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. Submission of reports to the Geotracker website does not fulfill the 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.

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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).

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.

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

Robert Gutzler
SCS Engineers
8799 Balboa Avenue, Suite 290
San Diego, CA 92123

Donna Drogos, ACEH
Jerry Wickham, ACEH
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