

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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January 8, 2009

Mr. William Spencer
William and Claire Spencer Trust
99 South Hill Drive
Brisbane, CA 94005-1215

Joel and George Sparks
74819 Depot
Irrigon, OR 97844

Subject: Fuel Leak Case No. RO0002992 and Geotracker Global ID T0600100961, Sparks Property, 1424 Harrison Street, Oakland, CA 94612

Dear William Spencer and Joel and George Sparks:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site including recently submitted correspondence from Mr. William Spencer dated January 6, 2009. Two underground storage tanks (USTs) were closed in place beneath the sidewalk at 1424 Harrison Street in Oakland on April 29, 1991 by filling the tanks with a cement slurry. Subsequent to the closure in place of the two USTs at 1424 Harrison Street in 1991, soil and groundwater sampling was conducted as part of a site investigation for leaking fuel USTs at 1432 Harrison Street. In addition to numerous borings advanced at 1432 Harrison Street, several soil borings were advanced in the immediate area of the closed in place USTs at 1424 Harrison Street. Total petroleum hydrocarbons (TPH) as gasoline were detected in shallow soil beneath the closed in place USTs at concentrations up to 1,900 milligrams per kilogram (mg/kg). Benzene was detected in shallow soil beneath the closed in place USTs at concentrations up to 35 mg/kg. The distribution of fuel hydrocarbons in shallow soil in the area of the two USTs closed in place beneath the sidewalk at 1424 Harrison Street appears to be the result of an unauthorized release from the USTs, piping, or dispensers at 1424 Harrison Street.

The January 6, 2009 correspondence from Mr. Spencer contends that any and all contamination detected at 1424 Harrison Street originated from another site. Based on our review of data from 1424 Harrison Street and the surrounding properties, fuel hydrocarbons detected in shallow soil in the area of the two USTs closed in place beneath the sidewalk at 1424 Harrison Street appear to be the result of an unauthorized release from the USTs, piping, or dispensers at 1424 Harrison Street. The January 6, 2009 correspondence from Mr. Spencer references several pages of a report by Vertex Engineering Services dated March 4, 2002. The Vertex report reviews information regarding the two USTs closed in place beneath the sidewalk at 1424 Harrison Street and concludes that, "The two abandoned USTs at the site represent a concern to this investigation." The Vertex report recommends the collection of soil and/or groundwater samples at the site to assess if the site has been impacted from the on-site USTs. We concur with this recommendation in the Vertex report and request that you submit a Work Plan to conduct soil and groundwater sampling to characterize the extent of contamination from the two closed-in-place USTs. As discussed in the first paragraph of this letter, soil and groundwater sampling was conducted as part of a site investigation for leaking fuel USTs at 1432 Harrison Street, which is the property immediately north of 1424 Harrison Street. Please review the results from the site investigations conducted to date for 1432 Harrison Street to plan your investigation. Case files are available for review online at the Alameda County Environmental Health website (<http://www.acgov.org/aceh>). The leaking fuel case at 1432 Harrison Street is ACEH case RO0000266 and can be accessed online using either the

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case number or street address. Please submit the Work Plan to characterize the extent of contamination from the two closed-in-place USTs at 1432 Harrison Street by **March 27, 2009**.

REQUEST FOR INFORMATION

The January 6, 2009 correspondence from Mr. Spencer references, "several reports," that apparently investigated environmental conditions at the site. We require that you submit all reports for the site that Please submit copies of any reports you have documenting additional investigation activities or other work that are relevant to the fuel release or other unauthorized releases and not currently in ACEH case files. This includes Phase I environmental site assessment reports and site investigations conducted for potential real estate transactions. ACEH case files may be reviewed online using the ACEH website (<http://www.acgov.org/aceh>).

TECHNICAL REPORT REQUEST

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

- **March 27, 2009** – 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) 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/cleanup/electronic reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic%20reporting)).

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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

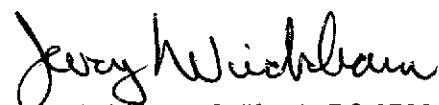
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

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.

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

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Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Donna Drogos, ACEH
Jerry Wickham, ACEH
File

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: December 16, 2005
	PREVIOUS REVISIONS: October 31, 2005
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: 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
 - 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 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)
- c) The subject line of the e-mail must start with the RO# followed by **Report Upload.** (e.g., Subject: RO1234 Report Upload)