



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

September 22, 2011

Eugene and Shirley Macedo Trust
c/o Matt Macedo (Sent via E-mail to: Lvg.Livermore@gmail.com)
Los Vaqueros Grill
1000 North Vasco Road
Livermore, CA 94550

Subject: Conditional Work Plan Approval for Fuel Leak Case No. RO0003073 and GeoTracker Global ID T10000002919, Geno Country Store, 1000 North Vasco Road, Livermore, CA 94551

Dear Mr. Macedo:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site including the recently submitted documents entitled, "*Additional Removal Action Workplan*," dated September 16, 2011 (Work Plan). The Work Plan, which was prepared by Engeo Incorporated, presents plans for excavation and confirmation soil sampling in two areas and sampling of a soil stockpile area. The scope of work was also discussed during a meeting on September 13, 2011 between Mr. Scott Menard of Arbor Development Group, Mr. Jeff Adams and Shawn Munger of Engeo, and Jerry Wickham of ACEH.

The proposed scope of work is conditionally approved and may be implemented provided that the technical comments below are incorporated during implementation of the proposed field investigation. Submittal of a revised Work Plan or Work Plan Addendum is not required unless an alternate scope of work outside that described in the Work Plan and technical comments below is proposed. We request that you address the following technical comments, perform the proposed work, and send us the reports described below

TECHNICAL COMMENTS

1. **Confirmation Soil Samples for Interim Excavation.** The Work Plan proposes that confirmation soil samples will be collected for every 15 feet of excavation sidewall on the southern and western sidewalls of Area 2 and all sidewalls for Area 5. Given that the excavation may be significantly larger than the previous excavation in Area 2, we request that sidewall samples be collected every 15 feet from all excavation sidewalls and not limited to the southern and western sidewalls. The proposed depth and spacing of confirmation soil samples is generally acceptable with the following clarifications and additions. We request that sidewall confirmation soil samples be collected from any zone in the exposed sidewall above the soil-groundwater interface where visual inspection or field screening indicates contamination remains in place. This may involve collection of additional confirmation soil samples and/or collection of soil samples from a depth other than the 2/3 depth point from each sidewall depending upon the extent of the exposed contamination. If no contamination is observed by visual inspection or field screening, the collection of confirmation soil samples from each sidewall at a spacing of 15 feet and the proposed depth is acceptable. Additional confirmation soil samples may be required if requested during field inspection by ACEH.

2. **Soil Vapor Sampling Locations SG-1 and SG-6.** During the August 16, 2011 sampling event, the concentration of TPHg detected in soil vapor exceeded the ESL for residential land use of 10,000 $\mu\text{g}/\text{m}^3$ at 2 of the 12 sampling locations (SG-1 and SG-6). The highest concentration of TPHg in soil vapor was 170,000 $\mu\text{g}/\text{m}^3$, which was detected in a soil vapor sample (SG-6) collected within or adjacent to the former diesel UST pit and excavation area 2. As discussed in our September 9, 2011 correspondence and during our September 13 meeting, further assessment would be required to confirm that the concentrations of TPH in soil vapor from SG-1 and SG-6 have attenuated unless the areas around SG-1 and SG-6 are excavated. The removal of impacted soil and/or imported aggregate backfill in the areas surrounding SG-1 (Interim Removal Area 5) and SG-6 (Interim Removal Area 2) is an additional objective for the proposed interim removal. Therefore, the excavations are to be expanded as necessary to remove soil in the areas surrounding SG-1 and SG-6 regardless of the observations of imported aggregate fill or confirmation soil sampling results.
3. **Analytes for Confirmation Soil Samples.** In addition to the proposed analytes, we request that the confirmation soil samples from the proposed excavations be analyzed for TPH as motor oil using EPA Method 8015.
4. **Missing Document.** Please submit the document entitled, "*Workplan for Site Characterization*," dated April 1, 2011 to the ACEH ftp site. This document appears to be missing from the case files.
5. **GeoTracker Requirements.** Review of the State's GeoTracker database indicates that the site still has not been claimed. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, you are required to claim your site and subsequently transmit electronic reports and other site data. Your site is currently out of compliance with these requirements. Please claim the site and upload all technical reports no later than September 30, 2011 in order for the site to achieve compliance with directives from this agency.

TECHNICAL REPORT REQUEST

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

- **November 29, 2011** – Interim Removal Action Report

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org. Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Sincerely,

Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

Matt Macedo
RO0003073
September 22, 2011
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Attachment: Responsible Party(ies) Legal Requirements/Obligations

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Danielle Stefani, Livermore Pleasanton Fire Department, 3560 Nevada St, Pleasanton, CA 94566
(Sent via E-mail to: dstefani@lpfire.org)

Cheryl Dizon (QIC 8021), Zone 7 Water Agency, 100 North Canyons Pkwy, Livermore, CA 94551
(Sent via E-mail to: cdizon@zone7water.com)

Scott Menard, Arbor Development Group, LLC, 3650 Mount Diablo Blvd., Suite 200, Lafayette, CA 94549 (Sent via E-mail to: smenard@arbordevelopmentgroup.com)

Jeff Adams, Engeo, Incorporated, 2010 Crow Canyon Place, Suite 250, San Ramon, CA 94583
(Sent via E-mail to: jadams@engeo.com)

Donna Drogos, ACEH (Sent via E-mail to: donna.drogos@acgov.org)

Jerry Wickham, ACEH (Sent via E-mail to: jerry.wickham@acgov.org)

GeoTracker, eFile

Attachment 1

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

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.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: 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

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection.**
- 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)

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 deh.loptoxic@acgov.org
 - 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, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
 - 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 deh.loptoxic@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.