

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
ALEX BRISCOE, Director



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

November 21, 2012

Ms. Hong Gardner Trust
632 Via Rialto Road
Oakland, CA 94619-3126

Seyoum Kebede and Alem Mamo
636 Longridge Road
Oakland, CA 94610-2327

Mr. Patrick Little c/o Coast Capital Mortgage
824 San Antonio Road
Palo Alto, CA 94303-4617

Tanya Green and Falcon Enterprises
11004 Estepa Drive
Oakland, CA 94603

David Lyles
1466 82nd Avenue
Oakland, CA 94621

Rachelle Levingston
ADDRESS UNKNOWN

Ed Ralston - Program Manager
Phillips 66 Company
76 Broadway
Sacramento, CA 95818
Sent via e-mail to: Ed.C.Ralston@p66.com

Anita Rockley, F.A. Bancalari
Daisy and F. Tallarico
ADDRESS UNKNOWN

Subject: Request Site Conceptual Model and Data Gap Work Plan for Fuel Leak Case No.
RO0003087 and GeoTracker Global ID T10000003434, Hong Gardner Property, 7600 MacArthur
Boulevard, Oakland, CA 94605-2944

Dear Ladies and Gentlemen:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the June 12, 2007 Underground Storage Tanks (USTs) Removal Work Plan by Golden Gate Tank Removal, Inc (GGTR), the August 22, 2007 *Work Plan - Preliminary Site Characterization* Report by GGTR, the October 19, 2007 *Preliminary Site Characterization* by Golden Gate Tank Removal, Inc., and Oakland Fire Department (OFD) correspondence from 2006-2008.

During a City of Oakland construction project two underground storage tanks (USTs) were discovered at the site. A tank removal permit application was submitted to the Oakland Fire Department (OFD) on November 30, 2006 however, the USTs and hydraulic lifts were removed in January 2007 without permitting, documentation, or oversight. OFD conducted an inspection soon after the UST removal, took soil samples and included a note that the USTs reportedly had been filled with concrete circa 1970. The OFD issued a violation requiring a site investigation which was subsequently conducted in October 2007. Four soil borings were hand-augured adjacent to the former locations of the USTs and lifts to depths ranging from 9 to 11 feet below grade; groundwater was not

encountered. Concentrations of up to 500 milligrams per kilogram (mg/kg) Total Petroleum Hydrocarbons as gasoline (TPHG) and 4,500 mg/kg TPH as motor oil were documented in the soil samples. Buried piping was also found during pothole excavation in the vicinity of the backfilled UST pit and appears to remain in place.

This letter is a request for a Site Conceptual Model (SCM) and data gap work plan intended to collect data to identify and address data gaps. We request that you address the following technical comments and send us the technical reports requested below.

TECHNICAL COMMENTS

1. **Geotracker Compliance:** As described in the attached Responsible Party(ies) Legal Requirements/Obligations, all technical reports must be submitted to both the ACEH ftp website and the State Water Resource Control Board (SWRCB) GeoTracker website. Therefore, please claim your site on GeoTracker and upload all past reports including those previously mentioned, communications, and future reports to the GeoTracker website. Pursuant to CCR Sections 2729 and 2729.1, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the Leaking Underground Fuel Tank (LUFT) program, must be transmitted electronically to the SWRCB Geotracker website via the Internet. **Compliance is required by the State.** Please see Attachment 1 for limited additional details, and the State's GeoTracker website for full details. ACEH requests notification of, and a list of, the documents uploaded to Geotracker. Please upload all submittals to GeoTracker as well as to ACEH's ftp website by the date specified below.

2. **Request for a Site Conceptual Model (SCM) and Data Gap Work Plan** - ACEH requests submittal of an initial SCM in combination with a data gap work plan in order to fill apparent data gaps. An SCM synthesizes all the analytical data and evaluates all potential exposure pathways and potential receptors that may exist at the site, including identifying or developing any appropriate site cleanup objectives and goals. At a minimum, the SCM should include the following:
 - 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;
 - Geologic cross section maps that illustrate subsurface features, man-made conduits, and lateral and vertical extent of contamination;
 - Plots of chemical concentrations versus time (applicable in the future);
 - Plots of chemical concentrations versus distance from the source (applicable in the future);
 - Complete summary tables of chemical concentrations in different media (i.e. soil, groundwater, and soil vapor); and
 - Copies of well logs, boring logs, and well survey maps;
 - Discussion of likely contaminant fate and transport, and
 - Identification of any remaining data gaps including but not limited to contaminant migration along preferential pathways such the sanitary sewer / storm drain system, or other).

3. **Request for Preferential Pathway Study** – As a part of the SCM, ACEH requests that a Preferential Pathway Study be submitted.

The purpose of the preferential pathway study is to locate potential migration pathways and conduits and determine the probability of a non-aqueous phase liquid (NAPL) and/or a groundwater plume encountering preferential pathways and conduits that could spread contamination. For this site, this must include on-site utility laterals such as sewer, water supply, electrical, or other that may be located directly beneath the warehouse building north of the former UST location. We request that you perform a preferential pathway study that details the potential migration pathways and potential conduits (wells, utilities, utility laterals, pipelines, and etc.) for vertical and lateral migration that may be present in the vicinity of the site.

Please discuss results of the preferential pathway study (including the detailed well survey and utility survey requested below) and report your results in the report requested below. The results of your study shall contain all information required by California Code of Regulations, Title 23, Division 3, Chapter 16, §2654(b).

- a. **Utility Survey** - An evaluation of all utility lines, utility laterals, and trenches (including sewers, storm drains, pipelines, trench backfill, etc.) within and near the site and plume area(s) is required as part of your study. Please reduce and synthesize available information and maps, and generate appropriate (vicinity and/or site specific) maps and cross-sections illustrating the location and depth of all utility lines and trenches within and near the site and plume areas(s) as part of your study.
 - b. **Well Survey** - The preferential pathway study shall include a well survey of all wells (monitoring and production wells: active, inactive, standby, decommissioned (sealed with concrete), abandoned (improperly decommissioned or lost); and dewatering, drainage, and cathodic protection wells) within a ¼ mile radius of the subject site. Please use DWR as well as Alameda County Public Works Agency resources as the databases are sufficiently different to warrant a review of both. As part of your well survey, please perform a background study of the historical land uses of the site and properties in the vicinity of the site. Use the results of your background study to determine the existence of unrecorded/unknown (abandoned) wells, which can act as contaminant migration pathways at or from your site. Report the results of your preferential pathway study in the initial SCM requested below.
4. **Request for Piping Removal Work Plan** – Please include in the data gap work plan requested below a scope of work to remove the buried piping that was documented in the October 19, 2007 *Preliminary Site Characterization* by the date specified below.
5. **Lateral, Vertical, and Downgradient Extent** – Please investigate the lateral and vertical extent of soil contamination and determine if groundwater contamination is present beneath your site. This type of investigation, prepared by a qualified environmental consultant, typically involves drilling soil borings and the collection of soil and groundwater samples for analysis. Please submit a plan for this work in the initial SCM and data gap work plan by the date specified below.
6. **Plot Work Plan on Aerial Photo Areal Maps** - To help understand the site and vicinity, please also include in all future reports, including the initial SCM and data gap work plan an extended site map using an aerial photographic base map to depict both the site and immediate vicinity.

7. **Missing Data from Preliminary Site Characterization Report** – Boring logs for soil borings B-1 through B-4 and laboratory analytical sheets for all soil samples collected from B-1 through B-4 are missing from the October 19, 2007 *Preliminary Site Characterization Report* by Golden Gate Tank Removal, Inc. Please submit a complete version of the October 19, 2007 *Preliminary Site Characterization Report* by Golden Gate Tank Removal, Inc. by the date specified below.
8. **Request for information** - The ACEH case file for the subject site contains only the electronic files listed on our web site at <http://www.acgov.org/aceh/lop/ust.htm>. You are requested to submit copies of all other reports, data, correspondence, etc. related to environmental investigations for this property (including Phase I reports) not currently contained in our case file. It appears that a Phase I Report may have been prepared for the site because the October 19, 2007 Report includes "Property Photographs" from an undated report prepared by AEI Consultants for the site.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please be aware that site investigation/site cleanup costs may be reimbursable from the California Underground Storage Tank Cleanup Fund (USTCF). The application and additional information is available at the State Water Resources Control Board's website at http://www.waterboards.ca.gov/water_issues/programs/ustcf. Please be aware that reimbursement monies are contingent upon maintaining compliance with directives from ACEH. Additional information about the USTCF can be found below in the attachments to this letter.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Karel Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with the following specified file naming convention and schedule:

- **December 19, 2012** – Claim site in Geotracker, Report upload, and Geotracker Submittal Notification
Files to be named: RO3087_CORRES_L_yyyy-mm-dd
- **January 30, 2013** – SCM and Data Gap Work Plan
File to be named: RO3087_SCM_WP_R_yyyy-mm-dd

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.

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>. If your email address does not appear on the cover page of this notification, ACEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

Thank you for your cooperation. Should you have any questions or concerns regarding this correspondence or your case, please send me an e-mail message at karel.detterman@acgov.org or call me at (510) 567-6708.

Ladies and Gentlemen
November 21, 2012
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Sincerely,

Karel Detterman, PG
Hazardous Materials Specialist

Enclosures: Responsible Party(ies) Legal Requirements/Obligations
ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department (Sent via E-mail to: lgriffin@oaklandnet.com)
Brent Wheeler, Golden Gate Environmental, Inc. (Sent via E-mail to: b.wheeler@ggtr.com)
Harry Murphy, Affiliated Brokers (Sent via e-mail to: harry@affiliatedbrokers.com)

Donna Drogos, ACEH (Sent via E-mail to: donna.drogos@acgov.org)
Karel Detterman, ACEH (Sent via E-mail to: karel.detterman@acgov.org)
GeoTracker, Electronic Case File

Attachment 1

Responsible Party(ies) Legal Requirements/Obligations

REPORT/DATA REQUESTS

These reports/data are being requested pursuant to Division 7 of the California Water Code (Water Quality), Chapter 6.7 of Division 20 of the California Health and Safety Code (Underground Storage of Hazardous Substances), and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations (Underground Storage Tank Regulations).

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (Local Oversight Program [LOP] for unauthorized releases from petroleum Underground Storage Tanks [USTs], and Site Cleanup Program [SCP] for unauthorized releases of non-petroleum hazardous substances) require submission of reports in electronic format pursuant to Chapter 3 of Division 7, Sections 13195 and 13197.5 of the California Water Code, and Chapter 30, Articles 1 and 2, Sections 3890 to 3895 of Division 3 of Title 23 of the California Code of Regulations (23 CCR). Instructions for submission of electronic documents to the ACEH FTP site are provided on the attached "Electronic Report Upload Instructions."

Submission of reports to the ACEH FTP site is in addition to requirements for electronic submittal of information (ESI) to the State Water Resources Control Board's (SWRCB) Geotracker website. In April 2001, the SWRCB adopted 23 CCR, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1 (Electronic Submission of Laboratory Data for UST Reports). Article 12 required electronic submittal of analytical laboratory data submitted in a report to a regulatory agency (effective September 1, 2001), and surveyed locations (latitude, longitude and elevation) of groundwater monitoring wells (effective January 1, 2002) in Electronic Deliverable Format (EDF) to Geotracker. Article 12 was subsequently repealed in 2004 and replaced with Article 30 (Electronic Submittal of Information) which expanded the ESI requirements to include electronic submittal of any report or data required by a regulatory agency from a cleanup site. The expanded ESI submittal requirements for petroleum UST sites subject to the requirements of 23 CCR, Division, 3, Chapter 16, Article 11, became effective December 16, 2004. All other electronic submittals required pursuant to Chapter 30 became effective January 1, 2005. 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, 7835, 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, late 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 SCP)	REVISION DATE: July 25, 2012
	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 (petroleum UST and SCP) 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 .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 <://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 .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.