ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
ALEX BRISCOE, Acting Director

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September 18, 2009

Mr. Michael Desso
Nestle USA, Inc.
800 North Brand Blvd.
Glendale, CA 91203

Mr. Mark Hall
Encinal 14th Street, LLC
1855 Olympic Blvd., Suite 250
Walnut Creek, CA 94596

Subject: SLIC Case No. RO0000018 and Geotracker Global ID T0600100262, Carnation Dairy, 1310 14th Street, Oakland, CA 94607

Dear Mr. Desso and Mr. Hall:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site including the document entitled, "*Draft Corrective Action Plan, Carnation Dairy, 1310 14th Street, Oakland, CA*," dated May 19, 2009 (Draft CAP). The Draft CAP, which was prepared on behalf of *Nestle´* USA by Environmental Cost Management, Inc. (ECM), summarizes site characterization and remediation activities and develops and evaluates remedial alternatives. The Draft CAP includes a Screening Health Risk Evaluation that evaluates potential cancer and noncancer risks for various receptor populations.

The Screening Health Risk Evaluation concludes that the estimated cancer risk to on-site commercial workers is 8.0 x 10-06. The estimated cancer risk for outdoor construction workers is 9.8 x 10-05. The estimated noncancer health risk for construction workers is 21. Both the estimated cancer and noncancer risks for construction workers exceed levels of concern.

The Draft CAP also includes an evaluation and comparison of five remedial alternatives. Two excavation alternatives were considered but were rejected because they were not considered logistically or economically feasible. Based on the Screening Health Risk Evaluation and the evaluation and comparison of remedial alternatives, the Draft CAP recommends implementation of institutional controls as the most viable remedial alternative for the site.

We do not concur with the recommendation to implement an institutional controls alternative for the site based on the conditions described in detail in the technical comments below. Therefore, we request the following actions:

1. Subslab vapor sampling to confirm the results of the modeling conducted in the Screening Health Risk Evaluation to estimate risks due to vapor intrusion.
2. Following incorporation of the results from the subslab vapor sampling, revision of the Draft CAP to address the technical comments below.

We request that you address the following technical comments, implement the requested work, and send us the reports requested below.

TECHNICAL COMMENTS

1. **Risks from Vapor Intrusion and Uncertainty Analysis.** The estimated site-specific cancer risk to on-site commercial workers of 8.0 x 10-06 may not represent a conservative estimate of future risks. Using site-specific inputs to the Johnson and Ettinger model, the Screening Health Risk Evaluation in the Draft CAP estimated a soil vapor cleanup goal of 1E+05 micrograms per cubic meter ($\mu g/m^3$). This estimate, which is based on 10-05 risk, is 357 times higher than the Environmental Screening Level for commercial land use (San Francisco Bay Regional Water Quality Control Board, May 2008) of 280 $\mu g/m^3$. The site-specific input parameters to the Johnson and Ettinger model are based upon soil vapor sampling results from November 1999 and May 2008, soil properties measured in eight soil samples collected in February 2009, and the configuration of the existing building among other parameters. We note that the water-filled permeability of 0.236, which was used as a site-specific input to the model is relatively high for the silty sand soil at the site and the expected conditions beneath a large building where surface water infiltration is limited. Seasonal variability and future changes in water levels and moisture content could result in an increase in soil vapor concentrations in the future. Soil vapor concentrations may increase in the future if water levels decline and expose residual VOCs in the vadose zone or submerged below the water table. An additional uncertainty in the soil vapor data appears to be a lack of correlation between benzene concentrations in soil gas and shallow groundwater at several sampling locations. An example of this lack of correlation between soil gas and groundwater sampling results is sampling location SB-17 where benzene was detected in shallow groundwater at a concentration of 12,000 µg/L but was not detected in soil gas. Given that the soil vapor samples were collected only a few feet above the depth where groundwater is typically encountered and the shallow soils consist of silty sands, these results appear unusual. Based upon these uncertainties and the elevated concentrations of VOCs detected in soil vapor at the site, subslab sampling is necessary to confirm the results from the modeling in the Screening Health Risk Evaluation for the existing building. Therefore, we request that you submit a Work Plan for Subslab Vapor Sampling.

2. **Mass Removal and Groundwater Restoration.** The potential value of mass removal and groundwater restoration is not given appropriate consideration in the comparison of remedial alternatives. Although none of the proposed remedial alternatives can be expected to restore groundwater quality to its beneficial use over the short term, the active remedial alternatives (1 through 4) would reduce contaminant mass, shorten the time period required for restoration of groundwater quality, and would be expected to reduce off-site migration of groundwater contamination and nuisance conditions. The institutional control alternative would take no action to shorten the period of time required for groundwater restoration. Although groundwater in this area is not used for drinking water, groundwater in the area has historically been used as a source of water for industrial and irrigation uses. We note that a water supply well located immediately east of the site on part of the former Carnation Dairy facility was recently decommissioned. We request that mass removal and groundwater restoration be given more consideration in the comparison of remedial alternatives in the Revised Draft CAP requested below.

3. **Cost Estimates.** The costs included in the Draft CAP were only the total costs for each alternative. Since no cost breakdown is provided, we cannot comment upon the accuracy of the cost estimates. We request that you include detailed cost breakdowns for each remedial alternative in the Revised Draft CAP requested below.

4. **Feasibility of Excavation.** The Draft CAP concludes that potential excavation activities are logistically and economically infeasible due largely to costs associated with demolition of the existing building and likely shoring costs. The effect of including these costs is to make excavation alternatives significantly more expensive and less feasible than other alternatives. Since redevelopment and demolition of the building would appear likely for the site, the costs for demolition and replacement of the existing building should not be included in the total cost of the excavation alternatives for the purposes of selecting an alternative. A scenario in which an institutional control alternative is selected due in large part to elimination of excavation alternatives due to the cost of building demolition does not appear to be justified if redevelopment of the site is likely to include demolition of the building. Therefore, we request that costs for building demolition and replacement be removed from the excavation cost estimates in the Revised Draft CAP requested below.

5. **Institutional Controls Alternative.** Based on the high levels of residual contamination that have persisted over time including the presence of free product, restoration of the site by natural attenuation processes is expected to occur over a time frame of many decades to centuries. Since site contamination would remain above levels of concern, institutional controls would need to be maintained and monitored over a very lengthy time frame. The maximum risk to on-site construction workers was 9.8 x 10-05, which is near the upper end of the risk range. Given the long period of time that institutional controls would be in place and the inability of a deed restriction to necessarily prevent all utility or construction work in the area, we question the effectiveness of institutional controls to prevent direct exposure over the long-term future. The effectiveness of institutional controls to prevent future exposure should be considered low to moderate in the evaluation of alternatives in the Revised Draft CAP requested below. In addition, costs for long-term monitoring, inspections, and maintenance of institutional controls are to be included in the total cost of the alternative.

TECHNICAL REPORT REQUEST

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

- **November 19, 2009** – Work Plan for Subslab Vapor Sampling
- **90 days following ACEH approval of Work Plan** – Subslab Vapor Sampling Report and Revised Draft Corrective Action 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).

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

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

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

Kenneth Cheitlin, Hall Equities Group, 1855 Olympic Blvd., Suite 250 Walnut Creek, CA 94596

Jennifer Costanza, Nestle USA, Inc., 800 North Brand Blvd. Glendale, CA 91203

Brent Searcy, Environmental Cost Management, 660 Baker Street, Suite 253, Costa Mesa, CA 92626

Robert Flory, AEI Consultants, 2500 Camino Diablo Blvd., Suite 200 Walnut Creek, CA 94597

Donna Drogos, ACEH
Jerry Wickham, ACEH
Geotracker, File

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	**ISSUE DATE:** July 5, 2005
	REVISION DATE: March 27, 2009
	PREVIOUS REVISIONS: December 16, 2005, October 31, 2005
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

- 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 My Le Huynh.
   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 @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.