



ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway
Alameda, CA 94502-6577

March 7, 2016

Mr. and Mrs. Neil and Mary Cotter
2847 Arguello Drive
Burlingame, CA 94010-5817
(Sent via E-mail to: neil.cotter@comcast.net and
mary.cotter@comcast.net)

Mr. and Mrs. John and Antoinette Coyle
2193 Trafalgar Place
Oakland, CA 94611
(Sent via E-mail to: trisargil@aol.com)

Subject: Fuel Leak Case No. RO000027 and GeoTracker Global ID T06000102106, Grove Street Wash Rack, 3884 Martin Luther King, Jr. Way, Oakland, CA 94609

Dear Ladies and Gentlemen:

On Tuesday January 12, 2016 a Stakeholders Meeting attended by Neil and Mary Cotter (Responsible Parties or RPs), Alexandra Foote, Esq., Environmental Resources Management, Inc. (ERM) (new site consultant), and Alameda County Environmental Health (ACEH) was held at ACEH's offices. Thank you for attending the meeting.

The purpose of the meeting was to discuss cost effective interim remedial options to advance the case to closure under the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP). Implementation of site characterization and/or cleanup at this site is necessary to be protective of human health and the environment and to move this case towards closure evaluation.

ACEH staff has evaluated the case file including the following documents prepared on your behalf by ERM and the former consultant, URS Corporation (URS):

- *Draft Feasibility Study/Corrective Action Plan (FS/CAP)*, dated October 8, 2013 (URS)
- *Remedial Design and Implementation Plan (RDIP)*, dated September 14, 2014 (URS)
- *Third Quarter 2015 Monitoring Report*, dated December 3, 2015 (ERM)

A brief synopsis of corrective action progress is as follows:

Feasibility Study/Corrective Action Plan (FS/CAP)

During a June 2013 Stakeholder meeting ACEH learned of potential site redevelopment plans calling for the excavation of the entire property to a depth of 12 feet below ground surface (bgs) in preparation for construction of an underground parking garage. A draft *Feasibility Study/Corrective Action Plan (FS/CAP)* was requested in ACEH's July 8, 2013 Directive Letter. Two Areas of Concern (AOCs) -1 and AOC-2 were defined in the draft October 8, 2013 FS/CAP:

- AOC-1: An area approximately 75 feet by 50 feet located in the northern quadrant of the site, encompassed the primary source of petroleum hydrocarbons and benzene, toluene,

ethylbenzene, and xylenes (BTEX)-contaminated soil remaining after the underground storage tank (UST) removal in 1995.

- AOC-2: Located along the Martin Luther King, Jr. Way sidewalk contiguous to and north of AOC-1, includes subsurface petroleum hydrocarbon contamination between 7 and 14 feet below ground surface (bgs) identified during the 1995 UST removal and subsequent investigations (2004 and 2013).

The scope of work in the Final CAP included property line to property line excavation to a depth of 12 feet bgs (including AOC-2) in preparation for the construction of an underground parking garage. AOC-1 would have been further excavated from a depth of 12 to 18 feet bgs. A 30 day public notification period was completed and the CAP was approved December 24, 2013.

Remedial Design and Implementation Plan (RDIP)

Subsequent to ACEH's approval of the FS/CAP, ACEH was informed in a letter dated February 28, 2014 that the redevelopment project associated with the CAP was withdrawn and the proposed development was not finalized. The proposed corrective action was no longer cost effective as substantial shoring would be required to complete the excavation. Therefore, until a new buyer could be identified, a *Remedial Design and Implementation Plan (RDIP)* was submitted incorporating selected elements of the FS/CAP to proceed with implementation of corrective action activities without site remedial design plans. The RDIP was approved by ACEH on December 22, 2014.

The scope of work presented in the RDIP described remediation that would occur prior to any site redevelopment and would be comprised of removal and stockpiling of the top 12 feet of soil covering AOC-1, excavation of the contaminated soil from 12 to 18 feet bgs, backfilling with clean fill, and replacement of the top 12 feet of stockpiled soil.

The Stakeholders submitted a budget increase request to the Underground Storage Tank Cleanup Fund (USTCF) for implementation of the RDIP and on August 14, 2015 the USTCF issued a *Review Summary Report (RSR)*, in which the USTCF expressed concern regarding the cost associated with implementation of RDIP and disagreement that the RDIP was necessary to achieve case closure under the LTCP. Instead, the USTCF recommended in-situ soil and groundwater remediation system in the area between MW-2 and MW-4.

The Stakeholders, USTCF, and ACEH staff participated in a conference call on September 1, 2015 and summarized in a September 4, 2015 directive letter. ACEH expressed concern about a vapor intrusion (VI) risk to the adjacent property due to elevated benzene concentrations detected in MW-2 and MW-4 and requested a review of the CAP to evaluate effective interim remedial actions including pilot testing to mitigate VI risk to the adjacent building and a meeting with ACEH to review findings. ACEH requested continuation of semiannual groundwater monitoring and sampling of the site's well network, and requested Geotracker Compliance by uploading missing data to Geotracker.

January 12, 2016 Meeting

During the January 2016 Stakeholder meeting, ACEH learned that the property is in contract and redevelopment was again under consideration. A new remedial strategy was proposed including soil vapor testing and excavation of a series of four-foot wide trenches in three source areas followed by the

addition of insitu chemical oxidation (ISCO) amendments. To document the proposed actions, ACEH requests submittal of a Soil Vapor Work Plan described in Technical Comment 1.

Although the remedial strategy proposed in the January 2016 meeting was essentially evaluated in the October 2013 FS/CAP, the approach has changed (slot trenching) and the accompanying costs have presumably also changed. Consequently, to ensure the most cost effective interim remedial action, ACEH requests submittal of an FS/CAP Addendum described in Technical Comment 2.

To expedite review, please e-mail a draft Soil Vapor Work Plan to my attention (karel.detterman@acgov.org) by April 8, 2016. Comments will be provided to enable finalization and upload of the work plan as per the schedule in the Technical Report Request section.

TECHNICAL COMMENTS:

1. **Request for Soil Vapor Work Plan:** Due to elevated benzene concentrations detected in monitoring wells MW-2 and MW-4, please provide a description of the mixed commercial/residential structure south of the site including the potential existence of any underground structure such as a garage. Please prepare a soil vapor work plan to evaluate the potential for VI risk including a contingency for pilot testing to evaluate potential VI risk to occupants of the properties downgradient to the southwest across Martin Luther King, Jr. Way, and at the adjacent parcel south of the site. If there is a VI risk, the pilot test work plan contingency can be implemented quickly.
2. **Request for a FS/CAP Addendum:** To incorporate remedial strategy changes and alternative suggestions, please provide a FS/CAP Addendum to address the following:
 - a. A provision to safeguard existing monitoring wells during remediation (slot trenching or other excavation) including decommissioning and reinstallation of MW-2 and MW-4 upon completion of interim remedial actions;
 - b. Evaluation of the technical cost components of alternative suggestions including those presented in the August 14, 2015 RSR.
3. **Development Plans:** To facilitate interim remedial efforts in light of new development plans, please provide the following in a Miscellaneous Report by the due date provided below:
 - a. Current development plan set;
 - b. Plan view of historic borings, current bores, and any proposed bores and historic infrastructure related to contamination, or areas of groundwater contamination of concern, etc.;
 - c. Plan view of proposed redevelopment related to historic, current, and proposed bore locations. Please include the analytical results beneath the foundation with the presumption that contamination will be removed above the foundation;
 - d. Cross sections including all proposed foundation features such as, but not limited to: stairwells, elevator shafts, foundation base, and subgrade parking garage. Include source areas, depth to groundwater, and analytical result data on the cross sections;

- e. Tables and figures indicating locations of and soil analytical sampling results that will be excavated during construction and that will remain upon completion of construction (shade or strikeout the text to indicate removed soil);
 - f. Project schedule – status of the project in the entitlement project planning, CEQA, building and planning department approvals, when is construction slated to start, a realistic time frame for regulatory review (the standard review cycle is 60 days), when and what project proponents will need something in writing from ACEH for financing, and recognition that if mitigation measures are involved closure cannot be provided until a final confirmation sampling report is submitted and reviewed (60 days). The submittal of a Gantt chart is appropriate to facilitate expectation of realistic time frames, and incorporate changes as unexpected events occur.
- 4. Groundwater Monitoring and Sampling Event:** Please include the following data with subsequent semiannual sampling reports:
- a. Assessment of appropriateness of the existing monitoring well network;
 - b. Hydrographs of groundwater elevation data and contaminant concentrations plotted against time;
 - c. Rose Diagram of groundwater flow directions through time.

TECHNICAL REPORT REQUEST

- **April 18, 2016** – E-mailed draft Soil Vapor Work Plan to: karel.detterman@acgov.org

If additional time is required to complete these tasks, please request an extension in advance of the due date by e-mail and provide a substantive reason for the extension request. Please upload technical reports to the ACEH ftp site (Attention: Karel Detterman), and to the State Water Resources Control Board's Geotracker website, according to Attachment 1 and the following specified file naming convention and schedule:

- **April 29, 2016 – Semiannual Groundwater Monitoring and Sampling Report, 1st Half 2016**
File to be named: RO27_GWM_R_YYYY-MM-DD
- **May 9, 2016 – Soil Vapor Work Plan**
File to be named: RO27_WP_R_YYYY-MM-DD
- **May 13, 2016 – FS/CAP Addendum**
File to be named: RO27_FS/CAP_ADEND_R_YYYY-MM-DD
- **May 13, 2016 – Miscellaneous Report containing Development Plans, Plan Views, Cross Sections, Tables, and a Project Schedule**
File to be named: RO27_MISC_R_YYYY-MM-DD
- **October 30, 2016 – Semiannual Groundwater Monitoring and Sampling Report, 2nd Half 2016**
File to be named: RO27_GWM_R_YYYY-MM-DD

Ladies and Gentlemen
RO0000027
March 7, 2016, Page 5

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.

Thank you for your cooperation. Should you have any questions or concerns regarding your case, please send me an e-mail message at karel.detterman@acgov.org or call me at (510) 567-6708. Online case files are available for review at the following website: <http://www.acgov.org/aceh/lop/ust.htm>

Sincerely,

Karel Detterman, PG
Hazardous Materials Specialist

Enclosures: Attachment 1 - Responsible Party(ies) Legal Requirements/Obligations ACEH Electronic Report Upload (ftp) Instructions

cc: Giorgio Molinario, ERM, (Sent via e-mail to: Giorgio.Molinario@erm.com)
Isaac Pelz, ERM (Sent via e-mail to: Isaac.Pelz@erm.com)
Belinda Butler-Veytia, ERM, (Sent via e-mail to: Belinda.Butler-Veytia@erm.com)
Alexandra Foote, Law Offices, (Sent via e-mail to: alexandra@afootelaw.com)
Dilan Roe, ACEH (Sent via E-mail to: dilan.roe@acgov.org)
Karel Detterman, ACEH (Sent via E-mail to: karel.detterman@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: May 15, 2014
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 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.