

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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December 29, 2008

NEIL & LINDA MUSSALLEM
PO BOX 66
GILROY, CA 95020

GRIFFIN CAPITAL INVESTORS LLC
6601-6603 SHELLMOUND
EMERYVILLE, CA 94608

KRISTEN STONE
SYBASE INC
1 SYBASE DRIVE
DUBLIN, CA 94568

JACON WARREN
WINTZEN INC
6601 SHELLMOUND ST
EMERYVILLE, CA 94608

THOMAS RICHARDSON
PO BOX 7817
BERKELEY, CA 94707

Subject: Fuel Leak Case No. RO0000042/RO0000043 and Geotracker Global ID T0600100825/T0600100470, Vacant Facility, 6601 and 6603 Bay Street, Emeryville, CA 94608

Dear Ladies and Gentlemen:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the site. It appears that the extent of petroleum hydrocarbons is not defined and the extent of the contamination plumes need to be investigated before the site can progress to case closure. Maximum concentrations of 22,000,000 micrograms per liter ($\mu\text{g/L}$) total extractible petroleum hydrocarbons (TEPH) and 370,000 $\mu\text{g/L}$ total purgeable petroleum hydrocarbons (TPPH) indicative of free phase product were detected in groundwater collected from borings advanced in 1996. The extent of your free product plume has not been determined nor has the potential for migration along utility corridors been evaluated. Case Closure was requested for this site based on the findings in the Eler and Kalinowski, Inc. RBCA analysis which evaluated ingestion risks and volatilization from soil to outdoor air associated with benzene. However, volatilization from soil to indoor air was not considered as an exposure pathway in the RBCA. Due to these data gaps, ACEH cannot consider case closure for the subject site at this time. This decision to deny closure is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39.2(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Please contact the SWRCB Underground Storage Tank Program at (916) 341-5851 for information regarding the appeals process.

TECHNICAL COMMENTS

1. **Separate Phase and Dissolved Phase Contaminant Definition.** Maximum concentrations of 22,000,000 $\mu\text{g/L}$ TEPH, 370,000 $\mu\text{g/L}$ TPPH and 160 $\mu\text{g/L}$ benzene were detected in groundwater collected from borings indicating the presence of SPH. No further investigation has been performed to define the extent of the SPH or the dissolved plume. The only groundwater monitoring data that has been presented is

information from two wells that are from an adjacent site. These wells are not downgradient from your source area (areas that previously contained SPH), leaving contaminant concentrations in groundwater downgradient of the tanks unevaluated. Also, the potential for migration of SPH along utility corridors has not been evaluated. We request that you evaluate the extent of contamination including the SPH immediately downgradient of the former USTs and in the source area. Please submit your proposal to evaluate the extent of source area contamination in the work plan requested below.

2. **Preferential Pathway Study.** The purpose of the preferential pathway study is to locate potential migration pathways and conduits and determine the probability of the non-aqueous phase liquid (NAPL) and/or dissolved contaminant plume(s) encountering preferential pathways and conduits that could spread contamination. We request that you perform a preferential pathway study that details the potential migration pathways and potential conduits (wells, utilities, pipelines, etc.) for vertical and lateral migration that may be present in the vicinity of the site. As stated above, the potential for migration of your SPH along utilities or other conduits has not been evaluated.

Discuss your analysis and interpretation of the results of the preferential pathway study (including the 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 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 include 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 1000-foot radius of the subject site.

3. **Source Area Definition.** Soil samples collected at the site indicate that the vertical extent of the contamination has not been defined in the source area. Soil samples were only collected from a maximum depth of five feet below ground surface in the soil borings that were advanced in a transect along Bay Street. A maximum benzene concentration of 0.76 milligrams per kilogram (mg/Kg) was detected in soil at 7.5 feet during the UST removal. No soil samples were collected below this sample to define the vertical extent of contamination, leaving the vertical extent of contamination undefined in this area. In addition, no soil samples were collected to define the lateral extent of contamination adjacent to the tank pit in the downgradient direction and the closest well is 25 feet away from the former tank pit location but is cross-gradient to the tank pit that contained SPH. Please submit a proposal to assess the vertical and lateral extent of soil contamination in the work plan requested below.

4. **Soil Vapor Sampling.** Case closure was requested for the site based on the results of the RBCA. However, the RBCA did not consider volatilization from soil to indoor air as a complete exposure pathway, leaving this pathway unevaluated. Current standards of practice require that this pathway be evaluated. In addition, San Francisco Bay RWQCB environmental screening levels indicate that soil vapor samples should be collected to evaluate vapor concentrations. Soil samples collected during the UST removal detected maximum benzene contamination of 0.76 mg/Kg. However, adequate soil sampling of the source area beyond UST removal sampling was not performed. Also, as mentioned above, SPH was present in borings that were advanced in 1996. ACEH requests that you evaluate the vapor intrusion pathway by performing soil vapor sampling. Please submit your proposal in the work plan requested below.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Barbara Jakub), according to the schedule presented below:

- **March 31, 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/electronic_submittal/report_rqmts.shtml).

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) 639-1287 or send me an electronic mail message at barbara.jakub@acgov.org.

Sincerely,



Barbara J. Jakub, P.G.
Hazardous Materials Specialist

Ladies and Gentlemen
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Enclosures: ACEH Electronic Report Upload (ftp) Instructions

cc: Donna Drogos, ACEH
Barbara Jakub, 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)