



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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June 4, 2014

Mr. Walter Merkle  
MCG Investments LLC  
123 Estudillo Avenue  
San Leandro, CA 94577

Shirley J Davini & Dorothy D McGuire  
123 Estudillo Avenue  
San Leandro, CA 94577

Mr. Jon Braden  
McGrath Steel Company  
Address Unknown

Mr. David Davini  
Loretta A McGrath Family Trust  
Address Unknown

Subject: Request for Work Plan Addendum; Fuel Leak Case No. RO0000063; (Global ID # T0600102099); McGrath Steel Company, 6655 Hollis Street, Emeryville, CA 94608

Dear Messrs. Merkle, Braden, and Davini, and Mesdames. Davini and McGuire:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site including the *Indoor Air Quality Monitoring Work Plan*, dated April 1, 2014, and the *First Quarter 2014 Groundwater Monitoring*, dated April 22, 2014. Both reports were prepared and submitted on your behalf by AllWest Environmental, Inc. (AllWest). Thank you for submitting the reports. The referenced work plan proposed the collection of six indoor air vapor samples inside the three buildings at the site, the collection of one upgradient outdoor air sample for comparison purposes, and the submittal of a subsequent report. The work plan proposed two sampling events approximately six months apart.

ACEH has previously evaluated the data and recommendations presented in reports generated for the site, in conjunction with the case files, and the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP). Based on ACEH staff review, we determined that the site failed to meet the LTCP General Criteria d (LNAPL Removal), e (Site Conceptual Model), f (Secondary Source Removal) and the Media-Specific Criteria for Groundwater, the Media-Specific Criteria for Vapor Intrusion to Indoor Air, and the Media-Specific Criteria for Direct Contact (see Geotracker for a copy of the LTCP checklist, and the November 8, 2013 directive letter for details on the LTCP analysis).

Based on the review of the case file and the referenced report ACEH requests that you address the following technical comments and send us the documents requested below.

### **TECHNICAL COMMENTS**

1. **Work Plan Modifications** – The referenced work plan proposes a series of actions with which ACEH is in general agreement; however, ACEH requests several additions and modifications to the approach. Please submit a work plan addendum by the date specified below.
  - a. **Limited One-Time Basis for Indoor and Outdoor Vapor Samples** – As noted, the referenced work plan proposes the collection of six indoor, and one outdoor, air quality samples in order to determine if a health risk exists to occupants, or potential occupants, of buildings at the site. Typically, ACEH's preference is to collect indoor air samples as a last option due to the strong possibility of interference from other volatile chemicals used in the building and potential bias of anomalous results from indoor air quality degradation related to consumer products containing hazardous chemicals. However, from a liability perspective ACEH understands the preference to determine the potential for a health risk to be present despite the potential risks of confused data. As a consequence, ACEH is in agreement that

on a one-time basis (until proven is needed otherwise), an initial indoor air vapor survey is appropriate and can assist in determining if immediate corrective actions are required at the site.

- b. Preliminary Vapor Survey** - As a preliminary survey ACEH requests the collection of vapor samples be limited to buildings over the soil or groundwater hydrocarbon plume; namely in the building at 1471 67<sup>th</sup> Street. Additional areas can be added should a health risk be documented; this includes buildings at 6655 Hollis Street. The building at 1471 7<sup>th</sup> Street will provide a worst-case scenario for the site. Additionally, it appears appropriate to move IAQ-3 to the northern inside building perimeter in order to collect worst-case indoor air concentrations closest to the known source area. As a consequence, please submit a revised Figure 3, as a work plan addendum, by the date referenced below, depicting the proposed location of this sample.
- c. Location of Outdoor Air Sample** – The location of Outdoor Ambient Air sample (OAA-1) was not depicted on Figure 3. Determination of this location is an important step as the air quality of this sample may determine the appropriateness of any remedial actions for indoor air. As a consequence, please submit a revised Figure 3, as a work plan addendum, by the date referenced below, depicting the location of this sample.
- d. Indoor Air Survey Notification and Building Survey** - The work plan proposed conducting a pre-sampling survey prior to sampling indoor air, but did not discuss the notification of the occupants prior to the survey or the length of time involved between the notification and the survey. Because of the potential for consumer products to complicate the interpretation of indoor air vapor samples, ACEH requests a longer, one week advanced warning prior to the onsite review. This will allow suitable time for building occupants to react.

Appendix C of the Department of Toxic Substances Control (DTSC) *Vapor Intrusion Public Participation Advisory*, dated March 2012, provides several notification examples for indoor air sampling. ACEH requests the submittal of proposed notification language, specifically but not exclusively oriented towards petroleum hydrocarbon contaminants, by the date identified below (as a work plan addendum).

- e. Building HVAC System Status** - The work plan did not address HVAC operations at the subject site during indoor air quality sampling. In accordance with U.S. EPA Region 9 document (*EPA Region 9 Guidelines and Supplemental Information Needed for Vapor Intrusion Evaluations at the South Bay National Priorities List (NPL) Sites*, December 3, 2013), because HVAC operations can significantly affect sample results, ACEH requests collection of the indoor air vapor samples under worst-case conditions, such as a non-operational HVAC system and with doors and windows closed.
- 2. Request for a Meeting** – Once the air quality vapor sampling scope of work has been completed, and before additional work is undertaken for the next Technical Comment, ACEH would like to schedule a meeting in order to discuss the site and to resolve any questions that may exist, and to focus the scope of work of future actions. ACEH requests notification of suitable dates and times for the meeting by the date identified below.
  - 3. Focused Site Conceptual Model and Data Gap Investigation Work Plan** – Please use the data generated in the work described above, and prepare a focused Site Conceptual Model (SCM) and a Data Gap Investigation Work Plan to address the technical comments listed above, and those contained in the directive letter dated November 8, 2013. Please support the scope of work in the Data Gap Investigation Work Plan with a focused SCM and Data Quality Objectives (DQOs) that relate the data collection to each LTCP criteria. For example please clarify which scenario within each Media-Specific Criteria a sampling strategy is intended to apply to.

In order to expedite review, ACEH requests the focused SCM be presented in a tabular format that highlights the major SCM elements and associated data gaps, which need to be addressed to progress the site to case closure under the LTCP. Please see Attachment A *Site Conceptual Model Requisite*

*Elements*; a copy was attached to the November 2013 letter. Please sequence activities in the proposed revised data gap investigation scope of work to enable efficient data collection in the fewest mobilizations possible.

### **TECHNICAL REPORT REQUEST**

Please upload technical reports to the ACEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with Attachment 1 and the specified file naming convention below, according to the following schedule:

- **July 11, 2014** – Data Gap Work Plan Addendum  
File to be named: RO63\_WP\_ADEND\_R\_yyyy-mm-dd
- **60 Days After Work Plan Addendum Approval** – Soil and Groundwater Investigation Report  
File to be named: RO63\_SWI\_R\_yyyy-mm-dd
- **August 1, 2014** – Quarterly Groundwater Monitoring Report  
File to be named: RO63\_GWM\_R\_yyyy-mm-dd
- **October 3, 2014** – Notification of Available Meeting Dates  
File to be named: RO63\_CORRES\_R\_yyyy-mm-dd
- **November 21, 2014** – Quarterly Groundwater Monitoring Report  
File to be named: RO63\_GWM\_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.

If you have any questions, please call me at (510) 567-6876 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,

Mark E. Detterman, PG, CEG  
Senior Hazardous Materials Specialist

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

cc: Leonard Niles, AllWest Environmental, Inc, 530 Howard Street, Suite 300, San Francisco, CA 94105; (sent via electronic mail to: [leonard@allwest1.com](mailto:leonard@allwest1.com))

Dilan Roe, ACEH, (sent via electronic mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))  
Mark Detterman (sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))  
Electronic File, GeoTracker

## 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/](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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> May 15, 2014
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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](mailto: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](mailto: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.