



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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June 8, 2011

Mr. Mike Olvera
AB&I Foundry
7825 San Leandro Street
Oakland, CA 94621-2598

Mr. Kurt Winter
Nine Plus LLC
c/oAB&I Foundry, Inc.
7825 San Leandro Street
Oakland, CA 94621-2598

Subject: Site Management Plan for Fuel Leak Case No. RO000092 and GeoTracker Global ID T0600100065, American Brass & Iron Foundry, 7825 San Leandro Street, Oakland, CA 94621

Dear Mr. Olvera and Mr. Winter:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the subject site including the recently submitted documents entitled, "*Site Management Plan, AB&I Foundry, 7825 San Leandro Street, Oakland, California 94621,*" dated May 25, 2011 (SMP) and a draft version of the "*Covenant and Environmental Restriction on Property,*" submitted May 25, 2011.

We have several technical comments which will require revisions to the SMP. We request that you submit a Revised SMP that addresses the technical comments no later than July 28, 2011.

TECHNICAL COMMENTS

1. **Section 3.1.2 - Contaminant Migration Pathways.** Please revise the third sentence in this paragraph to state, "VOCs could also migrate upward in soil vapor to indoor or outside air." Please delete the last sentence in the paragraph and replace it with the following: "Dissolved chlorinated solvents and petroleum hydrocarbons can also migrate with groundwater flow."
2. **Section 3.1.4 – Comparison of Groundwater Data to Environmental Screening Levels.** The discussion of VOC concentrations in groundwater within Section 3.1.4 suggests that VOCs do not pose a potential risk for vapor intrusion based on a comparison of the VOC concentrations in groundwater to Environmental Screening Levels (ESLs). We believe this discussion is incomplete since soil vapor concentrations for VOCs do exceed ESLs for vapor intrusion. In addition, this section does not appear to be relevant to site management. Therefore, we request that Section 3.1.4 be deleted from the SMP.
3. **Section 3.3.1 – Potential Receptors and Exposure Pathways.** Please include on-site and off-site construction workers as potential receptors and include the appropriate exposure pathways for the construction workers.

4. **Section 4.1 - General.** Please add the following sentence to the second paragraph of Section 4.1. "No additional buildings or other subsurface structures are to be constructed without the approval of ACEH."
5. **Section 4.3 – Site Specific Health and Safety Plans.** Please revise the first sentence to state, "During all activities involving disturbance of the surface cap or subsurface excavation, those workers that may directly contact soil or groundwater containing constituents of concern (VOCs, petroleum hydrocarbons, and metals) will perform these activities in accordance with a site-specific health and safety plan."
6. **Minimizing Soil and Groundwater Contact by Construction Workers.** Please include an additional section following Section 4.5 that discusses steps to minimize contact with soil and groundwater by construction workers. The section should include the expected depth to groundwater for the site and steps to mitigate risks associated with exposure during construction activities that involve subsurface excavation. This section should reiterate the need for a site-specific health and safety plan and provide examples of health and safety measures such as engineering controls, protective clothing, and monitoring.
7. **Covenant and Environmental Restriction for Property.** We request the following change to proposed language in Article III.3.1.f of the Draft Covenant and Environmental Restriction on Property: "Notwithstanding the foregoing, Covenantor may perform routine landscaping and maintenance of surface improvements thereon." We request the following change to proposed language in Article III.3.1.h of the Draft Covenant and Environmental Restriction on Property: "With the exception of use of the existing on-site water supply well for industrial water supply, no Owners or Occupants of the property or any portion thereof shall drill, bore, otherwise construct, or use a well for the purpose of extracting water for any use, including, but not limited to domestic, potable, or industrial uses, unless expressly permitted by the County."

TECHNICAL REPORT REQUEST

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

- **July 28, 2011** – Revised Site Management Plan

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

Responsible Parties
RO0000092
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Attachment: Responsible Party(ies) Legal Requirements/Obligations

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 (*Sent via E-mail to: lgriffin@oaklandnet.com*)

Dave Robinson, AB&I Foundry, 7825 San Leandro Street, Oakland, CA 94621-2598

Kent Reynolds, The Source Group, Inc., 3451-C Vincent Road, Pleasant Hill, CA 94523 (*Sent via E-mail to: kreynolds@thesourcegroup.net*)

Donna Drogos, ACEH (*Sent via E-mail to: donna.drogos@acgov.org*)

Jerry Wickham, ACEH (*Sent via E-mail to: jerry.wickham@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: July 20, 2010
	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 (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.