

ALAMEDA COUNTY  
**HEALTH CARE SERVICES  
AGENCY**

REBECCA GEBHART, Interim Director



DEPARTMENT OF ENVIRONMENTAL HEALTH  
LOCAL OVERSIGHT PROGRAM (LOP) FOR  
HAZARDOUS MATERIALS RELEASES  
1131 HARBOR BAY PARKWAY  
ALAMEDA, CA 94502  
(510) 567-6700  
FAX (510) 337-9335

July 14, 2017

Navistar International Corporation  
2701 Navistar Drive  
Lisle, IL 60532  
Attn.: Environmental Affairs

Mitchell Brown  
c/o Cypress Property  
1120 Nye Street, #929  
San Rafael, CA 94901-6102

2855 Mandela LLC  
c/o: Balco Properties, Ltd., LLC  
1624 Franklin Street, Suite 310  
Oakland, CA 94612-2822  
Attn.: Mr. Reed Westphal  
(Sent via electronic mail to:  
[Reed.Westphal@balcoproperties.com](mailto:Reed.Westphal@balcoproperties.com))

Cypress Property  
1120 Nye Street, #929  
San Rafael, CA 94901-6102

Wareham Property Development  
2855 Cypress St.  
Oakland, CA 94607

MFC-OP  
1120 Nye Street  
San Rafael, CA 94901-6102

2855 Mandela Property LLC  
c/o: Colliers International  
Address Unknown

Leighton R. Taylor and Linda P. Taylor Revocable Trust  
and Page SP-V, LLC  
c/o: Ms. Faye Beverett  
Address Unknown

Leighton R. Jr. & Linda P. Taylor Trust et al.  
c/o: Page Street Properties  
Address Unknown

Richard K. Robbins &  
Marin Financial Corporation (& Trust)  
c/o: Wareham Property Group  
Address Unknown

Page Street Properties, LLC  
c/o: Ms. Faye Beverett  
Address Unknown

Subject: Meeting Follow Up - Fuel Leak Case No. RO0000378 and Geotracker Global ID T0600101522,  
Wareham Property Development, 2855 Mandela Parkway, Oakland, CA 94607

Dear Responsible Parties:

Thank you Cori Latz of Balco and Matt Jones and Louis Arighi, both of Trihydro Corporation (Trihydro), for meeting with Alameda County Department of Environmental Health (ACDEH) staff on Wednesday, July 12, 2017. The primary focus of the meeting was to discuss the findings of the report entitled *Additional Site Investigation Report* (SWI) dated December 21, 2016, prepared by Trihydro for the subject case and to develop a path forward toward closure. The SWI was implemented following ACDEH's conditional approval of a revised work plan (RWP) dated September 30, 2014 and comments addressing ACDEH response dated March 25, 2015. Both the RWP and comment documents were prepared by Trihydro. The RWP was authorized by ACDEH on April 14, 2015.

The SWI included:

- A light non-aqueous phase liquid (LNAPL) bail down testing of two existing monitoring wells (monitoring wells TR-6 and TR-10) with sufficient thicknesses of LNAPL;
- Groundwater sampling of existing wells without detectable LNAPL (monitoring wells TR-4 and TR-7);
- Grab groundwater sampling at locations around the perimeter of the Site;

- An ultra-violet optical screening tool (UVOST) survey;
- Sub-slab soil vapor sampling in the building interior; and
- Installing a soil vapor monitoring well.

ACDEH requests you prepare a draft Response to Comments (RTC) report addressing the Technical Comments provided below. Please submit the RTC in draft form as an electronic mail attachment, attention: Keith Nowell. Please cc Dilan Roe when submitting the document. ACDEH will schedule a meeting following document receipt, allowing for a document review period.

**TECHNICAL COMMENTS:**

1. **Electronic Submittal of Information** – In our letter dated June 16, 2017, ACDEH requested submittal of documents to the State Water Resources Control Board's (SWRCB) GeoTracker website. As discussed in the meeting, the case remains out of compliance with electronic submittals to GeoTracker. Missing submittals include EDF(s), GEO\_MAP(s), GEO\_BORES, GEO\_WELL(s), GEO\_XY, and GEO\_Z files, thus rendering the site to a non-compliant status pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3890 to 3895. Failure to comply may result in your case becoming ineligible for reimbursement through the SWRCB's Underground Storage Tank Cleanup Fund. We request you upload the requisite documents to bring the case in to compliance with state regulations. A link to the GeoTracker information page regarding document submittals is provided below.

[http://www.swrcb.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/report\\_rqmts.shtml](http://www.swrcb.ca.gov/water_issues/programs/ust/electronic_submittal/report_rqmts.shtml)

2. **Unauthorized Release Report** – A review of the case file indicates an *Underground Storage Tank (UST) Site- Unauthorized Release / Contamination Report (URF)* form has not been submitted for the subject fuel leak case. ACDEH requests submittal of a completed URF by the date specified below. A copy of the URF may be found at the following SWRCB website:

[http://www.swrcb.ca.gov/ust/forms/docs/unauth\\_release.pdf](http://www.swrcb.ca.gov/ust/forms/docs/unauth_release.pdf).

Please complete the URF and provide to ACDEH either as an electronic mail attachment or via land mail addressed to the attention of Keith Nowell.

3. **Well Survey** – As indicated in Technical Comment 1 above and as discussed in the meeting, GeoTracker does not contain location data for permanent sample points. Each permanent fixed point sample location is required to be surveyed, with locational information for these sampling points submitted to GeoTracker using the GEO\_XY file. The longitude and latitude locational data is required to be in sub-meter field location accuracy. Transient sampling points that are sampled for less than 30 days are not required to be surveyed. The relative elevations of locations on the site (inter-site well elevations) are to be measured within 0.01 foot and submitted in the GEO\_Z file using the North American Vertical Datum of 1988 (NAVD 88). Please note that the location data will need to be uploaded prior to submittal of GEO\_WELL data.
4. **Data Tables** – At present there are no comprehensive data summary tables for soil, groundwater, grab-groundwater (GGW) and soil gas analyses. ACDEH requests preparation of comprehensive data tables summarizing chemical concentrations for each media. Additionally, ACDEH requests inclusion of the depth to water data for each groundwater sampling event. Note that at least one figure should depict all sample collection locations.
5. **Data Presentation** – A contaminant iso-concentration plume map was reviewed at the meeting. The data compiled for the map was collected over several years, includes data for wells screened at different intervals, and may not reflect current conditions. Therefore, ACDEH requests preparation of a plume

map(s) prepared using current data for wells grouped having similar well screen intervals. Please provide the map(s) in the RTC requested below.

6. **Preferential Pathways** – Due to the shallow depth to water and the presence of LNAPL and dissolved phase contaminants, ACDEH requests an evaluation of the depth of nearby utilities relative to the depth of the contaminant plume. Please include the location of the storm water out fall for storm water collected at the site. Please present the preferential pathways findings in the RTC requested below.
7. **UVOST** – The SWI states UVOST detector responses greater than 10 percent response emitter (%RE) suggests the presence of free-phase LNAPL and that the fluorescence response of an LNAPL sample, collected from monitoring well TR-4, was compared to the calibration standard. The report does not explain how the 10%RE was derived as Table 4 of the SWI (listed as Table 8 in the Table of Contents) reports %RE of greater than 2 without documenting the significance of either the 2% or 10% values. Additionally, the data in Table 4 does not agree with the column headers. ACDEH request a clarification of the calibration procedures and Table 4 in addition to an explanation of the significance of the 10% and 2% RE in the RTC requested below.
8. **Space 9** – The September 25, 1990 Phase I Site Assessment (Phase I) conducted by Harding Lawson Associates (HLA) reported an underground storage tank (UST) was located in a vacant 9,200-square-foot (sq-ft) suite identified as Space 9. The Phase I document in the ACDEH case file does not include a figure identifying the Space 9 location within the 142,915 sq-ft building. Additionally, a reference to a 1941 drawing is stated to depict the location of former fuel pump dispenser. Both the UST and the fuel dispenser are reported to have been located within the building footprint. ACDEH requests an effort be made to determine the location of Space 9 for an identification of the tank and if the area is adequately characterized. Additionally, please make a determination if the Space 9 UST is associated with the fuel dispenser identified in the 1941 drawing should the location of the UST be identified. Please present the finding regarding this Technical Comment in the RTC requested below.
9. **Methane** – It has been the experience of ACDEH that mature LNAPL releases typically anaerobically degrade through the methanogenesis process. The SWI included soil vapor monitoring and the analysis for methane. Little or no methane was reported. ACDEH requests performing methane monitoring of the vapor in the groundwater monitoring well wellheads with the use of a handheld methane gas monitoring instrument. Please present the results of the monitoring in the RTC requested below. Adding wellhead methane monitoring to the groundwater monitoring events will be discussed at the meeting indicated below.
10. **Feasibility Study/ Corrective Action Plan** – Additional investigation has been conducted for the since a Feasibility Study/ Corrective Action Plan (FS/CAP), dated August 23, 2011, was prepared for the site. ACDEH requests the corrective actions presented in the FS/CAP be revisited and your recommendations presented at the meeting identified below.
11. **Site Management Plan** – Due to the presence of residual contamination at the site, ACDEH requests preparation of a Site Management Plan (SMP) addressing activities which may disturb soil and/or groundwater. The SMP should include a map depicting the locations of utilities and a LNAPL plume map as an aid in identifying potential exposures. Please submit the SMP by the date specified below.

### **TECHNICAL REPORT REQUEST**

Please upload technical reports to the ACDEH FTP site (Attention: Keith Nowell), and to the SWRCB's Geotracker website, in accordance with the following specified file naming convention and schedule:

- **July 31, 2017** – *Unauthorized Release / Contamination Report* (provided to ACDEH via electronic mail or land mail, Attention: Keith Nowell)

- **August 16, 2017** – Electronic Submittal of Information (including EDF(s), GEO\_MAP(s), GEO\_BOREs, GEO\_WELL(s), GEO\_XY, and GEO\_Z)
- **August 16, 2017** – *List of Files submitted to GeoTracker* (provided to ACDEH via electronic mail, Attention: Keith Nowell)
- **September 15, 2017** – *Draft Response to Comments* (provided to ACDEH via electronic mail, Attention: Keith Nowell & cc: Dilan Roe, for review prior to meeting)
- **September 15, 2017** – *Site Management Plan* (File to be named: SMP\_R\_yyyy-mm-dd)
- One week following report submittals- Meeting

Thank you in advance for your cooperation and we look forward to meeting with you to expeditiously advance this case towards case closure. Should you have any questions regarding this correspondence or your case, please call me at (510) 567-6764 or send an electronic mail message at [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org).

If your email address does not appear on the cover page of this notification ACDEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

Sincerely,

Keith Nowell, P.G., C.HG  
Hazardous Materials Specialist

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

cc: Matthew Jones, Trihydro Corporation, 6227 Hamilton Avenue, Ferndale, WA 98248  
(Sent via electronic mail to: [mjones@trihydro.com](mailto:mjones@trihydro.com))

Dilan Roe, ACDEH, (Sent via electronic mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))

Paresh Khatri, ACDEH, (Sent via electronic mail to: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org))

Keith Nowell, ACDEH (Sent via electronic mail to: [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org))

Geotracker, File

## 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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 ([http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)) for more information on these requirements.

#### ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website." 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 6731, 6735, and 7835) 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 licensed 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 case meet this requirement. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

#### UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, late 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 SCP)</b>	<b>REVISION DATE:</b> December 1, 2016
	<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; May 15, 2014, November 29, 2016
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions


The Alameda County Environmental Cleanup Oversight Programs (LOP and SCP) 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 acknowledgement 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) Open File Explorer using the Windows  key + E keyboard shortcut.
    - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
  - b) On the address bar, type in ftp://alcoftp1.acgov.org.
  - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
  - d) Click Log On.
  - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
  - f) 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.