

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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(510) 567-6700
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April 10, 2008

Mr. Ted Dang
Tomorrow Development Co., Inc.
1305 Franklin Street, #500
Oakland, CA 94612

Mr. John Thorpe
21790 Hesperian Blvd.
Hayward, CA 94541-7003

Subject: Fuel Leak Case No. RO0000396 and Geotracker Global ID T0600102124, Former Service Station, 2547 East 27th Street, Oakland, CA 94601

Dear Mr. Dang and Mr. Thorpe:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site, including the recently submitted report entitled, "*Soil Vapor Sampling and Backfill Soil Sampling Report*," dated March 10, 2008 and prepared on your behalf by Ceres Associates. The report presents results from the collection of six soil vapor samples and two soil samples collected from backfill material. Based on results of the backfill soil sampling, the report concludes that the material used to backfill the excavations meets regulatory criteria for residential land use. We concur that the backfill is acceptable for use at the site and no further sampling or investigation of the backfill material is required at this time.

Trichloroethene (TCE) was detected in soil vapor sample SV-04 at a concentration of 5.7 micrograms per liter ($\mu\text{g/L}$). The Environmental Screening Level (San Francisco Bay Regional Water Quality Control Board November 2007) for TCE in soil vapor for residential land use is 1.2 $\mu\text{g/L}$. Soil vapor sample SV-04 was collected within the footprint of a proposed residential unit. As discussed in the technical comment below, further investigation of the potential for vapor intrusion is required. Therefore, please submit a Work Plan to evaluate potential vapor intrusion to the proposed residential structure **by June 10, 2008**.

We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL COMMENTS

1. **Detection of TCE in Soil Vapor.** TCE was detected in soil vapor sample SV-04 but was not detected in the other five soil vapor samples collected at the site. Although TCE was detected in only one soil vapor sample, we do not concur with the conclusion in the March 10, 2008 "*Soil Vapor Sampling and Backfill Soil Sampling Report*," that no further investigation is needed. The concentration of TCE detected in soil vapor sample SV-04 was 5.7 micrograms

per liter ($\mu\text{g/L}$), which exceeds the Environmental Screening Level (San Francisco Bay Regional Water Quality Control Board November 2007) for TCE in soil vapor for residential land use of $1.2 \mu\text{g/L}$. Given the detection of TCE in soil vapor at a concentration exceeding the ESL in a location below a proposed living space, further evaluation is needed to confirm the detection and to define the extent of TCE in soil vapor. We do not concur that the absence of TCE in soil and groundwater samples from adjacent sampling locations provides sufficient justification to not investigate the detection of TCE in soil vapor. TCE was not detected in soil samples collected at depths of 5 and 10 feet bgs from nearby confirmation soil boring CS-4. However, as previously discussed in our October 4, 2007 correspondence, the apparent highest PID reading in boring CS-4 was from a soil sample collected at 2.5 feet bgs. Although screening indicated potential VOCs in soil at 2.5 feet bgs, only soil samples from depths of 5 and 10 feet bgs were submitted for laboratory analyses. Therefore, the absence of VOCs in soil samples from 5 and 10 feet bgs in boring CS-4 cannot be relied upon to indicate that VOCs are not present in soil. TCE has not been detected in groundwater samples collected at the site to date. However, this does not preclude the presence of a source of VOCs above the water table that potentially could be a source for indoor vapor intrusion. We request that you present plans to further evaluate the detection of TCE in soil vapor at one location below the proposed residential structure.

TECHNICAL REPORT REQUEST

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

- **June 10, 2008** – Work Plan to Evaluate Potential Vapor Intrusion

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

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. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

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. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground

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storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

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.

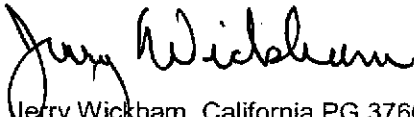
AGENCY OVERSIGHT

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.

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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

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin
Oakland Fire Department
250 Frank H. Ogawa Plaza, Ste. 3341
Oakland, CA 94612-2032

Will Kleiner
Ceres Associates
424 First Street
Benicia, CA 94510

Kimberly Brandt
Ceres Associates
424 First Street
Benicia, CA 94510

Pat Preslar
State Water Resources Control Board
Division of Financial Assistance
P.O. Box 944212
Sacramento, CA 94244-2120

Donna Drogos, ACEH
Jerry Wickham, 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)