

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

REBECCA GEBHART, Acting Director



ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

April 4, 2016

Emeryville Properties LLC
c/o Mr. Zachary Wasserman
1111 Broadway
Oakland, CA 94607

Emeryville Properties LLC
c/o Mr. William Lewerenz
3963 Woodside Ct.
Lafayette, CA 94549

Dolores W. and Anthony W. Geisler
c/o Mr. William Lewerenz
3963 Woodside Ct.
Lafayette, CA 94549

Subject: Request for Data Gap Work Plan; Fuel Leak Case No. RO0000398 and GeoTracker Global ID T0600102202, Chromex, 1400 Park Avenue, Emeryville, CA 94608

Dear Messrs. Wasserman and Lewerenz:

As you are aware, Alameda County Department of Environmental Health (ACDEH) staff has undertaken the review of the case file in order to determine the appropriateness of case closure of the underground storage tank (UST) case at the subject site under the State Water Board's Low Threat Closure Policy (LTCP). As you may be aware, soil vapor has not been evaluated at the site as generally required by the State Water Board's Low Threat Closure Policy (LTCP).

In our initial analysis of the site under the LTCP it had previously appeared that the site could be closed within the requirements of the LTCP without vapor testing; however, ACDEH's recent in-depth review of the case indicates that higher residual soil and groundwater contamination concentrations are present beneath the site than anticipated. In June 2015, concentrations of Total Petroleum Hydrocarbons (TPH) as gasoline were documented up to 130 micrograms per liter ($\mu\text{g/l}$), TPH as diesel up to 670 $\mu\text{g/l}$, and TPH as motor oil up to 2,000 $\mu\text{g/l}$. Residual soil contamination is also present at up to 190 milligrams per kilogram (mg/kg) TPH as gasoline, 1,400 mg/kg TPH as diesel, and 4,200 mg/kg TPH as motor oil. Additionally, naphthalene concentrations do not appear to have been previously analyzed for at the site, and in order to evaluate the site under the policy, it appears appropriate to evaluate the magnitude of naphthalene contamination in association with the residual hydrocarbon contamination at the site.

The LTCP allows elevated concentrations of petroleum hydrocarbons to remain at a site, provided the extent is understood and there is no risk to receptors either on- or off-site. In our analysis it appears that onsite residual contamination can be managed with a land use restriction (at the time of redevelopment, including existing building reconfigurations, the proposed redevelopment is re-evaluated relative to residual site contamination).

It has also been the experience of ACDEH that residual hydrocarbon contamination of this magnitude has a reasonable likelihood of generating sufficient subsurface methane concentrations in impacted areas proximal to the release to be an explosive hazard (above the Lower Explosive Level or LEL). Due to the poorly constrained groundwater flow direction, which includes a northward component, and the presence of an offsite building approximately 55 feet north of the release location, it appears appropriate to request the investigation and evaluation of the risk of explosive conditions to the offsite structure due to the generation of methane by degradation of residual petroleum hydrocarbons. Due to the unevaluated extent of naphthalene contamination at the site, it also appears appropriate to include naphthalene in the vapor analytical suite.

As you are aware ACEH has previously undertaken the review of case files and documents with regards to the LTCP. Based on ACEH staff review, including the more recently collected data, the site, in its current building and use configuration, generally appears to meet all LTCP criteria. However, the potential for explosive subsurface conditions due to methane generation and accumulation downgradient and offsite do not allow the environmental case to meet the nuisance general criteria yet (General Criteria h). Please be aware that while methane generation may be a future concern for any onsite

redevelopment, in the current configuration, the accumulation of methane in the subsurface onsite may not be a concern.

Thus, based on ACEH staff review of the case file, we request that you address the following technical comments and send us the reports described below.

TECHNICAL COMMENTS

- 1. Work Plan Request** – As discussed above, please submit a subsurface investigation work plan to investigate the potential of offsite risk of explosive levels of subsurface methane due to onsite residual contamination. Please submit the work plan by the date specified below.
- 2. Electronic Report and Data Upload Compliance** – Thank you for uploading project reports, historic bore logs, and historic site maps. Please be aware that in accordance with California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SCP programs. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites was required in GeoTracker. At present missing data and documents include, but may not be limited to, recent EDF submittals, recent GEO MAPS, and GEO WELL data. Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. ACEH requests notification of, and a list of, the documents uploaded to Geotracker. Please notify ACEH that all appropriate data submittals have been uploaded to GeoTracker by the date specified below.

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 the following specified file naming convention and schedule:

- **May 13, 2016** – Geotracker Compliance Uploads
Please notify the case worker by email
- **June 30, 2016** – Work Plan
File to be named: RO398_WP_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 is not listed on the first page of this letter, or in the list of cc's listed below, ACEH is requesting your email address to help expedite communications and to help lower overall costs.

Thank you for your cooperation. Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

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

Messrs. Wasserman and Lewerenz
RO0000398
April 4, 2016, Page 3

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

cc: Gwen Tellegen, DUDEK, 605 Third Street, Encinitas, CA 92024 (sent via electronic mail to
GTellegen@dudek.com)

William Carson, Terraphase Engineering, 11590 W. Bernardo Ct, Suite 245, San Diego, CA
92127 (sent via electronic mail to William.Carson@terraphase.com)

Dilan Roe, ACEH (sent via electronic mail to dilan.roe@acgov.org)

Mark Detterman, ACEH, (sent via electronic mail to mark.detterman@acgov.org)

Geotracker, Case Electronic 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

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: May 15, 2014
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 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.