ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

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

June 21, 2005

Mr. Stuart Depper
C/o Kevin D. Taguchi, Esq.
1260 B Street, Suite 220
Hayward, CA 94541

Subject: Fuel Leak Case No. RO0000458, Glovatorium, 3815 Broadway, Oakland, CA

Dear Mr. Depper:

Alameda County Environmental Health (ACEH) staff has reviewed the case file and the reports entitled, "Groundwater Flow, Chemical Transport, and Bioattenuation Modeling," dated March 7, 2003, "Human Health Risk Assessment and Request for Site Closure," dated September 30, 2004, and "First Semi-Annual 2005 Groundwater Monitoring Report," dated March 14, 2005. These three reports were prepared by SOMA Environmental Engineering, Inc. The "Groundwater Flow, Chemical Transport, and Bioattenuation Modeling," dated March 7, 2003, used groundwater flow and contaminant transport models to estimate future groundwater concentrations both on and off site. The "Human Health Risk Assessment and Request for Site Closure," report includes a sensitive receptor survey, human health screening evaluation, and conclusions and recommendations. The human health screening evaluation considered human health risks for industrial/commercial use of the site but considered residential land use for off-site receptors. This report recommends that no active soil or groundwater remediation is required and that the frequency of monitoring be reduced to an annual basis. The First Semi-Annual 2005 Groundwater Monitoring Report presents groundwater monitoring results from samples collected on February 2, 2005 and a summary of free product removal activities.

We are concerned with the ongoing occurrence of free product in monitoring wells at the site. We are also concerned with the potential for off-site migration of contaminants in groundwater along preferential pathways. Based on staff review of the case file and documents referenced above, the site cannot be closed at this time. Please address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL COMMENTS ON GROUNDWATER FLOW, CHEMICAL TRANSPORT, AND BIOATTENUATION MODELING (MARCH 7, 2003)

1. **Evaluation of Results.** The modeling results cannot be fully evaluated based on the information provided in the report. The following items must be included in a revised report for future consideration of modeling results:

    - A table showing the source of each input parameter used in the model. The table is to identify sampling locations and dates when site-specific data were collected. The table is to also provide a reference for any assumed input values.

- A table showing both input and output parameters from multiple model runs is to be provided. Input parameters should be varied over multiple model runs to show the sensitivity of the model to variations in specific input parameters. The table must include a range of model results that allow the reader to understand the sensitivity of the model.
- Input and output screens for all model runs should be included as an appendix.
- Hydrogeologic cross sections through the modeled area must be included.

2. **Preferential Pathways.** The modeling assumes advective flow through a fine-grained layer over an approximately 10-foot saturated interval. The significance of potential contaminant transport along preferential pathways must also be considered. We request that an evaluation of the potential for contaminant transport along preferential pathways be submitted that includes:

    - Summary of activities conducted to date to identify and characterize preferential pathways such as utilities and coarse-grained soil layers that have been observed in soil boring logs.
    - Maps, cross sections, and diagrams that illustrate the location and depth of preferential pathways.
    - Other relevant information such as field notes, videos, and data from utilities or other public agencies.
    - Identification of data gaps for evaluation of preferential pathways and recommendations for addressing the data gaps.

Please present this evaluation of preferential pathways in the report requested below.

3. **Hydraulic Conductivity or Aquifer Materials.** Please provide information to identify the specific wells and dates that slug tests were conducted.

4. **Comparison of Predicted Results to Monitoring Data (Section 5.0, Page 22).** We concur with the conclusion stated in the last sentence of the first paragraph on page 22 that the results from Bioplume III may be too optimistic. As noted in the report, chemical concentrations at the site are not decreasing at the rates predicted by the model. Additional groundwater monitoring data collected since 2003 confirm that Bioplume III model results are overly optimistic in predicting decreases in the concentrations of PCE, TCE, cis-1,2-DCE, and vinyl chloride.

5. **Calculation of Degradation Rates – Table 5.** Please identify the source of the half lives presented in Table 5.

6. **Groundwater Monitoring and Report Revision.** Groundwater monitoring will be required to verify the results of the contaminant transport modeling. One year of semi-annual groundwater monitoring is to be conducted prior to revision of the modeling report. Revision of the groundwater modeling report is to be evaluated and recommendations included in the 2006 Second Semi-annual Monitoring Report requested below.

TECHNICAL COMMENTS ON HUMAN HEALTH RISK ASSESSMENT AND REQUEST FOR SITE CLOSURE (SEPTEMBER 30, 2004)

7. **Groundwater Chemical Concentration Trends (Section 1.5, Page 12).** The report indicates that chemical concentrations appear to be decreasing in wells B-7, B-10, and GW-2. PCE concentrations do not appear to be decreasing in well GW-2. The report also indicates that concentrations in well GW-3 appear to be decreasing or stabilized for specific chemicals. Well GW-3 is a downgradient well located southwest (downgradient) of the three residences on site. The concentrations of PCE and TCE appear to be increasing over time in well GW-3. We concur that chemical concentrations appear to be decreasing in well LFR-1. The report indicates that concentrations of TPHss and TPHg in well LFR-2 have stabilized. The concentration of TPHss has increased from 1.1 mg/l in August 2000 to 1.5 mg/l in February 2005. As noted in the report, chemical concentrations appear to be decreasing in SOMA-2 and increasing in SOMA-3. SOMA-2, which is adjacent to SOMA-3 is screened from 10 to 20 feet bgs while SOMA-3 is screened from 21 to 26 feet bgs. Therefore, it appears that chemical concentrations are increasing within the lower interval, which may represent vertical expansion of the plume. Based on the concentration trends observed in the wells, the contention that the VOC plumes are shrinking is not well supported.

8. **Water Exposure Pathways (Section 4.1.3, page 23).** The sensitive receptor survey indicates that no water supply wells are located in close proximity to the site. Therefore, ingestion of groundwater is currently not a complete exposure pathway. The method used to show that groundwater beneath the Site should not be classified as a drinking water source based on well yield is not valid for the following reasons:

    - A 10-foot thick interval of fine-grained soil beneath the site is considered the "water-bearing zone" for the site. A low hydraulic conductivity is assigned to this zone, which results in a low yield. Groundwater occurs within more zones than the 10-foot fine-grained zone considered. Consideration of other more permeable or thicker water-bearing zones beneath the site would result in significantly higher well yield.
    - A four inch well is not the typical diameter for a water supply well.

    Based on these considerations, the conclusion that groundwater beneath the site should not be classified as a drinking water source based on well yield is not valid.

9. **Exposure Concentrations and Chemicals (Section 4.2, Pages 27-28).** The results of the contaminant transport modeling described in "Groundwater Flow, Chemical Transport, and Bioattenuation Modeling," (SOMA 2003) were used to estimate off-site future concentrations of PCE, TCE, cis-1,2-DCE, and vinyl chloride in groundwater and the duration of the exposure. These predicted concentrations and exposure duration were used to estimate risks to future off-site residents from indoor air vapor intrusion. As described in comments 1 through 6 above, which pertain to the document entitled "Groundwater Flow, Chemical Transport, and Bioattenuation Modeling," we are not able to fully assess the modeling results. Therefore, we are not able to assess the validity of the estimated risks from vapor intrusion that are based on the modeling results.

10. **Uncertainty Analysis (Section 4.4.3, Page 33).** The uncertainty analysis must be expanded to consider the complex nature and limited information on the multiple chemical releases at the site.

11. **Conclusions and Recommendations – Remediation (Section 5.0, Page 37).** The recommendation that no active soil or groundwater contamination is required is not supported to the degree necessary to make this determination. Soil and/or groundwater remediation may be required at the site.

12. **Conclusions and Recommendations – Groundwater Monitoring (Section 5.0, Page 37).** Groundwater monitoring is to be conducted on a semi-annual basis. The recommended reduction in monitoring frequency to annual is not to be implemented.

13. **Report Revision.** Revision of the human health risk assessment to address the above technical comments is to be evaluated following one year of groundwater monitoring. Revision of the human health risk assessment report is to be evaluated and recommendations included in the 2006 Second Semi-annual Groundwater Monitoring Report requested below.

TECHNICAL COMMENTS ON FIRST SEMI-ANNUAL 2005 GROUNDWATER MONITORING REPORT (MARCH 14, 2005)

14. **Elevated Reporting Limits for Vinyl Chloride and PCE in Wells SOMA-2 and SOMA-3.** Please provide improved analytical methods to achieved lower detection limits for vinyl chloride and PCE in wells SOMA-2 and SOMA-3 or provide an explanation as to why lower analytical results cannot be achieved for groundwater samples from these wells.

15. **Future Groundwater Monitoring.** Future groundwater monitoring is to be conducted on a semi-annual basis at the site. Please include collection of samples from well B-10 in future groundwater monitoring events.

16. **Free Product Activities.** Free product recovery is to be continued at the site. A summary of free product activities at the site is to be presented in the 2005 Second Semi-Annual Groundwater Monitoring Report requested below. The report is to describe the type and duration of free product recovery activities conducted in each well, volumes recovered, free product measurements over time, and recommendations for future free product recovery.

TECHNICAL REPORT REQUEST

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

- **August 16, 2005** – 2005 Second Semi Annual Groundwater Monitoring Report
- **October 17, 2005** – Evaluation of Preferential Pathways
- **February 17, 2006** – 2006 First Semi Annual Groundwater Monitoring Report
- **August 17, 2006** – 2006 Second Semi Annual Groundwater Monitoring Report

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.

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.

If you have any questions, please call me at (510) 567-6791.

Sincerely,

Jerry Wickham, P.G.
Hazardous Materials Specialist

cc: Albert Cohen
Loeb & Loeb LLP
10100 Santa Monica Boulevard, Suite 2200
Los Angeles, CA 90067-4164

Mansour Sepehr
SOMA Environmental Engineering, Inc.
2680 Bishop Drive, Suite 203
San Ramon, CA 94583

Bruce Page
Bruce Page Consulting, Inc.
439 Kearney Street
El Cerrito, CA 94530

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

8-28-01

R0458

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August 27, 2001

STID 439

Robert Depper
31 Muth Drive
Orinda, CA 94563

Stuart Depper
% Kevin D. Taguchi, Esq.
1260 B-Street, Ste. 220
Hayward, CA 94541

RE: Glovatorium, 3815 Broadway, Oakland – Well Installation Workplan

Dear Messrs. Depper:

This letter follows receipt and review of the June 15, 2001 SOMA Environmental Engineering, Inc. (SOMA) workplan for, among other Phase I tasks of the workplan, the installation of five (5) permanent monitoring wells in locations on and surrounding the subject site. Two of these wells will replace GeoSolv wells B-7 and B-10, and will be screened between 10 and 20' below grade (bg). The three remaining wells will be constructed with screens beginning at the 20' depth, and continuing to an anticipated 35-40' bg, to monitor a deeper zone of the shallow formation. These last wells will be installed near current wells B-10, and LFR-2 and –3. The remaining Phase I tasks include the collection and analyses of soil and groundwater samples, aquifer tests, and a sensitive receptor survey.

Phase II of the SOMA workplan includes two tasks: Conducting groundwater flow and chemical transport modeling (Task 1), and completing a Risk-Based Corrective Action (RBCA) evaluation (Task 2).

Phase I, and Task 1 of Phase II, of the cited SOMA workplan have been accepted for implementation at this time. The Task 2 element of Phase II will be addressed at a later time pending the results of this investigation.

Please be reminded that data generated in the course of this project will be evaluated by this office in context with U.S. Environmental Protection Agency (EPA) guidance document EPA/600/R-98/128 entitled, *"Technical Protocol for Evaluating Natural Attenuation of Chlorinated Solvents in Ground Water"*.

Please contact me at (510) 567-6783 when you have secured drilling and encroachment permits, and when field work has been scheduled.

Sincerely,

Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Ariu Levi, Chief, Environmental Protection
Chuck Headlee, RWQCB
Betty Graham, RWQCB
Mike O'Connor, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department
Bruce Page, Bruce W. Page Consulting, 439 Kearney St., El Cerrito, CA 94530
Albert Cohen, Law Offices of Smiland & Khachigian
7th Floor, 601 West 5th Street, Los Angeles, CA 90071

Sent 1/11/00
Including cc's

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

p0458

ENVIRONMENTAL HEALTH SERVICES
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1131 Harbor Bay Parkway
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(510) 567-6700
(510) 337-9432

January 11, 2000

STID 439

Mr. Albert M. Cohen
Law Offices of Smiland & Khachigian
601 West Fifth Street, 7th Floor
Los Angeles, CA 90071-2004

Re: Glovatorium, 3815 Broadway, Oakland

Dear Mr. Cohen:

I am in receipt of your January 10, 2000 correspondence submitted with the intent to clarify a few points presented in my letter of January 5, 2000. For the record, I was informed by Bruce Page on January 7th that Levine-Fricke Recon (LFR) had been retained on the project, but not as the project "lead". Dr. Page informed me that he would continue as the project lead, with LFR in a technical yet subordinate role. I believe that this is an excellent arrangement, and congratulate the parties for working through the reported difficulties of the last ~3 months.

However, as we discussed on December 29, 1999 and based on my previous conversations earlier that month with Dr. Page and LFR's Taylor Bennett, I understood that LFR had effectively been removed from the project on or around December 13, 1999. Further, I was informed at that late date that none of the environmental data acquisition tasks (e.g., "well" sampling, monitoring, etc.) stemming from the October 15th meeting had been completed or even initiated. This work was to have begun in November 1999, and continued following a quarterly schedule. In my view, these assessment data would have been available to us about this time. Instead, these data will likely not become available in a comprehensive format until late February or early March 2000. Consequently, a couple of months or more have been lost in the course of this project due to a failure to promptly complete the cited tasks.

For your information, I was informed in late December that the Regional Water Quality Control Board (RWQCB) had assigned an individual to the position vacated previously by Derek Lee. The name of this person is Betty Graham. I believe Ms. Graham has only recently and indirectly become aware of this project by way of copy of the January 5th correspondence. I will attempt to schedule a joint meeting with Ms. Graham once I have received the pending soil and water investigation report.

Please call me at (510) 567-6783 should you have any questions or comments.

Sincerely,

Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Ariu Levi, Chief, Environmental Protection
Chuck Headlee, RWQCB
Betty Graham, RWQCB
Larry Blazer, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department
Bruce Page, 439 Kearney St., El Cerrito, CA 94530
Kevin D. Taguchi, Gatehouse Plaza, 1290 B-Street, Ste. 218, Hayward, CA 94541

Sent 1/6/00 Including CC's

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

R0458

January 5, 2000

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STID 439

Robert Depper
31 Muth Drive
Orinda, CA 94563

Stuart Depper
% Kevin D. Taguchi
Gatehouse Plaza
1290 B-Street, Ste. 218
Hayward, CA 94541

RE: Glovatorium, 3815 Broadway, Oakland – Soil and Water Investigation

Dear Messrs. Depper:

This letter follows recent developments in the progress and management of your project . I understand that Levine-Fricke Recon (L-F) is no longer directly involved in the subject project, and that Bruce Page, formerly of L-F, is now the project "lead". I also understand that the agreements formalized on October 15, 1999 with your agents, Mr. Page and L-F's Taylor Bennett, have not been implemented fully. For example, several of the agreed upon tasks stemming from the October 15th meeting (e.g., reopen GeoSolv "wells", survey all L-F and GeoSolv well points, begin quarterly sampling and monitoring, determine groundwater flow, etc.) were to have been initiated or completed in November 1999, but were not. These interim steps were intended to gather the data necessary to discuss your case with the Regional Water Quality Control Board (RWQCB) in an informed manner at some point in December or early January. These collective developments have, in my view, hindered the continuity of the project and, yet again, caused unnecessary delays in its progress.

At this time you are directed to comply with the following tasks:

1. Within 20 days of the date of this letter, have your environmental consultant reopen all GeoSolv "wells" that were prepared for such reuse (i.e., those capped by a knock-off plug of grout), professionally survey casing elevations of L-F and GeoSolv "wells", measure groundwater elevations, and determine groundwater flow direction and gradient. Sample groundwater, where encountered, from all cited "wells" and have a state-certified laboratory analyze each sample for the constituents identified in the Section 3.1.6 workplan element of the May 6, 1999 L-F document entitled "*Results of Utility Survey and Work Plan for Soil and Grab Groundwater Investigation.*" All samples are to be submitted to the contracted laboratory on a 1-week *or shorter* turn-around time.

   In addition, you are to ensure the future viability of each of the aforementioned "wells" by seeking and acquiring any necessary permits from the City of Oakland or others, and making each more secure (e.g., well boxes, locked caps, etc.) so that they may be relied on as viable data points in the future if necessary.

2. Submit, within 30 days of your consultant's receipt of the aforementioned laboratory data, a final **soil and water investigation (SWI) report** under seal of a California-registered geologist or civil engineer. This report shall incorporate all data generated during all phases of the environmental investigation performed pursuant to the cited May 6, 1999 L-F workplan element. This final **SWI report** shall also incorporate any and all work identified in Item 1, above, including any additional elements stemming from the October 15, 1999 meeting, and all other modifications implemented since the L-F workplan was accepted by this office.

This final **SWI report** shall include, among other elements consistent with a professional technical report of this kind:

- Project introduction, including project scope and objectives
- Site description (location of site; local topography and geology; nearby creeks/flood control channels, etc.)
- Site investigation status, including degree to which project objectives were met
- Detailed discussion of investigation results, professional data interpretation and recommendations for any additional work, including installation of permanent wells, risk assessment, or other appropriate tasks
- Maps: Vicinity map; Site map identifying all pertinent landmarks, including streets, structures, wells and boreholes, tanks, buried utility conduits, etc.; Chemical distribution/isoconcentration maps for both soil and groundwater; Groundwater gradient map; Licensed surveyor's plat; Cross section location map, etc.
- Tabulated sampling data and copies of laboratory reporting sheets
- Copies of field data sheets for each sampling/monitoring event
- Lithologic logs and "well" construction diagrams
- Geologic cross sections

Due to the unanticipated delays in the completion of this phase of the investigation in the final quarter of 1999, the final SWI report submittal deadline articulated in this letter supersedes that of my letter of June 4, 1999.

Please be advised that this letter constitutes an official request for technical reports pursuant to Water Code Section 13267(b) and provisions of Article 11, Title 23, California Code of Regulations. Please be further advised that both the Water Code and California Health & Safety Code provide for substantial penalties for failure to comply with a request of this sort.

You may call me at (510) 567-6783 should you have any questions about the content of this letter.

Sincerely,

Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Ariu Levi, Chief, Environmental Protection
Chuck Headlee, RWQCB
Betty Graham, RWQCB
Larry Blazer, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department
Bruce Page, 439 Kearney St., San Francisco, CA 94530
Albert Cohen, Law Offices of Smiland & Khachigian
7th Floor, 601 West 5th Street, Los Angeles, CA 90071

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

6458

ENVIRONMENTAL HEALTH SERVICES
1131 Harbor Bay Parkway, Suite 250
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(510) 567-6700
(510) 337-9335 (FAX)

June 18, 1999

STID 439

Robert Depper
31 Muth Drive
Orinda, CA 94563

RE: GLOVATORIUM, 3815 BROADWAY, OAKLAND

Dear Mr. Depper:

I am in receipt of the June 17, 1999 correspondence from your lawyer, Albert Cohen, informing me of the your delayed receipt of my June 4, 1999 correspondence. I understand that you did not receive this letter until June 14th. In so far as the June 4th letter grants only a 45-day period in which to initiate the current phase of the investigation, I believe Mr. Cohen's request to extend this time frame to July 29, 1999 is reasonable and, therefore, accepted.

Please call me at (510) 567-6783 should you have any questions and to inform me when fieldwork will begin.

Sincerely,

Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Chuck Headlee, RWQCB
Derek Lee, RWQCB
Larry Blazer, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department
Taylor Bennett, Levine-Fricke, 1900 Powell St., 12th Floor, Emeryville, CA 94608-1827
Albert Cohen, Law Offices of Smiland & Khachigian
7th Floor, 601 West 5th Street, Los Angeles, CA 90071

ALAMEDA COUNTY
HEALTH CARE SERVICES
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DAVID J. KEARS, Agency Director

R0458

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June 4, 1999

STID 439

Robert Depper
31 Muth Drive
Orinda, CA 94563

RE: GLOVATORIUM, 3815 BROADWAY, OAKLAND

Dear Mr. Depper:

Thank you for our recent receipt of the May 6, 1999 Levine-Fricke document entitled "*Results of Utility Survey and Work Plan for Soil and Grab Groundwater Investigation, Former Glovatorium, Oakland, California.*" This report and associated work plan have been reviewed in context with the project objectives discussed with Messrs. Bruce Page and Taylor Bennett of Levine-Fricke during our March 16 and April 16, 1999 meetings.

The cited Levine-Fricke work plan has been accepted as submitted for this stage of the investigation at this site. Please be certain that all borings for this phase of work are completed within 45 calendar days of the date of this letter. A report documenting this work must be submitted within 45 calendar days of final site demobilization.

Please be advised that, based on the results of the pending work, additional investigations may become necessary to adequately assess the extent of the releases from this site. Permanent well installations and long-term monitoring will also be required at some point in the near future.

Please call me at (510) 567-6783 should you have any questions and to inform me when fieldwork will be initiated.

Sincerely,

Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Chuck Headlee, RWQCB
Derek Lee, RWQCB
Larry Blazer, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department
Taylor Bennett, Levine-Fricke, 1900 Powell St., 12th Floor, Emeryville, CA 94608-1827
Albert Cohen, Law Offices of Smiland & Khachigian
7th Floor, 601 West 5th Street, Los Angeles, CA 90071

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

RO# 458

March 19, 1999

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FAX (510) 337-9335

STID 439

Robert Depper
31 Muth Drive
Orinda, CA 94563

RE: GLOVATORIUM, 3815 BROADWAY, OAKLAND

Dear Mr. Depper:

The GeoSolv, LLC ("GeoSolv") subsurface investigation report dated October 13, 1998 has been reviewed. The noted GeoSolv report was received on December 10, 1998.

On February 11, 1999, I toured the subject facility in the company of Mr. Chuck Headlee of the California Regional Water Quality Control Board (RWQCB), San Francisco Bay region, and Steven Craford, Oakland Fire Department. The spirit of this tour was to introduce Mr. Headlee to the unique features of the site and to locate the recent sample points. On March 8, 1999, I met with Mr. Derek Lee, RWQCB, to discuss the next appropriate steps in the evaluation of the solvent release(s) at this site. I subsequently met with Messrs. Taylor Bennett, Eric Nichols, and Bruce Page of Levine-Fricke, your new consultant of record, on March 16, 1999. We discussed the outcome of my meeting with the RWQCB, the many technical idiosyncrasies and challenges of your case, and the steps necessary to assess and understand them.

The next phase of assessment will be broken into two tasks:

- Task 1 - Determine the exact locations of buried utility corridors (e.g., sanitary sewer and storm water) that serve, radiate from, and/or pass beneath the facility

- Task 2 – Submittal of a utility corridor report which incorporates a comprehensive work plan for: the assessment of releases from the 38th Street tanks; determining the likelihood for contaminant exfiltration from, and migration along, anthropogenic and other preferential pathways; determining the potential for contaminant infiltration into, or migration along, the storm water channel that passes beneath the site; the installation of an array of permanent monitoring wells; determining ground water flow characteristics; and, the collection of soil and ground water samples to aid in determining, among other goals, human health risks and the occurrence of natural bioattenuation.

I have been informed that the utility survey (Task 1) is scheduled for the week of April 5 – 9, 1999. Consequently, I will be meeting with the consultant on Friday, April 16, 1999 to discuss their findings and to fine-tune the scope of the (Task 2) work plan.

The final Task 2 work plan is due for submittal by May 6, 1999.

Please call the undersigned at (510) 567-6783 should you have any questions.

Sincerely,

Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Chuck Headlee, RWQCB
Derek Lee, RWQCB
Larry Blazer, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department
Taylor Bennett, Levine-Fricke, 1900 Powell St., Emeryville, CA 94608-1827
Albert Cohen, Law Offices of Smiland & Khachigian
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ALAMEDA COUNTY
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RO#458

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September 8, 1998

STID 439

Frank Goldman
GeoSolv, LLC
643 Oregon Street
Sonoma, CA 95476

RE: GLOVATORIUM, 3815 BROADWAY, OAKLAND

Dear Mr. Goldman:

Thank you for meeting with me on Friday, September 4, 1998, so that we could fine-tune and clarify the sampling and analysis requirements for the pending phase of the soil and water investigation (SWI) at the subject site. As we discussed, please apply the following clarifications and adjunct to the August 6, 1998 correspondence from this office:

- All soil and water samples selected for laboratory analyses will be analyzed for: TPH Stoddard solvent (TPH-SS); benzene, toluene, ethylbenzene, and total xylene isomers (BTEX); and, halogenated volatile organic compounds (HVOC), at a minimum.

- Soil sample intervals are to be substantially based on observations made in the field during boring advancement using best professional judgment. Hence, soil samples are to be collected for potential laboratory analyses where evidence of contamination is suspected (i.e., odors, staining, meter deflections, etc.), at significant lithologic contacts, or where there is need for additional data (e.g., f_{oc}, etc.), among other criteria which may apply.

Please call me at (510) 567-6783 should you have any questions.

Sincerely,

Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Mee Ling Tung, Director, Environmental Health
Chuck Headlee, RWQCB
Larry Blazer, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department
Robert Depper, 31 Muth Drive, Orinda, CA 94563
Albert Cohen, Law Offices of Smiland & Khachigian
7th Floor, 601 West 5th Street, Los Angeles, CA 90071

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

RO # 458

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

August 6, 1998

STID 439

Robert Depper
31 Muth Drive
Orinda, CA 94563

RE: GLOVATORIUM, 3815 BROADWAY, OAKLAND

Dear Mr. Depper:

The GeoSolv, LLC ("GeoSolv") subsurface investigation work plan dated May 22, 1998 has been reviewed. Comments and requests for additional information were transmitted to GeoSolv electronically (e-mail) on June 19, 1998. Supplemental information and work plan revisions dated June 21, 1998 were submitted under GeoSolv cover dated July 18, 1998. This supplemental information and work plan revisions have also been reviewed.

The cited GeoSolv work plan, as revised, has been accepted with the following changes and conditions:

1) An additional boring shall be emplaced in the area midway between boring B-6 and the current proposed location of boring E-23. (Note: a boring was previously proposed in this location in the original May 22 work plan, but omitted in the June 21 revision.)

2) All borings, except borings E-17, -18, and –20, are to be advanced to groundwater, at a minimum.

3) Except in borings E-17, -18, and –20, soil samples shall be collected for potential laboratory analyses at standard 5 foot intervals (e.g., 5', 10', 15', etc.), in addition to those collected at significant lithologic contacts, the capillary fringe, and zones where contamination is identified (e.g., odors, staining, meter deflections, etc.). Shallower or intermediate-depth samples may also be collected for analyses where appropriate based on intended use for the data (e.g., f_{oc}, etc.), or where an anticipated source zone may be at a depth shallower or deeper than the prescribed sampling intervals (e.g., E-21, etc.).

4) All soil and groundwater samples selected for laboratory analyses are to be analyzed for the presence of TPH-Stoddard solvent, HVOC, and BTEX, at a minimum.

5) *Precision Sampling* rigs are proposed for this phase of work at the site. Therefore, the "XD series" rig shall be used in those boring locations where access may be achieved and clearance is not an issue. The "DA-2 off carrier" or "DA-3" rigs, as appropriate, shall be

used in all other boring locations. Contingencies for bolting the rig to the concrete floor shall be in place and implemented during this phase of work at the site whenever such is required to complete any particular borehole.

All borings for this phase of work at the site shall be completed within 45 calendar days of the date of this letter. A report documenting this phase of work at the site shall be submitted within 45 calendar days of the final demobilization of the drill rigs from the site.

Additional assessment of the 38th Street Glovatorium tanks, in addition to the lines serving the floor drains in the facility and the buried storm drain which passes beneath the site, among other possible target areas, will be addressed during the next phase of work at the site. In preparation for this pending work, please submit a copy of the videotape which I understand documents the decayed state of the noted storm drain. This tape should be submitted within 30 calendar days of the date of this letter.

Please call the undersigned at (510) 567-6783 at least 72 hours in advance of the initiation of fieldwork associated with this phase of work at the site, or should you have any questions.

Sincerely,

Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Mee Ling Tung, Director, Environmental Health
Chuck Headlee, RWQCB
Larry Blazer, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department
Frank Goldman, GeoSolv LLC
Albert Cohen, Law Offices of Smiland & Khachigian
7th Floor, 601 West 5th Street, Los Angeles, CA 90071

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

RO # 458

July 15, 1998

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

STID 439

Mr. Frank Goldman
GeoSolv, LLC
643 Oregon Street
Sonoma, CA 95476

RE: Glovatorium, 3815 Broadway, Oakland – Request for Response

Dear Mr. Goldman:

My review of the May 22, 1998 GeoSolv, LLC work plan for further assessment of the subject site was completed on or around June 19, 1998. Review comments and a request for supplemental information were submitted via E-mail to you after our telephone conversation that same day. To date, no response has been received from you regarding this topic. A copy of this transmittal is attached to this letter.

Please contact me at (510) 567-6783 and provide the requested information within 10 days of the date of this letter.

Sincerely,

Scott O. Seery, CHMM
Hazardous Materials Specialist

Attachment

cc: Mee Ling Tung, Director, Environmental Health
Larry Blazer, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department
Chuck Headlee, RWQCB
Albert Cohen, Law Office of Smiland & Khachigian
601 West Fifth Street, 7th Floor
Los Angeles, CA 90071

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

RO#458

April 15, 1998

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

STID 439

Robert Depper
31 Muth Drive
Orinda, CA 94563

RE: GLOVATORIUM, 3815 BROADWAY, OAKLAND

Dear Mr. Depper:

This letter follows the April 2, 1998 meeting at the Alameda County District Attorney's Office during which was discussed, among other topics, the scope of the next phase of the continuing environmental investigation at the referenced site. In attendance were: Albert Cohen, your lawyer; Frank Goldman, of Geosolv LLC, your environmental consultant; Larry Blazer, Deputy District Attorney, and this author.

Geosolv will be submitting a work plan outlining the next phase of assessment work to be completed at the site. This work plan will primarily focus on the assessment of halogenated volatile organic compounds (HVOC) derived from the release of chlorinated drycleaning solvents. The presence of Stoddard solvent will also be assessed concurrently during this pending phase of work.

The Geosolv work plan will include, among other elements, the following:

- Collection of "shallow" soil samples in the areas of (previous) borings B-6, B-9, and B-10.
- Shallow soil collected in the area of boring B-6 shall be between 0-5' below grade (BG). A "hand sampler" device may be employed for this purpose <u>if</u> undisturbed soil may be collected in the appropriate fashion at those depths.
- Shallow samples collected from the areas of borings B-9 and B-10 shall be collected from two depth intervals in each borehole - one (1) sample collected from the 3-5' BG range, and one (1) from the 7-10' BG range.
- Property and facility boundaries depicted in submitted maps are to be revised to reflect updated lot line and ownership information. All presented maps are to be drawn to scale to correctly depict spatial relationships of site features.

- Appropriate sampling/drilling/probing equipment is to be used with due consideration for sample recovery capabilities and cross-contamination concerns.

This work plan is due for submittal within 30 calendar days of the date of this letter.

Please call the undersigned at (510) 567-6783 should you have any questions.

Sincerely,

Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Mee Ling Tung, Director
Stephen Hill, RWQCB
Larry Blazer, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department
Frank Goldman, Geosolv LLC

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

RO#458

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

February 9, 1998

STID 439

Robert Depper
31 Muth Drive
Orinda, CA 94563

Frank Goldman
GeoSolv, LLC
643 Oregon Street
Sonoma, CA 95476

RE: GLOVATORIUM, 3815 BROADWAY, OAKLAND

Dear Messrs. Depper and Goldman:

The GeoSolv, LLC ("GeoSolv") subsurface investigation report, variously dated both December 16, "1998" and January 16, 1998, has been reviewed. Following are preliminary requests for supplemental information to support and corroborate certain of the statements and conclusions memorialized in the subject report:

1) Please submit the "well" surveyor's plat from *Virgil Chavez Land Surveying* identifying
   i) the location of survey benchmark(s)
   ii) the locations of wells "A,B,C,D,E,F,and G"
   iii) to what mark (e.g., rim of well casing, top of cover, etc.) are wells surveyed

2) Please indicate whether the noted wells "A" through "G" are related to borings B1 through B13 and BSD. Present cross reference guidance.

3) Submit field notes documenting depth-to-water measurements, and time and date of well development; submit field notes documenting time, date and adequacy of well purging (i.e., pH, temperature, conductivity) prior to sample collection.

4) Approval of the GeoSolv work plan for this phase of work at this site was contingent upon the collection of shallow (i.e., ~3') soil samples from <u>each</u> boring, among other conditions.

   The GeoSolv report does not transmit laboratory data for shallow soil samples which were to have been collected from

each borehole for laboratory analysis. Out of the 12 approved boring locations, results are transmitted for only four (4) such shallow soil samples. The omitted laboratory data are to be submitted.

5) Many of the maps supplied in the GeoSolv report, although informative, are mislabelled (i.e., 38th Street is identified as Broadway). Further, map (north) orientation from map to map is frequently reversed. Such makes review and interpretation of illustrated data difficult, particularly for the reader not familiar with the site.

   Please revise Figs. 1, 7, 8, 9, and 10 to reflect the proper labelling of 38th Street. Please be certain to orient these maps with north generally towards the top of the page to be consistent with remaining (assessor's) maps and standard practice.

6) Much reference is made to the adjoining Earl Thompson property (316-38th Street). In fact, the name "Earl Thompson" is mentioned no fewer than 13 times in this report, and is referred to as a likely source of contaminants identified at the subject site during this preliminary investigation. Reference is made of "...[c]ontamination identified at the Earl Thompson property..." with respect to toluene, ethylbenzene, and xylene isomers. *[Sec. 4.0, Benzene]*

   Please present i) the analytical results of environmental samples collected from the Earl Thompson site which demonstrate the noted "contamination", and ii) the specific data which lead you to imply "most" of the Stoddard solvent contamination has originated from that site. *[Sec. 4.0, Stoddard solvent]*

7) The GeoSolv report identifies the storm drain running below the subject site, from Manilla in the north to 38th Street and beyond to the south, as being owned by Alameda County. Further, the report states"...[the drain] is riddled with holes, cracks, and very serious deep gaps in the concrete/brick liner..."

   Please submit the documents upon which these statements are based. Title documents and bonafide inspection reports would support your contentions.

The requested information is due within 30 days of the date of this letter. Upon review of these data, you will be advised regarding the scope of the next phase of investigative work at the site.

Please call the undersigned at (510) 567-6783 should you have any questions.

Sincerely,

Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Mee Ling Tung, Director
Richard Pantages, Chief, Environmental Protection Division
Stephen Hill, RWQCB
Larry Blazer, Alameda County District Attorney's Office
Leroy Griffin, Oakland Fire Department

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

RO#458

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

February 2, 1998

Mr. Kenneth Selover, Chair
California Environmental Protection Agency
Site Designation Committee
555 Capital Mall, Suite 525
Sacramento, CA 95814

RE: Pending Site Designation Committee Consideration of Request for Transfer of Oversight Authority for the site: *Glovatorium, 3815 Broadway, Oakland*

Dear Mr. Selover:

It has come to my attention that a couple of typographical errors were overlooked during peer review of the January 29, 1998 "Opposition to Application of Transfer of Oversight" letter previously submitted by this agency regarding the subject site. The referenced errors appear on page 10 of the noted letter, 3rd paragraph, the next to last sentence. That sentence now reads,

> *"Mr. Goldman further implies that the project may have been jeopardized by pushing the sampler the few feet deeper necessary to each ground water."*

This sentence should have read,

> *"Mr. Goldman further implies that the project may have been jeopardized by pushing the sampler the few extra feet necessary to reach ground water."*

Enclosed are 10 corrected double-sided copies of pages 9 and 10 for replacement of those pages in copies of the letter of opposition submitted previously. I apologize for any inconvenience this may have caused.

I may be reached at (510) 567-6783 should you have any questions.

Sincerely,

Scott O. Seery, CHMM
Hazardous Materials Specialist

enclosures

cc: Mee Ling Tung, Director
Richard Pantages, Chief, Environmental Protection Division
Stephen Hill, SFRWQCB
Larry Blazer, Alameda County District Attorney's Office

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

RO#458

January 29, 1998

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

Mr. Kenneth Selover, Chair
California Environmental Protection Agency
Site Designation Committee
555 Capitol Mall, Suite 525
Sacramento, CA 95814

RE: Opposition to Application for Transfer of Oversight from Alameda County Department of Environmental Health (ACDEH), Local Oversight Program (LOP), to the California Regional Water Quality Control Board, San Francisco Bay Region (SFRWQCB): *Glovatorium, 3815 Broadway, Oakland*

Dear Mr. Selover:

I have reviewed the application of Robert Depper ("applicant") and supplemental information, as submitted under GeoSolv, LLC covers dated December 22, 1997 and January 2, 1998, respectively. The referenced application requests the Site Designation Committee ("Committee") consider removing ACDEH from its current role as lead oversight agency, transferring that role to the SFRWQCB. This letter is sent in opposition to that request.

As I am certain the Committee has been adequately apprised of the applicant's environmental compliance, violation and conviction history, this letter of opposition will not delve into that topic area. This response will begin by addressing, however, each of the initial "reasons" presented in the December 22, 1997 GeoSolv, LLC cover, as well as supporting arguments presented in the January 5, 1998 GeoSolv, LLC supplemental information packet.

1) *The recent subsurface investigation has revealed that the site is no longer a simple [underground storage tank] case because it involves off-site dischargers and some of the dischargers are not associated with [underground storage tanks].*

Response

There is no corroborated evidence that the subject site has been affected by discharges from other off-site sources.

The data derived from the recent investigation performed at this site is considered preliminary. This preliminary investigation was intended solely to identify areas of the site where releases appear to have occurred, and whether releases were associated

with underground storage tanks (UST) and appurtenant piping, or other sources, such as leaks from floor drains or sumps into which dry cleaning wastes were reportedly dumped as a matter of practice.

These preliminary data were to be used to guide the next stage of the investigation if such appeared warranted. The data associated with this preliminary investigation clearly demonstrate the need for further investigation, as the evidence of releases from surface, near surface, and subsurface points within the confines of the Glovatorium plant are substantial.

MtBE

Frank Goldman dba GeoSolv, LLC ("GeoSolv") has suggested in his arguments associated with his client's application to the Committee that the reported presence of MtBE (methyl tert butyl ether) in water sampled from one or more of the temporary well points is evidence of an off-site source for this compound. Mr. Goldman has unequivocally stated that "...it is abundantly clear that the MTBE (sic) plume has emanated from an underground storage tank at a location in the general direction of the UNOCAL site." [underscoring added] Mr. Goldman further states, "Unless there is another gasoline UST between the UNOCAL site and the plume as identified at the Depper's site, the MTBE (sic) exhibits the leading edge of a gasoline plume which has migrated from the UNOCAL site." [underscoring added]

Attached for your review (Attachment 1) are excerpts from the most recent technical report for the cited Unocal station (3943 Broadway) documenting the sampling and monitoring event occurring at that site during November 1997. This report includes a compilation of sampling and monitoring data dating from 1989. Also attached are ground water flow maps for monitoring events between September 1994 and November 1996.

Please note that the investigation associated with the Unocal site has entailed the installation of 12 permanent monitoring wells and one recovery well. Of the 5 wells located off-site, four (MW-8, -9, -11, and -12) are in the apparent downgradient direction from the Unocal site. Review of the data, particularly that associated with the downgradient wells (i.e., those wells located between the Unocal station and Glovatorium), indicates the plume is significantly constrained to the Unocal site.

These data strongly imply that the Unocal release is not a source of MtBE reportedly encountered in water sampled from one or more of the temporary well points at the applicant's site. No other UST release site is known to be located between the Unocal and applicant's sites. However, there are several other plausible explanations for the reported presence of MtBE in water sampled from the temporary well points at this site, absent the presence of an UST release upgradient of the site.

An attempt to corroborate these reported initial MtBE results may be incorporated into subsequent phases of the investigation at the applicant's site.

Benzene

Here again, Mr. Goldman has suggested in his arguments, based on the most preliminary of data, that the reported presence of benzene in water sampled from one or more of the temporary well points is evidence of an off-site source for this compound. However, according to his argument, the source of this contaminant is not located to the northeast, as was the case with MtBE. Rather, benzene is "...emanating from the south," suggesting a very complex set of dissolved-phase contaminant dispersal mechanisms at and in proximity to the applicant's site, whereby contaminants can enter the site from numerous opposing directions simultaneously.

Mr. Goldman suggests the source of benzene in ground water is an adjoining site (the Earl Thompson property, 316-38th Street). The rationale for this statement is the assumption that: 1) benzene is associated with gasoline, 2) gasoline is associated with other aromatic compounds in addition to benzene, specifically, ethyl benzene, toluene and "xylene," and 3) ethyl benzene, toluene and "xylene" were identified in "contamination" identified at this adjoining site.

There is not one shred of evidence made available to this office regarding confirmed releases of any sort from the Earl Thompson site. To our knowledge, no *environmental* samples associated with the Earl Thompson USTs or any other area of this site have been collected to date.

It appears Mr. Goldman has mistakenly referred to results of laboratory analyses (*SEE* Attachment 2: March 14, 1995 document transmittal from *The Sutton Group*) performed on fluid (water)

samples collected from several USTs located below the 38th Street sidewalk. These USTs were associated with former activities at the Earl Thompson site, and have reportedly been void of product since the early 1970s, prior to Mr. Thompson's purchase of the site.

Scrutiny of laboratory data for soil samples reportedly collected during the preliminary GeoSolv investigation reveals the presence of a two order-of-magnitude range of concentrations of toluene, ethyl benzene, and total xylene isomers (TEX) in nearly all samples collected from the unsaturated zone in those borings emplaced within the Glovatorium plant. Further, data from shallow (1.5 - 3.5') samples collected from boreholes B2 and B7 also reveal detectable TEX, implying a surface or near surface source.

These preliminary data clearly suggest that sources of these compounds are located on-site within the Glovatorium plant. Following Mr. Goldman's reasoning, benzene, therefore, must also be from an on-site source.

An attempt to corroborate these reported initial benzene and TEX results will be incorporated into subsequent phases of the investigation at the applicant's site.

Gasoline and Oil "Ranged" Organics

Mr. Goldman shares his apparent knowledge of the condition of the culvertized storm drain passing below the applicant's site, indicating the drain "...is riddled with holes, cracks, and very serious deep gaps in the brick and concrete masonry liner." He further indicates this drain "...is very likely...serving as a preferential pathway for the migration of chlorinated solvents throughout the site, offsite, and the San Francisco Bay."

Mr. Goldman also implies in his discussion that the noted storm drain is owned by Alameda County. Attached are memos (Attachment 3) from the City of Oakland Public Works Agency (OPW) and Alameda County Public Works Agency (ACPWA) which counter that claim. The OPW and ACPWA memos indicate that the record does not reflect that this storm drain is owned by Alameda County. Therefore, Alameda County is not responsible for its upkeep, nor any contribution it may provide to contaminant dispersal from or onto the applicant's site.

Further, a May 1997 inspection of a section of that very storm drain did not reveal the sort of structural disintegration of which Mr. Goldman speaks. Should Mr. Goldman have some direct evidence (i.e., inspection report) of the storm drain condition, this office and that of OPW would welcome its submittal.

Nevertheless, should the storm drain be "...riddled with holes, cracks, and very serious deep gaps in the brick and concrete masonry liner," it would appear its upkeep is the responsibility of the private property owner under whose property it passes. In this case, the applicant would be responsible for that section which passes below his site.

Mr. Goldman presents data representing the reported results of water sampled from the noted storm drain "...after the first rain of the season." These results are clearly within a range anticipated for surface runoff from streets within an urban environment. Such is a symptom of a modern society which relies on the use of motor vehicles to meet the bulk of its transportation needs. Incidental releases of petroleum lubricants and fuels, and their eventual washing into storm drains upon the first and subsequent rains of the season, are the unavoidable result of such reliance.

This office does agree with Mr. Goldman's assertion that the storm drain, at least its alignment, may present a preferential pathway for the downstream migration of contaminants. Because this storm drain reportedly represents a culvertized former creek channel (Rockridge Branch of Glen Echo Creek), we view that this channel may likely assert a degree of hydraulic control over ground water in the general area of the applicant's site.

Surface topography and ground water flow data from the Unocal station (3943 Broadway) and Express Auto Clinic (3810 Broadway) suggest natural (geogenic) ground water flow pathways likely associated with this creek's drainage system may direct ground water towards it. Therefore, subsequent phases of the investigation at the applicant's site will evaluate this issue.

Chlorinated Solvents

Mr. Goldman has not suggested that chlorinated solvents (hereafter referred to as HVOC) have entered the applicant's site from off-site sources. However, several points made in his exploration of HVOC distribution and genesis bear discussion here.

The scope of the approved GeoSolv work plan, as amended and conditioned, entailed an evaluation of not only potential releases associated with the 6 USTs, but also those associated with other potential point sources. This need was determined based on review of the compliance and enforcement records for this site which clearly demonstrated a practice of using floor drains in the Glovatorium plant as points of disposal for various dry cleaning wastes.

Consequently, one element of the approved GeoSolv work plan was to collect *and analyze* samples from the approximate 3' depth and the capillary zone, at a minimum. The requirement for shallow samples was intended to identify releases from UST and other process piping, as well as from floor drains and sumps. Approved boring locations, as modified, were specific to addressing these goals.

The approved scope of the work plan was not implemented. Of the 12 borings proposed in the approved work plan, shallow (~3') samples were collected in only nine. Of those 9 shallow samples collected, only 4 were reportedly analyzed by the laboratory.

Borings B3, B6, B9, and B10 were specifically placed to target releases from floor drains and sumps, and were the only borings intended to do so. Only the shallow sample collected from boring B3 was analyzed for the requested suite of target compounds. Consequently, 3 of the target drains/sumps were not appropriately investigated.

Mr. Goldman states in his arguments that "...[HVOC] identified in soil were only found in shallow soils in the vicinity of B10 and not in B3, B9, and B6." The "shallow" soil to which Mr. Goldman refers is apparently at a depth of 15' below grade, the shallowest sample analyzed from that boring (B10). Hence, any evaluation of Mr. Goldman's arguments with respect to HVOC distribution at the site should be tempered with the realization that the data are not representative of site conditions. This work, unfortunately, will need to be repeated.

Mr. Goldman presents his interpretation of the derivations of certain of the HVOC species identified in the course of this limited investigation. Mr. Goldman states, "The groundwater plume map indicates that most of the [tetrachloroethene] (13,000 ppb) has converted to cis 1,2-dichloroethene." [underscoring added]

However, *cis* 1,2-dichloroethene (1,2-DCE) is also used in industry as a dye extraction solvent (i.e., product). Other HVOC identified during the investigation are also used similarly, some specific to use in dyes and hide degreasing. As the Glovatorium prided itself for its leather cleaning and finishing expertise, these HVOC are potential parent contaminants. Therefore, it is clearly too early in this investigation to begin a practice of forensic chemistry in an attempt to differentiate between parent and daughter degradation products.

2) *The hydrocarbon contaminants in groundwater are in the form of a co-mingled plume which is composed of chlorinated solvents, MTBE, and gasoline/diesel/oil ranged organic compounds. A greater range of technical expertise is available at the [SFRWQCB] as compared to that provided by the County.*

Response

We interpret this reference to a "commingled plume" as referring to the multiple dischargers and responsible parties alleged in Item 1, above. Therefore, as stated in the previous response, there is no corroborated evidence that the subject site has been affected by discharges from other off-site sources.

Should it be shown with subsequent evidence that there are, in fact, multiple dischargers and a "co-mingled plume," the ACDEH is not lacking for experience in dealing with such cases. Many of the cases ACDEH staff currently manage deal with co-mingled plumes. One only has to envision the typical 3- or 4-corner gas station arrangement, each with confirmed UST releases, or the dry cleaner located in the very shopping center where a gas station with leaking USTs is also located, to recognize various forms of this phenomena. ACDEH is currently and successfully managing, with several examples, each of these scenarios.

3) *The [SFRWQCB] has more experience with regulating dry cleaning facilities and chlorinated solvents in ground water as well as mediating co-mingled plume problems between several responsible parties.*

Response

The SFRWQCB does not, per se, regulate dry cleaning facilities. The local agencies (e.g., CUPA agencies, fire and building departments, POTWs, Bay Area Air Quality Management District, etc.) regulate dry cleaning facilities. Therefore, this statement has no merit.

The SFRWQCB does have experience, however, managing the assessment of chlorinated solvent plumes. The SFRWQCB has experience dealing with multiple responsible parties and co-mingled plumes. As stated in the response to Item 2, above, ACDEH also has sizable experience with the management of such cases and collateral issues.

4) *A potential conflict of interest may prevent Alameda County from rendering enforcement action against itself to determine if their own storm drain system, which is composed of cracked and degraded brick and concrete masonry constructed in the early 1900s, has provided a conduit for uncontrolled stormwater runoff and potential spills from offsite to transport hydrocarbons onsite.*

Response

This issue has already been addressed in response to Item 1, above. The claim of "conflict of interest" has no merit.

In addition to addressing the applicant's "reasons" for consideration by the Committee, it is important that the record is clarified with respect to particular statements memorialized by Mr. Goldman on page 2, section 2.0, *Soil and Groundwater Sampling*, of his supplemental site investigation summary.

It is important to understand the background of this case with respect to the scope of work and goals for this recent phase of the investigation at this site. As stated previously in response to Item 1, above, several potential contaminant source areas were to be targeted, including USTs and floor drains or sumps. Both soil and ground water were to be collected during this phase of the project.

In my numerous discussions with Mr. Goldman over the months leading up to project implementation, I informed him that I

intended to keep this project on a "tight rein." The reason for this was two-fold: 1) I had been made aware that the applicant and his son, Stuart Depper, had a well-documented history of "foot dragging" with respect to various aspects of their compliance with environmental regulations and agency mandates; and, 2) I had been assigned the responsibility through the District Attorney's Office to enforce orders of the Superior Court with respect to the UST closures and environmental investigation elements of their sentencing. I intended to ensure work was completed appropriately and in a timely fashion.

After much discussion and some modification, the GeoSolv work plan was eventually accepted by this office. The final number of proposed *Geoprobe*® "borings," as well as the suite of target compounds selected for samples collected from each, were modified from those initially proposed. Twelve (12) such borings were to be emplaced, from which both soil and ground water were to be collected and analyzed. As you are likely aware, Geoprobe® is a "push-tool" technology, which does not in practice include the use of a double-cased probe. The use of a Geoprobe® sampling device was what was proposed by Mr. Goldman, and the use of a Geoprobe® device is what was ultimately approved.

In addition, because of our collective knowledge of the locally tight confines within the Glovatorium plant, a "limited access" rig would be required. I was aware that Geoprobe® markets several such devices designed to accommodate the very conditions we anticipated within the Glovatorium plant.

I was therefore surprised upon my visit to the site during the August 1997 sampling activities when instead of a Geoprobe® device, some other limited access push-tool sampling device was employed for the project. Mr. Goldman describes it in his submittal as an "Enviro-core" sampling device. I was informed in the field that this device employees a conductor casing which it drives along with the sampler rod, essentially creating a double-cased hole. This feature is an idiosyncracy of this particular device. The approved Geoprobe® device would not involve such a double-cased hole.

It appears, based on Mr. Goldman's accounts, that the Enviro-core sampler was not capable of driving its rods to adequate depth sufficient to encounter ground water. Based on boring logs submitted with the recent GeoSolv report, so called "refusal" was reportedly reached at very shallow depths. Refusal was reportedly reached at depths between 7' and 14' below grade.

It appears, therefore, the Enviro-core device did not provide adequate static weight and/or down force to meet the required scope of this initial phase of work at the site. Geoprobe® limited access devices would have provided both adequate static weight (up to 3700 lbs.) and down force (18,000 lbs.) sufficient to complete this project quickly and efficiently.

Mr. Goldman informed me that August day that he planned to simply place temporary casings into each of the holes and "come back this winter" in hopes that water would have risen into the holes. I told him this was not acceptable. I suggested he remobilize the rig at each previously "drilled" hole, and attempt to push only the inner sampler rod. I could tell Mr. Goldman was somewhat distressed by this prospect, and initially balked at the notion.

I did indeed tell Mr. Goldman that if he wouldn't comply with the approved scope of work, and my request, I would find a consultant who would. I intended to see to it that this project remained on schedule. Mr. Goldman implies in his site investigation summary that one should interpret from this request, and its absence from my field notes, something insidious. Mr. Goldman further implies that the project may have been jeopardized by pushing the sampler the few extra feet necessary to reach ground water. This is ridiculous.

After much complaining, Mr. Goldman did, however, finally confide in me that August day the reason he <u>really</u> wanted to wait until the winter to collect water samples: it was because the project was taking more time than he had budgeted for, that the applicant still owed him money, and, consequently, he was feeling strapped financially. He apparently felt that if he could close this chapter of the investigation now, he would finally get some financial relief. To demonstrate my reasonableness under the circumstances, I requested he remobilize the sampling device and collect water samples from only 6 of the 10 boreholes located within the Glovatorium plant which were originally subject to the ground water sampling requirements.

I regret failing to memorialize <u>this</u> information in my field notes that day, too.

It has been a challenge, and, frankly, a distressing one at that, to work with Mr. Goldman on this case. Mr. Goldman appears to have lost his ability to perform the work and interpret the results in a clear, professional, and objective manner. Review

intended to keep this project on a "tight rein." The reason for this was two-fold: 1) I had been made aware that the applicant and his son, Stuart Depper, had a well-documented history of "foot dragging" with respect to various aspects of their compliance with environmental regulations and agency mandates; and, 2) I had been assigned the responsibility through the District Attorney's Office to enforce orders of the Superior Court with respect to the UST closures and environmental investigation elements of their sentencing. I intended to ensure work was completed appropriately and in a timely fashion.

After much discussion and some modification, the GeoSolv work plan was eventually accepted by this office. The final number of proposed *Geoprobe*® "borings," as well as the suite of target compounds selected for samples collected from each, were modified from those initially proposed. Twelve (12) such borings were to be emplaced, from which both soil and ground water were to be collected and analyzed. As you are likely aware, Geoprobe® is a "push-tool" technology, which does not in practice include the use of a double-cased probe. The use of a Geoprobe® sampling device was what was proposed by Mr. Goldman, and the use of a Geoprobe® device is what was ultimately approved.

In addition, because of our collective knowledge of the locally tight confines within the Glovatorium plant, a "limited access" rig would be required. I was aware that Geoprobe® markets several such devices designed to accommodate the very conditions we anticipated within the Glovatorium plant.

I was therefore surprised upon my visit to the site during the August 1997 sampling activities when instead of a Geoprobe® device, some other limited access push-tool sampling device was employed for the project. Mr. Goldman describes it in his submittal as an "Enviro-core" sampling device. I was informed in the field that this device employees a conductor casing which it drives along with the sampler rod, essentially creating a double-cased hole. This feature is an idiosyncracy of this particular device. The approved Geoprobe® device would not involve such a double-cased hole.

It appears, based on Mr. Goldman's accounts, that the Enviro-core sampler was not capable of driving its rods to adequate depth sufficient to encounter ground water. Based on boring logs submitted with the recent GeoSolv report, so called "refusal" was reportedly reached at very shallow depths. Refusal was reportedly reached at depths between 7' and 14' below grade.

It appears, therefore, the Enviro-core device did not provide adequate static weight and/or down force to meet the required scope of this initial phase of work at the site. Geoprobe® limited access devices would have provided both adequate static weight (up to 3700 lbs.) and down force (18,000 lbs.) sufficient to complete this project quickly and efficiently.

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I did indeed tell Mr. Goldman that if he wouldn't comply with the approved scope of work, and my request, I would find a consultant who would. I intended to see to it that this project remained on schedule. Mr. Goldman implies in his site investigation summary that one should interpret from this request, and its absence from my field notes, something insidious. Mr. Goldman further implies that the project may have been jeopardized by pushing the sampler the few extra feet necessary to reach ground water. This is ridiculous.

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I regret failing to memorialize <u>this</u> information in my field notes that day, too.

It has been a challenge, and, frankly, a distressing one at that, to work with Mr. Goldman on this case. Mr. Goldman appears to have lost his ability to perform the work and interpret the results in a clear, professional, and objective manner. Review

of the recent GeoSolv report presents countless examples of this, from Mr. Goldman's failure to implement the work plan as expected, to apparent selective interpretations based on very preliminary data, hearsay evidence, and presumption, to his lack of attention for the details commensurate with such technical work. I have had difficulty trying to understand it.

Please contact the undersigned should you require any additional information or supporting documents.

Sincerely,

Scott O. Seery, CHMM
Hazardous Materials Specialist
Alameda County Department of Environmental Health
Local Oversight Program

enclosures

cc: Mee Ling Tung, Director
Richard Pantages, Chief, Environmental Protection Division
Stephen Hill, SFRWQCB
Larry Blazer, Alameda County District Attorney's Office

ATTACHMENT 1

Unocal Station #0746
3943 Broadway
Oakland, CA

Semi-annual sampling report (excerpts)

December 8, 1997

and

Ground water flow maps from
September 1994 - May 1997

ATTACHMENT 2

Earl Thompson site
316 - 38th Street
Oakland, CA

The Sutton Group
Document transmittal
March 14, 1996

Lab data for UST liquid samples

ATTACHMENT 3

City of Oakland
Public Works Agency

Memorandum

January 28, 1998

and

Alameda County
Public Works Agency

Correspondence

January 29, 1998

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

RO#458

December 12, 1997
STID 439

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

Mr. Robert Depper
31 Muth Drive
Orinda, CA 94563

RE: GLOVATORIUM, 3815 BROADWAY, OAKLAND

Dear Mr. Depper:

I am in receipt of your letter dated December 6, 1997 enclosed with your remittance of $680 to satisfy the deficit in the account established in April 1997 to offset county staff time during oversight of the underground storage tank (UST) closures at the referenced site. This supplementary deposit was first requested September 29, 1997 in correspondence from this office addressed to your son, Stuart Depper, and sent to your home address.

Our September 29 letter requested that Mr. Scott Seery of my staff be contacted should there be any questions. However, a letter from you dated October 16, 1997 was sent to my attention while I was overseas serving a 3 week commitment with the U.S. Army Reserves. Mr. Seery was not aware that your letter had been received by this office as, contrary to our specific request, your inquiry was brought not to his attention, but rather, to mine.

It was not until my return to the office in November that Mr. Seery became aware of the requests contained in your October 16 letter for specific billing information and supporting documents. Before my return, unfortunately, a second request for the subject supplementary deposit was issued November 13, 1997, and signed by Mr. Seery in my absence. I understand that Mr. Seery since transmitted specific billing information to you via facsimile on November 26, 1997.

Let me make clear from the outset that the request for billing information and supporting documents articulated in your October 16 correspondence is <u>not</u> viewed as a request for <u>public</u> information pursuant to the "California Public Record Act," as you imply it was in your recent December 6 letter. In fact, your October 16 letter indicates only that you would "appreciate" a response within 10 days so that "...[you] may review the documents and pay this invoice on a timely basis." Your December 6 letter is also incorrect when it further implies that this office somehow violated state criteria when a response to your request was not provided by this agency within your 10 day time frame.

Attached is a copy of the Alameda County Department of Environmental Health *"Public Records Search Policy"* for your information. Please note that this office does not copy file entries for transmittal to requesting parties. Public files are simply made available to such parties for review. Although you vis a vis your contractors/consultants should already be in possession of all correspondence or field notes generated during the UST closure process, should you nevertheless wish to review your case file and make copies of entries contained therein, you may contact **Ms. Karen Gray** (567-6700) to make an appointment.

Should you have any further questions, you may contact Mr. Seery at 510/567-6783.

Sincerely,

Thomas Peacock, Manager
Environmental Protection

Attachment

c: Mee Ling Tung, Director
Larry Blazer, Alameda County District Attorney's Office
SOS/files

ALAMEDA COUNTY
DEPARTMENT OF ENVIRONMENTAL HEALTH

Public Records Search Policy

The following shall be policy of the Department of Environmental Health regarding requests to inspect public records.

When the Department receives an inquiry about a file, the requestor will be informed that they have the option of requesting an inspection of our files at a date and time established by the Department at no cost, or a technical consultation of the record in question by the specialist assigned to the project. If the requestor wishes to only inspect the files, the Department will provide file oversight by clerical support staff and no technical answers will be provided. If a technical consultation is requested, the Department will make a Project Specialist available at a mutually agreed upon date and time to answer questions and explain the materials. The Project Specialist may also certify in writing, as appropriate, as to the completeness of the Departmental file(s) in question. The requestor should send the Department a letter stating their preferred method of file inspection and the authorizing of the appropriate fees, if any. Both public records inspection and technical consultation may be limited or delayed by the availability of staff.

FEES:

The following fees will be assessed according to the request:

(1.) **For Inspecting a File**..... No Fee

(2.) **For Copies:** Ten cents ($0.10) per page for the reproduction of documents of 8.5" x 11" inches or 8.5" x 14" inches. Reproduction charges for oversized documents (larger than 8.5" x 14" inches) or any other copy media shall be equivalent to the direct cost of duplication. Copy requests in excess of twenty (20) pages may be subject to a reasonable delay.

(3.) **For Technical Consultation** or any explanation of any materials in the file, a charge of $90.00 per hour, or fraction thereof.

REQUESTS:

All requests should be submitted in writing and sent to the Department at 1131 Harbor Bay Parkway, Alameda, CA. 94502-6577 Attention: Public Records Search.

JAT/edb
SITEPOL.JAT
PAGE III
9/27/95

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

R0458

November 13, 1997

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

STID 439

Stuart Depper
31 Muth Drive
Orinda, CA 94563

RE: Project # 5383A - Type R
at 3815 Broadway, Oakland, CA 94612

Dear Mr. Depper:

Our records indicate the deposit/refund account for the above project has a negative balance of $678.68. To close the account you are required to submit additional monies. A previous request for remittance of $680 was sent to your attention on September 29, 1997. Please send a check or money order payable to Alameda County, Environmental Health Services.

The deposit/refund mechanism is authorized in Section 6.92.040L of the Alameda County Ordinance Code. Work on this project will be debited at the Ordinance specified rate, currently $94 per hour.

Please be sure to write the following identifying information on your check:
- project #
- type of project, and
- site address (see RE: line above)

It should be noted that this project was completed by this office on September 29, 1997. If these funds are not remitted within 14 days, this matter will be referred to Central Collections.

If you have any questions, please contact Scott Seery at (510) 567-6783.

Sincerely,

for Thomas Peacock, Manager
Environmental Protection

c: Larry Blazer, Alameda County District Attorney's Office
files/inspector

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

R0458

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

September 29, 1997

ATTN: Stuart Depper

Depper, Stuart
31 Muth
Orinda CA 94563

RE: Project # 5383A - Type R
at 3815 Broadway in Oakland 94612

Dear Property Owner/Designee:

Our records indicate the deposit/refund account for the above project has fallen below the minimum deposit amount. To replenish the account, please submit an additional deposit of $680.00, payable to Alameda County, Environmental Health Services.

It is expected that the amount requested will allow the project to be completed with a zero balance. Otherwise, more money will be requested or any unused monies will be refunded to you or your designee.

The deposit refund mechanism is authorized in Section 6.92.040L of the Alameda County Ordinance Code. Work on this project will be debited at the Ordinance specified rate, currently $94 per hour.

Please be sure to write the following identifying information on your check:
- project #
- type of project and
- site address (see RE: line above).

If you have any questions, please contact Scott O Seery at (510) 567-6783.

Sincerely,

Tom Peacock, Manager
Environmental Protection

c: files/inspector

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

RO#458

September 29, 1997

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

STID 439

Mr. Kieth Craig
HK2, Inc./SEMCO
1751 Leslie Street
San Mateo, CA 94402

RE: UST closure report - Glovatorium, 3815 Broadway, Oakland

Dear Mr. Craig:

I am in receipt of the August 1, 1997 HK2, Inc./SEMCO report entitled *"Tank Closure and Drum Removal Activities at the Glovatorium Leather Cleaning Facility, 3815 Broadway, Oakland, California."* My review of this report uncovered some factual errors which should be clarified for the record.

On June 6, 1997 it is reported that I collected four split samples from Drums D-1 through D-4. Although I was present at the site that day, it was solely to observe progress with tank cleaning and internal inspections using a videocam. At no time on that or any other day did I sample drums located at this site.

On June 20, 1997 it is reported that, *under my supervision*, Tank T-5 was filled with pea gravel, the tank product fill port and valve box filled with concrete, the pit area backfilled, and above-ground vats rinsed. I was <u>not</u> at the site that day, nor did I witness the aforementioned activities any other day that I was at the site.

Please revise your report accordingly. Should you have questions, you may contact me at 510/567-6783.

Sincerely,

Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Mee Ling Tung, Director
Pam Evans, ACDEH
Leroy Griffin, Oakland Fire Department
Larry Blazer, Alameda County District Attorney's Office
Stuart Depper, 338 No. Canal Street, #26
So. San Francisco, CA 94080

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

RO#458

July 23, 1997

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

STID 439

Mr. Stuart Depper
338 North canal Street
So. San Francisco, CA 94080

RE: GLOVATORIUM, 3815 BROADWAY, OAKLAND

Dear Mr. Depper:

I have completed review of the March 11, 1997 GeoSolv, LLC work plan, as revised July 23, 1997, for the installation of twelve (12) GeoProbe boreholes in areas where drycleaning machines operated and underground storage tanks (UST) and associated piping are located. Soil and ground water samples are proposed to be collected from each.

The cited GeoSolv work plan, as revised, has been accepted for this phase of the investigation at this site, with the following clarifications:

1) Of the soil samples ultimately collected from each boring, at least one shall be from the ~3 foot depth, and the other from the capillary fringe, at a minimum.

Upon review of the report documenting this phase of work, a determination will be made regarding the locations of and need for permanent monitoring wells or additional assessment.

Please contact me at (510) 567-6783 when field work is slated to begin.

Sincerely,

Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Mee Ling Tung, Director
Larry Blazer, Alameda County District Attorney's Office
Kevin Graves, RWQCB
Leroy Griffin, Oakland Fire Department
Frank Goldman, GeoSolv, 643 Oregon St., Sonoma, CA 95476

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

R0458

RAFAT A. SHAHID, Assistant Agency Director

Certified Mailer# P 386 338 346

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320

May 1, 1994

Mr. Stuart Depper
The Leather Cleaner/Glovatorium
3815 Broadway
Oakland, CA 94611

RE: Five Year Permits for Underground Tanks at
3815 Broadway, Oakland, CA

Dear Mr. Depper:

I have reviewed the information your consultant, Certified Environmental Corporation, submitted in response to my letter dated January 13, 1994. Listed below are comments for each item as numbered in my January letter.

#1 & #2	Forms A & B are unacceptable. All copies of the **original A & B forms using the most current forms must be submitted to this office.** (Enclosed are the most current forms)
#4	The underground tank monitoring plan is unacceptable. Your plan must be in accordance to Article 4, Chapter 16, Title 23, California Code of Regulations. (See enclosed example)
#5 & #6	The partially complete report for your tank and pipeline precision test is unacceptable. A complete report with a signature from the precision testing company is required.
#7	The plot plan is unacceptable. All drains and doors in the facility must be identified. An overall scaled plot plan with respect to landmarks and property lines must also be submitted. (See enclosed example)
#8	The spill response plan is acceptable.
#9	This item pertains to underground tanks that are not currently in use. Please see Sections 2670 and 2671, Chapter 16, Title 23, California Code of Regulations.

Our records indicate that your position is the underground tanks at the above site has not been in use a number of years. In addition to registering these tanks, closure of these tanks in accordance to Article 7, Chapter 16, Title 23, California Code of Regulations may be required. See also Uniform Fire Code, Section 79.166(e).

If you have any questions, please contact me at (510) 271-4320.

Sincerely,

Larry Seto
Sr. Hazardous Materials Specialist

cc: Ed Howell, Chief, Hazardous Materials Division
Barry Gallagher, Attorney
Gary Rogers, Ph.D., Certified Environmental Corporation
Larry Blazer, Alameda County District Attorney's Office
Oakland Fire Department

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, Assistant Agency Director

R0458

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320

Certified Mailer # P 029 244 585

January 13, 1994

Mr. Stuart Depper
Leather Cleaner/Glovatorium
3815 Broadway
Oakland, CA 94611

Re: **FIVE-YEAR PERMITS FOR OPERATION OF SIX UNDERGROUND STORAGE TANKS (UST's) AT 3815 Broadway, Oakland, CA**

Dear Mr. Depper:

I have received your attorney's letter dated January 5, 1994. According to our records the Leather Cleaner/Glovatorium has not received a five-year permit to operate underground storage tanks (UGT's). Please complete the following items marked below and return them to me within 30 days. The example plans enclosed should be used only as guidelines, and may not meet all your requirements under Title 23.

✓ -- 1. Complete UST PERMIT FORM A - one per facility. (enclosed)
✓ -- 2. Complete UST PERMIT FORM B - one per tank. (enclosed)
-- 3. Complete UST PERMIT FORM C - one per tank if information is available. (enclosed)
✓ -- 4. A written tank monitoring plan. (enclosed)
✓ -- 5. Results of precision tank test(s) (initial and annual).
-- 6. Results of precision pipeline leak detector tests (initial and annual).
✓ -- 7. An accurate and complete plot plan. (enclosed)
✓ -- 8. A written spill response plan. (enclosed)
-- 9. Letter stating how the tanks are to be maintained during one year closure.

Title 23 of the California Code of Regulation prohibits the operation of ANY UST without a permit. In addition, Title 23 states that permanent closure shall apply to those UGTs in which the storage of hazardous substances has ceased and the tanks will not be used or are not intended for use, for storage of hazardous substances within the next 12 consecutive months. Please feel

free to contact at 510/271-4320 if you have any questions which may arise in completing the mandatory five year permit process or the closure of your UGTs.

Sincerely,

Larry Seto
Senior Hazardous Materials Specialist

cc: Ed Howell/files
Barry Gallagher, Attorney
Larry Blazer, Lalmeda County District Attorney's Office

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, Assistant Agency Director

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320

R0458

April 5, 1993

Mr. Stuart Depper
The Leather Cleaner, Inc.
3815 Broadway
Oakland, CA 94611

RE: 3815 Broadway, Oakland, CA

Dear Mr. Depper:

On April 1, 1993, we discussed on the phone your proposal to disposal of your spent stoddard solvent containing oil by adding diesel to this mixture, and burning it as fuel in your boiler. In addition, we discussed your proposal to treat your filter powder containing stoddard solvent by mixing it with water, and distilling off the solvent and water. Before I can tell you if your proposals are acceptable, I need to review the regulations, specifically California Code of Regulations, Title 22, Sections 66266.30 - 66266.35, 66268.113 and 67450.11, and contact the Department of Toxic Substance Control for their opinion.

If you have any further questions, please contact me at 271-4320.

Sincerely,

Larry Seto
Sr. Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney's Office
RWQCB
Ed Howell, Chief, Hazardous Materials
DTSC
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

R0458

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94621
(415)

Certified Mailer # P 061 127 751

January 8, 1991

Mr. Robert Depper
The Glovatorium
3815 Broadway
Oakland, CA 94611

RE: Analytical results of samples collected from the Glovatorium in October 1990; interim measures that the Glovatorium must implement in response

Dear Mr. Depper:

As you may recall, on October 15, 1990, environmental samples were collected from the Glovatorium and from 31 Muth Dr., Orinda, under a search warrant obtained by the Oakland Police Dept. Agencies present during this sampling included the U.S. Environmental Protection Agency, the California Dept. of Fish and Game, our office, the Contra Costa County Health Services Dept., the Alameda County District Attorney's Office, the Oakland Police Dept., and the Berkeley Environmental Health Dept. Seven soil samples were taken from the back yard of the Orinda residence, and the samples indicated below were collected from the Glovatorium facility.

Glovatorium Sample Locations and Lab Results

A. Liquid samples from the well installed into the underground storage tank area, and from the 55-gallon drum into which this well is pumped. All of these samples were dual-phase, that is, they contained a substantial amount of floating solvent on top of water. The top portion of these samples tested at up to 100% Stoddard solvent, and the bottom (water) portion of these samples contained as much as 3,300 parts per million (ppm) of dissolved Stoddard solvent.

B. Liquid and sludge samples from six floor drains/sumps that discharge into the EBMUD sanitary sewer system; during the sampling, connections from each drain to the sanitary sewer outlet on Manila Ave. were confirmed with a flouricine dye tracer test. Nearly all of these samples were found to contain Stoddard solvent, at concentrations of up to 110,000 ppm.

C. Liquid samples from the Manila Ave. sanitary sewer manhole, collected on October 12, 1990 using a timed automatic sampler.

Three of these samples were found to contain Stoddard solvent and diesel, at levels of up to 120 ppm and 52 ppm, respectively.

D. Liquid samples from the caustic tank adjacent to the well installed in the underground tank storage area, and from the floor drain that this tank empties into. These samples contained minor amounts of heavy metals and a nearly neutral pH of 7.4.

E. Standing liquid from the floors of the dry-cleaning room and the dryer room. These samples contained up to 59 ppm Stoddard solvent. After sampling, what appeared to be pure hydrocarbon liquid oozed through the floor of the dryer room (based on its obvious phase separation from water that came with it).

F. Soil from under the concrete floor in the dry-cleaning room. This soil, which smelled strongly of hydrocarbons, tested out at 91,000 ppm Stoddard solvent.

G. Solid samples from each of fifteen 55-gallon drums containing soil and concrete debris; about half of these drums were located behind the sandblaster, and the other half in the heated drying room. Of the 15 drums, 13 were shown to contain Stoddard solvent, at levels of up to 32,000 ppm. The samples were collected from the top 6-8 inches of these drums, where evaporation and natural drainage may result in samples with unrepresentative (low) levels of hydrocarbons; therefore, the <u>average</u> levels of solvents in these drums is likely to be higher than the reported results. In addition, the two drums with "non-detect" levels of solvents from the top 6-8 inches may have significant contamination towards their bottoms.

H. Solid samples from a dumpster within the building that smelled strongly of dry cleaning solvent, as a result of which we quarantined the dumpster. These samples contained up to 320,000 ppm, or 32%, perchloroethylene.

<u>Interim Action Requirements</u>

Based on these results, the Glovatorium must take the the following steps:

1. There are clearly leaks or holes (or both) in the underground tank cluster under the floor of the building. The ongoing releases from the tank system are a source of gross pollution to the groundwater, which may be a flowing underground stream in this area. Therefore, all of the underground tanks currently in use must be pumped out completely, and their use halted indefinitely. An alternative storage method for Stoddard solvent

must be implemented, subject to approval from the Oakland Fire Dept., the Bay Area Air Quality Management District, and us.

2. Soil borings and groundwater monitoring wells must be installed around the underground storage tanks, and downgradient of these tanks. Borings and wells must also be installed beneath the dry-cleaning room and dryer room, where there is evidence of significant subsurface contamination that may have already, and could continue to, migrate off-site. Following a full definition of the types, concentrations, and areal extent of hydrocarbon contamination, a comprehensive cleanup plan will need to be developed and implemented. Additionally, leakage/spillage from the dry-cleaning machines and dryers must be contained and prevented from reaching subsurface soils.

3. Contaminated sludge and water from the sanitary sewer drains and sumps must be removed and handled as hazardous waste. The Glovatorium must desist immediately from disposing of hydrocarbon-contaminated water or pure hydrocarbons to the sanitary sewer, either directly or indirectly, to the extent that such discharges exceed EBMUD influent limits.

4. Soils and debris in the 55-gallon drums are likely to qualify as hazardous waste, based on <u>flammability</u> or <u>toxicity</u> criteria. Therefore, this material must be removed from the site and be treated/disposed of as hazardous waste (unless the Glovatorium can demonstrate this waste to be nonhazardous, according to Sec. 66305, Div. 4, Title 22, California Code of Regulations). However, if all or part of this waste is proved to be nonhazardous, there still may be disposal restrictions that will require coordination with this office.

5. As mentioned in person to Stuart Depper on November 20, 1990, perchloroethylene-contaminated waste in the quarantined dumpster needs to be segregated from rubbish, with the solvent-laden waste handled as hazardous. The Glovatorium must send this office a letter that indicates how this waste will be segregated and treated or disposed of, and how the Glovatorium will handle such waste in the future (it is not appropriate to mix it with simple rubbish). If the letter is acceptable, a representative from this office will be available to remove the quarantine and witness the separation of hazardous waste from other trash.

6. Cleanup of contaminated soil at 31 Muth Drive in Orinda must be coordinated through the Contra Costa County Health Services Dept., Hazardous Materials Section. They can be reached at:

4333 Pacheco Blvd.
Martinez, CA 94553-2295 ph. (415) 646-2286

Please submit a work plan to this office that takes into account all of the above considerations. The work plan must be prepared and signed by a California-Registered Geologist or Professional Engineer; it must be thorough in scope and include a schedule for implementation of specific tasks. The work plan is due in 60 days, that is, no later than **March 8, 1991.**

If you have any questions concerning the contents of this letter, please contact the undersigned at 271-4320.

Sincerely,

Gilbert M. Wistar

Gil Wistar
Hazardous Materials Specialist

c: Ned Robinson, Attorney-at-Law (3730 Mt. Diablo Blvd., Suite 330, P.O. Box 1757, Lafayette, CA 94549)
Jim Haltum, Contra Costa County Health Services Dept. (4333 Pacheco Blvd., Martinez, CA 94553-2295)
Alan Whitman, Oakland Police Dept.
Mark Thomson, Alameda County District Attorney's Office, Consumer and Environmental Protection Division
Rafat A. Shahid, Asst. Agency Director, Environmental Health
files

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

R0458

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94621
(415)

Certified Mailer # ~~P 888 981 480~~
2nd Notice P 062 128 041

July 10, 1989

Mr. Stuart Depper
The Glovatorium
3815 Broadway
Oakland, CA 94611

NOTICE OF VIOLATION

Dear Mr. Depper:

On July 5, 1989 Gil Wistar of the Alameda County Department of Environmental Health, Hazardous Materials Division inspected the premises at 3815 Broadway in Oakland. The following violations of the California Code of Regulations were noted at this facility.

Title 22:

1. Sec. 66508 - Some hazardous waste and hazardous material containers are not labeled for composition/physical state, type of hazards posed, and name/address of waste generator. In addition, no beginning accumulation date was identified on any waste container on the premises.

2. Sec. 66492 - The facility could not readily produce copies of hazardous waste disposal receipts dating back three years. Such receipts must be maintained in an accessible file and should document that proper disposal of wastes is occurring at least every 90 days.

3. Sec. 67124 - In several areas around the facility, there is insufficient aisle space and access for the proper storage of hazardous materials. In all areas, hazardous materials and wastes should be stored to allow unobstructed movement of personnel and equipment in the event of fire or spill. This also means that drums should not have any debris stored on or around them, and that empty drums should either be stored together in a secure area or removed from the facility.

4. Sec. 67105 - The facility has incomplete records of employee training. An MSDS training program has been imlplemented, but more site-specific training and documentation are needed to ensure employees' familiarity with proper handling and emergency procedures for hazardous materials.

5. Sec. 67140 - A contingency plan for the facility has not been prepared.

6. Sec. 67141 - There is no listing of persons qualified to act as emergency coordinators in the event of a waste material release.

7. Sec. 67241 - One of the stoddard waste drums and at least one product drum are rusted, badly dented, or both. These and any other such containers in deteriorated condition must be replaced with undamaged containers.

8. Sec. 67243 - One half-full drum in the back, containing stoddard waste, was found to be open. Drums should always be kept closed except when adding or withdrawing waste from them.

Title 19:

9. Sec. 25504a - The facility business plan requires annual inventory information on all chemicals handled in quantities above 500 pounds (solids), 55 gallons (liquids), or 200 cubic feet (gases). Although you mentioned that you had submitted this list, our office has not received it.

Title 23:

10. Sec. 25292 - The six underground storage tanks on the facility have incomplete monitoring provisions for the detection of unauthorized releases of hazardous materials. (See discussion below.)

According to Sec. 2641 of Title 23, Chapter 3, Subchapter 16 (enclosed for your information), there are eight monitoring alternatives for existing underground tanks (those installed before 1/1/84). You stated that it was not possible to conduct precision tests on the tanks because of limitations in the amount of stoddard

that could be transported to your site at any one time. Therefore, you are limited to monitoring alternative 2. This is because alternatives 1, 3, 5, 7, and 8 all require precision testing; alternative 4 cannot be used in the Bay Area because of potential beneficial uses of water in and around San Francisco Bay; and alternative 6 is limited to motor vehicle fuel storage tanks.

For your specific situation, alternative 2 requires three downgradient monitoring wells, as well as vadose (unsaturated) zone monitoring; your tank farm has only one monitoring well currently. In order to keep operating these six tanks, then, you would need to take actions to comply with Title 23; otherwise, you must close the tanks by filing a closure permit with this office.

In accordance with Sec. 66328, a Plan of Correction must be submitted to this office within 30 days, or by **August 9, 1989.** The plan should specify the actions you will take to address the above violations and the expected dates of completion. A closure plan for your underground tanks must also be submitted within 30 days.

Your attention is directed to Sections 25184, 25189, and 25191 of the California Health and Safety Code, which provide for civil and criminal penalties of up to $25,000 per day for each violation of these regulations. In addition, in accordance with Sec. 25294 of the Health and Safety Code, any owner or operator of an underground tank who operates or improperly closes the tank without Alameda County's approval is liable for fines of up to $50,000 per day on each count.

If you have any questions concerning this letter, please contact Gil Wistar, Hazardous Materials Specialist, at 271-4320.

Sincerely,

Rafat A. Shahid

Rafat A. Shahid, Chief
Hazardous Materials Division

RAS:GW:gw

enclosure

cc: Doug Krause, DOHS
Gil Jensen, Alameda County District Attorney, Consumer and Environmental Protection Division

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

R0458

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