



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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September 4, 2015

Ms. Rachel Green
Anton Development Company
1415 L Street, Suite 450
Sacramento, CA 95814
(sent via electronic mail to rgreen@anton.co)

Subject: Modified Work Plan Approval; SCP Case RO000548 and Geotracker Global ID T0600100894, Mike Roberts Color Production 6707 Bay Street, Emeryville, CA 94608

Dear Ms. Green:

Alameda County Environmental Health (ACEH) has reviewed the case file, including the Monitoring Well and Soil Vapor Probe Decommissioning Report, dated July 22, 2015, and the *Revised Work Plan for Pre-Construction Subsurface Investigation*, dated August 28, 2015. Both reports were prepared and submitted on your behalf by PES Environmental, Inc (PES). Thank you for submitting the reports.

Based on ACEH staff review of the referenced revised work plan, the proposed scope of work is conditionally approved for implementation provided that the technical comments below are incorporated during the proposed work. Submittal of a revised work plan or a work plan addendum is not required unless an alternate scope of work outside that described in the work plan or these technical comments is proposed. We request that you address the following technical comments, perform the proposed work, and send us the report described below. Please provide 72-hour advance written notification to this office (e-mail preferred to: mark.detterman@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. Conditional Work Plan Addendum Approval – The referenced work plan addendum proposes a series of actions and ACEH is in general agreement; however, ACEH requests several modifications to the approach, as discussed below. Please submit a report by the date identified below.

a. Characterization of Shallow Soils – Based on Table 1, *Proposed Sampling and Analysis Program*, it appears that a very limited number of soil samples will be collected in soil proposed to be excavated to accommodate the construction of the proposed building foundation and pavement sections (i.e. pre-characterization of excavated soil). This appears to be based on the assumption that concentrations in soil samples collected below soil proposed to be excavated soil are, or will be, similar to concentrations in soil to be excavated.

The work plan also states that the sampling density is intended to meet the Department of Toxic Substances Control (DTSC) *Information Advisory – Clean Imported Fill Material*, dated October 2001. However, in ACEH's view this advisory provides a method to determine if soil material from an offsite source is suitable as import to a site, but does not provide guidance on the frequency of sampling at a site known to be contaminated and known to be part of a formerly uncontrolled fill environment.

Therefore, it appears appropriate to collect additional shallow soil samples within the portion of soil to be excavated to confirm that contaminant concentrations in very shallow soil is similar to contaminant concentrations in underlying soil that will remain beneath the proposed features. This effort will also provide some pre-characterization of these soils for either onsite reuse, or offsite disposal. Please utilize an alternative existing guidance, or a statistical approach to determine a sufficient number of samples to characterize this very shallow fill material, and support the determination in the document requested below. This guidance

could be based on landfill acceptance requirements, but must include contaminants of known concern at the site.

- b. Metals Analysis** – The majority of metals analysis proposed for the investigation is focused on total lead. This appears to be based on existing metals data for the site that was collected at deeper intervals. Because the subject site was an uncontrolled landfill environment, ACEH requests both an increase in the percentage of proposed soil samples to be analyzed for the full Title 22 metals suite to a statistically defensible percentage, from the currently less than 50% sampling rate, as well as a statistically similar treatment for the additionally requested very shallow soil sampling set, discussed in the preceding comment. Please include the statistical, or other, analysis in the document requested below.
 - c. Soil Vapor Protocols** – ACEH is in general agreement with the proposed vapor sampling protocols. Please ensure that shroud helium concentrations are collected and recorded at each location in the event the tracer is detected in a vapor sample. DTSC guidance is available for determining if the vapor sample(s) remain acceptable in that situation.
 - d. Sub-Slab Vapor Samples** – ACEH understands and accepts that access limitations may require the collection of sub-slab vapor data in the warehouse at the site. As you may be aware, soil gas is generally considered to be representative of volatile contaminants in soil, whereas subslab concentrations have been considered by some in the industry to be non-representative. It is a current area of debate within the industry. Therefore, ACEH requests the preferential collection of soil gas at the site rather than sub-slab data in order to minimize potential comparison issues between a data set collected at depth and a data set collected below a concrete slab.
- 2. Electronic Report and Data Upload Compliance** – A review of the case file and the State's Geotracker database indicates that the site is not in compliance with previous requests. In accordance with California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SLIC programs. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites was required in GeoTracker. At present missing data and documents include, but may not be limited to, older reports, EDF submittals, GEO MAPS, and bore logs. Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. ACEH requests notification of, and a list of, the documents uploaded to Geotracker. Please upload all submittals to GeoTracker by the date specified below.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with the specified file naming convention below, according to the following schedule:

- **October 16, 2015** – Site Investigation Report
File to be named: RO548_SWI_R_yyyy-mm-dd
- **November 13, 2015** – Site Investigation Report
File to be named: RO548_SWI_R_yyyy-mm-dd

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

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

Sincerely,

Mark Detterman, PG, CEG
Senior Hazardous Materials Specialist

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

cc: John Nady, Nady Systems, Inc., 11 Glen Alpine Road, Piedmont, CA 94611

Kyle Flory, PES Environmental, Inc, 1682 Novato Blvd, Suite 100, Novato, CA 94947
(sent via electronic mail to kflory@pesenv.com)

Robert Creps, PES Environmental, Inc, 1682 Novato Blvd, Suite 100, Novato, CA 94947
(sent via electronic mail to rcreps@pesenv.com)

Dilan Roe, ACEH, (sent via electronic mail to dilan.roe@acgov.org)
Mark Detterman, ACEH, (sent via electronic mail to mark.detterman@acgov.org)
Geotracker, Electronic File

Attachment 1

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) GeoTracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the GeoTracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in GeoTracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: May 15, 2014
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

REQUIREMENTS

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection.**
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- **Signature pages and perjury statements must be included and have either original or electronic signature.**
- **Do not password protect the document.** Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:

RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Submission Instructions

- 1) Obtain User Name and Password
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to deh.loptoxic@acgov.org
 - b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses, and the Case Numbers (RO# available in Geotracker) you will be posting for.**
- 2) Upload Files to the ftp Site
 - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
 - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to deh.loptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @acgov.org. (e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.