



February 2, 2017

Ms. Rachel Green
Anton Development Company
1415 L Street, Suite 450
Sacramento, CA 95814
(Sent via electronic mail to: rgreen@antondev.com)

Subject: Report Reviews, Work Plan Request, Conditional Approval of Work Plan, and HHRA Acceptance; SCP Case RO000548 and Geotracker Global ID T0600100894, Mike Roberts Color Production 6707 Bay Street, Emeryville, CA 94608

Dear Ms. Green:

Alameda County Department of Environmental Health (ACDEH) has reviewed the case file including the following documents related to a Human Health Risk Assessment and subsurface investigation activities at the subject site:

Subsurface Investigations

- *Northern Extant Onsite Building Investigation Report*, by PES Environmental, Inc. (PES), dated October 5, 2016. The report documented the results of the installation of six temporary soil vapor points at the depths of five and 10 feet below grade surface (bgs) beneath a lightly explored area of the site, and based on the investigation results recommended that measures to address benzene and ethylbenzene contaminated soil be included in the Site Management Plan (SMP).
- *Off-Site Subsurface Investigation Report*, by PES, dated December 21, 2016. This report presents investigation activities conducted during the installation of 11 soil vapor points, and seven grab groundwater samples, and based on the results identified several data gaps. The report also included a work plan for additional work to fill the data gaps and to monitor soil vapor concentrations overtime beneath the adjacent site.

Human Health Risk Assessment

- *Human Health Risk Assessment Work Plan* by the SLR International Corporation (SLR), dated October 17, 2016;
- *Review of Human Health Risk Assessment Work Plan*, by Enviro-Tox Services, Inc. (Enviro-Tox), dated October 16, 2016;
- *Review of Human Health Risk Assessment Report*, by Enviro-Tox, dated December 5, 2016;
- *Response to Enviro-Tox Comments on Human Health Risk Assessment Report*, by SLR, dated December 15, 2016;
- *Human Health Risk Assessment Report*, by SLR, dated December 27, 2016; and
- *Review of Risk Assessment Reports*, by Eco-Tox, dated December 30, 2016.

Thank you for submitting the reports. As discussed during the stakeholder meeting on January 31, 2017 ACDEH will provide comment to you by February 17, 2017 on the Draft Corrective Action Plan prepared by PES and received by ACDEH via email correspondence on January 30, 2017 and on the Remedial Progress Reports dated December 12, 2016, and January 20, 2017.

TECHNICAL COMMENTS

- 1. Northern Onsite Extant Building Report** – As noted above, the *Northern Extant Onsite Building Investigation Report* documents the results of the installation of six temporary soil vapor points at the depths of five and ten feet below grade surface (bgs) to further investigate soil gas concentrations of volatile organic compounds (VOC) in an area proposed for redevelopment with proposed future at-grade residential, common area, and parking structure construction. Concentrations of VOCs (namely benzene, ethylbenzene, and xylenes) associated with gasoline were documented in 5 of the 6 soil gas samples (SV62, SV63, SV65, SV66, SV67) with benzene and ethylbenzene concentrations exceeding the February 2016 residential Environmental Screening Levels (ESLs) promulgated by the San Francisco Bay Regional Water Quality Control Board (Regional Water Board). While the highest benzene vapor concentration fits in the 10^{-4} to 10^{-6} risk level as identified in the referenced HHRA, the location of the vapor source and extent of the vapor plume has not been identified. Therefore, it appears appropriate to conduct additional assessment in the vicinity of these detections to identify the source of the VOCs and determine the lateral extent and magnitude (based on seasonal variations) of the soil gas concentrations with the intent of determining if corrective actions in that area are appropriate.
- 2. Off-Site Subsurface Investigation Report** – As noted above, the *Off-Site Subsurface Investigation Report* documents the results of the installation of 11 soil vapor points, and seven grab groundwater locations beneath the immediately adjoining offsite commercial building. The report additionally identified data gaps and proposed additional actions including the delineation of the lateral extent of vinyl chloride to commercial ESLs at offsite and onsite locations with the installation of three temporary vapor points and the installation of four semi-permanent multi-depth vapor wells to assess changes through time. ACDEH is in general agreement of undertaking these tasks. Based on ACDEH staff review of the work plan contained in the referenced *Off-Site Subsurface Investigation Report*, the proposed scope of work is approved for implementation. 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.
- 3. Human Health Risk Assessment** – The *Human Health Risk Assessment Report* (HHRA) presents the results of a risk characterization and concludes that without corrective actions or a Vapor Mitigation System (VMS) unacceptable health risks are present at the site for future construction workers, future utility workers, future residents, and future commercial workers in excess of a Hazard Index (HI) of 1.0 and in excess of a Lifetime Excess Cancer Risk (LECR) of 10^{-4} to 10^{-6} . Based on an independent third party review of the HHRA by Enviro-Tox ACDEH requests that the recommendations for corrective actions and mitigation measures, including the VMS, be incorporated in the Corrective Action Plan (CAP) for the site to meet residential human health risk goals.
- 4. Geotracker 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 directive letters. Compliance is a State requirement that ACDEH is tasked with implementing. Pursuant to 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, EDF submittals, bore logs for more recent bores, current GEO_MAPs, survey XYZ data. Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details.

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

Please note that ACDEH has updated Attachment 1 with regard to report submittals to ACDEH. ACDEH will now be requiring a Submittal Acknowledgement Statement, replacing the Perjury Statement, as a cover letter signed by the Responsible Party (RP). The language for the Submittal Acknowledgement Statement is as follows:

I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's Geotracker Website.

Please make this change to your submittals to ACDEH.

TECHNICAL REPORT REQUEST

Please upload the following technical reports to the ACDEH ftp site (Attention: Mark Detterman) and to the State Water Resources Control Board's Geotracker website:

- **Geotracker Compliance.** ACDEH requests notification of, and a list of, the documents uploaded to Geotracker. Please upload all submittals to GeoTracker, and appropriate submittals to ACDEH's ftp website, by the date specified below.

March 3, 2017 – Geotracker Compliance

Please email your case worker with notification of compliance.

- **Onsite Extant Building Work Plan.** A brief work plan with the proposed scope of work to conduct further investigation activities as discussed in Technical Comment No. 1 above. The work plan must include a figure of proposed sampling locations; however, may reference a previously approved work plan for sample collection protocols. Please upload the report with the file naming convention and in compliance with the schedule specified below:

March 17, 2017 – Onsite Extant Building Work Plan

File to be named: RO548_WP_R_yyyy-mm-dd

- **Offsite Investigation Report.** Please conduct the scope of work presented in the *Off-Site Subsurface Investigation Report* discussed in Technical Comment No. 2 above and submit a report documenting the results of the investigation. Please upload the report with the file naming convention and in compliance with the schedule specified below:

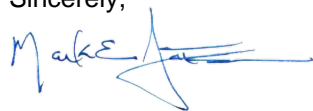
April 14, 2017 – (Off) site Investigation

File to be named: RO548_SWI_R_yyyy-mm-dd

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

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

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cc: John Nady, Nady Systems, Inc, 870 Harbour Way South, Richmond, CA 94804; (Sent via electronic mail to: jnady@nady.com)

Toby Nady, Nady Systems, Inc, 870 Harbour Way South, Richmond, CA 94804; (Sent via electronic mail to: tnady@nady.com)

Miroo Desai, City of Emeryville, 1333 Park Avenue, Emeryville, CA 94608
(Sent via electronic mail to: mdesai@emeryville.org)

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

Chris Baldassari, PES Environmental, Inc, 1682 Novato Blvd, Suite 100, Novato, CA 94947
(Sent via electronic mail to: cbaldassari@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, ACDEH, (Sent via electronic mail to: dilan.roe@acgov.org)

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

Mark Detterman, ACDEH, (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

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

ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6731, 6735, and 7835) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately licensed or certified professional. For your submittal to be considered a valid technical report, you are to present site-specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this case meet this requirement. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

UNDERGROUND STORAGE TANK CLEANUP FUND

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

AGENCY OVERSIGHT

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

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

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

REQUIREMENTS

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection.**
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- **Signature pages and 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) Open File Explorer using the Windows  key + E keyboard shortcut.
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) On the address bar, type in `ftp://alcoftp1.acgov.org`.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
 - d) Click Log On.
 - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - f) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to deh.loptoxic@acgov.org 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.