



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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April 5, 2012

Ms. Elaine Kirk
Marks Management Co.
505 Sansome Street, # 1400
San Francisco, CA 94111

Mr. William H. Banker, Jr.
San Pablo Avenue Venture
c/o Banker, Marks, & Kirk
1720 Broadway, Suite 202
Oakland, CA 94612

Subject: Conditional Approval of Work Plan; Fuel Leak Case No. RO00002520 (Global ID #T06019788682), Maz Glass; 3800 San Pablo Avenue, Emeryville, CA 94608

Dear Ms. Kirk and Mr. Banker:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Report of Soil and Groundwater Investigation and Workplan to Conduct Additional Investigative Activities*, dated January 26, 2012, and the *Amended Workplan to Conduct Additional Investigative Activities*, dated March 6, 2012 (received March 15, 2012). The reports were prepared and submitted on your behalf by Gribi Associates (Gribi). ACEH had previously reviewed and informally commented on the *Proposal to Conduct Soil and Groundwater Investigation*, dated December 15, 2011, and generated by Gribi as the result of a potential sale of the site. While not a direct response to the November 28, 2011 directive letter from ACEH, ACEH did not object to the then pending work as it would gather data to fill a number of existing data gaps. Thank you for submitting each of the documents.

Based on ACEH staff review of the 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. **Work Plan Modifications** – The referenced work plan proposes a series of actions with which ACEH is in general agreement; however, ACEH requests several modifications to the approach. Please submit a soil and groundwater report by the date identified below.
 - a. **Request for Additional Soil Bore** – ACEH is in general agreement with the location of the proposed soil bores and groundwater wells at the subject site; however, requests the addition of one soil bore at the suspected former UST location in the northeastern parking lot. The addition of this bore will gather data regarding the presence of any residual contamination remaining in soil at the location, and any contaminant contribution to groundwater at a potential former source.
 - b. **Well Screen Intervals** – The referenced work plan anticipates and proposes the installation of well screens between approximately 23 to 13 feet below grade surface. In general ACEH requires shorter screen intervals in order to collect more representative groundwater samples, generally with no more than a 5 foot sand interval; however, ACEH recognizes that

fully screened water-bearing zones are appropriate in thinner permeable zones, and are difficult to field identify in clay dominated water-bearing systems. ACEH requests an effort to minimize the screen length at each well location to the extent possible, with well screens minimally longer than the water-bearing zone, including a capillary fringe zone. If longer screen intervals are judged appropriate well clusters or multilevel wells (similar to CMT) may be appropriate. Please communicate the preferred changed interval or well installation technology with ACEH in an email or other brief communication prior to work initiation.

- c. **Request for Addition of Lead Scavengers to Analytical Suite** – Because of the age of the gasoline USTs presumed to have been present at the site, ACEH requests the addition of lead scavengers (EDB and EDC) to the fuel additive analytical suite conducted in potential source locations (eastern UST location, and the four wells).
- d. **Request for Addition of TPHho to MW-3 Analytical Suite** – Well MW-3 is proposed to be located at the location of one or more former heating oil UST(s). While it is understood that bores B-6 and B-7 did not detect significant concentrations of TPHd (or TPHg) in soil the proposed position of well MW-3 will gather data regarding the presence of any residual contamination remaining in soil a source location.
- e. **Soil Selection Protocols** – The work plan addendum proposes to collect approximately three soil samples in each groundwater monitoring well, and one to two soil samples in soil bores. To preclude miscommunication ACEH additionally requests that soil samples be collected, and submitted for analysis, at signs of contamination (odor, discoloration, PID responses, etc.) and at significant changes in lithology.
- f. **Bore Logging** – Only to clarify the proposed logging protocols, ACEH requests that PID readings and the depth of first and stabilized groundwater be included on the logs.

TECHNICAL REPORT REQUEST

Please submit the following deliverable to ACEH (Attention: Mark Detterman), according to the following schedule:

- **June 15, 2012** – Soil and Groundwater Investigation Report
- **October 1, 2012** – Third Quarter 2012 Groundwater Monitoring Report
- **January 18, 2013** – Fourth Quarter 2012 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.

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

Sincerely,

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

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

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cc: James Gribi, Gribi Associates, 1090 Adams Street, Suite K, Benicia, CA 94510, (sent via electronic mail to: JGribi@gribiassociates.com)

Donna Drogos, ACEH, (sent via electronic mail to donna.drogos@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: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 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.