

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**  
AGENCY  
ALEX BRISCOE, Director



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

December 2, 2010

Mr. Geoffrey Sears  
Wareham Development Corporation  
1120 Nye St., Suite #400  
San Rafael, CA 94901-8403  
(sent via electronic mail to:  
[gsears@warehamproperties.com](mailto:gsears@warehamproperties.com))

Mr. Fillmore Marks  
Mark's Management Company  
505 Sansome Street, Suite 1400  
San Francisco, CA 94111

Subject: Request for Work Plan Addendum; SLIC Case RO0002621 and Geotracker Global ID SL0600195077, Emeryville Industrial Court, 5885 Hollis Street, Emeryville, CA 94608

Dear Messrs. Sears and Marks:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site, including the documents entitled *Soil and Groundwater Investigation Letter Report*, dated May 14, 2010, and *Monitoring Well Installation Work Plan*, dated July 12, 2010; both were prepared and submitted on your behalf by Treadwell & Rollo, Inc. The investigation and report addressed three issues, the presence of residual benzo (a) pyrene in soil and groundwater along Peladeau Street, the presence of potentially residual volatile organic compounds (VOCs) in groundwater derived from the former use and storage of VOCs along the eastern side of the site, and the presence of petroleum hydrocarbon compounds along the southern boundary of the site. Both the Emeryville Industrial Court redevelopment on the north and the Tosco 76 / Chevron service station to the south currently occupy a formerly larger parcel that previously contained a Unocal bulk oil facility.

In regards to benzo (a) pyrene concentrations, the results of the investigation found no additional known locations and therefore appear to indicate no risk to utility workers or landscapers due to either concentrations in Peladeau Street or in shallow soil in areas of landscaping. Residual concentrations appear to be present beneath the area of the sidewalk below an approximate depth of 5 feet below grade surface. No additional work appears to be necessary on this concern.

In regards to potentially residual VOCs in groundwater from the former use and storage of VOCs along the eastern side of the site the results did not find detectable concentrations of VOCs in groundwater collected along Peladeau Street. No additional work appears to be necessary on this concern.

In regards to petroleum hydrocarbons along the southern property line, petroleum hydrocarbons were documented in both soil and groundwater along the property line. As a consequence, the referenced work plan was submitted to further investigate their presence in soil and groundwater through the installation of three monitoring wells. ACEH is in general agreement with the work plan; however, requests a work plan addendum to address residual soil concentrations not otherwise defined in extent at the site. Based on ACEH staff review of the case file, ACEH requests that you address the following technical comments in a brief work plan addenda, submit the requested addenda, and upon approval of the addenda, submit the report described below.

## **TECHNICAL COMMENTS**

1. **Work Plan Addendum** – There are several issues of potential concern or that require clarification:
  - a. **Lateral Extent of Onsite Impacted Soil** - Previously installed soil bore locations TR-25 and TR-28 have up to 2,100 mg/kg TPH as gasoline at 6 feet below grade surface; however, the lateral and vertical extent has not been adequately defined onsite. TRCPT-9 appears to help define the extent vertically, and helps define the extent of impacted groundwater in the presumed downgradient direction. It is also understood that this area contains a series of utility conduits that may limit the ability to fully explore these limits, and that the installation of the utilities may have already removed a portion of the residual contaminants. Please place utility conduits on future site plans in order for this information to be accurately conveyed. Please also describe and discuss how the depth of the utility corridor may impact contaminant migration beneath the site at this location. Inclusion of geologic cross sections may also be appropriate to convey this information. Please address these issues including any soil bore locations to delineate the extent of impacted media in a brief work plan addendum by the date identified below in order for the site to progress more quickly towards a resolution.
  - b. **Collection of Adequate and Representative Soil Samples** – ACEH generally concurs with the proposed collection and the selected analytical suite outlined for soil and groundwater data contained in the work plan; however, ACEH did not locate details for the minimum number of soil samples proposed to be submitted for analysis. ACEH requests that soil samples be collected and submitted for analysis from soil with signs of contamination (staining, odor, PID detects, or etc) or from the capillary fringe if no signs of impact are present.
  - c. **Well Screen Intervals** – The work plan specified 20-foot wells, with 14-foot screen intervals. 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 the depth to groundwater at the subject site appears to be encountered at differing intervals. ACEH requests an effort to minimize the screen length at each well location to the extent possible, with well screens no longer than 5 feet. If longer screen intervals are judged appropriate well clusters or CMT multilevel wells may be appropriate. Please include proposed changes in the brief work plan addendum.
  - d. **Well Spacing** – As proposed wells TW-2 and TW-3 are spaced approximately 115 feet apart, in part to allow better triangulation and thus determination of the groundwater flow direction. Because of the wide spacing interval between the proposed wells ACEH requests either the addition of an intermediate well or the tightening of the proposed well spacing to preclude or minimize concerns relative to potential contaminant migration pathways. Wells located approximately downgradient of CPT bores with detectable groundwater concentrations may allow some level of contaminant delineation. Please include proposed changes in the work plan addendum.
2. **GeoTracker Compliance** – ACEH thanks you for uploading reports to the County's ftp website; however, a recent review of the case file on the State Water Resource Control Board's Geotracker website indicates that electronic copies of analytical data have not been submitted for the site for any sampling event, either groundwater water or investigative. Please also upload all required groundwater monitoring reports, maps, GEO\_WELL, and other data required by state regulations into Geotracker. There have been no uploads to Geotracker for this site since 2007. Please note that these submittals are a state requirement and as a consequence the site is out of compliance with state regulations. Geotracker requirements and links are listed below in Attachment 1. Please note both websites require uploads, but have differing requirements. Please upload all required submittals by the date identified below.
3. **Coordinated Groundwater Monitoring** – While currently premature, ACEH requests that Wareham Development and ConocoPhillips coordinate future groundwater monitoring events of the two sites, and to continue to share data since both properties overlie the former Unocal bulk fuel plant and share a common source area.

### **TECHNICAL REPORT REQUEST**

Please submit technical reports to Alameda County Environmental Health (Attention: Mark Detterman), according to the following schedule:

- **December 20, 2010** – Documentation of Appropriate Geotracker Uploads
- **January 10, 2011** – Work Plan Addendum
- **60 Days After Addendum Approval** - Soil and Groundwater Investigation

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.

If you have any questions, please call me at (510) 567-6876 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,

Mark E. Detterman, PG, CEG  
Hazardous Materials Specialist

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

cc: Matt Hall, Treadwell & Rollo, Inc., 555 Montgomery Street, Suite 1300, San Francisco, CA 94111, (sent via electronic mail to: [mbhall@treadwellrollo.com](mailto:mbhall@treadwellrollo.com))

Donna Drogos, (sent via electronic mail to [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))  
Mark Detterman (sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))  
File, GeoTracker

## 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.swrcb.ca.gov/ust/electronic\\_submittal/report\\_rqmts.shtml](http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml)).

#### 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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> July 20, 2010
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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 [dehloptoxic@acgov.org](mailto:dehloptoxic@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 [dehloptoxic@acgov.org](mailto:dehloptoxic@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.