

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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August 26, 2008

Mr. Anye Spivey  
A.F. Evans  
1000 Broadway, #300  
Oakland, CA 94607

Subject: SLIC Case RO0002924 and Geotracker Global ID T06019776161, 901 Jefferson Housing LLC, 901 Jefferson Street, Oakland, CA 94607

Dear Mr. Spivey:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above referenced site including the recently submitted document entitled, "*Response to Technical Comments*," dated June 5, 2008 and prepared by Treadwell & Rollo Environmental and Geotechnical Consultants. The "*Response to Technical Comments*," presents responses to technical comments contained in our April 18, 2008 correspondence and requests that ACEH approve completion of site mitigation work and issue a "no further action" determination for the site. Based on our review of the "*Response to Technical Comments*," and case file, further evaluation of the site is required prior to case closure.

We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

**TECHNICAL COMMENTS**

1. **Potential for Vapor Intrusion.** The "*Response to Technical Comments*," discusses potential risk from vapor intrusion from residual fuel hydrocarbons on the basis of the construction characteristics of the site, the nature and depth of reported compounds, and the available soil and groundwater data. Groundwater sampling data from August 1995 were cited as the last sampling data and as an indication that TPHg and BTEX concentrations are likely below levels of concern. The highest concentration of benzene reported in the August 1, 1995 data was 190 micrograms per liter ( $\mu\text{g/L}$ ) in groundwater from well MW-5. However, the August 1, 1995 sampling event was not the last sampling event. Concentrations of TPHg and BTEX were significantly higher in the groundwater samples collected on March 5, 1996, indicating an apparent rebound in concentrations following cessation of groundwater treatment. The concentration of benzene detected in groundwater from well MW-5 during the March 5, 1996 sampling event was 1,300  $\mu\text{g/L}$ , which exceeds the Environmental Screening Level (San Francisco Bay Regional Water Quality Control Board, November 2007) for vapor intrusion from groundwater to indoor air for residential land use. The concentration of TPHg in groundwater from well MW-5 increased from 5,300  $\mu\text{g/L}$  on August 1, 1995 to 16,000  $\mu\text{g/L}$  on March 5, 1996. Soil vapor sampling is necessary to confirm that the potential risk from vapor intrusion of volatile organic compounds to indoor air is minimal. Therefore, we request that you submit a Work Plan by October 24, 2008 to conduct soil vapor sampling in the areas

of concern. The collection of soil vapor samples outside the building along the northeastern perimeter of the site may be acceptable.

2. **Imported Fill.** The "*Response to Technical Comments*," provides a brief summary of the analytical data for the imported fill brought to the site from 900 Minnesota Street in San Francisco. However, further information is required to evaluate the imported fill. We request that you submit the referenced report entitled, "Phase II Environmental Site Assessment of the Former Esprit De Corp Office Elevator Shaft and Parking Lot, Located at 900 Minnesota Street, San Francisco, California," dated December 5, 2003 and prepared by Secor International Incorporated as an attachment to the Work Plan requested below. Please also provide an estimate of the total volume of fill imported from 900 Minnesota Street.
3. **Off-site Soil Removal.** Approximately 7,000 tons of soil was reportedly excavated from the upper 7 feet of the site and taken to the Vidrio Development in Pittsburg, California. Based on our review of the case file, the soil taken off-site was not sufficiently characterized for reuse at another site. Soils at the site were known to be impacted by petroleum hydrocarbons and lead. Lead-impacted soils were excavated in two areas of the site in June 2006 and disposed at off-site landfills. However, it is not clear that lead-impacted soils were limited to these two areas of the site. Total lead concentrations in the confirmation samples collected after the first phase of excavation ranged from 1.9 to 4,200 milligrams per kilogram (mg/kg). Total lead concentrations exceeded 150 mg/kg in 11 of the 14 confirmation soil samples collected at a depth of 2.0 feet bgs. The excavations were expanded several feet laterally and vertically at several locations to remove areas with confirmation soil samples that exceeded 150 mg/kg of total lead. Following the second phase of excavation, a total of only 4 confirmation soil samples were collected at depths ranging from 3.0 to 6.0 feet bgs. Although the concentrations of total lead did not exceed 150 mg/kg in any of the 4 confirmation soil samples, no soil samples were collected at depths of less than 3 feet bgs and the limited number of confirmation soil samples (4) was not sufficient to confirm that the excavation had achieved removal of soil with lead concentrations exceeding the target concentration of 150 mg/kg. As an attachment to the Work Plan requested below, we request that you provide a detailed description of the off-site location where the approximately 7,000 tons of soil were reused. Specifically, the description is to include a map showing the location(s), current and future land use, current and future buildings, type of surface cover (pavement or bare ground), thickness of the fill, and any other features relevant to potential human or ecological exposure. Please include this information as an attachment to the Work Plan requested below.
4. **Assessment for Other Potential Contaminants.** Lead and petroleum hydrocarbons have been identified as chemicals of concern for soils at the site. In the Work Plan requested below, please describe how whether the soils were evaluated for other potential contaminants. In particular, please discuss whether the approximately 7,000 tons of soil discussed in technical comment 3 were evaluated for metals other than lead.

### **REQUEST FOR INFORMATION**

During our review of the case file, we noted references to several documents that are not in the ACEH case file. We request that you submit copies of the following documents, which are referenced in other technical reports but are not in the ACEH case file:

- Woodward-Clyd Consultants. *Hydrocarbon Investigation, 9<sup>th</sup> and Jefferson Streets, Oakland, California. June 5, 1990.*
- Streamborn, 1996. *Letter Report: Risk Assessment for Benzene, 901 Jefferson Street, Oakland, CA. June 4, 1996.*
- Streamborn, 1996. *Letter Report: Abandonment of Monitoring Wells MW-5, MW-18, MW-19, and PTW-1, 901 Jefferson Street, Oakland, CA. October 31, 1996.*
- Streamborn, 1998. *Letter Report: Shallow Soil Sampling, 901 Jefferson Street, Oakland, CA. April 7, 1998.*
- Streamborn, 1998. *Petition (Application) for Reclassification of Lead-Contaminated Soil, 901 Jefferson Street, Oakland, CA. June 26, 1998.*
- Streamborn, 1999. *Request for Additional Information Petition (Application) for Reclassification of Lead-Contaminated Soil, Waste Evaluation Unit File #F171, 901 Jefferson Street, Oakland, CA. February 19, 1999.*
- Department of Toxic Substances Control, *Letter to Mr. Wayne Jordan, Jordan Real Estate Investments, August 23, 1999.*

### **TECHNICAL REPORT REQUEST**

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

- **October 30, 2008** – Soil Vapor Sampling Work Plan

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

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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/cleanup/electronic\\_reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)).

#### 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.

#### 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 or send me an electronic mail message at [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org).

Sincerely,



Jerry Wickham, California PG 3766, CEG 1177, and CHG 297  
Senior Hazardous Materials Specialist

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Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Cherie McCaulou  
San Francisco Bay Regional Water Quality Control Board\  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

Leroy Griffin  
Oakland Fire Department  
250 Frank H. Ogawa Plaza, Ste. 3341  
Oakland, CA 94612-2032

Grover Buhr  
Treadwell & Rollo  
501 14<sup>th</sup> Street, 3<sup>rd</sup> Floor  
Oakland, CA 94612

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>ISSUE DATE:</b> July 5, 2005
	<b>REVISION DATE:</b> December 16, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions

Effective **January 31, 2006**, 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

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- 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)

#### Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

#### 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)  
or
  - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of Alicia Lam-Finneke.
- 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://alcoft1.acgov.org>
  - i) Note: Netscape and Firefox browsers will not open the FTP site.
- b) Click on File, then on Login As.
- 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 at acgov.org. (e.g., [firstname.lastname@acgov.org](mailto: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)