



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

May 22, 2014

Mr. Peter Robertson
Sailsbury Avenue Associates, LLC
2917 MacArthur Blvd., #3F
Oakland, CA 94602
(sent via electronic mail to britpete@aol.com)

Ms. Maria Campos
Address Unknown

Mr. & Mrs. John Madler
Address Unknown

Subject: Modified Approval of Soil Vapor Work Plan and Interim Remedial Actions; Fuel Leak Case No. RO0002945 and Geotracker Global ID T0619778840, Chevron #9-8861 (Independent), 2145 35th Avenue, Oakland, CA 94601

Dear Mr. Robertson, Ms. Campos, and Mr. & Ms. Madler:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site including the *Data Gap Investigation Plan and Focused Conceptual Site Model*, and the *Interim Remedial Action Workplan*, both dated May 2, 2014. The reports were prepared and submitted on your behalf by Eagle Environmental Construction (EEC). Thank you for submitting the reports.

Based on ACEH staff review of the case, the proposed scope of work is conditionally approved for implementation provided that the technical comments contained in this directive letter are incorporated during the proposed field investigation. 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, addenda, or technical comments is proposed. We request that you perform the proposed work and send us the reports requested 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. Soil Vapor Data Collection Clarifications** – The data gap work plan proposed the installation of three temporary vapor wells near four previous soil bores that contained concentrations of total petroleum hydrocarbons (TPH) greater than 100 milligrams per kilogram (mg/kg) in the 0 to 5 foot depth interval at the site. The proposed work will determine if a soil vapor risk is present, as identified by the State Water Control Board's (SWRCBs) Low-Threat Closure Policy (LTCP). The three bores are proposed to be installed to a depth of 6 to 7 feet below surface grade (bgs). While the depth of the foundation for the proposed future redevelopment (2.5 feet bgs) indicates that installation to 7.5 feet bgs is appropriate under the LTCP, the concern that groundwater may be encountered at that depth which would preclude vapor sampling, suggests that the alternative depth of 6 to 7 feet is appropriate at the site.

The referenced vapor work plan proposes a series of actions with which ACEH is in general agreement with; however, ACEH requests several modifications to the approach. Please submit a report by the date specified below.

- a. Naphthalene Analytical Testing Methods** – Vapor samples are proposed to be analyzed by TO-15 for naphthalene. Please note that Department of Toxic Substance Control (DTSC) documents recommend that TO-17 should be used to confirm TO-15 sampling results (Appendix E, *Active Soil Gas Investigations Advisory*, dated April 30, 2012). In part this appears to be related to lower

naphthalene concentrations when Nylaflo tubing is used to sample soil vapor. Therefore, as proposed, ACEH requests that TO-17 be used to confirm naphthalene results by TO-15.

- 2. Interim Remedial Action Workplan** - The *Interim Remedial Action Workplan* proposes the remedial excavation of near surface lead contamination at six locations at the subject site. Confirmation sampling and dust control measures were also proposed and appear appropriate. Please submit a report 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:

- **August 22, 2014** – Soil Vapor Investigation and Interim Remediation
(File to be named: SWI_R_yyyy-mm-dd)
- **February 27, 2015** – Groundwater Monitoring Report (if required)
(File to be named: RO2945_GWM_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.

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>. If your email address does not appear on the cover page of this notification, ACEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

If you have any questions, please call 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

cc: Sami Malaeb, 350 Main Street, Suite H1, Pleasanton, CA 94566
(sent via electronic mail to s.malaeb@comcast.net)

Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 (Sent via E-mail to: lgriffin@oaklandnet.com)

Marisa Rodarte, Division of Financial Assistance, SWRCB, 1001 I Street, 17th Floor, Sacramento, CA 95814; (sent via electronic mail to mrodarte@waterboards.ca.gov)

Dilan Roe, ACEH (Sent via E-mail to: dilan.roe@acgov.org)
Mark Detterman, ACEH (sent via electronic mail to mark.detterman@acgov.org)
Electronic 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.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.