



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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January 5, 2016

Mr. Peter Robertson  
Sailsbury Avenue Associates, LLC  
2917 MacArthur Blvd., #3F  
Oakland, CA 94602

Ms. Maria Campos  
1467 Fruitvale Avenue  
Oakland, CA 94601

Mr. & Mrs. John Madler  
Address Unknown

(sent via electronic mail to [britpete@aol.com](mailto:britpete@aol.com))

Subject: Request for Site Management Plan and Vapor Intrusion Work Plan; Fuel Leak Case No. RO0002945 and Geotracker Global ID T0619778840, Chevron #9-8861 (Independent), 2145 35<sup>th</sup> 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 *Supplemental Data Gap Investigation and Focused Conceptual Site Model*, dated November 10, 2015. The report was prepared and submitted on your behalf by Eagle Environmental Construction (EEC). Thank you for submitting the report.

The referenced report documented the installation of temporary vapor points SG4 to SG6, and the installation of soil bores SB-1 to SB-5. Soil bores SB-1 to SB-5 were installed to collect soil samples in the 0 to 5 foot depth interval in the southern corner of the site in order to determine if concentrations of Total Petroleum Hydrocarbons (TPH) greater than 100 milligrams per kilogram (mg/kg) were present in that depth interval. Temporary soil vapor points SG4 and SG5 were installed downgradient and offsite as close as possible to the immediately adjacent apartment building in an effort to determine if soil vapor concentrations of concern are affecting the apartment building. Temporary soil vapor point SG6 was installed onsite to verify and help define the extent of previous soil vapor results at SG1 that were slightly over goals defined in a State Water Board Low Threat Closure Policy (LTCP) vapor scenario.

Based on the review of the case file ACEH requests that you address the following technical comments and send us the documents requested below.

### **TECHNICAL COMMENTS**

- 1. Onsite Soil Vapor** – Onsite, with one exception, soil vapor appears to meet Scenario 3 of the State Water Board's LTCP, with a five-foot thick bioattenuation zone, benzene in groundwater less than 100 micrograms per liter ( $\mu\text{g/l}$ ), with or without oxygen data; however, a limited area of the site at BH5 does not contain the required five foot zone of TPH less than 100 mg beneath the proposed building foundation. The planned foundation will extend to 2.5 feet below grade surface [bgs], and existing data indicates that a combined TPH as gasoline and TPH as diesel concentration of 145 mg/kg is present at 5 feet, 930 mg/kg at 8 feet, and 550 at 12 feet bgs. Additionally, the direct measurement of soil vapor at two locations immediately adjacent to this location either did not meet the requisite LTCP goal for benzene (at SG1), or met the required LTCP goals for benzene, ethylbenzene, and naphthalene (at SG6).

Thus in order to limit the potential for contamination to be present at depths shallower than five feet below the proposed foundation depth (approximately 7.5 feet below current grade surface) at the site, it appears reasonable to develop a Site Management Plan (SMP) to excavate, and confirm the removal of, known TPH contamination to that depth. Additionally, the SMP can also manage and remove potential contamination at other shallow locations during site development. Therefore, please submit a SMP by the date identified below.

2. **Offsite Soil Vapor** – Due to the presence of elevated vapor concentrations at temporary soil vapor point SG3 onsite, temporary soil vapor points SG4 and SG5 were installed downgradient and offsite as close as possible to the immediately adjacent downgradient apartment building in an effort to determine if soil vapor concentrations of concern were affecting the apartment building. Soil vapors at SG4 did not exceed LTCP defined vapor goals for residential land use, contained oxygen at over 4 percent (%), and soil analytical documented five feet of soil with less than 100 mg/kg TPH at the location. However at SG5, consistent with the documented groundwater flow direction, vapor concentrations exceeded goals for each chemical compound (benzene, ethylbenzene, and naphthalene), and similar to SG3, contained concentrations of oxygen less than 4%. Conversely, soil analytical documented less than 100 mg/kg in the 0 to 5 foot depth interval.

ACEH understands that mitigating details are present at the offsite location, including the presence of a 6-inch thick concrete slab beneath the crawl space of the apartment building; which has been presumed to be from an earlier building. This slab may provide a level of protection from soil vapors; however, the slab may also allow methane to accumulate beneath the slab to explosive levels. Potential vapor conduits, or vapor mitigation, may be present due to the presence of three utilities between the apartment building and the sampling location of SG5. Therefore, due to the complexity of the alternative possibilities or indications at the site, and to be protective of human health at the offsite apartment building, it appears appropriate to request the collection of sub-slab and crawl space vapor samples beneath the offsite apartment building in an effort to determine the protectiveness of existing mitigation factors.

Please be aware that it may be possible to start onsite redevelopment with the submittal, and subsequent ACEH approval of the SMP, concurrent with the requested offsite soil vapor intrusion investigation.

### **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:

- **March 18, 2016** – Site Management Plan  
(File to be named: SITE\_MANAGE\_R\_YYYY-MM-DD)
- **March 21, 2016** – Vapor Investigation Work Plan  
(File to be named: WP\_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](mailto: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

Mr. Robertson, Ms. Campos, and Mr. & Ms. Madler  
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cc: Sami Malaeb, 350 Main Street, Suite H1, Pleasanton, CA 94566  
(sent via electronic mail to [s.malaeb@comcast.net](mailto:s.malaeb@comcast.net))

Elaine Kay (Sent via E-mail to: [marinbrit@yahoo.com](mailto:marinbrit@yahoo.com))

Marisa Rodarte, Division of Financial Assistance, SWRCB, 1001 I Street, 17<sup>th</sup> Floor, Sacramento, CA 95814; (sent via electronic mail to [mrodarte@waterboards.ca.gov](mailto:mrodarte@waterboards.ca.gov))

Dilan Roe, ACEH (Sent via E-mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))

Mark Detterman, ACEH (sent via electronic mail to [mark.detterman@acgov.org](mailto: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/](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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> May 15, 2014
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 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 [deh.loptoxic@acgov.org](mailto: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](mailto: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.