



October 25, 2016

Mr. C. Tomas Shurstad
Sailsbury Avenue Associates, LLC
11 St. Lucia Place
Belvedere Tiburon, CA 94920
(Sent via electronic mail to: ctshurstad@aol.com)

Ms. Maria Campos
1467 Fruitvale Avenue
Oakland, CA 94601

Mr. & Mrs. John Madler
Address Unknown

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

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

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file for the above referenced site including the *Groundwater Monitoring Report, 7th Sampling Event, August 10, 2016*, dated August 25, 2016, the *Workplan for Delineation and Excavation of Soil Impacted with Gasoline and Diesel*, dated September 1, 2016, the *Site Mitigation Plan*, dated September 13, 2016, and the *Report for the Sub-Slab Soil Gas and Crawl Space Air Sampling*, dated October 21, 2016. Each was prepared and submitted on your behalf by Eagle Environmental Construction (EEC). Thank you for submitting the reports.

The referenced work plan proposed the installation of 8 to 10 soil bores to pre-characterize the lateral extent of an excavation to remove soil in excess of 100 milligrams per kilogram (mg/kg) combined Total Petroleum Hydrocarbons (TPH) as gasoline and as diesel (TPHg and TPHd, respectively) within at least five feet vertically of the foundation of the proposed residential buildings at the site. The referenced *Site Mitigation Plan* (SMP) was generated to manage the potential to encounter contaminated soil during site redevelopment, after the proposed remedial excavation has removed documented soil contamination above the 100 mg/kg combined TPH value at the site.

Please note that because the proposed excavation is a corrective action, this letter cannot approve the excavation at this time (see below for further details).

Based on ACDEH staff review of the case, the proposed scope of work is conditionally approved for partial 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. **Corrective Action Work Plan Conditional Approval** – The referenced work plan proposes a series of actions with which ACDEH is in general agreement with; however, ACDEH requests several modifications to the approach, including only partial implementation at this time. Please submit a data compilation report by the date specified below.
 - a. **Additional Characterization Locations** – As noted, of 8 to 10 soil bores were proposed to pre-characterize the extent of a soil excavation in the vicinity of soil bores BH5, B1, and B4, south of the former underground storage tank (UST) locations. Because the proposed locations, and other existing bore locations, do not adequately characterize the extent to the southwest, northwest, northeast, and southeast of the excavation depicted on Figure 6 of the work plan, it is appropriate to either install additional bores at the excavation corners, or to collect sidewall and bottom confirmation samples at the corners at the time of the corrective actions. Analysis should be for the proposed suite of analytes.

- b. Additional Soil Bore Location** – Because soil bore BH9-8 contains elevated total TPH above the 100 mg/kg goal and shallower soil samples were not collected, it appears reasonable to install at least one soil bore to the northwest (towards the proposed building), to characterize the area beneath the future building to ensure total TPH remains below the 100 mg/kg goal within a minimum of 8 feet of the surface. There are no other bores in the vicinity that have defined the extent of contamination towards the reported future building location. Depending on the analytical results, additional bores may be required to define the extent of any area with concentrations greater than 100 mg/kg combined TPH should this condition be documented. In each bore, characterization will require the collection of soil samples in the 0 to 5 and the 5 to 10 foot intervals. ACDEH requests that they be collected at signs of contamination, such staining, PID detections, odors, of other signs of hydrocarbon contamination, within each zone. Please submit a data compilation report for this work prior to proceeding with any excavation(s), by the date identified below.
- c. Public Notification** – Because the proposed excavation is a corrective action, a 30-day public notification is required to notify potentially affected stakeholders who live or own property in the surrounding area of the proposed remediation. ACDEH requests that you submit a Draft Fact Sheet for ACDEH review (examples will be supplied under separate cover). Upon ACDEH approval of a Draft Fact Sheet, we will request that you send the Fact Sheet to an address list provided by ACDEH. Public comments on the proposed remediation will be accepted for a 30-day period. Following the end of the public comment period, any comments received including ACDEH's comments described below, must be addressed and incorporated into a final CAP.

Please note that due to this step, this letter has not approved the excavation at this time.

- 2. Site Management Plan** – The Site Management (or Mitigation) Plan (SMP) was generated to manage the potential of encountering additional contamination not currently documented that does not meet site closure requirements under the Low Threat Closure Policy (LTCP) in conjunction with additional site redevelopment imposed constraints on contaminant levels (in particular a residential closure rather than to the existing vacant land use). Because of requests contained above in this letter, ACDEH will reserve comment on the SMP until after further data collection, tabulation, and the submittal of a data package as requested.
- 3. Sub-Slab and Crawl Space Vapor Results** – Due to conflicting soil vapor samples adjacent to the offsite apartment building (SG4 and SG5), ACDEH requested that sub-slab and crawl space vapor data be collected beneath the apartment building. The sub-slab vapor data, collected at the perimeter of the slab beneath the apartment building due to the inaccessibility of the crawl space, appears to indicate sufficient slab perimeter ventilation to eliminate a concern with soil vapors and methane generation and build up at those locations (Slab perimeter versus slab center vapor concentration differences are an area of current active regulatory concern and investigation). Conversely, the crawl space vapor sample, collected towards the center of the slab, appears to indicate a notable four-fold increase in vapor concentrations in the crawl space relative to outdoor air (to over the appropriate Environmental Screening Levels or ESLs), and at a minimum there is insufficient ventilation of the crawl space in the central area of the slab. Based on a one-time sampling event, vapor concentrations at that more central location appear to represent a health risk concern to the residential building. Consistent with guidance from the Department of Toxic Substances Control (DTSC) for seasonal vapor sampling, ACDEH requests a second crawl space vapor sampling event be undertaken. Previously approved standard protocols can be used. Please submit a report by the date identified below.
- 4. Groundwater Monitoring** – Thank you for undertaking groundwater at the site in August 2016. The last monitoring and sampling event was in December 2014. The referenced report recommended cessation of groundwater monitoring due to plume stabilization in both wet and dry seasons. ACDEH notes that the majority of sampling events for the entirety of site investigation activities have been collected during a drought when groundwater levels are at historically low levels. As noted in the previous directive letter, under the LTCP, the subject site has a bioattenuation zone of approximately eight feet. Current plans

propose a foundation that extends to approximately 2.5 feet below grade surface. This provides a limited buffer (approximately 5.5 feet) between the bottom of the proposed foundation and the highest depth of groundwater, and this limited buffer has only been documented during drought years at the site. In order to attempt to capture non-drought groundwater depths, and any changes in contaminant concentrations due to potential non-drought water levels, ACDEH requests that all remaining wells be incorporated into a semi-annual groundwater monitoring schedule for a minimum of one additional groundwater monitoring event. Modifications to the number of wells and interval can be evaluated thereafter. Please submit a groundwater monitoring report by the date identified below.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACDEH 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:

- **December 2, 2016** – Draft Public Notification
Please email MS Word version to your case worker for review and edits
- **December 16, 2016** – Pre-Characterization Data Compilation Report
File to be named: SWI_R_YYYY-mm-dd
- **March 17, 2017** – Semi-Annual Groundwater Monitoring Report
File to be named: GWM_R_YYYY-mm-dd
- **May 12, 2017** – Crawl Space Vapor Intrusion Investigation Report
File to be named: SWI_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, ACDEH 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: Mr. Peter Robertson, Sailsbury Avenue Associates, LLC, 2917 MacArthur Blvd., #3F, Oakland, CA 94602; (Sent via electronic mail to: britpete@aol.com)

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

Elaine Kay (Sent via electronic mail to: marinbrit@yahoo.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, ACDEH; (Sent via electronic mail to: dilan.roe@acgov.org)

Paresh Khatri, ACDEH; (Sent via electronic mail to: paresh.khatri@acgov.org)

Mark Detterman, ACDEH; (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.