



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

April 16, 2009

Donald Rogers
Brandywine Realty Trust
2101 Webster Street, Suite 1600
Oakland, CA 94612

Subject: Fuel Leak Case No. RO0002984 and GeoTracker Global ID T10000000422, Center
Twenty-one Franklin Tower, 2100-2150 Franklin Street, Oakland, CA 94612

Dear Mr. Rogers:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted document entitled, "Subsurface Investigation (B23 through B33)," dated February 2, 2009, which was prepared by RGA Environmental (RGA) for the subject site. RGA has completed an off-site investigation and based on the analytical results, which detected a near-absence of BTEX constituents in the groundwater contaminant plume, recommended that the case be considered for low-risk closure.

ACEH generally concurs that the case appears to qualify for case closure consideration based on the analytical data submitted to date. However, there appears to be a few data gaps that need to be addressed prior to the case closure evaluation. Please address the following technical comments and send us the technical reports requested below.

TECHNICAL COMMENTS

1. **Polycyclic Aromatic Hydrocarbons (PAHs) and Volatile Organics** – RGA has analyzed for petroleum hydrocarbons and volatile organic compounds in soil and groundwater. However, bunker fuel range hydrocarbons may potentially contain polycyclic aromatic hydrocarbons (PAHs), specifically naphthalene. PAHs would be one of the human and environmental risk drivers in fuel oils. Therefore, to address this apparent data gap, please collect groundwater samples from groundwater monitoring wells MW1 and MW2 to verify the presence or absence of PAHs. Additionally, it does not appear that periodic groundwater monitoring has been initiated at the site. Therefore, please conduct the monitoring event and analyze for all chemicals of concern (i.e. petroleum hydrocarbons, BTEX, fuel oxygenates and PAHs). Please submit a report due by the date specified below.
2. **Sensitive Receptor Survey** – RGA has identified preferential groundwater flow within a buried stream channel located approximately 500 feet to the south of the site. However, an evaluation of sensitive receptors (i.e. wells) has not been conducted. Therefore, to complete the preferential pathway evaluation, please perform a detailed well survey of all wells (monitoring and production wells: active, inactive, standby, decommissioned (sealed with concrete), abandoned (improperly decommissioned or lost); and dewatering, drainage, and cathodic protection wells) within a ¼ mile radius of the subject site. As part of your detailed

well survey, please perform a background study of the historical land uses of the site and properties in the vicinity of the site. Use the results of your background study to determine the existence of unrecorded/unknown (abandoned) wells, which can act as contaminant migration pathways at or from your site. Please review and submit copies of historical maps, such as Sanborn maps, aerial photographs, etc., when conducting the background study. Please submit a report documenting your finds by the date specified below.

3. **Site Figures** - Please note that the figures included in submittals provided to date are insufficient to adequately depict the extent of your contaminant plume in relation to adjacent and neighboring properties. Please prepare extended site maps, which utilize aerial photographs as base maps for your site, and accurately depict neighboring structures and site features in relation to the groundwater contaminant plume in all future reports.
4. **Unauthorized Release Form** - The analytical data submitted by RGA for the site has confirmed that an unauthorized release(s) from the UST has occurred. However, our case file indicates that an Unauthorized Release Form (URF) may not have been submitted. At this time, please complete and submit an URF (available on the world wide web at http://www.unidocs.org/master_list.html#un028) within 10 days from the date of this letter.
5. **Public Participation** - Based on the results of the site investigations, RGA has identified a groundwater contaminant plume that extends several blocks down-gradient of the subject site. In order to fulfill the public participation requirement, public notification of corrective action activities conducted at the site and the extent of the residual groundwater contaminant plume appears necessary to move the case towards closure. Therefore, ACEH is requesting that you prepare a fact sheet to notify potentially affected stakeholders who live or own property in the surrounding area of the confirmed groundwater contaminant plume of the corrective action that occurred at your site and residual contamination that remains. Please submit the fact sheet and list of recipients to ACEH for review and comment by the date specified below.
6. **Gasoline/BTEX Groundwater Contaminant Plume** - RGA has also identified a possible separate gasoline plume with BTEX constituents in the vicinity of boring B32, located in a parking structure. ACEH is requesting that RGA provide us with the address of property where boring B32 was installed as well as the contact information for the project manager at Treadwell and Rollo and property owner, if available.
7. **GeoTracker Compliance** - A review of the case file and the State Water Resources Control Board's (SWRCB) GeoTracker website indicate that the site has not been claimed and electronic copies of analytical data, reports, boring logs, etc. have not been submitted, rendering the site to non-compliance status. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e.

report in PDF format) shall replace the requirement for the submittal of a paper copy. Please complete the surveying and upload all applicable electronic submittal types such as the analytical data (EDF), survey data (GEO_XY and GEO_Z), and PDF reports from July 1, 2005 to current to GeoTracker by the date specified below. Electronic reporting is described below.

NOTIFICATION OF FIELDWORK ACTIVITIES

Please schedule and complete the fieldwork activities by the date specified below and provide ACEH with at least three (3) business days notification prior to conducting the fieldwork.

TECHNICAL REPORT REQUEST

Please submit technical reports to ACEH (Attention: Paresh Khatri), according to the following schedule:

- **April 27, 2009** – Unauthorized Release Form
- **April 27, 2009** – GeoTracker Compliance
- **June 18, 2009** – Sensitive Receptor Report, Groundwater Monitoring Report & Public Notification Fact Sheet

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).

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

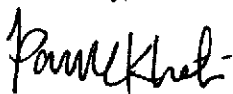
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

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.

If you have any questions, please call me at (510) 777-2478 or send me an electronic mail message at paresh.khatri@acgov.org.

Sincerely,



Paresh C. Khatri
Hazardous Materials Specialist



Donna L. Drogos, PE
Supervising Hazardous Materials Specialist

Mr. Rogers
RO0002984
April 16, 2009, Page 5

cc: Paul King, RGA Environmental, 1466 66th Street, Emeryville, CA 94608
Kenneth Pilgrim, RGA Environmental, 1466 66th Street, Emeryville, CA 94608
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland,
CA 94612-2032
Donna Drogos, ACEH
Paresh Khatri, ACEH
GeoTracker
File

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: March 27, 2009
	PREVIOUS REVISIONS: December 16, 2005, October 31, 2005
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

- 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
Or
 - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of My Le Huynh.
 - 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 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 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.