



ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
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August 26, 2011

Ms. Darin Lounds, Executive Director
Housing Consortium of the East Bay
1440 Broadway, Suite 700
Oakland, CA 94612
(sent via electronic mail to
dlounds@hceb.org)

Mr. Markus Niebanck
City of Emeryville Redevelopment Agency
1333 Park Avenue
Emeryville, CA 94608
(sent via electronic mail to
mniebanck@ci.emeryville.ca.us)

Subject: Request for Information and Work Plan; Spills, Leaks, Investigations, and Cleanup (SLIC)
Case No. RO0003004 and Geotracker, Global ID # T10000001166, Magnolia Terrace
Residential, 4001 Adeline Street, Emeryville,, CA 94508

Dear Messrs. Lounds and Niebanck:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Remediation Completion Report and Request for Case Closure*, dated June 30, 2011. The report was prepared and submitted on your behalf by OTG EnviroEngineering Solutions, Inc. (OTG). Thank you for submitting the report; it clarifies site activities. Reports and other documents associated with the site document contaminants in shallow soil (heavy metals), deep soil (mid-range hydrocarbons), groundwater (mid-range hydrocarbons), and soil vapor (TPH and benzene), and have discussed use of a deed restriction to help achieve eventual closure; however, ACEH requests additional clarification on a number of elements associated with these data. Consequently, based on these factors and the items discussed in the technical comments below, this case cannot be closed at this time. This involves Geotracker and ftp website upload compliance issues, residual metals in shallow soil, and soil vapor concerns.

TECHNICAL COMMENTS

1. **Electronic Report and Data Upload Compliance** – A review of the case file and the State's Geotracker database indicates that the site is not in compliance with previous directive letters. 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. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SLIC programs. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites was required in GeoTracker. At present missing data and documents include, but may not be limited to, older EDF submittals, GEO_MAPS, and bore logs. Please upload all submittals to GeoTracker as well as to ACEH's ftp server by the date specified below. Electronic reporting is additionally described below in Attachment 1.
2. **Remediation of Heavy Metals** – The presence of heavy metals can be subdivided into two locations at the subject site, beneath the current residential building and in the landscaped area in the vicinity of the magnolia tree.
 - a. **Beneath the Residential Building** – Prior to placement of the existing residential building at the site three shallow soil samples were collected and analyzed for heavy metals. One of the samples (OTG-SB-3) was located beneath the future location of the building. Two or more heavy metals were found to be over RWQCB ESL values (arsenic, cadmium, lead, and

vanadium). As a part of the redevelopment of the adjacent (Oak Walk Redevelopment, local case number RO0002733), the upper 6 feet of the building footprint was excavated and recompacted to a uniform density in order to provide structural support for the foundation and to reduce the vapor permeability of the soils beneath future residential buildings. These actions have been implied to have occurred on the subject site; however, are not documented. Available documentation (Figures 23 and 25 of the *Remediation Report*, The San Joaquin Company, Inc, dated August 31, 2009, for the adjacent Oak Walk Redevelopment) appears to indicate that the footprint excavation did not extend on to the subject site. This can become important in regards to residual concentrations of heavy metals beneath the residential structure, as these actions were anticipated to reduce concentrations beneath the building due to soil mixing and homogenization. To understand the extent of contaminant concentration reductions that may or may not have occurred beneath the building footprint, and by the date identified below, ACEH requests available documentation of onsite footprint excavations. This data may assist in determining future actions and potentially the scope of appropriate deed restrictions or notifications for the site.

- b. **Shallow Landscape Area Soil** – The landscape area appears to be characterized by four shallow soil samples (OTG-SB-1, OTG-SB-5, OTG-SB-6, and OTG-SB-7, while an additional sample, OTG-SB-2, is beneath the sidewalk hardscape). Two or more heavy metals were found to be over RWQCB ESL values (arsenic, cadmium, lead, and vanadium) in each of these samples. The identified remedial action was removal of the top two feet of soil and replacement with clean imported soils, to the extent that this was safe for the existing mature magnolia tree, a focal point of the redevelopment, as determined by a certified arborist. The referenced report indicates that a certified arborist was retained and deemed removal of any soil unsafe due to extensive feeder roots in the top 6-inches of soil. In response 6-inches of top soil and 3-inches of mulch were added to help isolate the soil from the general environment. Consequently it does not appear that the identified remedial actions were completed for the front yard of this residential home.

ACEH requests further information on the source of the top soil (commercially available material or onsite source generation, and the extent of pre-testing of contaminants), the type of planted vegetation (species), the future water requirements of the species and of the landscape, and the extent of consideration, and support for, phytoremediation in the landscape selection process. Please submit a response by the date identified below.

3. **Soil Vapor Samples** – In October 2005 six soil gas samples were collected at a depth of 5 feet bgs by older sampling protocols and in several samples yielded soil vapor concentrations for TPHg slightly over the RWQCB ESL for a residential property. All other analytes were significantly below the appropriate ESL. The two samples that contained the referenced TPHg vapor concentrations were collected within the footprint of the future location of the residential building now onsite. Subsequent to the collection of these samples it is reported, but as noted above not documented, that the upper 6 feet of the building footprint was excavated and recompacted to a uniform density for foundation considerations, and to reduce soil vapor permeability of the soil. Following these efforts a soil gas survey was conducted which yielded a benzene soil gas concentration of $840 \mu\text{g}/\text{m}^3$, at SG-10, significantly in excess of the $84 \mu\text{g}/\text{m}^3$ ESL for benzene; yet analyses for TPH compounds do not appear to have been included (*Remediation Report, Oak Walk Redevelopment Site, Vol. 1*, The San Joaquin Company, August 31, 2009). Finally, based on Figure 4 of the *Remediation Report, Oak Walk Redevelopment Site, Vol. 1*, and the surveyed location of BE-3 as available on Geotracker (as a paired bore, and thus a proxy for the location of SG-10), SG-10 appears to plot beneath the house on the subject site, rather than offsite as depicted on figures for Magnolia Terrace (The location of SG-10 used in figures for Magnolia Terrace appear to be based on an earlier plotting of the sample location on maps from Oak Walk).

It is understood that The San Joaquin Company has provided an extensive rationale and a series of calculations as to the inappropriateness of the use of soil vapor in clayey soils in proximity to groundwater; however, the proximity to the former gasoline USTs at the San Francisco French Bread

Company, the detection of an elevated benzene soil vapor concentration beneath the footprint of the house site after undocumented soil recompaction efforts, and the use of older sampling technologies that produced the previous very low soil vapor results, indicate further evaluation appears appropriate. ACEH will disagree with The San Joaquin Company as to the implications of the wording in the 2003 DTSC *Advisory – Active Soil Gas Investigations* (In ACEH's view, the advisory does not "prohibit" sampling, as stated, in clay rich environments, but advises for sampling in permeable zones). Please evaluate these concerns and justify any appropriate future actions by the date identified below. If a data gap is found, and by the date identified below, please submit a work plan to address any concerns.

TECHNICAL REPORT REQUEST

Please submit the following deliverable to ACEH (Attention: Mark Detterman), according to the following schedule:

- **September 23, 2011** – Geotracker Upload Compliance
- **October 21, 2011** – Additional Information Report (with Data Gap Work Plan, as necessary)
- **60 Days After Work Plan Approval** – Soil and Groundwater Investigation Report

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.

Should you have any questions, please contact 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: Xinggang Tong, OTG EnviroEngineering Solutions, Inc, 770 Edgewater Drive, Suite 260, Oakland, CA 94621, (sent via electronic mail to: xtong@otgenv.com)

Brianne Steinhauser, Housing Consortium of the East Bay, 1440 Broadway, Suite 700, Oakland, CA 94612 (sent via electronic mail to: bsteinhauser@hceb.org)

Linda Gardener, Alameda County Housing and Community Development Department, 224 W. Winton Avenue, Room 108, Hayward, CA 94544
(sent via electronic mail to: Linda.Gardner@acgov.org)

Donna Drogos, ACEH, (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman, ACEH, (sent via electronic mail to mark.detterman@acgov.org)
Geotracker, Electronic File

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: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 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.