

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**  
AGENCY

REBECCA GEBHART, Interim Director



DEPARTMENT OF ENVIRONMENTAL HEALTH  
LOCAL OVERSIGHT PROGRAM (LOP) FOR  
HAZARDOUS MATERIALS RELEASES  
1131 HARBOR BAY  
ALAMEDA, CA 94502  
(510) 567-6700  
FAX (510) 337-9335

August 2, 2017

PEH LLC  
425 15<sup>TH</sup> Street  
Oakland, CA 94612-2801  
Attn: Ben Weinstein

EMBL LLC & Edward K. & Roshanne H. Hemmat Trust Et Al.  
425 15<sup>TH</sup> Street  
Oakland, CA 94612-2801

Subject: Work Plan Review; Fuel Leak Case No. RO0003148 and GeoTracker Global ID T10000006271, EMBL LLC Tank, 1501 Martin Luther King Jr. Way, Oakland, CA 94612

Dear Responsible Parties:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file including the recently submitted document entitled *Work Plan to Drill Confirmation Borings (Work Plan)*, dated June 15, 2017, and prepared by Enviro Soil Tech Consultants (ESTC). The Work Plan, received by our agency on July 7, 2017, was prepared at the request of ACDEH in our letter dated May 16, 2017. In the Work Plan, ESTC proposes to advance four soil bores for the collection of soil and grab-groundwater (GGW) samples and one soil bore for the collection of a soil vapor sample to document residual contaminant concentrations following the completion of groundwater remediation.

In our May 16, 2017 letter, ACDEH requested submittal of a work plan for the purpose of evaluating current site conditions, the distribution of contaminants, and evaluation of the effectiveness of the cleanup actions at the site. Additionally, the work plan was to address data gaps for meeting the general and media specific criteria of the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP).

The scope of work presented in the work plan has not been adequately justified and cannot be approved at this time. ACDEH requests that you address the following technical comments and send us a revised work plan as requested below.

**TECHNICAL COMMENTS**

1. **Soil Bore Location** – ESTC proposes to advance four soil bores in the sidewalk adjacent to the site structure. Two of the proposed locations are along 15<sup>th</sup> Street and two are along Martin Luther King Jr. Way (MLK). Based on the one groundwater flow direction calculated for the site, the proposed bores along MLK are up gradient of the potential contaminant source areas.

ACDEH notes that ten (10) soil bores have been advanced at the site. However, soil samples and photoionization detector (PID) readings were collected from only four of the bores and water samples collected from six of the bores. Evaluating current site conditions with regard to contaminant distribution and remediation effectiveness may be hampered by the lack of data. ACDEH requests a sufficient number of soil bores be proposed to make this determination. Please provide a figure depicting the proposed locations in the revised work plan requested below.

2. **Soil Sampling** – In the Work Plan, ESTC proposes to collect soil samples at 5-foot intervals until groundwater is reached. ACDEH recommends that soil samples be collected and analyzed at intervals not to exceed five feet, areas of obvious contamination, the soil/groundwater interface, and at significant changes in lithology. If staining, odor, or elevated PID readings are observed over an interval of several feet, a sufficient number of soil samples from this interval should be submitted for laboratory analyses to

characterize the fuel hydrocarbon concentrations within this interval. Please ensure that the analytical results define the vertical and horizontal extent of total petroleum hydrocarbon (TPH) impacts at the site.

Additionally, in order to satisfy the LTCP Media Specific Criteria for Direct Contact, ACDEH requests soil samples be recovered from within the 0- to 5-feet and 5- to 10-feet intervals as measured from the ground surface. Please provide updated sampling language in the revised work plan requested below.

3. **Soil and Groundwater Scope of Analyses** – The Work Plan identified the analysis scope for soil and GGW samples as TPH as gasoline (TPHg) and benzene, toluene, ethylbenzene, and xylenes (collectively BTEX) using EPA Test Method 8260. ACDEH notes that TPH as diesel (TPHd) and naphthalene have also been reported at the site. ACDEH requests the addition of TPHd and naphthalene in the scope of analyses for soil and GGW samples. Please provide updated scope of analysis language in the revised work plan requested below.
4. **Figure Preparation** – No figure showing the former tank location and soil bores and wells was found in the case file. ACDEH requests preparation of a figure showing the former UST location, and soil bore and well locations. Please include the groundwater contours from the June 29, 2015 monitoring event and the locations of the proposed soil bores. Please provide the figure in the revised work plan requested below.
5. **Soil Vapor Sampling** – ACDEH is of the opinion that soil vapor sampling may be premature pending the results of the soil and groundwater sampling. However, ACDEH does not object to the collection and analysis of soil vapor samples.
6. **Soil Vapor Scope of Analyses** – The Work Plan identified the analysis scope for soil vapor samples as TPHg and BTEX by Test Method TOF-15. Please include naphthalene and the tracer gas in the analysis scope. ACDEH requests a review of the test method to insure the targeted chemicals are included in laboratory report.

ACDEH requests the addition of oxygen, carbon dioxide, and methane to the scope of analysis for soil vapor samples. Please provide updated scope of analysis language in the revised work plan requested below.

### **TECHNICAL REPORT REQUEST**

Please upload technical reports to the ACDEH FTP site (Attention: Keith Nowell), and to the SWRCBs GeoTracker website, in accordance with the following specified file naming convention and schedule:

- **September 16, 2017 – Revised Work Plan for Site Evaluation** (file name: RO0003148\_WP\_ADEND\_R\_yyyy-mm-dd)

Thank you for your cooperation. ACDEH looks forward to working with you and your consultants to advance the case toward closure. Should you have any questions regarding this correspondence or your case, please call me at (510) 567-6764 or send an electronic mail message at [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org).

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.

Sincerely,

Keith Nowell, PG, CHG  
Hazardous Materials Specialist

Responsible Parties  
RO0003148  
August 2, 2017, Page 3

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements/Obligations and  
Electronic Report Upload (FTP) Instructions

cc: Frank Hamedi-Fard, Enviro Soil Tech Consultants, 131 Tully Road, San Jose, CA 95111, (*Sent via  
electronic mail to: [info@envirosoiltech.com](mailto:info@envirosoiltech.com)*)

Dilan Roe, ACDEH, (*Sent via electronic mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org)*)

Paresh Khatri, ACDEH, (*Sent via electronic mail to: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org)*)

Keith Nowell, ACDEH (*Sent via electronic mail to: [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org)*)

Geotracker, File

## 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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 ([http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)) for more information on these requirements.

#### ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website." 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 6731, 6735, and 7835) 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 licensed 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 case meet this requirement. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

#### UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, late 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 SCP)</b>	<b>REVISION DATE:</b> December 1, 2016
	<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; May 15, 2014, November 29, 2016
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions


The Alameda County Environmental Cleanup Oversight Programs (LOP and SCP) 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 acknowledgement 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) Open File Explorer using the Windows  key + E keyboard shortcut.
    - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
  - b) On the address bar, type in ftp://alcoftp1.acgov.org.
  - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
  - d) Click Log On.
  - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
  - f) 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.