

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  
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November 30, 2017

EMBL LLC &  
Edward K. & Roshanne H. Hemmat Trust et al.  
2420 San Pablo Ave.  
Oakland, CA 94612  
(Sent via electronic mail to: [edhemmat@yahoo.com](mailto:edhemmat@yahoo.com))

PEH LLC  
425 15<sup>th</sup> Street  
Oakland, CA 94612-2801

Subject: Request for Work Plan Addendum - 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:

Thank you for the opportunity for Alameda County Department of Environmental Health (ACDEH) staff to meet with you at the referenced site on October 26, 2017. The purpose of the on-site meeting included a viewing of the property to accompany an evaluation of the work scope proposed in the document entitled *Work Plan to Drill Confirmation Borings* (Work Plan), dated June 16, 2017. The Work Plan was prepared by Enviro Soil Tech Consultants (ESTC), a representative of which, Mr. Frank Hamedi-Fard, was also in attendance at the meeting. The Work Plan was evaluated against the State Water Resources Control Board (SWRCB) Low Threat Underground Storage Tank Case Closure Policy (LTCP).

The Work Plan proposes to advance four soil bores in the up- to cross- gradient direction in the vicinity of the former underground storage tank (UST) location and one soil vapor probe located down-gradient of the tank pit. The proposed locations of the soil bores are in the perimeter sidewalk outside the building and will be used to recover soil and grab-groundwater (GGW) samples for laboratory analyses. The proposed soil vapor probe location is within the interior of the building. One soil vapor sample is proposed to be collected for laboratory analysis.

As previously discussed in our letter dated August 2, 2017 and expressed at the meeting, ACDEH is of the opinion that the work plan would not adequately evaluate current site conditions under the LTCP. During the on-site meeting, Mr. Hamedi-Fard proposed an additional soil bore within the interior of the building and sampling both of the wells remaining from the former well network- extraction well STEW-3 and vapor well STVW-4- for additional groundwater data. Both wells are located within the building. STEW-3 is located cross-gradient to the UST pit and is screened 15 to 30 feet below existing grade (BEG) and STVW-4 is located in the downgradient direction and screened 10 to 30 feet BEG. Depth to water at the site is reported at less than 10 feet BEG.

After a review of the additional work proposed by Mr. Hamedi-Fard, ACDEH is of the opinion that the implementation of the work scope presented in the Work Plan, the additional proposed work, and the technical comments presented below will provided a basis for making a closure determination for the criteria outlined in the LTCP.

Therefore, ACDEH requests preparation of a work plan addendum incorporating the proposed additional work discussed above and the following technical comments and send us the requested work plan addendum by the date specified below.

**TECHNICAL COMMENTS**

- 1. Soil Sample Collection** – The Work Plan states that soil samples will be analyzed at five-foot intervals until groundwater is reached. In accordance with the LTCP, ACDEH requests soil samples be collected within the 0- to 5-foot and 5- to 10-foot intervals for evaluation with the media specific criteria for Direct Contact and Outdoor Air Exposure (DCOAE). Additionally, ACDEH recommends that soil samples be collected and analyzed at intervals of no more than 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 extent of total petroleum hydrocarbon (TPH) impacts at the site.
- 2. Soil and Groundwater Analysis** – ACDEH notes that concentrations of TPH as diesel (TPHd) and naphthalene have been reported at the site but that the analysis for these compounds have not been included in the analysis scope. The LTCP uses concentrations of TPHd in its evaluation of its media specific Groundwater criteria. Naphthalene concentrations are included in the LTCP media specific criteria evaluation for both DCOAE and for Petroleum Vapor Intrusion to Indoor Air (PVIIA). Therefore, ACDEH requests soil and GGW samples include the analysis for TPHd and naphthalene. Additionally, as the Work Plan identifies soil and GGW sample analysis using EPA Test Method 8260, ACDEH requests inclusion of MTBE in the 8260 analysis scope of the recovered samples to aid in the LTCP evaluation.
- 3. Soil Vapor Analysis** – The Work Plan proposes soil vapor analysis for TPH as gasoline (TPHg) and benzene, toluene, ethylbenzene, and xylenes (collectively BTEX). The LTCP includes naphthalene in its evaluation for PVIIA. The oxygen content of soil vapor is also used in the evaluation of the bioattenuation zone in the LTCP. Therefore, ACDEH requests the inclusion of naphthalene and oxygen in the scope of analysis of soil vapor samples.

It has been the experience of our agency that suppressed oxygen concentrations associated with the presence of TPH may be the result of methanogenesis. Therefore, ACDEH requests the inclusion of carbon dioxide and methane in the scope of analysis of the soil vapor samples to provide a secondary line of evidence for bioattenuation.

Additionally, ACDEH requests the collection and analysis of a soil sample from the base of the soil vapor probe bore in order to provide a secondary line of evidence for the documented soil vapor concentrations.

### **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:

- **January 19, 2018 – Work Plan Addendum** (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)

Sincerely,

Keith Nowell, PG, CHG  
Hazardous Materials Specialist

Responsible Parties

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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.