

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 PARKWAY, SUITE 250
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

March 17, 2017

Mr. Ernie Lee
Marina Faire, Shopping Center
3271 South Highland Drive, Suite 704
Las Vegas, NV 89109
(Sent via electronic mail to: ernestlee@gmail.com)

Subject: Conditional Partial Interim Remediation Approval and Request for Work Plan; Site Cleanup Program Case No. RO0003155 and Geotracker Global ID T10000006425, Four Seasons Cleaners, 13778 Doolittle Drive, San Leandro, CA 94577

Dear Mr. Lee:

Alameda County Department of Environmental Health (ACDEH) staff thank your family, staff, and consultants for attending the March 8, 2017 meeting in our office. The meeting has assisted in communications between interested parties and has helped resolve some ACDEH concerns with the proposed approach, and has helped identify a path forward to implementing corrective actions at the site. The meeting also established that due to America Disability Act (ADA) improvements at the shopping center, some time constraints are present in initiating interim remediation at the property.

As has been previously discussed, the *IRM, Vapor Mitigation, and FS Work Plan*, dated September 9, 2016, with subsequent modifications contained in the *Response to November 21, 2016 Correspondence*, dated December 21, 2016, proposed the excavation of contaminated soil to a depth of approximately six to seven feet (limited by either the depth of groundwater, equipment capabilities, or load-bearing tenant separation walls), the installation of a horizontal vapor extraction system at approximately six feet bgs, backfill with two feet of pea gravel backfill to approximately four feet bgs, three feet of Controlled Density Fill (CDF) to approximately 12-inches below grade, six-inches of base rock with a horizontal sub-slab vapor depressurization system to approximately 6-inches bgs, and a concrete slab at the surface. The referenced documents additionally proposed the installation of three groundwater monitoring wells to an estimated depth of 20 feet below grade surface (bgs) as based on lithology, the installation of two to eight air sparge wells potentially in two undetermined depth intervals, one deep soil bore to explore site vertical lithology, and five paired sub-slab points and soil vapor wells. As before, ACDEH is in partial agreement of undertaking a portion of these actions as discussed below.

Based on ACDEH staff review of the referenced documents, portions of the proposed scope of work are conditionally approved for implementation provided that the technical comments below are incorporated during the proposed work. 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 or these technical comments is proposed. We request that you address the following technical comments, perform the proposed work, and send us the report described below. Please provide at least a 24-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. **Work Plan Modifications** – As noted above, the referenced work plan proposes a series of actions with which ACDEH is in partial agreement of undertaking. The approved scope of work is reiterated below in order to provide clarity for all.
 - a. **Paired Sub-Slab and Vapor Well** – ACDEH is in general agreement that it is appropriate to proceed with the installation and sampling of these pairs.

improvements. Indoor air samples are requested to be collected at previously sampled locations to facilitate easy comparisons. Indoor air baseline samples will establish the level of improvement to indoor air quality due to the ventilation improvements to increase unit air circulation, and baseline soil vapor and sub-slab vapor samples will establish baseline concentrations prior to feasibility testing.

In undertaking this work, please complete a chemical product survey of each suite and ensure the products are sealed or removed prior to the survey. Please utilize guidance by the Department of Toxic Substances Control (DTSC) for this task (DTSC, Vapor Intrusion Public Participation Advisory [VIPPA], March 2012). Please include the resultant forms with the requested Remedial Progress Report. Please be aware that until another source for the elevated indoor PCE vapor concentrations in the dentist's suite are identified, ACDEH must assume the PCE to derive from the former dry cleaner operations.

- c. Utility Location and Depths** – At present the location and depths of all utilities beneath the building and site have not been determined. The primary sewer for the former dry cleaner suite, including sumps, has been identified, as has a portion of the sewer for the bathrooms of the restaurant to the southeast. Within the dry cleaning suite, it is understood the sewer will be placed within the CDF material upon backfilling the excavation. The location and depth of sewers for the kitchen to the southeast or for the kitchen of the deli to the northeast have not been determined, nor has the location and depth of any electrical, gas, or water for any of the suites. Because granular backfill material for each of these utilities can provide a preferential pathway, the location and depth of each of these utilities must be determined and communicated prior to initiation of any air sparging pilot testing.
- d. Interim Remedial Action Tenant Notification** – Public notification fact sheets must be generated to communicate the results of the previous indoor air sampling and proposed interim remedial actions to building tenants, occupants, and their customers prior to initiation of interim remediation, including excavation. Information included should include reference to the existing findings, and planned interim mitigation measures. ACDEH requests that fact sheets conform to the requirements of the March 2012 DTSC VIPPA referenced above. Consistent with the referenced October 2011 DTSC *Vapor Intrusion Guidance* this should be done individually or in small groups. Please submit revised draft notification documents, in MS Word, by the date identified below.
- e. Excavation Indoor Air Vapor Monitoring** - Based on the most recent indoor air sampling at the site there does not at present appear to be a TCE concern with indoor air; however, this has the potential to change with excavation and air sparging due to the presence of significant TCE in soil vapor, and the need to maintain a level of documented protection for tenants and customers, in particular women of child bearing ages due to more recent understanding in TCE vapor risk and resulting guidance changes (*EPA Region 9 Response Action Levels and Recommendations to Address Near-Term Inhalation Exposure to TCE in Air from Subsurface Vapor Intrusion*, July 9, 2014; Department of Toxic Substance Control [DTSC] *Human Health Risk Assessment (HHRA) Note, HERO HHRA Note No. 5*, August 21, 2014; and the RWQCB *Interim Framework for Assessment of Vapor Intrusion at TCE-Contaminated Sites in the San Francisco Bay Region*, October 16, 2014). Therefore, in order to determine and document tenant and public customer protection during the excavation with the collection of multiple vapor data sets at identified locations before, during, and after the excavation, ACDEH requests the submittal of brief letter identifying the locations and testing intervals by the date identified below. These locations and intervals are to be communicated with tenants and their customers as discussed in Technical Comment 3d above.
- f. Excavation Confirmation Sampling** – The proposed confirmation sampling density appears reasonable, and while it is understood that structural limitations will limit most lateral edges of

the excavation, not all side edges will be so constrained. An interim remedial goal for the soil excavation has not been proposed, therefore, in lieu of proposed alternative goals, it appears appropriate to utilize the Environmental Screening Levels (ESLs) protective of groundwater as promulgated by the San Francisco Bay Regional Water Quality Control Board (RWQCB) for PCE (0.42 milligrams per kilogram or mg/kg) and TCE (0.46 mg/kg). Should alternative goals be sought, please communicate the basis of the goals to ACDEH.

4. **Feasibility Pilot Testing** – ACDEH remains concerned with the viability of the proposed air sparging system at the site due to the presence of multiple tenants and customers at adjacent suites, and the potential to generate a PCE and TCE vapor cloud that may encounter natural or man-made preferential pathways which may result in the vapor not being fully captured by the proposed horizontal well and sub-slab depressurization system. As noted above, based on the most recent indoor air sampling at the site there does not at present appear to be a TCE concern with indoor air; however, this has the potential to change with excavation and air sparging due to the presence of significant TCE in soil vapor. Therefore, in order to document pilot test procedures, including the continued collection of multiple vapor data sets at appropriate intervals to provide adequate determination and documentation of tenant and customer protection before and after the proposed pilot test, ACDEH requests the submittal of a Remedial Design and Implementation Plan (RDIP), including reaction trigger levels based on vapor concentrations, by the date identified below that incorporates these concerns.

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:

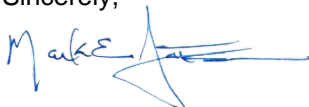
- **March 31, 2017** – Standard Protocols; Vapor Sampling Locations and Intervals; Draft Notification Documents; File to be named: RO3155_MISC_R_yyyy-mm-dd
- **May 26, 2017** – Remedial Design and Implementation Plan
File to be named: RO3155_RDIP_R_yyyy-mm-dd
- **May 26, 2017** – Work Plan for Delineation of Lateral and Vertical Extent
File to be named: RO3155_WP_R_yyyy-mm-dd
- **June 30, 2017** – Remedial Progress Report
File to be named: RO3155_REM_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 you have any questions, please do not hesitate to 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

Mr. Ernie Lee
RO0003155
March 17, 2017, Page 5

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

cc: Greg Lee, 3271 S. Highland Drive, Suite 704, Los Vegas, NV 89109; (Sent via electronic mail to: glee@eirekamesquite.com)

Julie D'Hondt, Marina Faire, LP, 3271 S. Highland Drive, Suite 704, Las Vegas, NV 89109; (Sent via electronic mail to: highlandofficelv3@gmail.com)

Brian Kelleher, 2099 Wendover Lane, San Jose, CA 95121; (Sent via electronic mail to: bkelleher@ix.netcom.com)

Julie Avanto, RRM, 2560 Soquel Avenue #202, Santa Cruz, CA 95062; (Sent via electronic mail to: julie@rrmsc.com)

Sady Hayashida, Hayashida Architects, 832 Bancroft Way, Berkeley, CA 94710; (Sent via electronic mail to: sadyh@hayashida-architects.com)

Buzz Butler, Lake Street, 601 Van Ness Avenue, San Francisco, CA 94102; (Sent via electronic mail to: buzz@lakestreetventures.com)

Bill Dugan, Well Test, Inc; P.O. Box 8548, San Jose, CA 95115 (Sent via electronic mail to: dugan@welltest.biz)

Forrest Cook, Well Test, Inc; P.O. Box 8548, San Jose, CA 95115 (Sent via electronic mail to: Cook@welltest.biz)

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

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/) 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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: 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 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) 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 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.