



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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December 23, 2015

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Robert A. Elliott Sr. (and Trust)
408 Silver Chief Way
Danville, CA 94526 (Sent via E-mail to coachelliott@me.com)

Subject: Conditional Approval of *Task B*, Revised Work Plan for Fuel Leak Case No. RO0003159 and GeoTracker Global ID T10000006491, Roofing Facility, 745 Kevin Court, Oakland, CA 94621

Ladies and Gentlemen:

Alameda County Environmental Health (ACEH) has reviewed the case file for the subject site including the following documents:

- November 6, 2015 *Revised Work Plan for a Soil, Groundwater, and Soil Vapor Assessment (Revised Work Plan)* prepared by Aqua Science Engineers, Inc. (ASE) on your behalf;
- November 2, 2015 *Alternate Work Plan for a Soil and Groundwater Assessment/Remedial Effort (Alternate Work Plan)* prepared by ASE on your behalf;
- October 27, 2015 *Work Plan for a Soil, Groundwater, and Soil Vapor Assessment (Work Plan)* prepared by ASE on your behalf;
- November 25, 2014 *Limited Phase II Subsurface Investigation* prepared by AEI Consultants (AEI);
- October 6, 2014 *Phase I Environmental Site Assessment 745 Kevin Court, Oakland California* prepared by Eras Environmental, Inc. (Eras).

A review of the above listed documents indicates that a 1,000 gallon underground storage tank (UST) was reportedly removed in 1991; however, no documentation exists related to the tank removal. During the November 2014 Phase II Investigation, four groundwater samples were collected at the site: SB-1-W was advanced through the presumed location of the former 1,000 gallon UST, HP-2 10 feet to the north, HP-3 10 feet south of the former UST, and HP-4 adjacent to the above ground storage tank. Depth to groundwater ranged between 3.7 to 4.6 feet below ground surface (bgs) and due to saturated soil conditions, no soil samples were collected at SB-1. Sheen and strong petroleum hydrocarbon odor was noted at depths below five feet in SB-1. Sheen or free product was noted by the laboratory for grab groundwater sample HP-2 in addition to the maximum site concentrations of 6,200 micrograms per liter (ug/L) Total Petroleum Hydrocarbons as gasoline (TPHg) and 73 ug/L benzene.

Three work plans for soil, groundwater, and soil vapor assessment have been submitted to ACEH between October 29, 2015 and November 9, 2015:

The October 27, 2015 submitted *Work Plan* proposed the following scope of work:

- Installation of groundwater monitoring wells in each of three soil borings after collection of soil and groundwater samples;

- Collection of soil vapor samples from two locations in the vicinity of the onsite office building.

The November 2, 2015 *Alternate Work Plan* proposed the following scope of work:

- Excavation in the suspected area of the 1,000 gallon UST and collection of confirmation samples;
- Weekly monitoring and sampling of light non-aqueous phase liquids (LNAPL) and groundwater in the open excavation over a 30-day period;
- Disposal of excavated soil, groundwater, and LNAPL.

The November 6, 2015 *Revised Work Plan* proposed the following scope of work:

- The scope of work as described in the November 2, 2015 Work Plan (designated *Task A*)
- A modified scope of work as described in the October 27, 2015 Work Plan (designated *Task B*) consisting of advancing two direct push soil borings, collection of soil and grab groundwater samples, and collection of soil vapor samples from two locations in the vicinity of the onsite office building.

The first two work plans submitted to ACEH within four days of each other proposed significantly different approaches for site investigations. Neither of the work plans (Work Plan and Alternate Work Plan) included a site conceptual model (SCM) as requested by ACEH in our April 14, 2015 Directive Letter. Therefore, on November 2, 2015 ACEH sent an e-mail Directive Letter requesting submittal of a Revised Work Plan with the SCM by November 30, 2015.

While excavation of the former UST area may be a viable remedial option for the site, excavation is premature at this time due to the absence of vertical and horizontal contaminant delineation. ACEH requests implementation of *Task B* of the *Revised Work Plan* first to delineate the vertical and horizontal extent of contamination and evaluate the risk of vapor intrusion to indoor occupants of the office buildings. Therefore, at this juncture, please address the items in Technical Comment 1 below and incorporate the requested items into *Task B* of the *Revised Work Plan*. To expedite this process and prior to implementation of field work, please submit a draft figure with the revised soil boring locations to address Technical Comment 1a to Karel Detterman by e-mail (karel.detterman@acgov.org) for review, comment, and approval. Prior to the start of field activities, please provide 72-hour advance written notification to this office (e-mail preferred to: karel.detterman@acgov.org).

After submittal to and review by ACEH of the report documenting the results of the *Task B* soil, groundwater, and soil vapor investigation, if soil excavation in the former UST area is deemed an appropriate remedial measure in the conclusions and recommendations, ACEH will request submittal of a remedial action work plan for the excavation work that includes at a minimum the items listed in Technical Comment 2 below.

TECHNICAL COMMENTS:

1. Soil, Groundwater, and Soil Vapor Sample Collection:

- a. Lateral and Vertical Extent of Potential Source Area:** The proposed soil boring locations do not appear to be adequately placed to investigate potential source area in the vicinity of the former UST. Since SB-1W, HP-2, and HP-3 provide initial groundwater definition, ACEH suggests utilizing a “step-out” strategy from the UST area, especially in the area between the former UST and the office building, to provide data supporting the lateral and vertical contaminant extent.

- b. Soil Sample Collection and Analysis:** To satisfy the Media Specific Criteria for Direct Contact and Outdoor Air Criteria of the *State Water Resources Control Board's (SWRCB) Low-Threat Underground Storage Tank Case Closure Policy (LTCP)*, soil samples must be collected and analyzed from each soil boring between the 0 to 5 and 5 to 10-foot intervals. ACEH additionally requests soil samples to be collected at the groundwater interface, lithologic changes, and at areas of obvious impact to define the vertical and lateral extent. Please note sample depths and photoionization detector (PID) readings on the boring logs.
- c. Soil Vapor Sample Collection and Analysis:** Due to the lack of a bioattenuation zone per the LTCP and shallow groundwater at the site, please incorporate the following comments during field implementation. Please ensure that your strategy is consistent with the field sampling protocols described in the Department of Toxic Substances Control's Final Vapor Intrusion Guidance (October 2011).
- i. Prior to soil vapor sample collection, please provide documentation of the depth of the office building foundation in the report requested below to ensure that the soil vapor samples are collected a minimum of five feet below the bottom of the building foundation.
 - ii. Please include naphthalene as an analyte by appropriate analysis for all soil vapor samples;
 - iii. Consistent with the guidance, ACEH requires installation of permanent vapor wells to assess temporal and seasonal variations in soil gas concentrations.
- d. Report Figures and Tables:** Please include in all future reports a bar scale on all report figures. Excluding the *Site Location Map*, please reorient the subject site to allow larger sizing of important site features including the location of the former UST, the fill pipe, all UST system appurtenances, potential source areas, and office and warehouse buildings. Please include tables summarizing all historical data in all future reports. In the SCM table, please ensure that the text is complete in each text box; the Risk Evaluation Description text was cut off on page 5 of the *Revised Work Plan's* SCM.
- 2. Remedial Action Plan (ACEH will request in writing if required):** Upon completion of vertical and horizontal extent of contamination, if excavation is considered an interim remedial option, a Remedial Action Plan prepared in accordance with the California State Water Resources Control Board's *Leaking Underground Fuel Tank Guidance Manual (LUFT Manual)* (September 2012) and addressing the following comments will need to be submitted to ACEH for review and approval:
- a. Excavation Target Soil Concentrations:** Proposed soil target goals for the excavation wall and bottom samples. All groundwater in the East Bay Plain Groundwater Basin is classified as 'MUN' (potentially suitable for municipal or domestic water supply).
 - b. Confirmation Sampling:** Collection and analysis of confirmatory sidewall samples from all four walls and samples from the excavation floor at the rate of one sample per every 20 linear feet of wall and excavation bottom. The samples are to be positively biased towards the worse-case indicators of contamination.
 - c. Contingency Plan to Extend the Excavation:** Process supporting the decision to extend the excavation in any direction.

- d. **Stability of Excavation Walls:** Proposed measures to assure the stability of the excavation walls, especially due to the close proximity of the offices and warehouse garage to the former UST area.
- e. **Excavation Backfill:** A strategy to ensure that fill material is imported to the site in accordance with DTSC's October 2001 *Clean Imported Fill Material Information Advisory*. The permeability of the fill material must be less than or equal to that of the native material to avoid potential groundwater ponding beneath the adjacent buildings. Description of backfilling, compaction, and resurfacing of the excavation.
- f. **Excavation and Off-Site Disposal Activities:** Excavation and off-site removal procedures including, but not limited to, dust control mitigation, truck loading, load tarping, truck routes, truck tire decontamination/cleaning, and traffic control.
- g. **Groundwater Handling and Disposal:** Estimate of the amount of groundwater to be removed and the number, type, and size of tanks required for disposal.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Karel Detterman), and to the State Water Resources Control Board's GeoTracker website, in accordance with the following schedule and file naming convention:

- **February 26, 2016** Soil and Groundwater Investigation Report file name:
RO0003159_SWI_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.

Should you have any questions, please contact me at (510) 567-6708 or send me an electronic mail message at karel.detterman@acgov.org

Sincerely,

Karel Detterman, PG
Hazardous Materials Specialist

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

cc: Joseph Bernardini, Bernardini Enterprises, Inc. & JD Services, (Sent via E-mail to: JDHauling@hotmail.com)
David Allen, Aqua Science Engineers, Inc. (Sent via E-mail to: dallen@aquascienceengineers.com)
Karel Detterman, ACEH, (Sent via E-mail to: karel.detterman@acgov.org)
Dilan Roe, ACEH, (Sent via E-mail to: dilan.roe@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

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: May 15, 2014
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 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.