



November 10, 2016

Robert A. and Leslie C. Elliott (and Trust)
415 Blue Ridge Drive
Martinez, CA 94553

Richard E. Moore (and Trust)
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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: 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 (ACDEH) has reviewed the case file for the subject site consisting of the following documents:

- Submitted on September 16, 2016, the July 18, 2016 *Sensitive Receptor Survey Report* prepared by Aqua Science Engineers, Inc. (ASE);
- June 17, 2016 Site Meeting;
- February 17, 2016 *Report of Soil, Groundwater, and Soil Vapor Assessment* prepared by ASE;
- November 6, 2015 *Revised Work Plan for a Soil, Groundwater, and Soil Vapor Assessment (Revised Work Plan)* prepared by ASE;
- November 2, 2015 *Alternate Work Plan for a Soil and Groundwater Assessment/Remedial Effort (Alternate Work Plan)* prepared by ASE;
- October 27, 2015 *Work Plan for a Soil, Groundwater, and Soil Vapor Assessment (Work Plan)* prepared by ASE;
- 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).

ACDEH has evaluated the data in conjunction with the case files, and the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP). Based on ACDEH staff review, we have determined that the site does not meet the LTCP General Criteria d (Free Product), f (Secondary Source Removal), Media-Specific Criteria for Groundwater and Media-Specific Criteria for Vapor Intrusion to Indoor Air.

Depth to groundwater at the site is three feet below ground surface (bgs) which precludes the existence of a five-foot thick bioattenuation zone. The predominant groundwater gradient direction in the site vicinity is to the west and southwest, however, groundwater gradient directions demonstrate 180 degrees variability at neighboring environmental cases. The tidally influenced Alameda County Flood Control Channel runs parallel to, along the east side, and approximately 530 feet downgradient of the site. There are numerous storm drains located in the immediate vicinity including the closest storm drain at the intersection of Coliseum Way and Kevin Court, Julie Ann Way, Independent Road, and over the Seminary Creek Engineered Channel.

As discussed in ACDEH's December 23, 2015 Directive Letter, last year's submittal of the Alternate Work Plan describing excavation was premature until vertical and horizontal contaminant delineation was performed. Based on the data provided in the February 17, 2016 *Report of Soil, Groundwater, and Soil Vapor Assessment* preliminary delineation has been undertaken and may be defined by soil borings BH-1 through BH-4. The implementation of a remedial excavation defined by those borings appears appropriate to remove secondary Total Petroleum Hydrocarbon (TPH) source that appears to be preventing the site from meeting the remaining four LTCP Criteria.

TECHNICAL COMMENTS

ACDEH generally concurs with the scopes of work first presented in the **Work Plan, Alternate Work Plan**, and the **Revised Work Plan** provided that all of the modifications specifically requested in the technical comments are addressed and incorporated during the field implementation. Please submit an *Interim Remedial Action Plan Addendum* by the date requested below. ACDEH will provide written comments approval to the *Interim Remedial Action Plan Addendum*, along with report due dates. This work is anticipated to expedite the case to closure.

1. **Interim Remedial Action Plan:** The *Alternate Work Plan* proposed a series of actions with which ACDEH is in general agreement of undertaking; however, ACDEH requests clarifications to the approach for the purpose of collecting specific data required to close the case under the LTCP in the minimum number of field events. Implementation of the *Work Plan* and the *Alternate Work Plan* incorporating the following items will constitute an *Interim Remedial Action Plan*. Please refer to the following guidance documents for implementation of the work: California State Water Resources Control Board's LTCP, the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) *Environmental Screening Levels (ESLs)* (February 2016 Version 3), and the *Leaking Underground Fuel Tank Guidance Manual (LUFT Manual)* (September 2012):
 - a. **Excavation Target Soil Concentrations:** All groundwater in the East Bay Plain Groundwater Basin is classified as 'MUN' (potentially suitable for municipal or domestic water supply). Please provide the soil target contaminant cleanup goals for the excavation wall and bottom samples in the *Interim Remedial Action Plan Addendum* requested below.
 - b. **Contingency Plan to Extend the Excavation:** Please provide a description of the proposed process which will support the decision to extend the excavation in any direction should it be needed in the *Interim Remedial Action Plan Addendum* requested below.
 - c. **Confirmation Sampling:** Confirmatory sidewall samples from all four walls and the excavation floor should be collected and analyzed at the rate of one sample per every 20 linear feet of wall and excavation bottom. The samples should be positively biased towards the worse-case indicators of contamination.
 - d. **Stability of Excavation Walls:** In the *Interim Remedial Action Plan Addendum* requested below, please include a description of the proposed measures to assure the stability of the excavation walls, due to the close proximity of the offices and warehouse garage to the former UST area.
 - e. **Excavation Backfill:** Please ensure that fill material imported to the site is in accordance with DTSC's October 2001 *Clean Imported Fill Material Information Advisory* including submittal of laboratory analytical data of the proposed fill. 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. Please provide a complete 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 are requested to be included in the *Interim Remedial Action Plan Addendum*.
2. **Resample of Soil Vapor Wells SVW-1 and SVW-2:** Consistent with the Department of Toxic Substances Control's *Final Vapor Intrusion Guidance* (October 2011) and as requested in the December 23, 2015 Directive Letter, please resample the SVW-1 and SVW-2 to assess the seasonal variations in soil gas concentrations beneath the site.
3. **Installation of Groundwater Monitoring Wells:** Upon approval and then completion of the Interim Remedial Action, please implement the groundwater monitoring installation task of the **Work Plan** followed by four quarters of groundwater monitoring and sampling. ACDEH requests adjusting the proposed monitoring well locations by placing two wells adjacent to the presumed downgradient direction and one well upgradient of the former UST location. Please submit a revised proposed monitoring well location figure in the *Interim Remedial Action Plan Addendum* requested below.
4. **Site Conceptual Model (SCM) Update:** Please include in all future Reports an updated SCM. As mentioned in our December 23, 2015 Directive Letter, please ensure that the text in the SCM table is complete in each text box; the Risk Evaluation Description text was cut off on page 5 of the *Revised Work Plan's* SCM. Please include tables summarizing *all* historical soil, groundwater, and soil vapor data in all future reports. Please note that when preparing summary tables of analytical results, please report the actual detection limits for all Non-Detected (ND) results.
5. **Electronic Submittal of Information (ESI) Compliance:** Currently, site data and documents are maintained in two separate electronic databases – ACDEH's File Transfer Protocol (FTP) site and the SWRCB's Geotracker website. Both databases act as repositories for Portable Document Format (PDF) files of regulatory directives and reports, but only Geotracker has the functionality to store electronic compliance data in Electronic Deliverable Format (EDF) including analytical laboratory data for soil, vapor and water samples, monitoring well depth-to-water measurements, and surveyed location and elevation data for permanent sampling locations. Although the SWRCB is responsible for the overall operation and maintenance of the Geotracker System, ACDEH, as lead regulatory agency, is responsible to ensure that the Geotracker database is complete and accurate for sites regulated by ACDEH under the Local Oversight Program (LOP) and Site Cleanup Program (SCP) (SWRCB March 2011 document entitled *Electronic Reporting Roles and Responsibilities*).

Because Geotracker is often used as the sole source of information at sites where chemical releases have occurred, the accuracy, completeness, and timeliness of the information on the database is critical in the following realms in order to facilitate review and analysis of data and informed decision making that is protective of human health, safety and the environment:

- The public domain during the public participation process as required by Title 23 of the California Code of Regulations (CCR), Chapter 16, Section 2728;

- The real-estate industry during property transactions;
- RPs, consultants, and the LOP during the site investigation, corrective action, monitoring, and case closure process; and
- State and federal government during decision making related to closure recommendations and petitions, priorities and funding, and evaluation of the UST cleanup program effectiveness.

A review of the case file indicates that the SWRCB Geotracker database and/or the ACDEH database is not complete (see Table 1), thus rendering the site to a non-compliant status pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3890 to 3895. At present missing data and documents include, but may not be limited to:

- complete copies of reports, in pdf format, including the signed transmittal letter and professional certification (GEO_REPORT files);
- analytical data for soil, water and vapor samples collected for the purpose of subsurface investigation or remediation, including influent/effluent water samples from remediation systems (EDF files);
- surveyed elevation measurements to the top of well casings (GEO_Z files);
- the latitude and longitude (GEO_XY files) of any permanent monitoring well for which data is reported in EDF format;
- depth-to-water information for permanent sampling points whenever the data is collected, even if the well is not sampled during the sampling event (GEO_WELL files);
- stand alone site maps displaying tank locations, streets bordering the facility, and sampling locations for all soil, water and vapor samples (GEO_MAP files);
- stand alone boring logs with depth to the screened interval and the length of screened interval for any permanent monitoring well installed (GEO_BORE files);

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACDEH 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:

- **December 9, 2016** *Interim Remedial Action Plan Addendum*
RO0003159_IR_ADEND_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.

Ladies and Gentlemen
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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, P.O. Box 1563, Burlingame, CA 94011, (Sent via E-mail to: JDHauling@hotmail.com)
David Allen, Aqua Science Engineers, Inc., 55 Oak Court, Ste. 220, Danville, CA 94526, (Sent via E-mail to: dallen@aquascienceengineers.com)
Robert Kitay, Aqua Science Engineers, Inc., (Sent via e-mail to: rkitay@aquascienceengineers.com)
Karel Detterman, ACDEH, (Sent via E-mail to: karel.detterman@acgov.org)
Dilan Roe, ACDEH, (Sent via E-mail to: dilan.roe@acgov.org)
Paresh Khatri, ACDEH, (Sent via E-mail to: paresh.khatri@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.