



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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May 11, 2015

Mr. Paul Meuser  
1315 Court Street  
Alameda, CA 94501  
(Sent via email to [pmeuser@woodrogers.com](mailto:pmeuser@woodrogers.com))

Subject: Modified Work Plan Approval; Site Cleanup Program Case No. RO0003167 and Geotracker Global ID T10000006545, Mercury Cleanup, 1315 Court Street, Alameda, CA 94501

Dear Mr. Meuser:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Proposed Mercury Investigation*, dated March 16, 2015, and modified on May 6, 2015. The work plan and modification was prepared and submitted on your behalf by Turner MacLane, Inc. Thank you for submitting the work plan. The work plan proposed the drilling of 36 two-foot deep soil bores on a grid system in the area around the previous mercury removal activities conducted under the oversight of the Department of Toxic Substances Control (DTSC). The soil bores in the vicinity of the mercury discovery were proposed to be on 18-inch centers and on 5 foot centers throughout the remainder of the backyard. Due to the presence of residual mercury blebs observed at the site after the DTSC removal actions, the work plan proposed to field screen soils with a field vapor meter capable of detecting mercury vapor as low as 0.01 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) and to collect a minimum of four soil samples from the soil bores to further identify residual contamination above appropriate regulatory levels.

Based on ACEH staff review of the work plan, the proposed scope of work is 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 72-hour advance written notification to this office (e-mail preferred to: [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org)) prior to the start of field activities.

### **TECHNICAL COMMENTS**

**1. Work Plan Modifications** – The referenced work plan proposes a series of actions with which ACEH is in general agreement of undertaking; however, ACEH requests several modifications to the approach. The requested modifications are somewhat open ended in order to allow flexibility in the field, in order to quicken the delineation of soil contamination at the site. Please submit a report by the date specified below.

- a. Cleanup Goals** – The referenced work plan indicates that both San Francisco Bay Regional Water Quality Control Board (RWQCB) Environmental Screening Levels (ESLs) and California Human Health Screening Levels (CHHSLs) would be used as cleanup goals. Because CHHSLs have not been updated in several years, they are currently considered to be out of date. Consequently, ACEH requests that RWQCB ESLs be used exclusively as a generic cleanup goal at the site. The ESL for residential soil is 6.7 milligrams per kilogram (mg/kg), and for soil vapor is  $0.031 \mu\text{g}/\text{m}^3$ .

Please be aware that ACEH does not require that these ESLs be used as cleanup goals. While the use of ESLs as a cleanup goal is generally recognized as safe in most situations, their use is considered to be a Tier 1 risk evaluation. If these numeric goals cannot be reached in a cleanup,

a Tier 2 or Tier 3 risk evaluation is generally undertaken and this requires additional site specific details and data.

- b. Borehole Grid and Sampling Density** – The proposed scope of work appears to be a reasonable manner to define the extent of mercury contamination at the subject site, and includes a higher sampling density (18-inch sampling centers) in the vicinity of the area where mercury was discovered and excavated and at immediately adjacent properties. The scope of work also extends the area of investigation to the remainder of the backyard, using a lower sampling density (5 foot sampling centers) based on a presumed lower probability of additional discoveries. However, based on additional information provided by the DTSC on Sunday May 10, 2015, it appears that additional sampling density is warranted in the remainder of the backyard. Consequently, ACEH requests a minimum 2.5 foot sampling density for backyard areas outside of the original discovery. This can be adjusted in the field based on the initial soil vapor sampling results. It may be possible to decrease the sampling density with distance from the original discovery provided no atypical results are encountered in areas of increased sampling density. It should also be noted that should additional discoveries be made, it is appropriate to further decrease the borehole spacing similar to that proposed in the vicinity of the original discovery, or less.
- c. Soil Vapor Field Screening** – The proposed soil vapor screening appears to be an appropriate field tool to help define the extent of mercury contamination in soil; however, because the operating limits of detection of the field instrument are variable, it is also apparent that soil vapor samples that follow DTSC soil vapor guidelines should also be collected in order to verify removal of the mercury to the appropriate extent. A work plan to undertake soil vapor sampling will be requested at an appropriate juncture in the near future, and as an understanding of the extent of contamination is reached.
- d. Soil Bore Depth** – The communication from the DTSC emergency response team indicates that mercury contamination was also found below the depth of the retaining wall footing (in addition to being found on top of the footing as reported in the referenced work plan). In order to determine the vertical depth of mercury contamination it appears appropriate to concurrently install a minimum of two soil bores in the known source area to a depth greater than the proposed 2 feet. Please collect and submit soil samples for laboratory analysis at a minimum of 1 foot depth intervals, or based on the visual presence of mercury. Additional deeper soil bores may be installed during this, or a later, site investigation in order to define the lateral limits of the contamination at depth, depending on the initial field results of the proposed scope of work.
- e. Access to Adjacent Properties** – As noted above, the mercury contamination was also found below the depth of the retaining wall footing. This can suggest that the adjacent properties may also be at risk of containing mercury contamination. The proposed bores on the two adjacent parcels is an important step in limiting the lateral extent of contamination at the site. Therefore, please initiate communications with the adjacent property owners soon. If assistance is required, please contact ACEH.

### **TECHNICAL REPORT REQUEST**

Please upload technical reports to the ACEH 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:

- **July 10, 2015** – Site Investigation  
File to be named: RO3155\_WP\_R\_yyyy-mm-dd

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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](mailto:mark.detterman@acgov.org).

Sincerely,

Mark E. Detterman, PG, CEG  
Senior Hazardous Materials Specialist

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

cc: Dwight Hoenig, Turner/MacLane, Inc, 3511 La Mesa Drive, Hayward, CA (Sent via E-mail to: [Dwight@turnermaclane.com](mailto:Dwight@turnermaclane.com))

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

Mark Detterman, ACEH, (sent via electronic mail to [mark.detterman@acgov.org](mailto: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

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/](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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> May 15, 2014
	<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
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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](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) 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](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.