

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

REBECCA GEBHART, Acting Director



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June 6, 2016

1607 2nd Avenue, LLC
4096 Piedmont Avenue, #150
Oakland, CA 94611
Attn.: Harry Tung
(Sent via electronic mail to: harrytung@hotmail.com)

Richard L. & Linda M. Weinstein Trust et al
360 17th Street, #204
Oakland, CA 94612
Attn.: Richard Weinstein

Latwuania Rogers
360 17th Street, #204
Oakland, CA 94612

RGG LLC et al
360 17th Street, #204
Oakland, CA 94612

Subject: Work Plan Request, Fuel Leak Case No. RO0003170 and GeoTracker Global ID T10000006756, Second Avenue UST, 1607 2nd Avenue, Oakland, CA 94606

Dear Responsible Parties:

Thank you for the recently submitted document entitled *Soil and Groundwater Investigation Report and Evaluation for Low –Threat UST Case Closure* (SWI), dated March 9, 2016, and prepared by Schutze & Associates, Inc. (Schutze) for the subject site. Alameda County Environmental Health (ACEH) staff has reviewed the case file, including the SWI, for the above-referenced site.

ACEH has evaluated the data and recommendations presented in the above-mentioned report, in conjunction with the case files, to determine if the site is eligible for closure as a low risk site under the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP). ACEH is of the opinion the case meets the LTCP General Criteria A through H, Media-Specific Criteria for Groundwater as potential chemicals of concern (PCOCs) were not detected in groundwater (soil only case), and the Media-Specific Criteria for Direct Contact and Outdoor Air Exposures as the reported concentrations are below the Table 1 criterion for a residential scenario. However, based on ACEH staff review, we have determined that the site fails to meet the LTCP Media-Specific Criteria for Vapor Intrusion to Indoor Air.

The SWI documents the advancement of four soil bores for the collection of soil and grab groundwater samples. The soil bore locations are in and around the former tank pit area. Elevated concentrations of total petroleum hydrocarbons (TPH) as diesel (TPHd), at 2,700 milligrams per kilogram (mg/kg), and 6.5 mg/kg naphthalene are documented in soil at a depth of 7.5 feet below the ground surface (bgs) between the former heating oil underground storage tank (UST) pit and the adjacent apartment building.

Based on the reported concentrations and immediate proximity of the soil contamination to the apartment building, it is unclear to ACEH that the LTCP Media-Specific Criteria for Vapor Intrusion to Indoor Air are met. Therefore, ACEH requests that you prepare a work plan to address the Technical Comments provided below.

TECHNICAL COMMENTS

- 1. LTCP Media Specific Criteria for Vapor Intrusion to Indoor Air** – The LTCP describes conditions, including bioattenuation zones, which if met will assure that exposure to petroleum vapors in indoor air will not pose unacceptable health risks to human occupants of existing or future site buildings, and adjacent parcels. Appendices 1 through 4 of the LTCP criteria illustrate four potential exposure scenarios and describe characteristics and criteria associated with each scenario.

Our review of the case files indicates that the site data collection and analysis fail to support the requisite characteristics of one of the four scenarios. Specifically, it appears that petroleum contamination migrated through a granular zone in shallow soil adjacent to the site, as evidenced by residual soil concentrations of TPH over 100 milligrams per kilograms (mg/kg) in the 5- to 10 foot interval, bgs.

Section D.1 of the SWI indicates the former UST serviced a boiler located within the basement of the apartment building. In order to be consistent with the LTCP, ACEH requests the depth of the foundation of the building be determined and, unless in the saturated zone, a soil vapor sample be collected from five (5) feet below the base of the foundation. Recovery of the soil vapor sample may be collected from adjacent to the building.

ACEH additionally requests a soil vapor sample be recovered from the interval just above the black stained, odiferous layer identified in the soil bore log for B-3 in the interval of 7.0- to 7.5 feet bgs. Please submit a map with the proposed soil vapor sampling locations and depths in the work plan requested below.

Alternatively, please provide justification of why the site satisfies the Media-Specific Criteria for Vapor Intrusion to Indoor Air in a SCM that assures that exposure to petroleum vapors in indoor air will not pose unacceptable health risks to occupants of adjacent buildings.

- 2. Soil Vapor Sample Collection** – ACEH requests the soil vapor samples be collected in accordance with the July 2015 *Advisory- Active Soil Gas Investigations* prepared by California Environmental Protection Agency/ Department of Toxic Substances Control (Cal EPA / DTSC), and the Regional Water Quality Control Boards of the Los Angeles (LARWQCB) and San Francisco (SFRWQCB) regions.
- 3. Soil Vapor Analysis** – ACEH requests that the soil vapor samples are analyzed for volatile organic compounds (VOCs) by EPA Test Method TO-15, with naphthalene confirmation by Test Method TO-17. Additionally, please include oxygen in the soil vapor scope of analysis.
- 4. Indoor Air Contingency Sample** – Based on the findings of the soil vapor analysis identified in Technical Comment 3 above, ACEH requests the work plan include contingency sampling of indoor air in the basement of the apartment complex. ACEH is of the opinion sampling the indoor air is premature pending a review of the data requested in Technical Comment 2. Therefore, the indoor air sample may be authorized only after the data review. Note that ambient air sampling occurs concurrent with indoor air sampling. Please submit a map with the proposed sampling locations associated with the indoor air evaluation in the work plan requested below.

- 5. Indoor Air Sample Collection** – ACEH requests the indoor air sample be collected in accordance with the *Final- Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air (Vapor Intrusion Guidance)* prepared by Cal/EPA, dated October 2011.

NOTIFICATION OF FIELDWORK ACTIVITIES

Please schedule and complete the fieldwork activities by the date specified below and provide ACEH with at least three (3) business days notification prior to conducting the fieldwork.

TECHNICAL REPORT REQUEST

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

- **August 8, 2016 – Work Plan for Vapor Intrusion to Indoor Air Evaluation** (file name: RO0003170_WP_R_yyyy-mm-dd)

If your email address does not appear on the cover page of this notification, ACEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

Thank you for your cooperation. ACEH 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

Sincerely,

Keith Nowell, PG, CHG
Hazardous Materials Specialist

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

cc: Jan Schutze, Schutze & Associates, Inc., 44358 South Grimmer Boulevard, Fremont, CA 94538
(Sent via electronic mail to: js@schutze-inc.com)

Dilan Roe, ACEH (Sent via electronic mail to: dilan.roe@acgov.org)
Keith Nowell, ACEH, (Sent via electronic mail to 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

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.