



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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September 27, 2016

Ms. Nancy Humphrey
City of Emeryville
1333 Park Avenue
Emeryville, CA 94608
(Sent via electronic mail to:
nhumphrey@ci.emeryville.ca.us)

Mr. Michael A Guina, Esq.
City of Emeryville
1333 Park Avenue
Emeryville, CA 94608
(Sent via electronic mail to:
mguina@ci.emeryville.org)

Subject: Request for Data Gap Work Plan Addendum; Fuel Leak Case No. RO0003185 and GeoTracker Global ID T10000007323, Horton Street UST, 5679 Horton Street, Emeryville, CA 94608

Dear Ms. Humphrey and Mr. Guina:

Alameda County Department of Environmental Health (ACDEH) has reviewed the case file, including the July 29, 2016 *Data Gap Investigation Work Plan and Focused Site Conceptual Model*, prepared and submitted on your behalf by Eler & Kalinowski, Inc. (EKI). The focused site conceptual model (SCM) indicated the site only failed the vapor intrusion media-specific criteria of the Low Threat Closure Policy (LCTP) and proposed the installation of one semi-permanent vapor well and the collection of seasonal vapor data.

A previously installed groundwater monitoring well (MW-2, installed February 18, 1993 by Lowney Associates) was located within approximately one foot of the former UST. The bore log for MW-2 documented the presence of approximately one foot of Light Non-Aqueous Phase Liquids (LNAPL) within fill soils that extended to a depth of approximately 7.5 feet below grade surface (bgs). The LNAPL were encountered at an approximate depth of four feet and saturated soil conditions were encountered at a depth of five feet, at the time of well installation. Well MW-2 was destroyed under permit on June 22, 2015.

Chlorinated volatile organic solvents (VOCs) were documented in soil and groundwater collected during the tank removal. As documented in the site reports, the VOC contaminants appear to be related to the on-going investigations at adjacent sites conducted under Department of Toxic Substance Control (DTSC) oversight, and are not considered to be a part of this investigation.

ACDEH has re-evaluated the data and recommendations presented in the above-mentioned reports, 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). The submittal of the work plan has allowed ACDEH to update the LTCP criteria the site currently meets; however, the site continues to fail the Media-Specific Criteria for Groundwater, the Media-Specific Criteria for Vapor Intrusion to Indoor Air, and the Media-Specific Criteria for Direct Contact and Outdoor Air Criteria, in our view (Please see below and Geotracker for details).

Based on the review of the case file ACDEH requests that you address the following technical comments and send us the documents requested below.

TECHNICAL COMMENTS

1. **LTCP Media Specific Criteria for Groundwater** – To satisfy the media-specific criteria for groundwater, the contaminant plume that exceeds water quality objectives must be stable or decreasing in areal extent, and meet all of the additional characteristics of one of the five classes of sites listed in the policy.

Our review of the case files indicates that insufficient data collection and analysis has been presented to support the requisite characteristics of plume stability or plume classification as follows:

- a. **Extent of Groundwater and LNAPL Plumes** – Conflicting data has been presented in support of the position that the site meets the LTCP Groundwater Media-Specific Criteria. Cone Penetrometer Bore Test (CPT) bores H-G, H-H, and H-I are reported to not have encountered groundwater until, at the shallowest, an approximate depth of 18 to 22 to feet bgs. Conversely, multiple groundwater gradient figures included the work plan (see for example Figure 3 and Figures 5a to 5d) provide conflicting data, as does the historic depth of LNAPL and saturated conditions in the former tank hold. Figure 3 depicts a generalized stratigraphy and indicates that the approximate average groundwater depth is approximately six to eight feet bgs. Figures 5a to 5d depict the groundwater gradient to the southwest at an approximate elevation of four feet above mean sea level (msl), which is consistent with a depth of groundwater of six to eight feet bgs.

At present it does not appear that the extent of the groundwater contaminant plume, and potentially the LNAPL plume, derived from the former UST, has been defined in shallow groundwater stated to be approximately six to eight feet bgs.

Please present a strategy in the Data Gap Work Plan Addendum (described in Technical Comment 3 below) to test and address the items discussed above. Alternatively, please provide a technical justification of why the site satisfies the Media-Specific Criteria for Groundwater.

2. **LTCP Media Specific Criteria for Direct Contact and Outdoor Air Criteria** – The LTCP describes conditions where direct contact with contaminated soil or inhalation of contaminants volatilized to outdoor air poses a low threat to human health. According to the policy, release sites where human exposure may occur satisfy the media-specific criteria for direct contact and outdoor air exposure and shall be considered low-threat if the maximum concentrations of petroleum constituents in soil are less than or equal to those listed in Table 1 for the specified depth bgs. Alternatively, the policy allows for a site specific risk assessment that demonstrates that maximum concentrations of petroleum constituents in soil will have no significant risk of adversely affecting human health, or controlling exposure through the use of mitigation measures, or institutional or engineering controls.

Our review of the case files indicates that insufficient data collection and analysis has been presented to satisfy the media-specific criteria for direct contact and outdoor air exposure as follows:

- a. **Extent of Soil Contamination** – The extent of soil contamination, and thus Direct Contact exposure, has not been defined below appropriate regulatory goals at present. Tank sidewall samples HUST-SW03-7.0 and HUST-SW04-7.0 remain above generic regulatory goals defined by the San Francisco Regional Water Quality Control Board's Environmental Screening Levels (ESLs) for Direct Contact for Total Petroleum Hydrocarbons as diesel (TPHd) at a commercial property, of 1,100 milligrams per kilogram (mg/kg). These samples reported 1,290 and 4,440 mg/kg TPHd, respectively. Lateral residual contamination may contain concentrations above Table 1 values. The closest soil bores to the former UST location (H-G and H-I, approximately 60 feet away), did not analyze for TPH or other constituents in shallow soil.

Therefore, please present a strategy in the Data Gap Work Plan Addendum described in Technical Comment 3 below to collect sufficient data to satisfy the direct contact and outdoor air exposure criteria in the areas of likely residual contamination. Please propose sampling and analysis of soil in the 0 to 5 and the 5 to 10 foot intervals in accordance with the LTCP, at the groundwater interface,

lithologic changes, and at areas of obvious impact. Additionally, please collect a groundwater sample from each boring and propose the requisite analysis including naphthalene analysis.

Alternatively, please provide justification of why the site satisfies the Media-Specific Criteria for Direct Contact and Outdoor Air Exposure in the focused SCM described in Technical Comment 3 below that assures that exposure to petroleum constituents in soil will have no significant risk of adversely affecting human health.

- 3. Data Gap Investigation Work Plan Addendum and Focused Site Conceptual Model** – Please prepare a Data Gap Investigation Work Plan Addendum to address the technical comments listed above. Please support the scope of work in the Data Gap Investigation Work Plan Addendum with a focused SCM and Data Quality Objectives (DQOs) that relate the data collection to each LTCP criteria. For example please clarify which scenario within each Media-Specific Criteria a sampling strategy is intended to apply to.

In order to expedite review, ACDEH requests the focused SCM be presented in a tabular format that highlights the major SCM elements and associated data gaps, which need to be addressed to progress the site to case closure under the LTCP. Please sequence activities in the proposed revised data gap investigation scope of work to enable efficient data collection in the fewest mobilizations possible.

- 4. Electronic Report and Data Upload Compliance** – A review of the case file and the State's Geotracker database indicates that the site is not in compliance with previous directive letters. Compliance is also a State requirement. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SLIC programs. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites was required in GeoTracker.

At present missing data and documents include, but may not be limited to, older reports (the UST closure report), all EDF submittals, GEO_MAPS, and all bore logs (including MW-2, H-G, H-H, and H-I). Compliance is required by the State and is tied to reimbursement funding by the UST Cleanup Fund. Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. ACDEH requests notification of, and a list of, the documents uploaded to Geotracker. Please upload all submittals to GeoTracker as well as to ACDEH's ftp website by the date specified below.

TECHNICAL REPORT REQUEST

Please submit the following deliverable to ACDEH (Attention: Mark Detterman), according to the following schedule:

- **November 11, 2016** – Addendum to Data Gap Investigation Work Plan
File to be named: RO3185_WP_ADEND_R_yyyy-mm-dd
- **60 Days After Work Plan Approval** – Soil and Groundwater Investigation Report

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.

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Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark Detterman, PG, CEG
Senior Hazardous Materials Specialist

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

cc: Joy Su, Erler & Kalinowski, Inc, 1870 Ogden Drive, Burlingame, CA 94010, (Sent via electronic mail to: ksu@ekiconsult.com)

Elena Joy Pelen, Department of Toxic Substances Control, Brownfields & Environmental Restoration Program, 700 Heinz Avenue, Berkeley, CA 94710, (Sent via electronic mail to: elenajoy.pelen@dtsc.ca.gov)

Dilan Roe, ACDEH, (Sent via electronic mail to: dilan.roe@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

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.

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| 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.