



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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May 3, 2016

411 W MacArthur LLC
650 B Fremont Avenue, #375
Los Altos, CA 94542

Attn.: Joseph Hernon (Sent via E-mail to: joehernon@gmail.com)

Subject: Conditional Work Plan Approval; Voluntary Cleanup Remedial Action Program Case No. RO0003192 and GeoTracker Global ID T10000007937, 411 MacArthur Redevelopment, 411 West MacArthur, Oakland, CA 94609

Dear Mr. Hernon:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file including the recently submitted document entitled *Supplemental Investigation Work Plan* (Work Plan), dated May 2, 2016, and prepared for the subject site by Aquifer Sciences, Inc. (ASI). The Work Plan was provided to ACDEH as an attachment to an electronic mail correspondence delivered on May 2, 2016. The Work Plan recommends advancing three on-site soil bores to define the extent of contamination along Webster Street.

The Work Plan was prepared at the request of ACDEH at a meeting held on April 20th, 2016 with you, Mr. Michael Kara of Applied Remedial Services, Inc. (ARS), and Mr. James Gribi of Gribi Associates (GA). The purpose of the Work Plan is to propose a scope of work that will evaluate the area of the site along Webster Street for the potential presence of a source of residual contamination. Additionally, based on the findings of the investigation, an assessment will be made of potential health risks associated with the residual source, if any, to the proposed mixed-use development.

The proposed scope of work may be implemented provided that the modifications requested in the technical comments below are addressed and incorporated during the field implementation. Submittal of a revised Work Plan is not required unless an alternate scope of work outside that described in the Work Plan and Technical Comments below is proposed.

TECHNICAL COMMENTS

- 1. Soil Borings** – As identified above, the Work Plan proposes to advance three soil bores to define the extent of contamination along Webster Street. As discussed in the April 20th meeting, ACDEH requests that an adequate number of soil bores be advanced to define the extent of contamination.
- 2. Soil Bore Logging** – The Work Plan does not indicate if bore logs will be prepared for inclusion in a report documenting site activities. The Work Plan only states that a brief data report (BDR) will be prepared describing the environmental testing results and will include tabulated soil results. ACDEH requests soil bore logs be prepared and included with the BDR.

3. **Soil Screening** – The Work Plan does not indicate if field screening of the soil will be performed. ACDEH requests field screening of the soil be performed with the use of a photoionization detector (PID) or similar instrument. Please include the screening readings on the bore logs requested in Technical Comment 2 above.
4. **Cross Sections** – As discussed at the April 20th meeting, please include cross sections in the BDR presenting data from this and the previous investigation for this case.
5. **Soil Sampling** – The Work Plan states that soil samples will be collected at five-foot intervals from each boring to satisfy ACEH request. ACDEH has not requested soil sample collection at five-foot intervals.

ACDEH requests an adequate number of samples be collected to define the vertical and lateral extent of the contamination and recommends that soil samples should be collected and analyzed at intervals of no more than five feet, areas of obvious contamination, the soil/groundwater interface, and at significant changes in lithology. If staining, odor, or elevated PID readings are observed over an interval of several feet, a sufficient number of soil samples from this interval should be submitted for laboratory analyses to characterize the fuel hydrocarbon concentrations within this interval.

6. **Investigation Derived Waste** – The Work Plan does not address handling of investigation derived waste (IDW) generated during Work Plan implementation. Based on the findings of the previous investigation, it is anticipated that contaminated soil will be encountered as a result of the investigation activities. ACDEH requests the IDW status be identified in the BDR, and the final disposition of the IDW be provided in your final report requested below.
7. **Reporting** – In addition to the reporting described in the Work Plan and the information requested in the Technical Comments above, ACDEH requests the BDR include a determination of the potential presence of residual contaminant source along Webster Street and address its potential health risks, if any, to the proposed development.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACDEH ftp site (Attention: Keith Nowell), and to the SWRCBs GeoTracker website, in accordance with the following specified file naming convention and schedule:

- **June 20, 2016** – Summary of Most Recent Soil Investigation (Brief Data Report) – (file to be named: RO0003192_SWI_R_yyyy-mm-dd).
- **TBD** – Soil, Groundwater and Soil Gas Investigation Report – (file to be named: RO0003192_SWI_R_yyyy-mm-dd)

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

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Sincerely,

Keith Nowell, PG, CHG
Hazardous Materials Specialist

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

Cc: Michael Kara, Applied Remedial Services, Inc., P.O. Box 5086, Walnut Creek, CA 94596,
(Sent via electronic mail to: mmkara707@aol.com)

Becky A. Sterbentz, Aquifer Sciences, Inc., 3680-A Mt. Diablo Blvd., Lafayette, CA 94549
Sent via electronic mail to: Becky@aquifer.com)

Dilan Roe, ACEH (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.