

ALAMEDA COUNTY
**HEALTH CARE SERVICES
AGENCY**

COLLEEN CHAWLA, DIRECTOR



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
1131 HARBOR BAY PARKWAY, SUITE 250
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

September 11, 2018

ACEL Associates, LLC
Attention: Stephen P. and Karen A. Nicholls (Sent via E-mail to: snicholls@mnbuild.com)
137 Greenbank Avenue
Piedmont, CA 94611-4335

Subject: Fuel Leak Case No. RO0003203 and GeoTracker Global ID T10000008515, Union Street,
2400 Union Street, Oakland, CA 94601

Dear Mr. Nicholls:

Thank you for participating in a meeting held at Alameda County Department of Environmental Health's (ACDEH) office on July 27, 2018 attended by ACDEH staff, yourself and Tony McElligott, McElligott Consulting (McElligott), your consultant. The purpose of the meeting was to discuss the *Underground Storage Tank System Closure Report* (UST Report) dated December 14, 2015, prepared on your behalf by McElligott and identify the next steps to progress the case to closure. ACDEH understands that the property has not been sold, commercial property usage a millwork/woodwork shop will continue, and redevelopment is not under consideration.

According to the *UST Report*, one 560-gallon heating oil underground storage tank (UST) was removed from the site on July 11, 2013. Multiple holes were observed on the UST during removal. Groundwater was not encountered at 10 feet below ground surface, the maximum extent of the excavation. Concentrations of up to 95 milligrams per kilogram (mg/kg) Total Petroleum Hydrocarbons as Diesel (TPHd), 41 mg/kg TPH as Motor Oil (TPH mo), 110 mg/kg TPH as Fuel Oil, and 100 mg/kg TPH as Heating Oil were documented in soil samples. Analysis for benzene, toluene, ethylbenzene, or xylenes (BTEX) was not performed on any soil samples collected during the UST removal. These data indicate that unauthorized releases from the UST had occurred at the site.

ACDEH has evaluated the data presented in the *UST Report* to the State Water Resources Control Board's (SWRCB's) Low Threat Closure Policy (LTCP) and due to the lack of site data we are unable to determine if the site meets the LTCP General Criteria e (Site Conceptual Model), and 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 Exposure.

Therefore, as previously requested in ACDEH's attached May 24, 2016 Directive Letter, please prepare a Data Gap Investigation Work Plan that is supported by a Site Conceptual Model (SCM) to address the Technical Comments provided in the May 24, 2016 Directive Letter and the Technical Comments provided below.

TECHNICAL COMMENTS

1. **Site Conceptual Model:** ACDEH has developed an SCM in an EXCEL spread sheet format, which will be sent separately. Please do not use the SCM format included in Attachment A of the May 24, 2016 Directive Letter.
2. **Electronic Submittal of Information (ESI) Compliance:** A review of the case file indicates that the SWRCB Geotracker database is not complete, 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:

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- complete copies of the UST Report, in pdf format, including the signed transmittal letter and professional certification (GEO_REPORT files);
- analytical data for soil and water samples collected for the purpose of subsurface investigation or remediation, including influent/effluent water samples from remediation systems (EDF 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);

REVISED TECHNICAL REPORT REQUEST

Please upload the technical reports to the State Water Resources Control Board's GeoTracker website according to the following schedule and file-naming convention and send the Work Plan/SCM to me by e-mail:

- **October 12, 2018** - Electronic Submittal of Information (ESI) Compliance on Geotracker
- **November 16, 2018 ~~July 25, 2016~~** – Data Gap Investigation Work Plan and Site Conceptual Model
File to be named: RO3203_WP_SCM_R_yyyy-mm-dd

This report is 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/lop/ust.htm>

Thank you for your cooperation. If you have any questions, please call me at (510) 567-6708 or send me an e-mail to: karel.detterman@acgov.org. Online case files are available for review at the following website:
<http://www.acgov.org/aceh/index.htm>.

Sincerely,

Karel Detterman, PG 5628
Senior Hazardous Materials Specialist

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

cc: Tony McElligott, McElligott Consulting (Sent via E-mail to: tonymcelligott.p.e@gmail.com)
Todd Hurley (Sent via E-mail to: hurley43@gmail.com)
A.A. Zatopa, 141 Jackson Street, Chicago, IL, 60606
Michael E. Mueller, 2400 Union Street, Oakland, CA 94607-2418
Marilyn P. Eberlein and W.H. Pollard 3rd Trustees, 2400 Union Street, Oakland, CA 94607-2418
Dilan Roe, ACDEH (Sent via E-mail to: dilan.roe@acgov.org)
Karel Detterman, ACDEH (Sent via E-mail to: karel.detterman@acgov.org)
Paresh Khatri, ACDEH (Sent via E-mail to: paresh.khatri@acgov.org)
GeoTracker, eFile

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: December 14, 2017
	ISSUE DATE: July 25, 2012
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	SUBJECT: Responsible Party(ies) Legal Requirements / Obligations

REPORT & DELIVERABLE REQUESTS

Alameda County Department of Environmental Health (ACDEH) Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) require submission of all reports in electronic form to the State Water Board's (SWB) GeoTracker website in accordance with California Code of Regulations, Chapter 30, Division 3, Title 23 and Division 3, Title 27.

Leaking Underground Fuel Tank (LUFT) Cases

Reports and deliverable requests are 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 (RP) in conjunction with an unauthorized release from a petroleum underground storage tank (UST) system.

Site Cleanup Program (SCP) Cases

For non-petroleum UST cases, reports and deliverables requests are pursuant to California Health and Safety Code Section 101480.

ELECTRONIC SUBMITTAL OF REPORTS

A complete report submittal includes the PDF report and all associated electronic data files, including but not limited to GEO_MAP, GEO_XY, GEO_Z, GEO_BORE, GEO_WELL, and laboratory analytical data in Electronic Deliverable Format™ (EDF). Additional information on these requirements is available on the State Water Board's website (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)

- Do not upload draft reports to GeoTracker
- Rotate each page in the PDF document in the direction that will make it easiest to read on a computer monitor.

GEOTRACKER UPLOAD CERTIFICATION

Each report submittal is to include a GeoTracker Upload Summary Table with GeoTracker valid values¹ as illustrated in the example below to facilitate ACDEH review and verify compliance with GeoTracker requirements.

GeoTracker Upload Table Example

Report Title	Sample Period	PDF Report	GEO_MAPS	Sample ID	Matrix	GEO_Z	GEO_XY	GEO_BORE	GEO_WELL	EDF
2016 Subsurface Investigation Report	2016 S1	✓	✓	Effluent	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
2012 Site Assessment Work Plan	2012	✓	✓			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2010 GW Investigation Report	2008 Q4	✓	✓	SB-10	W	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				SB-10-6	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				MW-1	WG	✓	✓	✓	✓	✓
				SW-1	W	✓	✓	✓	✓	✓

¹ GeoTracker Survey XYZ, Well Data, and Site Map Guidelines & Restrictions, CA State Water Resources Control Board, April 2005

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: NA
	ISSUE DATE: December 14, 2017
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	SUBJECT: Responsible Party(ies) Legal Requirements / Obligations

ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to the State Water Board's GeoTracker website." This letter must be signed by the Responsible Party, or legally authorized representative of the Responsible Party.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6731, 6735, and 7835) 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 licensed or certified professional and include the professional registration stamp, signature, and statement of professional certification. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

UNDERGROUND STORAGE TANK CLEANUP FUND

For LUFT cases, RP's non-compliance with these regulations may result in ineligibility to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse the cost of cleanup. Additional information is available on the internet at: https://www.waterboards.ca.gov/water_issues/programs/ustcf/

AGENCY OVERSIGHT

Significant delays in conducting site assessment/cleanup or report submittals may result in referral of the case to the Regional Water 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.