



February 23, 2017

Mr. Ronnie Turner
Turner Development Resource Group
4100 Redwood Road, #170
Oakland, CA 94619
(Sent via electronic mail to:
RTdevelops@comcast.net)

Mr. Bradford Flewellen
CEF Realty Advisors, Inc.
882 Wood Street, Unit 1
Oakland, CA 94607
(Sent via electronic mail to:
brad@cefrealty.com)

Subject: Request for Draft CAP and Public Notification, and Data Gap Work Plan; Site Cleanup Program Case No. RO0003226 and Geotracker Global ID T10000009223, 914 W. Grand; 914 W. Grand, Oakland, CA 94607

Dear Messrs. Turner and Flewellen:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file including the *Soil, Ground Water, and Soil Vapor Quality Evaluation*, dated December 28, 2016. The report was generated and submitted on your behalf by the Cornerstone Earth Group (Cornerstone). Thank you for submitting the report.

The referenced report documented the installation of soil bores EB-1 to EB-17, grab groundwater bores GW-1 to GW-4 and soil vapor bores SV-1 to SV-4, the collection of soil, grab groundwater, and soil vapor samples, and subsequent analytical testing of these samples. The report recommended the generation of a Site Management Plan (SMP) to manage contaminated soil and groundwater during construction, and to manage the potential for soil vapor intrusion with engineering controls, including a sub-slab vapor membrane and passive venting.

In order to discuss the recommendations and site data, a meeting of interested parties was organized and conducted on February 21, 2017. Based on the review of the case file, and the discussions in the meeting, ACDEH requests that you address the following technical comments and send us the documents requested below.

TECHNICAL COMMENTS

1. Draft Corrective Action Plan – Based on the review of the referenced site investigation report, and as further discussed in the referenced meeting, please submit a draft Corrective Action Plan (CAP) by the date identified below. Please include the following:

- Proposed remedial actions, including any excavation, trench dams, mitigation systems, etc., including confirmation sampling as necessary.
- Any necessary remedial design investigations.
- Design drawings and specifications for the Vapor Mitigation System (VMS).
- Operation and maintenance plans.
- Preliminary system optimization and performance metrics.
- Post-remedial action monitoring and verification plans with proposed strategy for collecting groundwater, soil, and soil vapor monitoring and confirmation samples.
- Import soil testing program.
- Cleanup goals, either utilizing the 2016 San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels, or Site Specific goals as based on a Human Health Risk Assessment (HHRA).

- Implementation schedule with milestone dates.

Please note implementation of the RAP will be contingent on the submittal, and ACDEH acceptance of, a subsequent Corrective Action Implementation Plan (CAIP) in part informed by the results of any remedial design investigations, and the Data Gap Investigation (see Technical Comment 3 below). In order to expedite remedial actions at the site, please prepare the CAP and submit it to ACDEH prior to the start of public participation, by the date identified below.

- 2. Draft Public Participation Fact Sheet** - Public participation is a requirement for the CAP process. Therefore, we request that you submit a draft public notification flyer for ACDEH review; example copies will be forwarded under separate cover. Upon ACDEH approval of the draft public notification, potentially affected members of the public who live or own property in the surrounding area of the proposed remediation described in the Draft CAP are to be notified. Public comments on the proposed remediation will be accepted for a 30-day period. Final ACDEH approval of the CAIP will be contingent upon addressing comments received during the public participation period, if appropriate, into the CAIP.
- 3. Data Gap Investigation Work Plan** – As discussed in the meeting a number of data gaps were identified in the understanding of the extent of contamination at the site, and in the understanding of the potential for offsite contamination sources to impact the site. Data gaps include determining the extent of any proposed excavation of residual sources for the CAIP as discussed above (remedial design investigation). These include the following:

- a. Downgradient Extent of Groundwater Contaminant Plume** – The extent of the groundwater contaminant plume has not been defined downgradient to the west.
- b. Protectiveness of Redevelopment From Upgradient Contaminant Contribution** – An initial attempt to collect grab groundwater samples at the eastern upgradient extent of the site was unsuccessful in determining if groundwater contamination deriving from the former gasoline service station across Market Street is contaminating the site, and if that contamination is of concern to future occupants of the proposed redevelopment.

Included in this concern is the potential for former USTs to have been present at 902 West Grand as identified by some sources. It is understood that this may have been an error in location; however, this has not been otherwise demonstrated.

- c. Source of Halogenated Volatile Organic Compounds** – The sources of the Halogenated Volatile Organic Compounds (HVOCs), including Trichloroethene (TCE) and cis-1,2-Dichloroethene (cis-1,2-DCE) in groundwater, and Tetrachloroethene (PCE) in soil vapor, are uncertain. The presence of a potential source to the south across West Grand may contribute to these concentrations; however, the undocumented presence of a former (?) waste oil underground storage tank (UST), or an expected, but at present unlocated oil-water separator (OWS) at the auto repair facility may be indicated by the presence of TCE and Total Petroleum Hydrocarbons as motor oil (TPHmo) in grab groundwater samples collected along the southern property line at the site (see for example results from bore BH-A and MW-3, as well as others). At a minimum, at present a linkage or continuity with potential sources to the south of the site has not been established.
- d. Presence of Onsite Residual Sources** – Unlocated, onsite residual sources are indicated by elevated Total Petroleum Hydrocarbons as gasoline (TPHg) soil vapor samples at several locations in general proximity to potential source areas (see for example SV-1 and SV-4), and elevated soil concentrations (see EB-12 below approximately 10 feet as indicated by Photoionization Detector [PID] responses only). Additionally, the extent of removal of residual sources in the suspected former fuel tank excavations, and the quality of associated backfill, on the western edge of the site have not been documented or established. As discussed in the meeting, delineation of the extent of the TPHg soil vapor plume is one method to identify residual source areas. Additionally, the installation of geotech soil bores into and through the former UST excavations additionally provides an opportunity to characterize source soil concentrations and to collect additional grab groundwater samples at critical locations.

- e. **Groundwater Trends** – As discussed in the meeting, two groundwater sampling events, separated by multiple years, have been conducted at the site. Recent groundwater contaminant trends, and contaminant trends relative to groundwater levels, have not been established at the site. Please additionally tabulate all (groundwater) analytical available at the site in order to allow quicker comparisons of contaminate trends. This effort additionally clarifies communication with the public at appropriate junctures (corrective action and closure).

Therefore, to investigate these identified data gaps, please submit by the date identified below, a Data Gap Work Plan.

- 4. **Geotracker 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 a State requirement that ACDEH is tasked with implementing. 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 SCP 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 EDF submittals, bore logs for all bores, current GEO MAPs, and survey XYZ data. Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. Delays in submitting and keeping the submittals current will result in delays in review and ultimately closure. Please notify your caseworker appropriate data submittals have been uploaded to Geotracker by the date identified below.

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

Please note that ACDEH has updated Attachment 1 with regard to report submittals to ACDEH. ACDEH will now be requiring a Submittal Acknowledgement Statement, replacing the Perjury Statement, as a cover letter signed by the Responsible Party (RP). The language for the Submittal Acknowledgement Statement is as follows:

I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's Geotracker Website.

Please make this change to your submittals to ACDEH.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACDEH 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:

- **March 8, 2017** – Draft Corrective Action Plan and Geotracker Compliance
File to be named: RO3226_CAP_R_YYYY-MM-DD
- **March 10, 2017** – Draft Public Notification
Please submit in Word format to your caseworker
- **April 8 – May 8, 2017** – Public Notification
(Anticipated Public Notification Period)

Messrs. Turner and Flewellen
RO0003226
February 23, 2017, Page 4

- **April 24, 2017** – Data Gap Work Plan (Can be submitted earlier to expedite investigations)
File to be named: RO3226_WP_R_yyyy-mm-dd

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.

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: Peter Langtry, Cornerstone Earth Group, 1270 Springbrook Road, Suite 101, Walnut Creek, CA 94597, (Sent via electronic mail to: plangtry@cornerstoneearth.com)

Randall Bleichner, Cornerstone Earth Group, 1270 Springbrook Road, Suite 101, Walnut Creek, CA 94597, (Sent via electronic mail to: rbleichner@cornerstoneearth.com)

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

Paresh Khatri, ACDEH; (Sent via electronic mail to: paresh.khatri@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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) for more information on these requirements.

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 ACDEH's FTP server and the SWRCB's GeoTracker website." 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 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. 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 case meet this requirement. 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

Please note that delays in investigation, late 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 SCP)	REVISION DATE: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions


The Alameda County Environmental Cleanup Oversight Programs (LOP and SCP) 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) Open File Explorer using the Windows  key + E keyboard shortcut.
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) On the address bar, type in ftp://alcoftp1.acgov.org.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
 - d) Click Log On.
 - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - f) 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.