



June 28, 2018

Ms. Sharon Bender (Sent via electronic mail to: roundmaggie@yahoo.com)
James H. & Patricia D. Bender Trust
4 Brent Court
Lafayette, CA 94549

Ms. Corinne Jan (Sent via electronic mail to: Corinnej@familybridges.org)
Family Bridges, Inc.
168 11th Street
Oakland, CA 94607

Subject: Conditional Approval of the *Work Plan for Additional Phase II Site Assessment* and Request for Work Plan Addendum for Leaking Underground Fuel Tank Case No. RO0003295 and GeoTracker Global ID T10000011366, Bender Property located at 250 12th Street, Oakland, CA 94607, APN: 2-69-2.

Dear Ms. Bender and Ms. Jan:

On February 22, 2018, Alameda County Department of Environmental Health (ACDEH) received a referral from the San Francisco Bay Regional Water Quality Control Board to provide regulatory oversight of the subject site under the Leaking Underground Storage Tank (LUST) Program. Based on our review of the following environmental site assessments below which were prepared on behalf of Family Bridges and document an unauthorized release of petroleum hydrocarbons from former underground storage tanks (USTs), ACDEH opened Fuel Leak Case No. RO0003295.

- *Phase I Environmental Site Assessment*, dated September 1, 2017, prepared by Essel Environmental Consulting;
- *Magnetic Investigation of a 250 12th Street, Oakland California*, dated December 6, 2017, prepared by Trinity Source Group; and
- *Limited Phase II Site Assessment Report* dated January 26, 2018, prepared by Trinity Source Group.

On May 7, 2018, a kick-off meeting was held at our offices with representatives from Family Bridges (the proposed Site tenant) and the Bender Trust (the current property owner). Also in attendance were George King from King, King & Zatzkin representing the Bender Trust, and Nicholas Targ from Holland & Knight LLP and Trinity Source Group Inc. (Trinity) representing Family Bridges. Based on discussions in the meeting, and review of the above listed documents including the County of Alameda Assessor's Office records, ACDEH understands the following:

- James H. & Patricia D. Bender Trust (Bender) are the current property owners of this parcel (Assessor Parcel Number APN: 2-69-2) and are named as the Responsible Party for the Fuel Leak Case.
- The Site is located in a mixed-use area of downtown Oakland and is currently developed as a 7,500 square foot building doing business as Aqua Skin Care & Day Spa. Paved parking areas are located to the west and northeast of the Site building. The eastern and southern property lines are bound by 12th street and Alice Street, respectively.

- Historical records indicate that the Site was occupied by residential dwellings from 1889 to 1911 and from 1939 to 1974 by two different gas stations. From 1980 onwards the Site has been occupied with the present-day structure and two adjacent parking lots. Review of historical Sanborn Maps and aerial photographs indicate the former service stations included multiple fueling configurations.
- Results of recognized environmental concerns identified in the Phase I were further investigated as part of the Phase II subsurface investigation conducted at the Site without regulatory oversight during November and December 2017. Five borings and six sub-slab vapor pins were advanced for the collection of soil, soil vapor, sub-slab vapor, and groundwater samples. Data from the Phase II investigations indicate that total petroleum hydrocarbons as gasoline (TPH-g) was detected in soil located in the southern corner of the Site building. Grab groundwater samples collected from five borings reported detections of TPHg, TPH as diesel (TPH-d), and other volatile organic compounds (VOCs) including chloroform, 1,1-dichloroethane, 1,1-dichloroethene, 1,2-dichloropropane, trans-1,2-dichloroethene, tetrachloroethene (PCE), 1,1,1-trichloroethane, and styrene.
- Family Bridges (a potential new tenant), is proposing to redevelop the Site into a Day Care Center which would include remodeling of the existing building and installation of new subsurface utilities and construction of a proposed outdoor play area in the western parking lot. Family Bridges will be conducting site investigations activities in order to evaluate potential human risk to occupants of the proposed Day Care Center.

Subsequent to our meeting on May 7th, Trinity submitted a *Work Plan for Additional Phase II Site Assessment* (the Work Plan), dated May 30, 2018, on behalf Family Bridges for ACDEH review and approval. The scope of work for the Work Plan includes the advancement of 12 indoor sub-slab vapor pins and 3 outdoor soil vapor probes. The sub-slab vapor pin locations are proposed in a 25-foot by 25-foot grid across the entire building footprint and generally located over or near former gas station subsurface infrastructure. Three proposed soil vapor probes are located in the western parking area to evaluate subsurface vapor in this area. All sub-slab vapor and soil vapor samples will be analyzed for TPH-g, VOCs, and fixed gases by EPA Method TO-15.

Based on our review of the Work Plan, ACDEH is in general concurrence with the proposed scope of work to collect soil vapor data and evaluate potential vapor intrusion risk to occupants of the proposed Day Care and outdoor air exposure in the proposed play area from residual contamination in the subsurface from historic use as a commercial fueling station. Therefore, ACDEH conditionally approves the proposed scope of work provided that you address the *Technical Comments* and *Administrative Comments* regarding the Work Plan below, and submit an Addendum for review, conduct the work, and submit the requested *Deliverables* to the State Water Resources Control Board's GeoTracker website in accordance with the compliance schedule provided below and the *Responsible Party (ies) Legal Requirement/Obligations Instructions* and *File Naming Conventions* which are included as Attachments 1 and 2 respectively. ACDEH requests email notification verifying the requested deliverables have been uploaded to Geotracker (e-mail preferred to: andrew.york@acgov.org).

ADMINISTRATIVE COMMENTS

1. The Responsible Party will be required to conduct additional investigation activities of subsurface contamination and evaluation of associated risk to human health and the environment from the unauthorized UST petroleum hydrocarbon release to evaluate the case for closure under the State Water Resources Control Board's Low Threat Underground Storage Tank Case Closure Policy.
2. Both parties (Bender and Family Bridges) will be included in all correspondence from ACDEH regarding approval of the proposed land use change as a Day Care Center.

TECHNICAL COMMENTS

1. **Revised Figures** – A service station plan prepared by Tidewater Oil Company dated August 6, 1963, included in the Work Plan, illustrates the historic configurations of the former commercial fueling and automotive repair station buildings, underground storage tank (UST) system components (including tanks, dispensers and piping), and other automotive repair infrastructures such as hydraulic hoists. ACDEH requests that Figure 2 (Site Plan) and Figure 3 (Proposed Sample Locations) be revised to show **all elements** of the historic Site configurations including footprints of station buildings, UST system components (i.e. pump blocks), and hydraulic hoists.

A review of the PDF copy of Figure 2 (Site Plan) indicates the font used in the figure is causing the text to be illustrated incorrectly and illegible. As a public document, ACDEH request that you revised the figure to include font or text that is illustrated correctly.

2. **Soil Vapor Probes** – Based on review of the historic Site configurations, it appears appropriate to conduct soil vapor sampling inside the former building footprint located in the eastern parking and in the former location of the hydraulic hoists, waste oil UST and dispenser islands in the western parking lot to evaluate soil vapor. ACDEH requests that Figure 3 be revised to include the location of additional probes in these areas and justification for sample spacing including an extension of the 25 by 25 foot grid in these parking areas if warranted.

Additionally, it is unclear in the Work Plan if the soil vapor probes will be installed at permanent or temporary based on conflicting text in the Work Plan and Attachment B of the Work Plan. ACDEH requests that the soil vapor probes be installed as permanent probes with well covers to facilitate additional sampling events.

3. **Sub-Slab Vapor Pin and Soil Gas Well Laboratory Analysis** – The Work Plan states that soil gas sampling will be performed in accordance with the *Advisory– Active Soil Gas Investigations* dated July 2015, prepared by the California Department of Toxic Substances Control (DTSC Advisory) and *Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air* dated October 2011. The Work Plan also states that a shroud with Helium tracer gas will be used to monitor for system leaks. The purpose of this leak check method is to provide a quantifiable means of evaluating the data quality effects of ambient air intrusion into the soil gas sample. In order to ensure that the quality of helium data is sufficient and adequate for this purpose, ACDEH requests that (1) the encapsulating shroud entirely encompass the sample apparatus and surface completion of the soil gas well or vapor pin; (2) an at least 20% helium atmosphere is maintained within the encapsulating shroud throughout the duration of purging and sampling; and (3) shroud helium concentrations be monitored, recorded, and reported in field logs. Helium monitoring may be conducted using a field meter as long as the detector is capable of reporting Helium detections between 100% and 0.1% with a precision of at least +10% at 0.1%. Lastly ACDEH requests that soil gas samples be analyzed for helium using ASTM D1946.

DELIVERABLES

Please submit the following deliverables according to the following schedule:

1. **Work Plan for Additional Phase II Site Assessment Addendum** – An Addendum to the conditionally approved Work Plan with the requested changes presented in this directive letter.
 - **July 9, 2018** – Work Plan Addendum
File to be named: RO3295_ADEND_SWI_R_2018-07-09
2. **Subsurface Investigation Report** – A technical report documenting the results of the scope of work presented in the approved Work Plan and Addendum.

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- **September 14, 2018** – Subsurface Investigation Report
File to be named: RO3295_SWI_R_2018-09-14

Thank you for your cooperation. ACDEH looks forward to working with you and your redevelopment team to advance the case toward closure. If you have any questions, please call me at (510) 639-1276 or send me an email message at andrew.york@acgov.org.

Sincerely,



Drew J. York
Senior Hazardous Materials Specialist



Dilan Roe, PE, C73703
Chief - Land Water Division

Encl.: Attachment 1 – Responsible Party (ies) Legal Requirement/Obligations Instructions
Attachment 2 – Electronic File Naming Conventions

cc: David Reinsma, Trinity Source Group Inc. (Sent via E-mail to: dar@tsgcorp.net)
Dana McCarthy, Trinity Source Group Inc. (Sent via E-mail to: dkm@tsgcorp.net)
Brady Nagle, Trinity Source Group Inc. (Sent via E-mail to: bsn@tsgcorp.net)
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Kimberly Edmonds, Ventura Partners (Sent via E-mail to: k.f.edmonds@venturapartners.com)
Dilan Roe, ACDEH, Chief Land, and Water Division (Sent via E-mail to: dilan.roe@acgov.org)
Paresh Khatri, ACDEH (Sent via E-mail to: paresh.khatri@acgov.org)
Drew York, ACDEH (Sent via E-mail to: andrew.york@acgov.org)
Electronic File, GeoTracker

ATTACHMENT 1

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.

ATTACHMENT 2

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: August 1, 2017
	PREVIOUS REVISIONS: July 17, 2017, November 8, 2016, December 15, 2015, December 16, 2014, June 19, 2013, June 15, 2011, March 26, 2009, April 29, 2008
	ISSUE DATE: June 16, 2006
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: File Names for Electronic Reports

Format: REPORT_NAME_R_YYYY-MM-DD
Ex: SWI_R_VOL1_2006-05-25

LOP and SCP (VRAP) INCOMING REPORTS AND LETTERS	
Document Name	Abbreviation File Name= Abbreviation + Date (yyyy- mm-dd)
Abandoned Well Information/Water Supply Well Information	ABWELLINF_R
Addendum	ADEND_R (added after report name)
Additional Information Report	ADD_R
Analytical Reports (Loose data sheets not in report)	ANALYT_R
As Built Drawings (or Plans)	AS_BUILT
Case File Scanned By OFD	CASE_FILE
Cleanup and Abatement Report	CAO_R
Case Transfer Form (from CUPA)	CASE_TRNSFR_F
Conduit Study/Well Search/Sensitive Receptor/Well Survey/Preferential Pathway Study	COND_WELL_R
Corrective Action Plan (CAP)	CAP_R
Correspondence	CORRES_L
Court Injunctions	INJ_L
Development Plans (Includes Plan Set, Cross-sections, and Related Drawings)	DEV_PLAN_date
Development Schedule (Project Schedule, Gant Chart, etc.)	DEV_SCHD_date
DWR Confidential Well Logs (Report containing)	report name_R_CONFIDENTIAL_YYYY-MM-DD (Ex: SWI_R_CONFIDENTIAL_YYYY-MM-DD)
DWR Well Completion Report-Confidential (Loose well logs)	DWR_WELL_CONFIDENTIAL_YYYY-MM-DD (Date of Well Log)
ESI/DAR (Environmental Site Investigation, Data Assessment Report)	ESI_R
Excavation Report	EX_R
Extension Request Letter	EXT_RQ_L
Fact Sheet	FACT_SHT

Feasibility Study	FEASSTUD_R
Groundwater Monitoring/Quarterly Summary Report	GWM_R
Financial Assurance/Letter of Credit	FNCL_ASSRNC_LOC
Interim Remedial Action Plan	IRAP_R
Interim Remediation Results (Includes Pilot Test Reports, Vapor Mitigation Reports, Soil Reports, Free Product Removal Reports, & Dual-Phase Extraction Reports)	IR_R
Lawsuit	LAWSUIT_R
Migration Control Report	MIG_R
Miscellaneous Report/Soil Sample	MISC_R
Miscellaneous Sample Report (analytical results)	MISC_SAMP_R
Notification Letter	NOT_L
NPDES Miscellaneous Reports	NPDES_R
Operations & Maintenance Plan	OM_P
Operations & Maintenance Report	OM_R
Pay for Performance	PFP_R
Petition	PETITION_R
Phase 1 Environmental Assessment Report	PHASE1_R
Photos	PHOTO_date
Preliminary Site Assessment Report/Phase 2 (historic reports only)	PSA_R
Remedial Action Plan	RAP_R
Remedial Design & Implementation Plan	RDIP_R
Remediation Progress Report	REM_R
Request for Closure	RFC(_L or _R)
Risk Assessment Report	RISK_R
Risk Based Corrective Action	RBCA_R
List of Landowners Forms	LNDOWNR_F_DATE
SB2004 Letter of Commitment	LOC_L
Site Conceptual Model/Conceptual Site Model	SCM_R
Site Health & Safety Plan	SFTY_PLAN_R
Site Management	SITE_MANAGE_R_
Site Management Plan	SMP_R
Site Summary Report	SITE_SUM_R

Soil and Water Investigation Report (Includes soil gas/vapor reports, indoor, additional site investigation, well installation, site characterization, cross section, indoor air, additional onsite investigation, Phase II/preliminary site assessment)	SWI_R
Soil Disposal Report	SOIL_DSPL_R
Source Area Characterization	SOURCAREA_R
State Information	STATE_INFO (no date)
Status Report(monthly remediation status reports addressed to sanitary district requires no stamp/perjury)	STAT_R
Tank/Tank System Removal Report	TNK_R
Tentative Order Report	TENT_R
Unauthorized Release Form	URF_R
UST Sampling Report	UST_SAMP_R
USTCF 5 Year Review	USTCF_5YR
USTCF issued Public Notice	USTCF_PP_L
Well Construction Report (limited to water supply wells)	WELL_CST_R
Well Decommissioning Report/Letter (well destruction/abandonment)	WELL_DCM_R
Work Plan	WP_R

**LOP and SLIC
ACEH OUTGOING LETTERS AND CASE FILE DOCUMENTATION**

Document Name	Abbreviation File Name= Abbreviation + Date (yyyy-mm-dd)
90 Day Letter	90D_L
CAP Approval	CAP_AP_L
RP Certification of Public Notice	CAP_CERT_L
CAP Public Participation Letter	CAP_PP_L
CAP Public Participation Letter to RP	CAP_PPRP_L
Certified Mail Receipt	CERT_MAIL_RECEIPT
Cleanup and Abatement Order	CAO_L
Closure Public Participation Letter	CL_PP_L
Closure Package (Letter, RACC, Summary, Deed Restriction)	CLOS_L
Correspondence	CORRES_L
Deed Restriction	DEED_L_ (Copied from CLOS_L_)
Directive Letter containing Public Notice and/or Landowner request form	DIR_PP_L
Directive Letter (Landowner form, site management requirements, well decommission scheduling prior to closure of PP, copy of PP to all RPs)	DIR_L
Enforcement	ENF_L
Enforcement Referral Letter	ENF_REF_L
Extension Approval Letter	EXT_AP_L
Extension Denial Letter	EXT_DNY_L
Fund Requests	FUND_REQ_L
Final Voluntary Remedial Action Agreement	FVRAA_date
GeoTracker info	GEOTRACK_R
Late Letter	LATE_L
List of Landowners Forms	LNDOWNR_F_DATE
Mailing List for Public Notice in Excel Format	MAIL_PP_DATE
Maps & Assessor's Parcel Information	MAPS_ASSESSOR (no date)
Meeting Agenda, Minutes, Sign in Sheet	MEETING
Miscellaneous Letter	MISC_L
New Landowner Letters	LNDOWNR_REQ_L
Notice of Responsibility	NOR_L
Notice of Violation	NOV_L
Phone Log	PHONE_LOG
Photos	PHOTO_date
Post Closure Monitoring	PCMP_L
QA/QC Checklist (confidential)	QAC_report name_date
Responsible Parties Information	RPINFO_L_DATE OF THE LETTERHEAD
Returned Mail	RTN_MAIL_date

Site Visit/Inspection Report	SITEVISIT_R
Transfer Letter	TRANS_L
UST Permit	UST_PRMT
Voluntary Remedial Action Notice to State Agencies	VRA_NOTICE
Voluntary Remedial Action Request Form from RP	VREQ_F