



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

March 31, 2016

Mr. John Murray
John Murray Productions
1196 32nd Street, Oakland, CA 94608
(Sent via email to johnm@johnmurray.com)

Mr. Reid Settlemier
RWW Properties LLC
6114 LaSalle Avenue, #535
Oakland, CA 94611
(Sent via email to reid@rww-llc.com)

Subject: Conditional Approval of Vapor Mitigation System Design; Site Cleanup Program (SCP) Case No. RO0003142, Adeline Foundry, 3037-3115 Adeline Street, Oakland, CA 94608

Dear Mr. Murray and Mr. Settlemier:

Alameda County Department of Environmental Health (ACDEH) has reviewed the case file including the *Vapor Mitigation Basis of Design Report*, dated February 5, 2016, and the *Site Management Plan*, dated February 25, 2016. The Vapor Mitigation System (VMS) Design report was prepared and submitted on your behalf by Sustainable Technologies, Inc, and the Site Management Plan (SMP) was prepared and submitted on your behalf by ERAS Environmental Inc. (ERAS). Thank you for submitting the reports.

The referenced VMS design report presented the design specifications for the methane mitigation system, which is to consist of a 40 foot long trench south of the southern site building, and a lateral to a ventilation riser pipe that will be attached to the outside wall of the building and protected by bollards. The VMS report additionally proposed the excavation of contaminated soil in the vicinity of soil bore B-2. Although the text indicates a 10 foot by 10 foot by 3 foot area of excavation, Figure 2 indicates a potential approximately 35 foot diameter area, or extent of excavation. This additional scope of work will help mitigate future generation of methane, or other, vapors in the subsurface, and may limit potential future exposure to the subsurface soil contamination by contractors. Do to the lack of a discussion in regards to perimeter and bottom confirmation sampling to document the extent or success of removal of contamination, ACDEH below requests the collection of confirmation samples for that purpose.

Based on ACEH staff review of the work plan, the proposed scope of work is conditionally approved for implementation provided that the technical comments below are incorporated during the proposed work. Submittal of a revised interim remedial work plan or a work plan addendum is not required unless an alternate scope of work outside that described in the work plan or these technical comments is proposed. We request that you address the following technical comments, perform the proposed work, and send us the report described below. Please provide 72-hour advance written notification to this office (e-mail preferred to: mark.detterman@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Vapor Mitigation System Design Modifications** – The referenced VMS design proposes a series of actions with which ACDEH is in general agreement of undertaking; however, ACDEH requests several modifications to the approach. Please submit a VMS Record of Construction and Excavation Report by the date specified below, that includes all items requested for the report in the December 10, 2015 directive letter (please reference).
 - a. **Remedial Excavation Documentation** - As noted above, the proposed excavation around bore location B-2, as stated in the VMS report, will be a 10 foot by 10 foot by 3 foot area of excavation, whereas Figure 2 indicates an approximately 35 foot radius of excavation around bore B-2. ACDEH presumes that this discrepancy is a difference between an initial planned excavation and the flexibility needed for a potential final excavation limit based on analytical

results provided by excavation perimeter confirmation samples. In order to document the lateral, as well as the vertical, excavation limits, ACDEH requires excavation perimeter samples to be collected a minimum of every 20 feet laterally along an excavation edge and for every 50 square feet of bottom. All samples are to be positively biased toward indications of contamination, including staining, odor, Photoionization Detection (PID) readings, etc, and for perimeter samples, at the depth of known contamination.

- b. **Excavation Oversight** – Because the excavation work is nominally a remedial excavation, it appropriate to require the oversight and the collection of confirmation samples, by a registered professional geologist or engineer.
- c. **Excavation Analytical Suite** – The excavation confirmation sample analytical suite was not specified in the VMS design report, but is required by ACDEH to include all Chemicals of Concern (COCs) at the site, including Total Petroleum Hydrocarbons as gasoline (TPHg), TPH as diesel (TPHd), TPH as motor oil (TPHmo), full scan Volatile Organic Compounds (VOC) by EPA 8260, Semi-Volatile Organic Compounds (SVOCs), copper, lead, and tin.

ACDEH understands that not all contamination may be removed; however, confirmation sampling is intended to communicate the location and magnitude of remaining contamination beneath the site.

- d. **Excavation Soil Disposal Documentation** – The VMS design report did not specify that disposal documentation would be provided in a completion report, but is required by ACDEH to be provided.
- e. **Excavation Backfill Quality** - The primary goal at the site is to achieve a cleanup of the site that is protective of human health and the environment. Due to potential contamination issues with recycled concrete (e.g. absorbed hydrocarbons, PCBs, PNAs, solvents, and etc.), should recycled base rock be used as a backfill material, ACDEH requests the submittal of a document that certifies that the recycled concrete is appropriate for this site, including laboratory analysis of the specific material to be imported, by the date identified below.

Please see the Department of Toxic Substances Control (DTSC) clean import guidance document (*Information Advisory Clean Imported Fill Material*), and the New Jersey Department of Environmental Protection (NJDEP) *Guidance for Characterization of Concrete and Clean Material Certification for Recycling*. Copies can be forwarded upon request.

- f. **Vent Riser Sampling Port** – The VMS design report indicates that a sampling port will be installed at an elevation of approximately four feet above grade surface; however, is not shown on Figure 3. Please update the figure to reflect the installation of the sampling port with the report requested below.
 - g. **Vent and Soil Vapor Confirmation Sampling** – The VMS design report indicates that the system vent riser will be sampled at a sample port that will be installed at an elevation of four feet above grade, and at the top of the riser to confirm the system is operating as intended. This appears reasonable; however, as requested in ACDEHs December 10, 2015 directive letter, resampling of soil vapor is also appropriate.
2. **Site Management Plan** – Due to changes in the proposed approach at the site, specifically the proposed excavation of contaminated soil concurrent with the installation of the VMS, the Site Management Plan (SMP) has not been approved. The removal of a potentially significant fraction of the residual contamination must be reflected in the document which is intended to provide a management plan for future subsurface incursions at the site. Specifically, this must include an update of known residual areas of contamination and the magnitude of the residual contamination as documented by the confirmation sampling requested above. The document must also include emergency contact information as requested in the December 10, 2015 directive letter.

The existing SMP recommends monthly VMS inspections. ACDEH is in agreement that monthly visual inspections are appropriate; however, ACDEH requests semi-annual (twice a year) written documentation of the inspections, and any actions needed to be taken to maintain the system and

pavement in a good working order. The documentation is required to be kept onsite for use as needed thereafter. These changes should be incorporated into the revised SMP.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with Attachment 1 and the specified file naming convention below, according to the following schedule:

- **July 8, 2016** – Vapor Mitigation Record of Construction and Excavation Report
File to be named: RO3142_RDIP_R_yyyy-mm-dd
- **July 8, 2016** – Revised Site Management Plan
File to be named: RO3142_SITE_MANAGE_R_yyyy-mm-dd

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>. If your email address does not appear on the cover page of this notification, ACEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

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 E. Detterman, P.G., C.E.G.
Senior Hazardous Materials Specialist

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

cc: Clinton Stockton, John Murray Productions, Inc, 1196 32nd Street, Oakland, CA 94608; (Sent via E-mail to: Clinton@johnmurray.com)

David Siegel, ERAS Environmental, Inc., 1533 B Street, Hayward, CA 94541 (Sent via E-mail to: dave@eras.biz)

Curtis Payton, ERAS Environmental, Inc., 1533 B Street, Hayward, CA 94541 (Sent via E-mail to: curtis@eras.biz)

Andrew Savage, ERAS Environmental, Inc., 1533 B Street, Hayward, CA 94541 (Sent via E-mail to: andrew@eras.biz)

Dilan Roe (sent via electronic mail to dilan.roe@acgov.org)
Mark Detterman, ACEH, (sent via electronic mail to mark.detterman@acgov.org)
Geotracker, Electronic 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.