



August 31, 2016

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
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FAX (510) 337-933

Mr. Michael Strahs
East Bay Bridge Retail, LLC
c/o Federal Realty Investment Trust
356 Santana Row, Suite 1005
San Jose, CA 95128
(Sent via electronic mail to: mstrahs@federalrealty.com)

Subject: Modified Work Plan Approval; Fuel Leak Case No. RO0003210 and GeoTracker Global ID T10000008569, Emery Street, 3839 Emery Street, Emeryville, CA 94608

Dear Mr. Strahs:

Alameda County Environmental Health (ACDEH) has reviewed the case file, including the July 11, 2016 *Data Gap Investigation Work Plan and Focused Conceptual Model*, submitted on your behalf by Cornerstone Earth Group (Cornerstone). Thank you for submitting the work plan. The referenced conceptual model fills one of the Low Threat Closure Policy (LTCP) requirements. ACDEH has determined that the case currently fails only the Media-Specific Criteria for Groundwater and Vapor Intrusion to Indoor Air. As a result, the referenced work plan proposes the installation of one soil bore to 20 feet below grade surface (bgs) to collect soil and a grab groundwater samples, and the installation of one temporary soil vapor point to 6.5 feet bgs to collect soil vapor data to satisfy these criterions.

Based on ACDEH 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 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. **Site Assessment Work Plan Modifications** – The referenced site assessment work plan proposes a series of actions with which ACDEH is in general agreement of undertaking; however, ACDEH requests several modifications to the approach. Please submit the results of the investigation in a soil and soil vapor investigation report by the date identified below.
 - a. **Proposed Soil and Groundwater Analytical Suite** – ACDEH is in general agreement with the analytical suite for soil and groundwater that was proposed in the referenced work plan; however, additionally requests that extractable ranged hydrocarbons in soil and groundwater additionally be analyzed without Silica Gel Cleanup (SGC) to remain in conformance with the current recommendations of the San Francisco Bay Regional Water Quality Control Board (RWQCB).
 - b. **Proposed Soil Vapor Analytical Suite** – ACDEH is additionally in general agreement with the analytical suite for soil vapor; however, in the event that plastic tubing is used to collect the soil vapor sample ACDEH additionally requests analysis for naphthalene by TO-17 to remain in conformance with the Department of Toxic Substance Control (DTSC) recommendations for naphthalene. According to the DTSC, naphthalene can preferentially sorb to the tubing resulting in lower soil vapor concentrations being reported.

- 2. 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 full compliance with Geotracker requirements. Compliance is a State requirement for reimbursement. At present missing data and documents include the underground storage tank (UST) removal report and associated EDF submittal, the *Site Soil Management Plan Addendum* and associated EDF submittals, the *Soil Management Plan Implementation Report*, GEO_MAPS, and all bore logs. Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. ACDEH requests notification of, and a list of, the documents uploaded to Geotracker. Please upload all submittals to GeoTracker by the date specified below.

TECHNICAL REPORT REQUEST

Please submit the following deliverable to ACDEH (Attention: Mark Detterman), according to the following schedule:

- **October 3, 2016** – Geotracker uploads
Please notify your case worker by email
- **November 4, 2016** – Site Assessment Report
File to be named: RO3210_SWI_R_yyyy-mm-dd

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.

If your email address does not appear on the cover page of this notification, ACDEH 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 Detterman, PG, CEG
Senior Hazardous Materials Specialist

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

cc: Chris Heiny, Cornerstone Earth Group, Inc, 1270 Springbrook Road, Suite 101, Walnut Creek, CA 94597; (Sent via electronic mail to: cheiny@cornerstoneearth.com)

Kurt Soenen, Cornerstone Earth Group, Inc, 1270 Springbrook Road, Suite 101, Walnut Creek, CA 94597; (Sent via electronic mail to: ksoenen@cornerstoneearth.com)

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

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.