

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

REBECCA GEBHART, Interim 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

May 23, 2017

Christine King and Beritzhoff, Trustees
Attn: Mr. Michael Beritzhoff
1273 Laurel Lane
Lafayette, CA 94549
(Sent via electronic mail to:
mikebertzhoff@sbcglobal.net)

Christine King and Beritzhoff, Trustees
Attn: Christine King
5820 Deer Trail Circle
Woodbury, MN 55129

Subject: Conditional Work Plan Addendum Approval, Fuel Leak Case No. RO0003225 and GeoTracker Global ID T10000009578, 2449 – 2451 Santa Clara Street, 2449 – 2451 Santa Clara Street, Alameda, CA 94501

Dear Mr. Beritzhoff and Ms. King:

Alameda County Department of Environmental health (ACDEH) staff has reviewed the case file including the *Addendum to Workplan for Limited Phase II Subsurface Investigation*, dated March 2, 2017 and April 12, 2017. The addendums were prepared by ERAS Environmental, Inc.

Differences between the Site Plan (Figure 2) and the *Geophysical Subsurface Investigation* report map contained in the *Phase II Environmental Site Assessment*, dated March 10, 2016 (ODIC Environmental), resulted in a concern as to the site layout and thus the appropriate investigation boring placement. The submittal of the April 12, 2017 addendum appears to have resolved the location of site features.

Based on ACDEH staff review of the work plan and the addendum, 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. **Conditional Work Plan and Work Plan Addendum Modifications** – The referenced work plan and work plan addendum proposes a series of actions with which ACDEH is in general agreement of undertaking; however, ACDEH requests several modifications to the approach. In addition to previous Technical Comments previously provided, additional comments based on the proposed scope of work contained in the work plan or work plan addendum are provided below. Please submit a report by the date specified below.
 - a. **Soil Sample Collection** – The work plan and work plan addendum generally propose to collect soil samples in the 0 to 5 foot depth interval at the site. This is generally acceptable to ACDEH for soil bores proposed to be installed at previously installed bore locations with soil analytical data in the 5 to 10 foot depth intervals; however, in order to remain consistent with the Low Threat Closure Policy (LTCP) data requirements, please advance all soil bores to a minimum of 10 feet below grade surface (bgs) in order to collect soil samples in the 0 to 5 and 5 to 10 foot depth intervals. Please be aware that the LTCP requires the vertical delineation of contaminated soil. This may require the soil bores be extended deeper than 10 feet bgs at the site.
 - b. **Groundwater Sample Collection** – The work plan addendum proposed to collect groundwater samples from soil bores
 - c. **Soil Bore B-6** – The work plan and work plan addendum proposed to install a new soil bore closely proximal to existing soil bore SB-6 and indicated that soil would be collected in the 0 to

5 foot depth interval for the purpose of collecting a sample in that depth interval, as well as for conducting an analysis using Silica Gel Cleanup (SGC) on extractable hydrocarbons, both not previously done. ACDEH additionally requests the collection of an additional soil sample at a depth of 6 feet, consistent with the previous sampling depth at this bore. This is requested in order to directly compare the SGC analysis with the non-SGC analytical results in the 5 to 10 foot depth interval at this location previously collected.

- d. **Aerial Photo Base** – Thank you for providing a revised Figure 2. In order to better convey site information, including geophysical anomaly locations, to ACDEH and the public at appropriate junctures, please submit future site maps using an aerial photographic base, unless the figure becomes too complex, in the document requested below.
- e. **“Disturbed Soil, Possible Degreasing Area” Soil Bore Request** – In previous communications ACDEH had requested an additional soil bore, with soil and grab groundwater analytical sampling and analysis, to be installed at the feature labeled “Disturbed Soil, Possible Degreasing Area” on the previously referenced *Geophysical Subsurface Investigation*. The April 12, 2017 *Addendum to Workplan for Limited Phase II Subsurface Investigation*, stated that the degreasing area bore would not be installed as it is not located on the parcel associated with the subject site.

With this letter, ACDEH reiterates the request for the bore placement. Although the original parcel on which the service station was located appears to have been subdivided into several parcels since the service station ceased operations, it remains reasonable to investigate all potential contamination sources associated with the former facility. To facilitate this part of the investigation, ACDEH is willing to provide assistance in obtaining offsite access to move the investigation forward towards closure. Should it become necessary, ACDEH may potentially name offsite property owners as additional Responsible Parties. At this time however ACDEH prefers a collaborative process in determining responsibility.

- 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 compliance with previous directive letters. Compliance is also a State requirement. 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 SLIC 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: all EDF submittals, GEO_MAPS, and all bore logs. **Compliance is required by the State and is tied to reimbursement funding by the UST Cleanup Fund.** 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 as well as to ACDEH’s ftp website by the date specified 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 following specified file naming convention and schedule:

- **July 28, 2017** – Site Investigation Report
(File to be named: RO3225_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.

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, ACDEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

Thank you for your cooperation. Should you have any questions or concerns regarding this correspondence or your case, please call me at (510) 567-6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,



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

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

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

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

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

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.