



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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April 17, 2014

Mr. and Mrs. Neil and Mary Cotter
2847 Arguello Drive
Burlingame, CA 94010-5817
(sent via E-mail to: neil.cotter@comcast.net and
mary.cotter@comcast.net)

Mr. and Mrs. John and Antoinette Coyle
2193 Trafalgar Place
Oakland, CA 94611
(sent via E-mail to: trisargil@aol.com)

Subject: Technical Report Request, Fuel Leak Case No. RO27 and GeoTracker Global ID
T06000102106, Grove Street Wash Rack, 3884 Martin Luther King, Jr. Way, Oakland, CA
94609

Ladies and Gentlemen:

Thank you for submitting the February 28, 2014 *Decision Letter* for the case, which states that the intention of Mr. and Mrs. Neil and Mary Cotter and Mr. and Mrs. John and Antoinette Coyle (the Responsible Parties) is to find a buyer for development of the site in the near future. The buyer will be informed of the requirement to submit a *Remedial Design Implementation Plan (RDIP)* in order to finalize the approved *Feasibility Study/Corrective Action Plan (FS/CAP)*. A potential buyer will be informed that for the site's FS/CAP to remain valid without modification or revision, the property would have to be developed as originally proposed, or in a very similar design, with a one story subterranean parking structure, commercial/retail with parking on the ground floor, and residential units above the first floor. ACEH understands that the RPs remain hopeful that the property can be sold and the RDIP will be finalized by the new buyer within the next six months.

ACEH has evaluated the data and recommendations presented in the above-mentioned reports, in conjunction with the case files, and the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP). Based on ACEH staff review, we have determined that until the FS/CAP is implemented, the site fails to meet the LTCP General Criteria d (Free Product), e (Site Conceptual Model), f (Secondary Source Removal), Media-Specific Criteria for Groundwater, Media-Specific Criteria for Vapor Intrusion to Indoor Air, and the Media-Specific Criteria for Direct Contact.

ACEH is amenable to granting a six month extension from the date of this letter for submittal of the RDIP, however, if the sale of the property is delayed beyond six months, ACEH may require interim cleanup action based on elevated concentrations of total petroleum hydrocarbons (TPH) as gasoline, benzene, toluene, ethylbenzene, and xylenes (BTEX), naphthalene, and other VOC concentrations found in on-site soil and groundwater samples.

Technical Comments:

- 1. Overdue Soil and Groundwater Investigation Report Addendum:** The *Soil and Groundwater Investigation Report* requested in Technical Comment 3 of ACEH's July 8, 2013 Directive Letter was not submitted as an appendix to the FS/CAP, although tables summarizing the July 18, 2013 soil and groundwater sample results taken during the soil and groundwater site investigation were included in the October 18, 2013 FS/CAP. Please submit the *Soil and Groundwater Investigation Report* for the July 2013 investigation by the date specified below.

2. **Groundwater Monitoring Well Installation:** As per ACEH's December 24, 2013 Directive Letter approving the October 8, 2013 FS/CAP, ACEH requests installation of the three off-site downgradient monitoring wells MW-6, MW-7, and MW-8 in accordance with the July 2013 Work Plan. Please submit the *Soil and Groundwater Investigation Report* documenting the installation of the new monitoring wells by the date specified below.
3. **Implementation of Quarterly Monitoring and Sampling Program:** To satisfy the LTCP media-specific criteria for groundwater, the contaminant plume that exceeds water quality objectives must be stable or decreasing in areal extent, and meet all of the additional characteristics of one of the five classes of sites listed in the policy and currently, the status of an off-site contaminant plume is unknown. ACEH requests commencing quarterly groundwater monitoring and sampling of the five existing monitoring wells in accordance with the approved July 2013 Work Plan as per the schedule specified below. The three proposed monitoring wells are to be added to quarterly monitoring and sampling schedule upon their completion as per the schedule specified below. The eight wells are required to be monitored and sampled on a quarterly basis for a minimum of one year after installation, and that a reduced sampling interval may thereafter be appropriate. Please analyze water samples from all wells for naphthalene, fuel oxygenates, and volatile organic compounds (VOCs).
4. **Remedial Design Implementation Plan (RDIP) –** As per ACEH's December 24, 2013 Directive Letter approving the October 8, 2013 FS/CAP, prior to implementation of the FS/CAP at the site, ACEH requests submittal of the RDIP by the date specified below. The RDIP is comprised of the following four design documents for review and approval:
 - a. Engineering Design
 - b. Monitoring Well Decommissioning and Reinstallation Work Plan
 - c. Vapor Intrusion and Moisture Barrier Design
 - d. Construction Quality Assurance (CQA) Plan

TECHNICAL REPORT REQUEST

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

- **May 16, 2014** – *Soil and Groundwater Investigation Report* (Documenting the July 2013 investigation)
File to be named: RO27_SWI_R_yyyy-mm-dd
- **May 30, 2014** – 2nd Quarterly Monitoring and Sampling Report (Existing five monitoring wells)
File to be named: RO27_GWM_R_yyyy-mm-dd
- **June 16, 2014** – *Soil and Groundwater Investigation Report* (Documenting the installation of three off-site downgradient monitoring wells MW-6, MW-7, and MW-8)
File to be named: RO27_SWI_R_yyyy-mm-dd

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- **August 29, 2014** – 3rd Quarterly Monitoring and Sampling Report (Eight monitoring wells)
File to be named: RO27_GWM_R_YYYY-MM-DD
- **October 17, 2014** – Remedial Design Implementation Plan
File to be named: RO27_RDIP_R_YYYY-MM-DD
- **November 28, 2014** – 4th Quarterly Monitoring and Sampling Report (Eight monitoring wells)
File to be named: RO27_GWM_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 you have any questions, please call me at (510) 567-6708 or send me an electronic mail message karel.detterman@acgov.org. Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Sincerely,

Karel Detterman, PG
Hazardous Materials Specialist

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

cc: Erik Skov, URS Corporation (Sent via E-mail to: erik.skov@urs.com)
Kali Futnani, URS Corporation (Sent via E-mail to: kali.futnani@urs.com)
Ann Clevenger, Planner III, City of Oakland Planning Department, (Sent via E-mail to: AClevenger@oaklandnet.com)
Leroy Griffith, Oakland Fire Department (Sent via E-mail to: lgriffin@oaklandnet.com)
Dilan Roe, ACEH (Sent via E-mail to: dilan.roe@acgov.org)
Karel Detterman, ACEH (Sent via E-mail to: karel.detterman@acgov.org)
GeoTracker, eFile

Attachment 1

Responsible Party(ies) Legal Requirements/Obligations

REPORT/DATA REQUESTS

These reports/data are being requested pursuant to Division 7 of the California Water Code (Water Quality), Chapter 6.7 of Division 20 of the California Health and Safety Code (Underground Storage of Hazardous Substances), and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations (Underground Storage Tank Regulations).

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (Local Oversight Program [LOP] for unauthorized releases from petroleum Underground Storage Tanks [USTs], and Site Cleanup Program [SCP] for unauthorized releases of non-petroleum hazardous substances) require submission of reports in electronic format pursuant to Chapter 3 of Division 7, Sections 13195 and 13197.5 of the California Water Code, and Chapter 30, Articles 1 and 2, Sections 3890 to 3895 of Division 3 of Title 23 of the California Code of Regulations (23 CCR). Instructions for submission of electronic documents to the ACEH FTP site are provided on the attached "Electronic Report Upload Instructions."

Submission of reports to the ACEH FTP site is in addition to requirements for electronic submittal of information (ESI) to the State Water Resources Control Board's (SWRCB) Geotracker website. In April 2001, the SWRCB adopted 23 CCR, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1 (Electronic Submission of Laboratory Data for UST Reports). Article 12 required electronic submittal of analytical laboratory data submitted in a report to a regulatory agency (effective September 1, 2001), and surveyed locations (latitude, longitude and elevation) of groundwater monitoring wells (effective January 1, 2002) in Electronic Deliverable Format (EDF) to Geotracker. Article 12 was subsequently repealed in 2004 and replaced with Article 30 (Electronic Submittal of Information) which expanded the ESI requirements to include electronic submittal of any report or data required by a regulatory agency from a cleanup site. The expanded ESI submittal requirements for petroleum UST sites subject to the requirements of 23 CCR, Division, 3, Chapter 16, Article 11, became effective December 16, 2004. All other electronic submittals required pursuant to Chapter 30 became effective January 1, 2005. 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, 7835, 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, 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: July 25, 2012
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (petroleum UST 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 .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 <://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 .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.