



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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April 3, 2009

Denise Pinkston
Rockwood Christie LLC c/o TMG Partners
100 Bush St., 26th Floor
San Francisco, CA94104

Richard and Beverly Gold Trust
Lerer Brothers Transmission
P.O. Box 117820
Burlingame, CA 94011-7820

Subject: Fuel Leak Case No. RO0000057 and Geotracker Global ID T0600191821, Lerer Brothers Transmission, 6340 Christie Avenue, Emeryville, CA 94608

Dear Ms Pinkston and Mr. and Mrs. Gold:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the site including the *Case Closure Request* submitted by Aqua Science Engineers, Inc. on December 22, 2003 and *Phase II Environmental Subsurface Investigation Results Gold and Wolfman Properties* prepared by PES Environmental, Inc. on January 21, 2005. A review of the site data indicates that up to 620,000 micrograms per liter ($\mu\text{g/L}$) total petroleum hydrocarbons as gasoline (TPHg) and 1,200 $\mu\text{g/L}$ benzene were detected in boring BH-A in October 1998. These values are indicative of free product levels. Wells were subsequently installed, monitored and destroyed with no indication of ACEH approval for the well destruction. A Phase II report dated January 21, 2005 was submitted for this property and the adjacent property that indicates that contamination is also present in the areas sampled inside the building, west of the building and to the north of the former UST location. A maximum concentration of 49,000 $\mu\text{g/L}$ total petroleum hydrocarbons as diesel (TPHd) was detected in groundwater collected on the east side of the building and soil vapor samples indicated up to 830 $\mu\text{g/L}$ TPH, 5.5 $\mu\text{g/L}$ benzene, and 85% methane. These concentrations exceed the commercial environmental screening level (ESL) for these constituents.

ACEH has reviewed the case and has determined that additional work is needed to progress toward closure. ACEH requests that you perform the work requested below, address the following technical comments, and submit the report requested below.

TECHNICAL COMMENTS

1. **Source Area(s) Soil Definition** – Up to 1,400 mg/kg TPHg, 3,600 TPH as motor oil (TPHmo) and <6.2 mg/kg benzene were detected between 6 and 7 feet below ground surface (bgs), the maximum depth explored at this site, leaving the vertical extent of contamination undefined. Please submit a work plan to define the vertical extent of soil contamination in the work plan requested below.

2. **Dissolved Contaminant Plume** – Up to 620,000 µg/L TPHg and 1,200 µg/L benzene, which is indicative of free product, was detected at the former underground storage tanks (USTs). Wells were installed near the former USTs but were not located adjacent to or downgradient of the former borings. Please evaluate the current concentrations in the immediate area of BH-A and lateral extent in the area of the former USTs. In addition, up to 49,000 µg/L TPHd was detected on the west side of the building and 22,000 µg/L TPHd was detected on the east side of the building and the plume is not defined nor has the source of the diesel been located. Please locate the diesel source and evaluate the extent of diesel contamination. Submit your proposal in the work plan requested below.
3. **Soil Vapor Sampling** – Up to 5.5 µg/L benzene and 830 µg/L TPH were detected in soil vapor samples exceeding the environmental screening level. Sufficient vapor samples were not collected from the former UST area which had the maximum contamination. In addition, the soil vapor sampling indicates that methane is present beneath the building at elevated concentrations. ACEH requests that you collect additional samples to evaluate the vapor intrusion pathway in the former UST area and evaluate the source of the methane. Please submit your proposal in the work plan requested below.
4. **Regional Groundwater Flow Direction** – The ground water flow direction reported in your quarterly monitoring reports was predominantly to the south/southeast and appears anomalous when compared to the general regional flow direction in the vicinity. Nearby sites have reported flow directions to the northwest. Please include a concise narrative discussion of the regional hydrogeologic setting. Include a list of technical references you reviewed and evaluate and include a discussion on whether your groundwater flow direction obtained at the site was accurate.
5. **Base Maps** – Please create one base map using an aerial photograph and include all USTs, dispensers, previous and new boring and well locations on the same map.
6. **Preferential Pathway Study** – The purpose of the preferential pathway study is to locate potential migration pathways and conduits and determine the probability of the NAPL and/or plume encountering preferential pathways and conduits that could spread contamination. We request that you perform a preferential pathway study that details the potential migration pathways and potential conduits (wells, utilities, pipelines, etc.) for vertical and lateral migration that may be present in the vicinity of the site.

Discuss your analysis and interpretation of the results of the preferential pathway study (including the well survey and utility survey requested below) and report your results in the report requested below. The results of your study shall contain all information required by California Code of Regulations, Title 23, Division 3, Chapter 16, §2654(b).

a. Utility Survey

An evaluation of all utility lines and trenches (including sewers, storm drains, pipelines, trench backfill, etc.) within and near the site and plume area(s) is required as part of your study. Please include maps and cross-sections illustrating the location and depth of all utility lines and trenches within and near the site and plume areas(s) as part of your study.

b. Well Survey

A well survey was requested by ACEH in our October 2, 2006 correspondence. Please only evaluate the area within a 1,000-foot radius of the site and submit this information by the due date requested below.

LANDOWNER NOTIFICATION REQUIREMENTS

Pursuant to California Health & Safety Code Section 25297.15, the active or primary responsible party for a fuel leak case must inform all current property owners of the site of cleanup actions or requests for closure. Furthermore, ACEH may not consider any cleanup proposals or requests for case closure without assurance that this notification requirement has been met. Additionally, the active or primary responsible party is required to forward to ACEH a complete mailing list of all record fee title holders to the site.

At this time we require that you submit an updated and complete mailing list of all record fee title owners of the site by the date requested below, which states, at a minimum, the following:

A. *In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (name of primary responsible party), certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site:*

- OR -

B. *In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (name of primary responsible party), certify that I am the sole landowner for the above site.*

(Note: Complete item A if there are multiple site landowners. If you are the sole site landowner, skip item A and complete item B.)

In the future, for you to meet these requirements when submitting cleanup proposals or requests for case closure, ACEH requires that you:

1. Notify all current record owners of fee title to the site of any cleanup proposals or requests for case closure;
2. Submit a letter to ACEH which certifies that the notification requirement in 25297.15(a) of the Health and Safety Code has been met;
3. Forward to ACEH a copy of your complete mailing list of all record fee title holders to the site; and
4. Update your mailing list of all record fee titleholders, and repeat the process outlined above prior to submittal of any additional *Corrective Action Plan* or your *Request for Case Closure*.

Your written certification to ACEH (Item 2 above) must state, at a minimum, the following:

A. *In accordance with Section 25297.15(a) of the Health & Safety Code, I, (name of primary responsible party), certify that I have notified all responsible landowners of the enclosed proposed action. (Check space for applicable proposed action(s)):*

- cleanup proposal (Corrective Action Plan)*
 request for case closure

local agency intention to make a determination that no further action is required
 local agency intention to issue a closure letter

- OR -

B. In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (name of primary responsible party), certify that I am the sole landowner for the above site.

(Note: Complete item A if there are multiple site landowners. If you are the sole site landowner, skip item A and complete item B.)

REQUEST FOR INFORMATION

ACEH's case file for the subject site contains only the reports located on our website at <http://www.acgov.org/aceh/index.htm>. You are requested to submit copies of all other reports, data, and correspondence related to environmental investigations for this property (including Phase 1 reports, the complete Phase II report with lab data and any and all other environmental reports and data not already on our website) by the date requested below.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Barbara Jakub), according to the schedule presented below:

- **May 4, 2009** – Landowner Notification and additional reports
- **June 3, 2009** – Work Plan

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.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml).

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.

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If you have any questions, please call me at (510) 639-1287 or send me an electronic mail message at barbara.jakub@acgov.org.

Sincerely,



Barbara J. Jakub, P.E.
Hazardous Materials Specialist

Enclosures: ACEH Electronic Report Upload (ftp) Instructions

cc: William Mash, PES Environmental, Inc., 1682 Novato Blvd., Suite 100, Novato, CA 94947
Donna Drogos, ACEH
Barbara Jakub, ACEH
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