

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

ALEX BRISCOE, Director



ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
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August 15, 2011

Denise Pinkston
Rockwood Christie LLC
c/o TMG Partners
100 Bush St., 26th Floor
San Francisco, CA94104
(Sent via E-mail to:
dpinkston@tmgpartners.com)

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

Subject: Request for Upload Compliance and Remedial Action Report, for Fuel Leak Case No. RO0000057 and GeoTracker Global ID T0600191821, Lerer Brothers Transmission, 6340 Christie Avenue, Emeryville, CA 94608

Dear Ms. Pinkston & the Gold Trust:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Phase II Environmental Subsurface Investigation Results*, dated January 21, 2005, the *Draft Remediation Work Plan, Proposed 64th and Christie Building*, dated October 21, 2008, the *Draft Remediation Work Plan Proposed 64th and Christie Residential Building*, dated December 27, 2010 (available currently only on the Envirostor website), the *Results of Soil and Groundwater Investigation and Request for Case Closure*, dated June 28, 2011, which includes as Appendix C the *Results of Pre-Excavation Investigation and Preliminary Soil Characterization, Proposed 64th and Christie Residential Building*, dated June 1, 2011. The reports were prepared and submitted on your behalf by PES Environmental, Inc (PES). Thank you for submitting the reports; they have substantially advanced the understanding of the site.

The subject site is a part of a two parcel redevelopment in which soil will be excavated to a depth of between 11 and 15 feet below grade surface (bgs) from property line to property line. As planned the area of the former UST excavation (southeast corner of parcels) is within the area to be excavated to an approximate depth of 15 feet bgs. It is understood that contaminant concentrations up to 9,700 mg/kg TPHg, 3,600 mg/kg TPHd, 2,300 mg/kg TPHmo, and 1.7 mg/kg benzene have been recently documented in soil beneath the site including beneath the former UST location, but that soil contamination at the site as a whole, as well as in the former UST area, has been documented to rapidly decrease beneath the total depth of artificial fill that ranges between 12 and 15 feet bgs at the site. In the vicinity of the former UST excavation, fill depth was found to be at an approximate depth of 15 feet bgs.

A *Draft Remediation Work Plan Proposed 64th and Christie Residential Building* (December 27, 2010) has been generated and has been approved (December 29, 2010 email available on the Envirostor website) by, and will be overseen by, the City of Emeryville, under an existing MOU with the DTSC (Envirostor Site No. 60001475). To clarify the record, ACEH oversees a separate and different portion of the case than will be handled by the City of Emeryville. As a part of that plan, excavation confirmation samples will be collected every three feet of depth and every 25 linear feet. Because construction dewatering will be required, potentially substantial groundwater extraction is anticipated, but does not yet appear to have been pre-planned. As a consequence and as requested by the City of Emeryville, one bottom sample will be collected for every 1,000 square feet of excavation bottom. Finally, because engineered soil is required to be emplaced to a depth of 4 feet bgs, to a distance of 12.5 feet beyond the southern property line, multiple opportunities to remove petroleum contaminated soil exist at the site, including laterally in remaining sidewalls.

The planned construction will be commercial and residential mixed-use that is also described as intrinsically safe. The specific design (a podium) is described to be in conformance with ASTM International Standard E 2600-08 for intrinsically-safe designs to mitigate vapor intrusion concerns. The lowest level will consist of one subgrade level of underground parking and one street-grade level of parking and commercial establishments, each mechanically ventilated. All further levels will consist of residential units. Because the underground portions of the construction will be below groundwater levels, a subgrade water-proofing barrier will be employed, and is planned to be chemically-compatible for the site due to residual hydrocarbon concentrations in groundwater due to vicinity groundwater contamination sites, due to this case, and due to elevated salinity documented during groundwater sampling at the site.

Because the subject site will be excavated to between 11 and 15 feet bgs, it does not appear that site specific hydrocarbon contamination will significantly contribute to a vapor risk at the site. However, because of the referenced vicinity petroleum plume as described in the referenced reports, and because of methane vapor concentrations up to 85% of a gas sample have been documented beneath the site, mitigation for vapor risks remains a valid concern for regulatory oversight by the City of Emeryville and DTSC.

A remedial goal for groundwater beneath the site has not been identified due to a vicinity groundwater plume that appears to emanate from adjacent properties to the east and south that have existing site management requirements (Emeryville Marketplace - Envirostor Case No. 01290021).

Finally, based on factors and the items discussed in the technical comments below, this fuel leak case cannot be closed at this time. Principally this involves the documented presence of significant residual contaminated soil and groundwater in the vicinity of the former UST location; planned remediation consisting of excavation and over-excavation activities that are anticipated to remove a majority of the contamination, if not all; planned remedial and construction dewatering at the site that are anticipated to remove a majority of the dissolved-phase plume down-gradient of the former UST excavation (e.g. GW13); and subsequent verification sampling to demonstrate remedial effectiveness. This also involves Geotracker and ftp website upload compliance issues. This decision is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Please contact Mr. George Lockwood in the SWRCB Underground Storage Tank Program at (916) 341-5752 or GLockwood@waterboards.ca.gov for information regarding the appeal process.

Based on ACEH staff review of the case file, we request that you address the following technical comments and send us the reports 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. Electronic Report and Data Upload Compliance – A review of the case file on the ACEH ftp site and the State's Geotracker database, indicates that the site is not in compliance with previous directive letters. 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. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. Please survey all well points to Geotracker standards. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please upload all submittals, including future submittals to GeoTracker and ACEH's ftp server by the date specified below. Electronic reporting is additionally described below on the attachments.

2. **2005 Phase II Investigation Results Report** – The January 2005 document is essentially a data transmittal package for an investigation that occurred in December 2004, and is not a complete report. It does not describe the associated investigation and investigation methods including vapor point construction techniques, sampling methodologies, does not include analytical laboratory reports, does not bear a signature or professional stamp, and etc. At the time Technical Comment No. 1 is addressed, please transmit a complete report, to both websites (ACEH ftp site and Geotracker).
3. **UST Excavation Confirmation Soil Sampling** – ACEH requests the collection of a minimum of two excavation bottom soil samples to be authoritatively placed beneath the location of soil bores SB-29 and SB-31. Should remedial overexcavation activities be required with depth, or into the southern or eastern sidewalls of the former UST excavation, ACEH additionally requests a 72-hour advanced written notification.
4. **Remedial Action Report** – In addition to a standard Remedial Action Report, please also ensure groundwater discharge totals, concentrations (influent and effluent), and other pertinent groundwater data are contained in this report. Please forward a final Remedial Action Report by the date identified below.

TECHNICAL REPORT REQUEST

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

- **September 16, 2011** – Geotracker and ACEH ftp Site Compliance
- **January 30, 2012** – Remedial Completion Report

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.

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: Markus Niebanck, Emeryville Redevelopment Agency, 1333 Park Ave, Emeryville, CA 94608
(sent via electronic mail to mniebanck@ci.emeryville.ca.us)

Robert Creps, PES Environmental, 1682 Novato Blvd, Suite 100, Novato, CA 94947
(sent via electronic mail to RCreps@pesenv.com)

William Mast, PES Environmental, 1682 Novato Blvd, Suite 100, Novato, CA 94947
(sent via electronic mail to WMast@pesenv.com)

Donna Drogos (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman (sent via electronic mail to mark.detterman@acgov.org)
Case Electronic File, GeoTracker

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.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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
	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 (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 dehloptoxic@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 dehloptoxic@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.