

Detterman, Mark, Env. Health

From: Detterman, Mark, Env. Health
Sent: Friday, August 04, 2017 2:49 PM
To: 'Markus Niebanck'
Cc: Chris Freise; Patrick Fisher
Subject: RE: McGrath Property Data Gaps and Due Diligence Evaluation
Attachments: 2017 08 01 Scope of McGrath Due Diligence Testing.pdf

Markus,

By in-large I think you have captured the majority of “major” data gaps for the site; however, the September 30, 2016 letter from ACDEH provides a very detailed itemized list of data gaps that we see for the site under the Low Threat Closure Policy (LTCP) as well as items not considered by the LTCP. As has been said, these are the data humps we will need your help in getting past in order for the site to be considered a low threat. That September 2016 letter is an attempt to provide end-point clarity within the lens the LTCP imposes on our world view. Within the context of the LTCP, some, but not all, of these would likely fit the “minor” (but required within the LTCP) category of which you speak.

Of items you did not enumerate, in our view these will include collecting soil within the 5 – 10 ft depth zone for the Direct Contact at appropriate locations including downgradient of the release (with data from the 0 – 5 foot zone this can also establish the thickness of the biozone beneath the site within the vapor intrusion criteria). Additionally, the risk of vapor intrusion to downgradient buildings has not been conclusively established. The sub-slab attenuation factor (per DTSC guidance) for the site, as well as the adjacent downgradient sites remains a concern. This is due to lack of knowledge to changes in the depth to groundwater downgradient (on and offsite), downgradient groundwater concentrations, on and offsite concrete slab quality [cracking, porosity, etc.], and the established documentation of indoor air concentrations onsite and offsite [by others] that indicate a level of concern compared to outdoor air concentrations. Please bear in mind, as required by the LTCP, the length of the groundwater plume may not be defined at the downgradient property edge. This can be handled in several ways, but requires definition. As mentioned in the meeting (but not in the Sept. 2016 letter), indoor air VI to the onsite office is suggested by several concentrations of naphthalene above outdoor air concentrations, so VI has been either established or not determined sufficiently; both warranting further effort.

Also, while not considered by the LTCP, methane explosively risks beneath the site are also a concern. In areas, methane concentrations rise above approximately 5% methane at which explosively can be present. This may require remediation, and/or mitigation, but please be aware that ACDEH does not allow mitigation only at release sites. Because this risk lies outside of the LTCP, and the data can be collected concurrently, ultimately if of sufficient concern, it may need to be managed under a separate environmental case as the costs will not be reimbursable under the USTCF or UST program (as our review costs are currently).

In general legal LUCs are not established at petroleum sites as a matter of practice, but land use restrictions are (Geotracker and city permit tracking); however, Site Management Plans (SMP) are used. The simple resurfacing of the slab can potentially increase methane explosively concerns should the methane be venting through existing slabs or cracks; an unknown. However, the installation of a mitigation system will require a LUC and Long Term SMP in order to document its presence and to provide controls on subsurface changes (utility repair, site improvements, etc.) that can negate the usefulness of a mitigation system. They also will require long term annual inspections (and associated regulatory oversight costs) of the remedy until exit strategy goals are achieved.

I hope this helps, and is not sufficiently concerning to prevent forward movement on the property. If you would like to discuss further with Dilan and myself, please let me know.

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PDF Copies of case files can be downloaded at:
<http://www.acgov.org/aceh/lop/ust.htm>

From: Markus Niebanck [mailto:mniebanck@gmail.com]
Sent: Tuesday, August 01, 2017 8:52 AM
To: Detterman, Mark, Env. Health <Mark.Detterman@acgov.org>
Cc: Chris Freise <chris@liftrp.com>; Patrick Fisher <patrick@liftrp.com>
Subject: McGrath Property Data Gaps and Due Diligence Evaluation

Good morning Mark.

Thanks again for getting together with us the week before last. As we discussed, I've reviewed the file and prepared the attached summary of what we discussed in the way of substantial data gaps at McGrath.

Affirmation of these gaps and the collection of information in the areas of remaining concern will enable the bracketing of environmental investment required to get the case to closure, in turn facilitating transactional consideration.

We appreciate your assistance with this matter. If after you review and discuss with Dilan you'd like me to come by to discuss this can be easily arranged. I understand you have many things on your plate, but if you can take a quick look at this we may be able to take the McGrath case off your list of headaches forever.

As with all real estate transactions, we have a small due diligence window and would like to get to the testing as quickly as possible.

Talk soon.

Markus