



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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November 8, 2012

Mr. Walter Merkle
MCG Investments LLC
123 Estudillo Avenue
San Leandro, CA 94577

Shirley J Davini & Dorothy D McGuire
123 Estudillo Avenue
San Leandro, CA 94577

Mr. Jon Braden
McGrath Steel Company
Address Unknown

Mr. David Davini
Loretta A McGrath Family Trust
Address Unknown

Subject: Modified Work Plan Approval for Fuel Leak Case No. RO0000063; (Global ID # T0600102099); McGrath Steel Company, 6655 Hollis Street, Emeryville, CA 94608

Dear Messrs. Merkle and Braden, and Mses. Davini and McGuire:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site including the *Additional Site Characterization Workplan Addendum*, dated July 31, 2012, and the *Third Quarter 2012 Groundwater Monitoring*, dated August 23, 2012. Both reports were prepared and submitted on your behalf by AllWest Environmental, Inc. (AllWest). Thank you for submitting the reports. The work plan addendum proposed the addition of five soil bores to delineate the source area and extent of LNAPL (initially up to 3 feet in thickness), modified the locations of several other soil bores to delineate the extent of the groundwater plume, and proposed initial locations for three groundwater wells, in general conformance to changes requested by ACEH in the May 2, 2012 directive letter.

Based on ACEH staff review of the work plan, 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) **Work Plan Modifications** – The referenced work plan proposes a series of actions with which ACEH is in general agreement; however, ACEH requests several modifications to the approach. Please submit a data packet (tabulated soil and groundwater data, appropriate figures to depict the data, and completed soil bore logs) by the date identified below. This is intended to allow a subsequent discussion of appropriate well placement locations prior to report generation.
 - a. **Request for One Additional Soil Bore** – To increase the likelihood that delineation of the downgradient dissolved-phase contaminant plume is quickly determined, ACEH requests the installation of one additional soil bore along the street or sidewalk at the approximate mid-point between soil bores B-17 and B-18. Soil sampling and grab groundwater protocols established in the work plan are also requested to be observed for this bore.
 - b. **Soil Selection Protocols** – The work plan addendum proposes to collect approximately two to three soil samples in each soil bore and groundwater monitoring well at largely predetermined depth intervals. To preclude miscommunication ACEH requests that soil samples be collected,

and submitted for analysis, at signs of contamination (odor, discoloration, PID responses, etc.), at significant changes in lithology, and just above groundwater. Please be aware that delineating the vertical extent of soil (and groundwater) contamination remains a standard requirement. Consequently in addition to the proposed soil samples please collect sufficient *additional* soil samples to define the vertical extent of soil contamination beneath the site.

- c. **LTCP Sampling Requirements** – The new Low-Threat Closure Policy (LTCP) has been implemented since the referenced work plan addendum was submitted by AllWest and requires attention to contaminant distribution and concentration (among other significant changes) in the upper 5 feet at a site (especially of source zones). This may require the submittal of an additional one to two soil additional samples for lab analysis per bore location in this depth interval depending on the situation. ACEH requests that the collection of these samples be included in the pending scope of work at the site.
 - d. **Request for Addition of Naphthalene and PAHs to Analytical Suite** – Because of diesel is documented to have been present in one of the UST at the site, ACEH requests the addition of naphthalene and PAHs by appropriate EPA methodology to the analytical suite at the site.
 - e. **Well Screen Intervals** – The referenced work plan anticipates and proposes the installation of well screens between approximately 29 to 9 feet below grade surface. ACEH requests shorter screen intervals in order to collect more representative groundwater samples, generally with no more than a 5 foot sand interval; however, ACEH recognizes that fully screened water-bearing zones are appropriate in thinner permeable zones, and are difficult to field identify in clay dominated water-bearing systems. ACEH requests a substantive level of effort to minimize the screen length at each well location to the extent possible, with well screens minimally longer than the water-bearing zone, including any capillary fringe zone. If longer screen intervals are judged appropriate well clusters or multilevel wells (similar to CMT) may be appropriate. Please communicate and justify the preferred changed interval or well installation technology with ACEH as a Work Plan Addendum in the Data Packet Submittal by the date identified below.
 - f. **Utilization of a Site Scale on Figures** – To help clarify and standardize distances at the site, ACEH requests the use of a bar scale on future figures. This precludes confusion and allows scale retention in the event of subsequent scale changes as figures are used or copied.
- 2) **Current Groundwater Classification** - Please be aware that all groundwater in the East Bay Plain Groundwater Basin that underlies Emeryville is classified as 'MUN' (potentially suitable for municipal or domestic water supply). According to the RWQCB *Water Quality Control Plan (Basin Plan)*, dated January 18, 2007, for the San Francisco Bay Basin, "the term 'groundwater' includes all subsurface waters, whether or not these waters meet the classic definition of an aquifer or occur within identified groundwater basins.' The Basin Plan also states that 'all groundwaters are considered suitable, or potentially suitable, for municipal or domestic water supply (MUN)." Therefore, the groundwater beneath the subject site is considered beneficial for these uses unless shown to be non-beneficial using criteria presented in the Basin Plan (Please note that the proposed "Zone B Berkeley / Albany Groundwater Management Zone" contained in the June 1999 *East Bay Plain Groundwater Basin Beneficial Use Evaluation Report*, that was referenced in your work plan addendum, was not adopted in the 2007 Basin Plan). Please adjust future evaluations to reflect these classifications; however, please also be aware that case closure does not require cleanup to MUN cleanup goals, rather that those goals can be met within an identified reasonable timeframe. This is also stated to be consistent and reflected in the LTCP.
- 3) **Groundwater Monitoring Interval** – Please place the subject site on a quarterly groundwater monitoring interval in order to quickly gather contaminant trends and LNAPL trend data. This interval may be reduced after sufficient trend data has accumulated.

TECHNICAL REPORT REQUEST

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

- **January 11, 2013** – Soil and Groundwater Data Packet Submittal, and Work Plan Addendum
File to be named: RO63_SWI_R_yyyy-mm-dd
- **January 11, 2013** – Quarterly Groundwater Monitoring Report
File to be named: RO63_GWM_R_yyyy-mm-dd
- **60 Days After Well Location Approval** – Soil and Groundwater Investigation Report
File to be named: RO63_SWI_R_yyyy-mm-dd
- **May 3, 2013** – Quarterly Groundwater Monitoring Report
File to be named: RO63_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.

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

If you have any questions, please call me at (510) 567-6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

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

cc: Leonard Niles, AllWest Environmental, Inc, 530 Howard Street, Suite 300, San Francisco, CA 94105; (sent via electronic mail to: leonard@allwest1.com)

Marc Cunningham, AllWest Environmental, Inc, 530 Howard Street, Suite 300, San Francisco, CA 94105; (sent via electronic mail to: marc@allwest1.com)

Donna Drogos, (sent via electronic mail to donna.drogos@acgov.org)

Mark Detterman (sent via electronic mail to mark.detterman@acgov.org)

Electronic File, GeoTracker

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 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) 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 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.