

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

COLLEEN CHAWLA, Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

May 7, 2018

Kay & Merkle, LLP
c/o Mr. Walter Merkle
100 The Embarcadero,
Penthouse
San Francisco, CA 94105
(Sent via electronic mail to:
wmerkle@kmlaw100.com)

Shirley J Davini & Dorothy D McGuire
Address Unknown

Mr. David Davini
Loretta A McGrath Family Trust
Address Unknown

Mr. Chris Freise
6655 Hollis Owner LLC
222 Kearny St, Suite 600
San Francisco, CA 94108
(Sent via electronic mail to:
chris@liftrp.com)

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

Dear Ladies and Gentlemen:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file for the *Results of August 2017 Sampling and Work Plan for Sub-Slab Investigation*, dated March 9, 2018. The report was prepared and submitted on your behalf by Weiss Associates. Thank you for submitting the report.

The report documented the installation of six soil bores at the site, and the collection of soil and grab groundwater samples from beneath the site. The investigation appears to document the presence of an additional release of petroleum near the southeastern corner of the property, documented the presence of a thin layer of free phase product in a grab groundwater sample, and concentrations in soil also indicative of free phase in proximity to that location. Several potential offsite sources were identified. The report also included a work plan to investigate the southeastern corner of the property to determine if an unknown source may have been present on the subject property at one time. This includes the removal of the concrete slab, inspection of the area beneath the slab, and the installation of six hand-augered bores to a depth of five feet below grade surface (bgs).

ACDEH acknowledges the identification of two adjacent sites that have the potential to use or to have used petroleum and / or an underground storage tank (UST) to store petroleum in the past. ACDEH also observes that the southwestward groundwater gradient documented in the site vicinity can also suggest an additional UST and release on the eastern parcel of the two parcels that comprise the subject site.

Based on ACDEH 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. **Site Assessment Work Plan Modifications** – The referenced site assessment work plan proposes actions with which ACDEH is in general agreement of undertaking; however, ACDEH requests several modifications to the approach. Please submit the results of the investigation in a report by the date identified below.
 - a. **Soil Sample Selection** – In order to address requirements of the Low Threat Closure Policy (LTCP) with respect to this potential new source, ACDEH requests the collection and analysis of a minimum

of two soil samples in the 0 to 5 foot depth interval. This is expected to address the Direct Contact Media-Specific Criteria, and important aspects of the Vapor Intrusion to Indoor Air Media-Specific Criteria for the subject site with respect to this potential source. ACDEH requests that soil sample selection be based on indications of contamination, inclusive of odor, discoloration, Photoionization Detector (PID) responses, etc.

- b. Soil Sample Analytical Suite** – ACDEH requests the soil samples be submitted for analysis for Total Petroleum Hydrocarbons as gasoline (TPHg), for TPH as diesel (TPHd), benzene, toluene, ethylbenzene, total xylenes, (BTEX), methyl tert butyl ether (MTBE), and naphthalene.
- 2. Outstanding Deliverables** – ACDEH recognizes the impact of the recent property transaction may have had on the on-going investigation at the site, and that the recently discovered additional release of petroleum in the site vicinity requires further investigation; however, the September 30, 2016 directive letter requested a series of deliverables that have not been submitted. These are overdue and remain outstanding. That directive letter provided a detailed analysis of the site under the LTCP. In order to resume the on-going investigation, ACDEH requests the submittal of the overdue Data Gap Investigation Work Plan, Interim Remedial Actions and a Focused Site Conceptual Model by the date identified below. Please note that if this schedule is not met, a Notice to Comply will be issued.
- 3. Groundwater Monitoring** – The subject site is on a semi-annual groundwater monitoring status, but has not been sampled since December 2016. ACDEH requests the resumption of groundwater monitoring at the site and the submittal of reports by the dates identified below.

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

Please note that ACDEH has updated Attachment 1 with regard to report submittals. ACDEH will now be requiring a Submittal Acknowledgement Statement, replacing the Perjury Statement, as a cover letter signed by the Responsible Party (RP). The language for the Submittal Acknowledgement Statement is as follows:

"I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to the State Water Board's GeoTracker website.

Please make this change to your submittals to ACDEH.

TECHNICAL REPORT REQUEST

Please submit the following technical reports and deliverables to the State Water Board's Geotracker website and notify your case worker by electronic mail (mark.detterman@acgov.org), in accordance with the following specified file naming convention and schedule, as provided below, and in the Responsible Party(ies) Legal Requirements/Obligations which is included as Attachment 1. Please note ACDEH no longer accepts reports on the ftp site.

- **July 13, 2018** – Site Investigation
File to be named: RO63_SWI_R_YYYY-mm-dd
- **July 13, 2018** ~~December 5, 2016~~ – Data Gap Investigation Plan, Interim Remedial Actions, and Focused Site Conceptual Model; File to be named: RO63_WP_SCM_R_YYYY-mm-dd
- **July 13, 2018** – First 2018 Semi-Annual Groundwater Monitoring Report
File to be named: RO63_GWM_R_YYYY-mm-dd
- **60 Days After Work Plan Approval** – Soil and Groundwater Investigation Report
File to be named: RO63_SWI_R_YYYY-mm-dd
- **February 1, 2019** – Second 2018 Semi-Annual Groundwater Monitoring Report
File to be named: RO63_GWM_R_YYYY-mm-dd

Ladies and Gentlemen
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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, ACDEH 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 and Electronic Report Upload (ftp) Instructions

cc: Joyce Adams, Weiss Associates, 2200 Powell Street, Suite 925, Emeryville, CA 94608; (Sent via electronic mail to: jea@weiss.com)

Tom Fojut, Weiss Associates, 2200 Powell Street, Suite 925, Emeryville, CA 94608; (Sent via electronic mail to: tjf@weiss.com)

Markus Niebanck, Amicus Strategic Environmental Consulting, 580 Second Street, Oakland, CA 94609; (Sent via electronic mail to: marcus@amicusenv.com)

Dilan Roe, ACDEH, (Sent via electronic mail to: dilan.roe@acgov.org)

Paresh Khatri, ACDEH; (Sent via electronic mail to: paresh.khatri@acgov.org)

Mark Detterman, ACDEH, (Sent via electronic mail to: mark.detterman@acgov.org)

Electronic File; GeoTracker

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: December 14, 2017
	ISSUE DATE: July 25, 2012
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	SUBJECT: Responsible Party(ies) Legal Requirements / Obligations

REPORT & DELIVERABLE REQUESTS

Alameda County Department of Environmental Health (ACDEH) Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) require submission of all reports in electronic form to the State Water Board's (SWB) GeoTracker website in accordance with California Code of Regulations, Chapter 30, Division 3, Title 23 and Division 3, Title 27.

Leaking Underground Fuel Tank (LUFT) Cases

Reports and deliverable requests are 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 (RP) in conjunction with an unauthorized release from a petroleum underground storage tank (UST) system.

Site Cleanup Program (SCP) Cases

For non-petroleum UST cases, reports and deliverables requests are pursuant to California Health and Safety Code Section 101480.

ELECTRONIC SUBMITTAL OF REPORTS

A complete report submittal includes the PDF report and all associated electronic data files, including but not limited to GEO_MAP, GEO_XY, GEO_Z, GEO_BORE, GEO_WELL, and laboratory analytical data in Electronic Deliverable Format™ (EDF). Additional information on these requirements is available on the State Water Board's website (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)

- Do not upload draft reports to GeoTracker
- Rotate each page in the PDF document in the direction that will make it easiest to read on a computer monitor.

GEOTRACKER UPLOAD CERTIFICATION

Each report submittal is to include a GeoTracker Upload Summary Table with GeoTracker valid values¹ as illustrated in the example below to facilitate ACDEH review and verify compliance with GeoTracker requirements.

GeoTracker Upload Table Example

Report Title	Sample Period	PDF Report	GEO_MAPS	Sample ID	Matrix	GEO_Z	GEO_XY	GEO_BORE	GEO_WELL	EDF
2016 Subsurface Investigation Report	2016 S1	✓	✓	Effluent	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
2012 Site Assessment Work Plan	2012	✓	✓			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2010 GW Investigation Report	2008 Q4	✓	✓	SB-10	W	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				SB-10-6	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				MW-1	WG	✓	✓	✓	✓	✓
				SW-1	W	✓	✓	✓	✓	✓

¹ GeoTracker Survey XYZ, Well Data, and Site Map Guidelines & Restrictions, CA State Water Resources Control Board, April 2005

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: NA
	ISSUE DATE: December 14, 2017
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	SUBJECT: Responsible Party(ies) Legal Requirements / Obligations

ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to the State Water Board's GeoTracker website." This letter must be signed by the Responsible Party, or legally authorized representative of the Responsible Party.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6731, 6735, and 7835) 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 licensed or certified professional and include the professional registration stamp, signature, and statement of professional certification. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

UNDERGROUND STORAGE TANK CLEANUP FUND

For LUFT cases, RP's non-compliance with these regulations may result in ineligibility to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse the cost of cleanup. Additional information is available on the internet at: https://www.waterboards.ca.gov/water_issues/programs/ustcf/

AGENCY OVERSIGHT

Significant delays in conducting site assessment/cleanup or report submittals may result in referral of the case to the Regional Water 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.