

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
ALEX BRISCOE, Agency Director



ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

January 6, 2014

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

Mr. Michael Biddle
Park Emery Assoc. LTD Partnership
Address Unknown

Longs Drug Stores California, Inc.
c/o CVS #9553-01
Attn: Store Account Dept
One CVS Drive
Woonsocket, RI 02895

Subject: **Request for Information on the Status of City of Emeryville Fire Station; Fuel Leak Case**
No. RO0000068 and GeoTracker Global ID T0600101848, City of Emeryville Fire Station, 4331
San Pablo Avenue, Emeryville, CA 94608

Dear Responsible Parties:

Alameda County Environmental Health (ACEH) has recently evaluated the files and documents for this case to determine if the site is eligible for closure as a low risk site under the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP). A copy of the LTCP can be obtained from the State Geotracker website.

Based on ACEH staff review, we have determined that the site fails to meet the LTCP General Criteria b (unauthorized release consists only of petroleum), d (Free Product), e (Site Conceptual Model), f (secondary source removed to extent practicable), g (soil or groundwater tested for MTBE), and the Media-Specific Criteria for Groundwater, Petroleum Vapor Intrusion to Indoor Air, and Direct Contact and Outdoor Air Exposure.

Based on the review of the case file it appears that information previously requested of you has not been submitted. The most recent report in our files, the *Quarterly Groundwater Monitoring Report, Fourth Quarter 1995*, dated February 20, 1996, documented dissolved phase petroleum hydrocarbon contaminations in groundwater samples up to 8,700 micrograms per liter [$\mu\text{g/L}$] Total Petroleum Hydrocarbons (TPH) as gasoline, 98,000 $\mu\text{g/L}$ TPH as diesel, and 230 $\mu\text{g/l}$ benzene. Limited additional soil and groundwater sampling results for the Fire Station appear to have been collected in association with the subsequent Emeryville Village Center development (see below); however, no reports to document sample collection or the general nature of the work have been submitted to ACEH. A February 26, 2007 directive letter from ACEH requested downgradient site characterization, a well survey (sensitive receptor survey), monitoring well rehabilitation and redevelopment, groundwater sampling, and EDF submittals. A July 25, 2011 directive letter from ACEH requested additional information and a data gap work plan. Over two years have lapsed since the last directive letter, and requested documents have not been received.

As noted above, ACEH is also aware that the site was a part of the Emeryville Village Center for which a Risk Management Plan (RMP) was submitted in November 2000, and deed restrictions for all properties were required. Based on a review of the documents submitted for the proposed development, and

currently constructed site features (based on Google Earth map and street views), it does not appear that the proposed development for which the RMP was generated was constructed.

Therefore at this juncture ACEH requests you provide written documentation on the status of site redevelopment as discussed in Technical Comment 1 below. ACEH would like to invite you to a meeting to discuss the site redevelopment and strategize about an appropriate closure path and documentation. ACEH requests notification of suitable dates and times for the meeting.

TECHNICAL COMMENTS

- 1. Request for Information** – In order to support the appropriate steps and to evaluate or close the case, additional documentation is required. ACEH requests that you submit electronic copies of all reports, correspondence, data, etc. related to environmental investigations for this site (including Phase 1 reports and site redevelopment activities) by the date identified below. This includes, but is not limited to, a report of site cleanup actions prior to redevelopment, the final site action report, soil re-use documentation, deed restrictions, notification of changes land-use changes, building footprints, foundation details, depth of redevelopment excavations (foundation, overexcavation, and utility trenching), and etc. The status of groundwater monitoring well MW-1 since redevelopment is undefined and needs to be addressed.

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 following specified file naming convention and schedule:

- **January 17, 2014** – Notification of Available Meeting Dates and Times
- **Ten Working Days Prior to Meeting** – Detailed Documentation of Site Status
File to be named: RO68_CORRES_L_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 is not listed on the first page of this letter, or in the list of cc's listed below, ACEH is requesting your email address to help expedite communications and to help lower overall costs.

Thank you for your cooperation. 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, PG, CEG
Senior Hazardous Materials Specialist

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

cc: Dilan Roe, ACEH (sent via electronic mail to dilan.roe@acgov.org)
Mark Detterman, ACEH, (sent via electronic mail to mark.detterman@acgov.org)
Geotracker, Case Electronic File

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.

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| 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.