

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  
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May 13, 2015

City of Emeryville  
Successor to Emeryville Redevelopment Agency  
c/o Nancy Humphrey  
1333 Park Ave.  
Emeryville, CA 94608  
(sent via electronic mail to:  
[nhumphrey@ci.emeryville.ca.us](mailto:nhumphrey@ci.emeryville.ca.us))

Park Emery Assoc. LTD Partnership  
c/o City of Emeryville  
c/o Mr. Michael Biddle  
Successor to Emeryville Redevelopment Agency  
1333 Park Ave.  
Emeryville, CA 94608  
(sent via electronic mail to: [mbiddle@ci.emeryville.ca.us](mailto:mbiddle@ci.emeryville.ca.us))

Longs Drug Stores California, Inc.  
c/o CVS #9553-01  
Attn: [Nadine.King@CVSCaremark.com](mailto:Nadine.King@CVSCaremark.com)  
One CVS Drive, Mail Code 2340  
Woonsocket, RI 02895

Subject: Request for Meeting and Site Evaluation; 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) staff has reviewed the case file including the *Response to ACEH Directive Letter of January 6, 2014*, dated March 16, 2015. The letter indicates that despite several attempts to locate additional documents associated with the case, at present, the only known documents associated with the case are currently available on the ACEH website. Thank you for attempting again to find these documents. ACEH has also sought but has not found any additional documents.

As background and as noted in the previous letter from ACEH, 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 Emery Village Center development (see below); however, ACEH has received no reports to document sample collection or the general nature of the work. 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; none has been sent.

As noted above, ACEH is also aware that the site was a part of the Emery Village Center for which a draft 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 redevelopment, and the currently constructed site features as based on Google Earth map and street views, it does not appear that the proposed redevelopment for which the RMP was generated was constructed.

Based on the available data in ACEH's files, it appears that the site does not meet the Low Threat Closure Policy (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.

Therefore at this juncture ACEH would like to invite you to a meeting to discuss the site and strategize about an appropriate closure path and documentation. ACEH requests notification of suitable dates and times for the meeting. Points of discussion are expected to include the following technical comments (these comments are specific to the subject site, but are likely applicable to the larger Emery Village Center redevelopment):

### **TECHNICAL COMMENTS**

**1. Risk Management Plan** – From a review of ACEH's files, it appears that a copy of the final Risk Management Plan (RMP) that was to be generated for the larger Emery Village Center, of which the subject site is a part, has not been provided to ACEH. The November 27, 2000 RMP appears to be considered a draft final document by both the Regional Water Quality Control Board (RWQCB) and ACEH and required several modifications. It may be possible that the RWQCB has a confirmed final copy of the RMP.

Alternatively, with the undocumented decision to change the redevelopment plans from residential townhomes to commercial storefronts and, for the subject parcel, an asphalt paved parking lot, the RMP as intended may not have been generated. If this later scenario was acted on, an alternative RMP for the larger redevelopment would have been, and may remain to be an appropriate step, but is not documented.

**2. Deed Restriction** – It is not known if a deed restriction was recorded against the subject site parcel, which is understood to be in its entirety a parking lot, or for any of the parcels for the larger redevelopment. It is also not known if a RMP is referenced in the deed restriction, if it was recorded. Finally, if appropriate, it is not known if regulatory oversight is required for the implementation of the provisions of the RMP that cover long term risk at the subject site(s).

**3. Status of Risk Assessment** – A Risk Assessment (RA) appears to have been generated for the larger Emery Village Center redevelopment, and appears to include the subject site; however, except for a document entitled *Overview of Human Health Risk Assessment* (Overview), dated March 24, 1999, (which appears to be an outline of various health risk report sections and various disassociated tables and figures), and a lined-out copy of an insignificant fraction of the *Final Human Health Risk Assessment Report*, dated October 12, 1999, ACEH cannot locate a complete copy. A facsimile coversheet in the case record indicates that one would be sent shortly, but it is not known if one was ultimately sent. The RA is an important document as it is expected that a RMP would be based on the RA.

Additionally, the "Overview" does not appear to have considered the potential for risk from vapor intrusion, such as Site Specific Target Levels (SSTLs) for vapor, including for Halogenated Volatile Organic Compounds (HVOCs) that were documented at the subject site. Thus it is also uncertain if the RA would be considered to be adequate with the advancements in our understanding of vapor intrusion risks over the last approximately 15 years.

**4. Status of Well MW-1** – Recent conversations (May 7, 2015) with the Alameda County Public Works Agency (ACPWA) indicate that well MW-1, installed to investigate the hydrocarbon release at the subject site, has not been permitted for destruction. ACEH requests that the status of this well be investigated.

**5. Low Threat Closure Policy Evaluation of Site Data** – In its present condition, the case file cannot support a competent evaluation of the site with respect to the LTCP. Thus it is the intent of the requested meeting to mutually identify appropriate actions at the site and to identify a path to closure for the case.

### **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:

- **June 5, 2015** – Notification of Available Meeting Dates and Times

Responsible Parties  
RO0000068  
February 9, 2015, Page 3

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

## Attachment 1

### 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.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](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, 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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> May 15, 2014
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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 [deh.loptoxic@acgov.org](mailto: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](mailto: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.