



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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March 4, 2010

Mr. Edward Kozel
20 Oak Knoll Drive
Healdsburg, Ca 95448-3108

Mr. Robert Kovalak
ICI Paints
16654 W. Sprague Rd.
Strongsville, OH 44136

Ms. Deborah Castles
McGrath Properties
130 Webster Street, Suite 200
Oakland, CA 94607
(sent via electronic mail to
deborah@mcgrathproperties.com)

Subject: Request for Additional Work; Fuel Leak Case No. RO0000079 (Geotracker Global ID #T0600101659), Oakland National Engravers (ONE), 1001 42nd Street, Oakland, CA

Dear Mr. Kozel, Mr. Kovalak, and Ms. Castle:

Alameda County Environmental Health (ACEH) staff has reviewed the case file, the AMEC Geomatrix letter dated October 1, 2009, that contains a response to the technical comments in the ACEH directive letter dated July 13, 2009, and the *Work Plan for Vacuum Extraction Pilot Test* also contained in the referenced October 1, 2009 letter. As you are aware I have been recently assigned the case; please address future correspondence to my attention. As may be understood review of the referenced technical responses has generated additional comments and technical responses. Based on ACEH staff review of the case file, we request that you address the following technical comments and send us the reports described below.

TECHNICAL COMMENTS

- 1. Request for Information:** During the case review process ACEH staff noted several supporting documents cited in recent documents have not been submitted to either the County's ftp site or to the State Geotracker web database. Part of the problem appears to have been resolved during the February 23, 2010 meeting at ACEH where it was realized that five documents had been uploaded to an associated Geotracker case number for the site; thank you for identifying this problem. ACEH will endeavor to eliminate this potential source of confusion so it does not happen again in the future.

In the meantime ACEH requests both websites be reviewed for completeness with respect to website specific required submittals. ACEH's case file for the subject site contains only the electronic files listed on our website at <http://www.acgov.org/aceh/index.htm>. ACEH requests that full copies of all associated reports (signed and stamped by the registered professionals), data, and correspondence related to environmental investigations for this property (including Phase I reports), be submitted to the ACEH ftp site, and all appropriate Geotracker submittals be uploaded to the Geotracker website (see Comment 2 below) by the deadline listed below. Please note that both sites have differing requirements; your consultant can guide you in these matters. At a minimum, ACEH is aware that the following data or reports have not been uploaded to the County's ftp site:

- a. Soil and Indoor Air Vapor Sample Points:** The June 29, 2007 *Corrective Action Plan (CAP)* and the June 5, 2007 *Screening-Level Risk Evaluation* reference the collection of soil gas samples and indoor air samples, respectively. Except for tabulated data in the CAP report, ACEH has not been able to locate laboratory analytical results for both sets of samples, and has not located a report covering the collection of the indoor air samples (reported as sample numbers IA-1 to IA-5; collected in July 2006 by

Environmental Resources Management). ACEH has also not been able to locate soil sample analysis for soil vapor sample locations referenced later in the October 1, 2009 letter and work plan as support for vertical delineation, and the data is presumed to be in the missing report.

- b. **Screening-Level Risk Evaluation:** This document has only been uploaded to Geotracker and takes the form of a memorandum. It does not contain the signatures or stamps of the authors to document that these professionals validate the contents. ACEH requests the submittal of the document to Geotracker and the County's web database with appropriate signatures, stamps, and a perjury statement signed by the appropriate responsible party.
2. **Geotracker Compliance:** With the recent "discovery" of uploads to an associated Geotracker case, six reports will have been uploaded to Geotracker, including the unsigned and unstamped version of the *Screening-Level Risk Evaluation*. No other documents, EDFs of analytical results, GEO_WELL submittals, well survey data, or other appropriate submittals have been uploaded to Geotracker. Please see the previous ACEH directive letter (July 13, 2009) for appropriate required submittals for Geotracker. The site remains out of compliance with Geotracker; compliance is an unalterable requirement for reimbursement. Please upload all appropriate submittals by the deadline listed below.
3. **Appropriate ESL Tables for Comparison:** There appears to be confusion in regards to the appropriate Environmental Screening Level (ESL) tables that should be used in Emeryville. Please be aware that groundwater in Emeryville is currently 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.' It is also stated in the Basin Plan that 'all groundwaters are considered suitable, or potentially suitable, for municipal or domestic water supply (MUN)." Although referenced in the Basin Plan, and cited in the October 1, 2009 AMEC Geomatrix letter, the three groundwater zones delineated in the 1999 "East Bay Plain" report (Zones 1 to 3), are not recognized in the Basin Plan. Therefore, the groundwater beneath the subject site must be considered beneficial for these defined uses unless shown to be non-beneficial using criteria presented in the Basin Plan. This can fundamentally affect existing comparisons of analytical data to soil screening levels and the establishment of remediation goals. Please adjust your evaluations to reflect this in future reports. However, please also be aware that case closure does not necessarily require cleanup to MUN cleanup goals, only that those goals can be met within a reasonable timeframe.

To allow the widest possible future use of the site, as has been a potential goal for the site (such as the charter school reuse previously discussed), residential cleanup goals would remain appropriate. Should other occupants or remedial goals be selected, deed restrictions precluding certain uses or building modifications would likely be appropriate.

4. **Chemicals of Concern (COC) –** To help clarify the scope of future investigations ACEH notes that the site has had a wide history of use. At present COCs at the site include TPH as mineral spirits and volatile organic compounds. Additional COCs are suggested based upon site use, while some of these maybe eliminated in the future after appropriate investigation. Please address all appropriate COCs based on previous site use and chemical use at the site in the documents requested below.
5. **Bifurcation of Onsite and Offsite Investigations:** In order to assist the redevelopment effort at the site retain available funding and to satisfy loan requirements for onsite actions, ACEH tentatively accepted the temporary bifurcation of onsite and offsite investigations in the January 7, 2010 meeting. The acceptance was predicated with the understanding that concurrent investigations would be undertaken, but that onsite interim remedial actions could proceed, once agreed upon by all parties. This is further addressed in Technical Comment 9 below.

6. Technical Comment 1.1 – Utility Corridors: ACEH is in agreement that the sanitary sewer beneath 41st Street appears to be in part a preferential pathway; however, near-site preferential pathways such as utility laterals and differing utility flow patterns may help explain the distribution of mineral spirits both onsite and offsite, and these may remain as sources. Given the apparent wide extent of onsite mineral spirit impacts to soil and groundwater the release of free-phase quantities of mineral spirits may have exploited site vicinity conduits or laterals in the vadose zone. It remains appropriate to investigate the data gap that utility corridors near the site represent in order to identify contaminant loads and thereafter associated risks. Please submit a data gap work plan by the deadline identified below.

7. Technical Comment 1.2 – Source Area Contamination: ACEH concurs that elevated grab groundwater concentrations collected from boreholes can in some cases represent contaminants sorbed to suspended soil particles; however, ACEH also notes that in the most recent groundwater monitoring report, field notes indicate “clear” groundwater samples were collected from the wells. Regardless, at present there appear to be a minimum of three known source areas at the site. ACEH does not agree that sufficient investigation has been undertaken to disprove potential additional sources in the vicinity of BH-AA or BH-BB, or to prove grab groundwater from bores BH-AA and BH-BB, or other bores, are caused by suspended soil with sorbed contaminants. At present no verifiable groundwater samples have been provided from critical areas of the site to support the reasoning provided in the AMEC Geomatrix letter. The proposed redevelopment of site and vicinity wells will assist in validating this near the wells at the site, but does not address the southeastern or other portions of the site and vicinity. Consequently, it remains appropriate to investigate the southeastern and other portions of the site vicinity for additional sources. This will help complete data gaps in the SCM, but potentially more importantly will help speed remedial actions by accounting for and incorporating all sources into the remedial plans. Should additional unknown sources be discovered at a later date additional time and system modifications would likely be necessary, appropriate risks would not be accounted for or modeled, and reimbursement funding could be jeopardized due to a demonstrated insufficient or inefficient system.

Should any free phase product remain, the extent has not been investigated or defined. ACEH notes that in addition to the presence of free phase in well BES-1, free phase was present during the four most recent sampling events available for well MW-B1 (March to December 2004). Regardless of the argument that suspended sediment is the cause of elevated grab groundwater samples, the extent of free phase has not been investigated at or in the vicinity of the site. It continues to be appropriate to investigate the extent of free phase in order to target additional areas for remediation, and to account for contaminant loads and associated risk; it remains a data gap. Please submit a data gap work plan by the deadline listed identified below.

8. Technical Comment 1.3 – Offsite Groundwater Contamination Data Gap: As discussed above, ACEH concurs that elevated grab groundwater concentrations collected from boreholes might represent contaminants sorbed to suspended soil particles; however, at present no recent groundwater samples have been provided from downgradient of the site to support the reasoning provided in the letter. This specifically includes the Ennis Property, but is not limited to the Ennis Property.

ACEH is in agreement that the joint work plan to investigate the Ennis Property that was conditionally approved by ACEH on April 30, 2007 can be postponed until the existing site vicinity wells are redeveloped and sampled; however, the requirement to understand potential exposures to offsite properties and residents and to define the extent of the soil and groundwater plume remains appropriate and valid. Please submit a data gap work plan by the deadline listed identified below.

9. Technical Comment 2.1 – Low-Risk Scenario: In general ACEH agrees that the “low-risk” scenario should be considered for all sites; however, ACEH disagrees that appropriate Water Quality Goals (WQGs) that are protective of potential beneficial uses of groundwater as defined in the Basin Plan cannot be achieved. ACEH considers risk assessment to be an appropriate tool, provided a reasonable attempt has been undertaken to identify and investigate all reasonable sources and pathways so that the data can be utilized in a risk assessment and the areas can be incorporated into targeted remedial actions.

ACEH notes that at present no chemical parameters to evaluate natural attenuation, including biological activity have been collected or proposed in support of the low-risk scenario.

10. Technical Comment 2.1 – Proposed Pilot Study: ACEH concurs that the pilot study as an interim remedial measure is appropriate. Because the closest well to MW-BES1 is at an approximate distance of 45 to 50 feet (and ranges up to 100 ft), and that the well screen intervals may not be appropriate, ACEH judges that a contingency for additional vacuum points is necessary to determine the effective vacuum radius of influence at the site. Relocating, repairing, and redeveloping free-phase well MW-B1 will provide additional data on the technique and would produce closer spacing between existing wells.

ACEH notes that eight wells (excluding MW-B1) are proposed for redevelopment prior to sampling; however, standard procedures were not provided. Please ensure a minimum of 10 casing volumes are purged from each redeveloped well, or until the wells are free of sediment due to the critical nature of suspended sediment in groundwater at this site. Please also find well MW-B1 and repair and redevelop the well for the pilot study. If the well is not salvageable, please decommission and replace the well. ACEH recommends the use of monitoring wells designed with sand packs of 5 feet or less, as these wells will likely be representative of depth discrete groundwater conditions and representative of potential flow pathways. Please include standard procedures for well redevelopment, include a contingency for additional vacuum points, and present your rationale for monitoring well construction, should it be needed, in the Work Plan Addendum requested below.

11. Groundwater Monitoring: The last groundwater monitoring event of site and vicinity wells appears to have been March 2006. In order to assess impacts to groundwater after site and vicinity wells have been redeveloped, ACEH requests the wells be included in regularly scheduled groundwater monitoring. To gather information relatively quickly quarterly groundwater monitoring and sampling may be initially appropriate; however, at a minimum, semi-annual monitoring and sampling is requested. ACEH requests identification of the preferred interval and submittal of the initial groundwater monitoring and sampling report by the deadline listed below.

12. Revise and Resubmit October 1, 2009 Document: Figure 1 in this document cannot be printed with the title block and notes; it reverts to an earlier version labeled Figure 3 with a different title. Please stabilize this figure and re-upload the full document to the County ftp and to the State Geotracker web databases by the Geotracker compliance deadline listed below.

13. Mutually Agreeable Timeline – ACEH has assigned deadlines to a number of technical requests below. To help expedite work, the requested items can be submitted earlier than requested. ACEH is also aware that McGrath Properties may require a schedule to help meet lender imposed deadlines for the initiation of interim remedial actions. ACEH will work to accommodate a schedule; however, it must remain a mutually agreed upon schedule.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Mr. Mark Detterman), according to the following schedule:

- **April 12, 2010** – Geotracker Compliance, submittal of new documents based on County ftp document review, and submittal of revised October 1, 2009 letter of response
- **May 3, 2010** – Work Plan Addendum for Pilot Study, including contingency vapor points, well re-locating, well redevelopment, and well construction
- **June 28, 2010** – Work Plan for Data Gap Investigation for additional on- and off-site investigation (utility mains and laterals, additional sources, and offsite investigations)

- **60 Days After Work Plan Addendum Approval** – Submittal of Pilot Study and Groundwater Monitoring and Sampling Report
- **90 Days After Data Gap Work Plan Approval** – Submittal of Soil and Groundwater (Data Gap) Investigation

Reports are 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.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml).

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.

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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.

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
Hazardous Materials Specialist

cc: Terry McGrath, McGrath Properties, 130 Webster Street, Suite 200, Oakland, CA 94607
(sent via electronic mail to terry@mcgrathproperties.com)
Robert Cheung, AMEC Geomatrix, Inc., 2101 Webster Street, 12th Floor, Oakland, CA 94612
(sent via electronic mail to robert.cheung@amec.com)
Susan Gallardo, Geomatrix, Inc., 2101 Webster Street, 12th Floor, Oakland, CA 94612
(sent via electronic mail to susan.gallardo@amec.com)

Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Suite 3341, Oakland, CA 94612-2032
(sent via electronic mail to lgriffin@oaklandnet.com)

Terry Turner, Dunn Quality Paints, 707 Glenside Circle, Lafayette, CA 94549
Chad McNamee, 6820 Thornhill Drive, Oakland, CA 94611
Martin Samuels, Green City Lofts, 3675 Delmont Avenue, Oakland, CA 94605
Timothy Bodkin, Bureau Veritas, 6920 Koll Center Parkway, Suite 216, Pleasanton, CA 94566

Markus Niebanck, City of Emeryville, Economic Development & Housing Department, 1333 Park Avenue, Emeryville, CA 94608 (sent via electronic mail to mniebanck@ci.emeryville.ca.us)

Dave Ennis, PO Box 10985, South Lake Tahoe, CA 96158-3985

Mr. Dai Watkins, The San Joaquin Co., 1120 Hollywood Avenue, Suite 3, Oakland, CA 94602
(sent via electronic mail to daiw@sanjoco.com)
Marilyn Ponte, Bay Rock Residential LLC, 1300 Clay Street, Suite 620, Oakland, CA 94612
(sent via electronic mail to marilyn@bay-rock.com)
John Tibbetts, Oak's Club Room, 4097 San Pablo Avenue, Emeryville, CA 94608

Donna Drogos, (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman (sent via electronic mail to mark.detterman@acgov.org)
File

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: March 27, 2009
	PREVIOUS REVISIONS: December 16, 2005, October 31, 2005
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: 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

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- 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)

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

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 dehloptoxic@acgov.org
Or
 - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of My Le Huynh.
 - 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 and Firefox browsers will not open the FTP site.
 - b) Click on File, then on Login As.
 - 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 dehloptoxic@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.