



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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December 20, 2012

Mojdeh Mehdizadeh  
c/o Mohammed H. Mehdizadeh  
678 La Corso Drive  
Walnut Creek, CA 94598

Rockridge Heights, LLC  
c/o Ernie Nadel  
(Sent via email to [nadel@comcast.net](mailto:nadel@comcast.net))  
34 Schooner Hill  
Oakland, CA 94618

Subject: Fuel Leak Case No. RO0000139 and GeoTracker Global ID T0600100882, Mehdizadeh Property, 5175 Broadway, Oakland, CA 94611

Dear Mr. Mehdizadeh and Mr. Nadel,

Alameda County Environmental Health (ACEH) staff has prepared this meeting summary for the above-referenced site, held on October 25, 2012. Meeting attendees were Mr. Bob Clark-Riddell of Pangea, Mr. Quinlan Tom, Esq., of McInerney & Dillon, legal counsel for Rockridge Heights, and Mr. Ryan Leong of SRM Development, a prospective purchaser of the property. Mr. Bob Russell, legal counsel for SRM Development, was present via conference call. Representing Alameda County Environmental Health were Ms. Donna Drogos and Mr. Keith Nowell.

The meeting commenced with a review of site activities and included a review of the the previously approved Corrective Action Plan (CAP) clean up levels and goals. The CAP clean up levels established for this site were the residential environmental screening level (ESL) concentrations and a cleanup level of 1,000 micrograms per liter ( $\mu\text{g/L}$ ) for total petroleum hydrocarbons as gasoline (TPHg) or TPH as diesel (TPHd) in groundwater. The CAP cleanup levels and goals were presented as the cleanup concentrations in the public participation notification process for redevelopment as a mixed use commercial first floor and residential above, with and without sub-grade parking. Remediation at the site was identified as the excavation and subsequent replacement of 700 tons of contaminated soil from the vicinity of the former UST pit and the operation of a dual-phase extraction (DPE) system and air sparging (AS). The DPE/AS component of the CAP operated from approximately December 2010 to January 2012.

The topics presented for discussion included the Site Conceptual Model (SCM), past and future sampling and monitoring for the site, and potential future remediation and mitigation activities to meet the timeline for project development. Discussion of the SCM involved the residual contaminant mass at the site and whether it resided predominantly in the clay soil or if the shallow fractured bedrock contained a significant contaminant mass. If the latter were the case, ACEH indicated the observed rebound, as demonstrated by the post-remediation groundwater monitoring, may continue for a period of time exceeding the current development schedule. The

need for verification monitoring, successful implementation of the CAP, and subsequent site closure was discussed in detail.

Post-remediation verification monitoring events conducted to date consist of three groundwater monitoring and one soil-gas sampling events. Increasing concentrations of chemicals of concern (COCs) since remediation (rebound) has been observed. A post-meeting data review indicated six site wells currently contain groundwater concentrations exceeding the CAP clean up levels for TPH at greater or equal to 1,000 µg/L. Analysis for other COCs including 1,2-dichloroethane (1,2-DCE or EDC) have been discontinued in the post remediation sampling and resumption of EDC analysis in future sampling events was requested. No verification soil sampling has been conducted. The need for verification soil sampling after remediation to include both shallow (<5 feet bgs) and between 5 and 10 feet bgs soil samples was discussed. Also the need for naphthalene analysis was identified.

The project timeline, as indicated by the developer, requires the site receive a Case Closure / No Further Action letter no later than October 2014. ACEH suggested a site remediation / verification monitoring plan be submitted, and requested the responsible party work backward from that date to allow the site to progress to closure in time to meet the developer's requirements. ACEH requested submittal of a Baseline Environmental Project Schedule identifying the time required for remaining remediation and mitigation measures, commence site construction, and case closure. ACEH suggested that options such as temporary mitigation measures may be acceptable in conjunction with verification monitoring to allow construction to start prior to case closure. Mr. Ryan Leong indicated this was not an option. The use of mitigation measures was unacceptable to the developer unless their implementation would allow for closure without verification monitoring of mitigation success.

Mr. Bob Clark-Riddell (Pangea) presented scenarios for non-aggressive and aggressive courses of action. The non-aggressive course would be to continue with verification monitoring and see if the rebounding COC concentrations continue to rise. Mr. Clark-Riddell raised the possibility of closing the site under the Low Threat Closure Policy (LTCP). He suggested that closure under the LTCP would allow for higher COC concentrations to remain in place, and it would also reduce the target COC list to fewer compounds. ACEH indicated that an approved CAP is in place and changes to approved clean up goals for the new development scenario of slab-on-grade senior housing would require public participation review. Pangea's aggressive approach to meeting the CAP cleanup levels included restarting the existing DPE/AS system to address rebounding contaminant concentrations, and/or a more aggressive approach involving additional excavation of targeted areas. ACEH indicated that the responsible party should evaluate options and propose an appropriate course of action.

At the meeting conclusion, the following courses of action were identified for ACEH and responsible party follow up. ACEH would prepare this letter summarizing discussion topics, follow up items, and requests, and provide an example of a detailed environmental project schedule. The responsible party would provide document uploads (UST removal, site over-excavation / back fill / confirmation sampling documentation, geotechnical investigation reports, and Phase One Environmental Site Assessment [ESA] reports); update tables to reflect presence of separate phase hydrocarbons (SPH) and EDC concentrations, and prepare a plan outlining the next phase(s) of corrective action- monitoring/remedial action.

Meeting follow up actions performed to date have included ACEH providing an example of a detailed environmental project schedule (via email) on October 30, 2012, a request by Mr. Clark-

Riddell on October 30, 2012 (via email) that ACEH provide a quick approval of the DPE system restart. ACEH responded (via email) to Pangea's request on October 31, 2012, stating that re-start of the DPE system to evaluate its efficacy would be approved with the condition that, should the system demonstrate limited removal of the COCs in a short timeframe, then a more aggressive approach should be implemented. On November 13, 2012, Quinlan Tom, Esq. issued a letter portraying a summary of the meeting discussions. However, ACEH does not agree with several of the conclusions reached regarding ACEH's unwillingness to apply the LTCP, unwillingness to rely on engineering controls, and not effectively helping to establish a clear pathway to closure. On November 14, 2012 ACEH reiterated its previous concurrence for DPE system restart during a phone call with Mr. Clark-Riddell.

### **TECHNICAL COMMENTS**

1. **Request for Electronic Reporting and Data Upload Compliance**— As discussed in the meeting, reports are missing from ACEH's case file including documentation pertaining to Phase One ESAs, the tank removal, tank pit over excavation, and verification sampling for the pre-Pangea involvement in the case and a geotechnical investigation performed at the site which identified contamination. ACEH requests notification of, and a list of, the documents uploaded to GeoTracker. Please upload all submittals to GeoTracker as well as to ACEH's ftp website by the date specified below. Please note that ACEH case files contain only the information displayed on its website.
2. **Site Conceptual Model Update**— Please submit an SCM update by the date identified below. The SCM must include a discussion of the distribution of residual contaminant mass and discuss whether it resides predominantly in the clay soil and/or if sequestered TPH resides in shallow fractured bedrock.
3. **Request for Baseline Environmental Project Schedule**— ACEH requests a Baseline Environmental Project Schedule (Project Schedule) identifying the timeline for meeting the CAP. The environmental project schedule should be similar to the example provided in the October 30, 2012 email and as detailed in the ACEH directive letter of August 22, 2012. Details of the Project Schedule include the environmental work that will be required to prepare, implement, and monitor remediation and mitigation measures, commence site construction, and obtain site closure. The Project Schedule should include, but not be limited to, the following key environmental elements and milestones:
  - SCM Update
  - Identification of the Proposed Site Closure Strategy
  - Remedial Actions
  - Monitoring Well Installation/Decommissioning/Replacement
  - Short Term Mitigation Measures Incorporated into Site Redevelopment during Remediation Phase, such as:
    - Remediation Phase Vapor Intrusion Membrane and Sub-Slab Ventilation System, and Operation and Maintenance Plan
    - Risk Management Plan for Site Demolition and Earthwork Activities

➤ Monitoring Plans (Vapor Intrusion/Groundwater)

- Additional Public Participation if clean up goals change.

Please construct a schedule with sufficient detail to support a realistic and achievable project schedule. The schedule is to include at a minimum:

- Defined work breakdown structure including summary tasks required to accomplish the project objectives and required deliverables with estimated activity durations, including a narrative identifying activity duration
- Identification of critical paths, linkages, predecessor and successor activities, leads and lags, and key milestones using logical relationships. Include a discussion about proposed schedule compression techniques to shorten the environmental project schedule without changing the project scope, in order to meet schedule constraints
- Identification of entity responsible for executing work

Include a project kick-off meeting/teleconference call as an initial activity in the breakdown of each summary task to facilitate review of the updated SCM and schedule. The Project Schedule will be required to be updated prior to the start of a new task for use in the kick-off meetings and at other key junctures as necessary in order to maintain a realistic schedule throughout the project as work progresses.

ACEH requests the Project Schedule be similar to the example provided in the October 30, 2012 email and as detailed in the ACEH directive letter of August 22, 2012. The baseline environmental project schedule will incorporate all tasks needed to meet clean up goals. ACEH sees the timeline as the driver to closure.

Please submit an electronic copy of the Project Schedule in portable data format (pdf) as well as a paper copy (Attn: Keith Nowell) in accordance with the date listed below. Provide future schedule updates in a similar fashion. A sample schedule demonstrating the level of detail we are requesting in the Baseline Environmental Project Schedule was sent to you on October 30, 2012. ACEH will review the schedule and provide comment with respect to inclusion of key elements (e.g., submittal/approval of work plans, SCM, investigation reports, CAP, public participation documents, etc.) and proposed ACEH review times. Please submit a baseline environmental project schedule for this work by the date identified below.

- 4. Data Accuracy**— SPH was identified during site activities but not indicated in the summary tables. Future reporting is required to contain updated tables that reflect the presence of SPH.
- 5. Chemicals of Concern**— EDC has been identified as a COC for the site and should be included in report summary tables. Analysis for EDC should be performed during future events. The scope of target analytes will need to include naphthalene in addition to the identified COC compounds.

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### **TECHNICAL REPORT REQUEST**

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

- **January 9, 2013- Electronic Submittal of Information-** File uploads to GeoTracker and ACEH and provide a list of uploaded files to ACEH.
- **January 18, 2013- Site Conceptual Model Update** (file name RO0000139\_SCM\_R\_yyyy-mm-dd)
- **January 25, 2013- Fourth Quarter 2012 Groundwater Monitoring Report** (file name RO0000139\_GWM\_R\_yyyy-mm-dd)
- **February 1, 2013- Baseline Environmental Project Schedule** (file name: RO0000139\_ADD\_R\_BASE\_yyyy-mm-dd).

If you have any questions, please call me at (510) 567-6764 or send me an electronic mail message at [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org).

Sincerely,

Keith Nowell PG, CHG  
Hazardous Materials Specialist

Enclosures: SWRCB Geotracker and ACEH FTP Site Upload Requirements  
Attachment I - ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 (Sent via E-mail to: [lgriffin@oaklandnet.com](mailto:lgriffin@oaklandnet.com))  
Bob Clark-Riddell, Pangea Environmental Services, Inc., 1710 Franklin Street, Suite 200, Oakland, CA 94612 (Sent via email to [BRiddell@pangeaenv.com](mailto:BRiddell@pangeaenv.com))  
Quinlan Tom, McInerney & Dillon, P.C., 1999 Harrison Street, Suite 1700, Oakland, CA 94612-4700 (Sent via email to [gst@mcinerney-dillon.com](mailto:gst@mcinerney-dillon.com))  
Donna Drogos, ACEH (Sent via E-mail to: [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))  
Keith Nowell ACEH (Sent via email to [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org))  
GeoTracker  
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> July 20, 2010
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 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.