

Detterman, Mark, Env. Health

From: Jeffrey Lawson <jsl@svlg.com>
Sent: Tuesday, June 27, 2017 3:17 PM
To: jeffrey.grimes@e-arc.com
Cc: llitcg@aol.com; andrew.lojo@terraphase.com; Roe, Dilan, Env. Health; Detterman, Mark, Env. Health; Liz Nomi
Subject: 1700 Jefferson St Oakland
Attachments: Letter to Grimes re vapor intrusion signed 27 June 2017 (10500408xA1026).pdf
Importance: High

Mr. Grimes

Attached please find a letter related to the contamination at 1700 Jefferson St Oakland and the need to quickly evaluate the risk of vapor intrusion into the occupied residential units at 581 18th St. Oakland. I look forward to hearing from you at your earliest convenience.

Thx



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June 27, 2017

Via FedEx & Email (Jeffrey.grimes@e-arc.com)

D. Jeffrey Grimes
ARC Document Solutions, Inc.
1981 N. Broadway, Ste 385
Walnut Creek, CA 94569

Re: 1700 Jefferson Street, Oakland/581 18th Street Oakland (Alameda County
LOP Case # RO151; RWQCB Case # 01-0210)

Dear Mr. Grimes:

I represent Jefferson Court Commercial Ventures, LLC, the owner of the property at 581 18th Street Oakland. These are occupied residential apartments. Following receipt of the soil gas, sub-slab soil gas, and groundwater analytical results from your recent investigation work Terraphase was retained to review and interpret the results. After review of that data and the regulatory file, we believe gasoline constituents, including benzene, in the petroleum groundwater plume emanating from your property are present under the apartment building at levels significantly above regulatory screening levels for vapor intrusion risk.

We take the potential risk to our tenants identified in the recent soil gas investigation very seriously. Accordingly, we demand that ARC Document Solutions complete further vapor intrusion evaluation of the inside of my clients' building, including soil gas, sub-slab, and indoor air samples as described in the attached Terraphase memorandum no later than July 14th 2017. If ARC Document Solutions cannot commit to completing this work within this timeline, then my client will undertake the work and hold ARC Document Solutions responsible for all those expenses.

In addition, if the indoor air testing indicates risk to our residential tenants then we require ARC Document Solutions to undertake immediate interim remedial measures to assure the residents are safe. Again, if ARC Document Solutions will not commit to this requirement, my client will undertake that work and will hold ARC Document Solutions responsible for all of those expenses also.

The contamination emanating from the 1700 Jefferson Street property onto the 581 18th Street property constitutes a trespass and nuisance, as well as several other torts, under California law. In addition, the risk of exposure of residential tenants to toxic gases could pose an imminent

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endangerment under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6972 and in particular 42 U.S.C. § 6972(a)(1)(B).

I also need to inform ARC Document Solutions that the property is currently under contract for sale and this newly disclosed environmental issue is endangering the sale, potentially opening up ARC Document Solutions to a claim for substantial damages. We strongly urge ARC Document Solutions to respond to this matter as quickly as possible to avoid harm to my client's tenants and to mitigate any damages caused by this pollution.

Please contact me as quickly as possible to let us know how ARC Document Solutions intends to proceed in this matter. Your courtesy and cooperation in this matter are greatly appreciated.

Very truly yours,

SILICON VALLEY LAW GROUP

By: 

Jeffrey S. Lawson

JSL:edn

Attach: Terraphase Memorandum

cc: Lance Lo w/ attachments via email
Andrew Lojo w/ attachments via email
Mark Detterman w/ attachments via email
Dilan Roe w/ attachments via email



Memorandum

To: Lance Lo, Jeff Lawson

From: Andrew Lojo

Date: June 26, 2017

AML
6/26/17

Subject: Recommended Scope of Vapor Intrusion Assessment, Jefferson Court Commercial Ventures, LLC Apartment Building, 581 18th Street, Oakland California.

Dear Mr. Lo and Mr. Lawson,

The purpose of this Memo is to provide technical recommendations on the scope of a vapor intrusion assessment that would be sufficient to assess potential risk to occupants of the subject apartment building (Site) from petroleum hydrocarbons. Based on a review of recent (April 2017) data provided by Applied Water Resources and review of historic data from the adjacent ARC Document Solutions site at 1700 Jefferson Street (LOP Case # RO151; RWQCB Case # 01-0210), high concentrations of gasoline constituents are present in groundwater and soil gas beneath the building's open courtyard. Interpretation of the historic data indicate a strong likelihood that these constituents are present beneath the occupied building also.

It is important to assess the amount of degradation/attenuation these chemicals are undergoing between the highly contaminated groundwater under the Site as they volatilize from groundwater and migrate upwards toward the bottom of the building's foundation. It is also important to measure the concentrations of these chemicals inside the building so that the relative concentrations can be determined and the overall suite of chemicals can be evaluated, because the risk based screening levels for these chemicals in indoor air are very small. Often, they are detected inside buildings and in ambient air outside at concentrations at or slightly above them. Therefore, soil gas, sub-slab, indoor air, and ambient air samples should be collected at the same time to provide sufficient data to evaluate the amount being contributed from the subsurface from what may already be present in ambient air or inside the building from other sources. An inventory of chemicals that are present inside the building should be compiled before the testing. Due to the complexities of vapor migration and building construction, it is also important to collect enough samples to perform at least minimal statistical evaluation, rather than rely on only one or two data points. Lastly, if data from the first round of sampling are borderline or inconclusive, it may be necessary to conduct additional

sampling events to assess the variability of vapor intrusion, including sampling during different seasons of the year, with and without HVAC systems running, all of which can affect the amount of vapor drawn into a building.

Therefore, Terraphase recommends installing 3 subsurface soil gas sampling points inside the building. A permanent sub-slab soil gas sampling point and a permanent 5 foot (below slab) soil gas probe should be installed at each location to allow additional sample collection if necessary. We also recommend collecting 3 co-located indoor air samples on the ground floor of the building, and collecting one indoor air sample on each floor of the building to assess upward migration through the building. One ambient air sample should be collected outside in an area most likely to represent ambient conditions at the time the indoor samples are collected. These should be done following a site walk conducted to prepare the inventory of chemicals normally stored inside the building.

The sample point construction and sample collection activities should be performed in accordance with applicable Department of Toxic Substances Control (DTSC) guidelines including proper sample collection flow rates, and the use of fully enclosing shrouds with continuous helium monitoring for the sub-slab and soil gas sampling points. The analytical suite for the samples should include:

1. Soil gas;
 - a. Total Petroleum Hydrocarbons as gasoline using EPA Method T0-3, T0-14, or T0-15 GRO, 8260, or T0-17;
 - b. Volatile Organic Compounds (VOCs) using EPA Method T0-14, T0-15, or 8260;
 - c. Naphthalene using T0-17
 - d. Fixed gases (oxygen, CO, CO₂, CH₃) and Helium using ASTM D1946
2. Sub Slab
 - a. Total Petroleum Hydrocarbons as gasoline using EPA Method T0-3, T0-14, or T0-15 GRO, 8260;
 - b. Volatile Organic Compounds (VOCs) using EPA Method T0-15;
 - c. Naphthalene using T0-15 or T0-17
 - d. Fixed gases (oxygen, CO, CO₂, CH₃) and Helium using ASTM D1946
3. Indoor and ambient air:
 - a. Volatile Organic Compounds (VOCs) using EPA Method T0-15sim;
 - b. Naphthalene using T0-15SIM;

Both ambient air and indoor air samples should be collected using 6-liter Summa™ canisters with a flow regulator set to collect a 24-hour time-integrated sample. The indoor air samples will be collected from the breathing zone (approximately 3 to 5 feet above the floor). The indoor and ambient air Summa™ canisters and flow regulators should be individually certified clean by the analytical laboratory. The sampling rate of the flow regulators should be set by the analytical laboratory. During sample collection of the ambient and indoor air samples,

observations should be made regularly to confirm the flow rate and stop the samples once a residual vacuum of 5 inches of mercury is reached.

The exact locations of each sample should be selected on-site to be both representative of average building conditions and least obtrusive to tenants.