



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

NOTICE TO COMPLY

December 10, 2012

Christopher Payne
ARC- Blue Print Service
945 Bryant Street
San Francisco, CA 94103
(Sent via E-mail to: christopher.payne@e-arc.com)

Subject: Fuel Leak Case No. RO0000151 and GeoTracker Global ID T0600100196, City Blue Print, 1700 Jefferson St., Oakland, CA 94612

Dear Mr. Payne

Thank you for the recently submitted document entitled, *Semi-Annual Ground Water Monitoring Report* dated June 28, 2012, which was prepared by Environmental Risk Specialties Corporation (ERS) for the subject site. Alameda County Environmental Health (ACEH) staff has reviewed the case file including the above-mentioned report for the referenced site and observed that information previously requested of you has not been submitted. In a letter dated September 10, 2009 and in a meeting on May 19, 2011 between ACEH, the responsible parties, and ERS, ACEH requested preparation of a Site Conceptual Model (SCM) that identified data gaps, and a work plan to evaluate the data gaps including source evaluation and vapor intrusion at the adjacent apartment building. To date, ACEH has not yet received this SCM/work plan; it is overdue leaving your site in non-compliance.

The site is out of compliance with ACEH directives. Site characterization and/or cleanup at this site is required to be protective of human health and the environment and to move this case towards closure evaluation. Please note that as Responsible Parties, you are required by California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11, §2720 through §2728 to adequately characterize the site and undertake corrective actions as necessary.

In order to regain compliance, please undertake the tasks previously requested and submit documents to GeoTracker and ACEH's FTP server by the revised dates specified below. Failure to submit the documents may result in referral and possible enforcement action by the District Attorney and / or ineligibility for reimbursement of costs incurred at the site from the Underground Storage Tank Cleanup Fund. The site may also be recommended for removal from the Cleanup Fund if inaction continues. Once removed from the Cleanup Fund the costs associated with the subsurface investigation and / or cleanup work that would be required at your site will not be reimbursed.

Mr. Payne
RO0000151
December 10, 2012, Page 2

This letter is an additional attempt to preclude further enforcement actions. Pursuant to Chapter 6.7, California Health and Safety Code, civil penalties up to \$10,000 for each UST for each day of violation may be imposed. Please note that civil penalties for non-compliance are assessed from the original due date (December 7, 2009).

ACEH requests that you address technical comments previously sent by the revised dates listed below and send us the appropriate documents.

TECHNICAL REPORT REQUEST

Please upload technical reports to ACEH's ftp site and to the State Water Resources Control Board's Geotracker website, in accordance with the specified file naming convention below.

- **January 25, 2013** – SCM with Data Gap Work Plan
(File to be named: SCM_WP_R_YYYY-mm-dd)
- **March 20, 2013** – Semi-annual Monitoring Report (1st Half 2013)
(File to be named: GWM_R_YYYY-mm-dd)
- **September 20, 2013** – Semi-annual Monitoring Report (2nd Half 2013)
(File to be named: GWM_R_YYYY-mm-dd)

Thank you for your cooperation. Should you have any questions or concerns regarding this correspondence or your case, please call me at (510) 639-1287 or send me an electronic mail message at barbara.jakub@acgov.org.

Sincerely,

Barbara J. Jakub, P.G.
Hazardous Materials Specialist

Enclosure: September 10, 2009 Directive Letter
Responsible Party(ies) Legal Requirements/Obligations
ACEH Electronic Report Upload (ftp) Instructions

cc: Steven Michelson, Environmental Risk Specialties Corporation, Riviera Avenue, Walnut Creek, CA 94596 (Sent via E-mail to: smichelson@erscorp.us)
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 (Sent via E-mail to: lgriffin@oaklandnet.com)
Donna Drogos, ACEH (Sent via E-mail to: donna.drogos@acgov.org)
Barbara Jakub, ACEH (Sent via E-mail to: barbara.jakub@acgov.org)
GeoTracker
File

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
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September 10, 2009

Mr. David Blain
BPS Reprographic Services
945 Bryant Street
San Francisco, CA 94103

Subject: Fuel Leak Case No. RO0000151 and Geotracker Global ID T0600100196, City Blue Print, 1700 Jefferson Street, Oakland, CA 94612

Dear Mr. Blain:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the site including the most recently submitted documents entitled *Request for Regulatory Closure* dated June 3, 2009 and the March 2009 Groundwater Monitoring Report dated March 19, 2009 both prepared by Environmental Risk Specialties Corporation (ERS). The request for case closure appears to be based on ERS' hypothesis that the hydrocarbon contamination is localized around the original source area and that the high concentration of total petroleum hydrocarbons as gasoline (TPHg) and benzene in MW-5 is due to an unknown off-site source.

A review of the site history indicates that the hypothesis that MW-5 is impacted by an off-site source is not substantiated. In June 1987, the USTs were removed and wells MW-1 through MW-3 were installed. Well MW-1, immediately adjacent to the underground storage tank (UST) had 30 inches of separate phase hydrocarbons (SPH) at the time of installation and groundwater extraction was implemented in September 1987 to remove SPH. Wells MW-1A and MW-4 were installed as remediation wells in January 1988, MW-1A was installed to replace MW-1 which had been degraded by the SPH in the well and MW-4 was installed to aid with SPH removal. MW-5 was installed to the north 160 feet downgradient of well MW-1 in August 1988 and contained 0.36 inches of SPH. Groundwater monitoring reports through 1996 also indicate that the groundwater flow direction was to the north to northwest. Groundwater extraction was performed in on-site wells MW-1A and MW-4 from 1992 to 1999 until all SPH was removed from on-site wells (an estimated 5,062 pounds). However, no SPH removal was performed in off-site monitoring wells. Oxygen releasing compound (ORC) socks were then installed in wells MW-1A, MW-3, MW-4 and MW-5 and were removed in 2002. Petroleum hydrocarbon concentrations showed a decrease in concentrations during ORC installation in well MW-5. These results appear biased low since the wells with the ORC deployed were the wells sampled. This is further substantiated since contaminant concentrations in MW-5 have rebounded to pre-1999 levels after the ORC socks were removed and up to 11,700 µg/L benzene is currently being detected in groundwater.

Also, additional data gaps appear to exist at the site including: consideration of the vapor pathway, evaluation of potential risk to adjacent apartments and buildings identified as having basements and a sunken courtyard, the lines of evidence that support the hypothesis that MW-5

is impacted from an off-site source and other data gaps identified in the technical comments below. Therefore, ACEH cannot consider case closure for the subject site at this time. This decision to deny closure is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39.2(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Please contact the SWRCB Underground Storage Tank Program at (916) 341-5851 for information regarding the appeals process.

TECHNICAL COMMENTS

- 1. Delineation of Contamination in Source Area** – A maximum concentration of 8,800 milligrams per kilogram (mg/kg) total volatile hydrocarbons (TVH) was detected in soil from the UST excavation at a depth of 6.5 feet below ground surface (bgs). Up to 3,300 mg/kg TVH was detected in soil from boring B5 at a depth of 24 feet bgs. No deeper soil samples were collected during the subsequent investigations and minimal samples were collected from the well borings, leaving the lateral and vertical extent of contamination undefined in the source area. In addition, soil removed from the site was aerated and reused on-site with no confirmation sampling results reported. Free product was encountered at up to 30 inches in MW-1 in 1987 but later appeared at a thickness of 4 inches in 1991 in cross-gradient well MW-3, 60 feet away, leaving the extent of free product undefined. Please submit a proposal to define the vertical and lateral extent of contamination in the source area in the work plan requested below.
- 2. Dissolved Plume Definition** - ACEH requested that the lateral extent of the dissolved plume be defined in a previous letter dated February 13, 2004. MACTEK's May 12, 2004 Work Plan response states that TPHg concentrations have generally been reduced an order of magnitude and therefore concluded that the "plume is relatively stable and laterally defined". A proposal to evaluate the extent of the dissolved plume was not presented in the work plan. However, since 2002 when ORC socks were removed from the wells that were being monitored, concentrations in well MW-5 have increased to pre-1999 levels indicating that ORC socks were not effective in reducing contamination and that significant mass may still be present at the site. In addition, HLA's Phase I review of the site performed in 1989 did not identify an off-site contamination source and concluded that the site is the source of the product at MW-5. Therefore, we request that you submit a work plan to define the lateral extent of the dissolved hydrocarbon plume by the date requested below.
- 3. Well Survey** – We request that you perform a well survey to complete the survey of the potential migration pathways and potential conduits for vertical and lateral migration that may be present in the vicinity of the site. The well survey should include a survey of all wells (monitoring and production wells: active, inactive, standby, decommissioned (sealed with concrete), abandoned (improperly decommissioned or lost); and dewatering, drainage, and cathodic protection wells) within a ¼-mile radius of the subject site.
- 4. Site Conceptual Model** – As no conceptual model for the release has been presented to date, at this juncture, it appears appropriate to develop a site conceptual model (SCM). The SCM synthesizes all the analytical data and evaluates all potential exposure

pathways and potential receptors that may exist at the site, including identifying or developing site cleanup objectives and goals. At a minimum, the SCM should include:

- (1) Local and regional plan view maps that illustrate the location of sources (former facilities, piping, tanks, etc.) extent of contamination, direction and rate of groundwater flow, potential preferential pathways, and locations of receptors;
- (2) Update geologic cross-sections to illustrate subsurface features, man-made conduits, and lateral and vertical extent of contamination;
- (3) Plots of chemical concentrations versus time, plotted with distance;
- (4) Update tables to include all historical groundwater data and wells prior to plotting;
- (5) Summary tables of chemical concentrations in different media (i.e. soil, groundwater, and soil vapor);
- (6) Well logs, boring logs, and well survey maps;
- (7) Discuss likely contaminant fate and transport;
- (8) Assess the potential for vapor migration to adjacent buildings, basements, etc.; and
- (9) Documentation to support ERS' hypothesis of an off-site source for SPH in MW-5.

If data gaps (i.e. plume/source definition, potential contaminant volatilization to indoor air or contaminant migration along preferential pathways, etc.) are identified in the SCM, please include a proposed scope of work to address those data gaps in the work plan due by the date specified below. Please note that the work plan must address all technical comments presented in our December 11, 2006 correspondence and all data gaps identified in the SCM.

5. **Data Tables** – ACEH's February 13, 2004 letter requested that all data be tabulated and that a rose diagram be added to monitoring reports. To date, this data has not been presented. Further, the data table in your June 3, 2009 report omits data from MW-1 and MW-4. Omitting this data makes it appear that off-site concentrations were always higher than on-site concentrations, which was not the case. Please tabulate all data on your data tables and include groundwater elevations on the same table.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Barbara Jakub), according to the schedule presented below:

- **December 7, 2009** – SCM with Work Plan to investigate data gaps

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.

Mr. Blain
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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.

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

Mr. Blain
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Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 639-1287 or send me an electronic mail message at barbara.jakub@acgov.org.

Sincerely,

A handwritten signature in cursive script that reads "Barbara J. Jakub". The signature is written in black ink and is followed by a horizontal line that extends to the right.

Barbara J. Jakub, P.G.
Hazardous Materials Specialist

Enclosures: ACEH Electronic Report Upload (ftp) Instructions

cc: David DeMent, ERS, 1600 Riviera Avenue, Suite 310, Walnut Creek, CA 94596
Donna Drogos, ACEH
Barbara Jakub, ACEH
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

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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.

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.