



September 18, 2018

Mr. Matthew Westbrook
ARC - Blue Print Service
945 Bryant Street
San Francisco, CA 94103
(Sent via electronic mail to:
matthew.westbrook@e-arc.com)

Mr. Jeffery Grimes
ARC - Blue Print Service
945 Bryant Street
San Francisco, CA 94103
(Sent via electronic mail to:
jeffery.grimes@earc.com)

Subject: Work Plan for Pilot Tests; Fuel Leak Case No. RO0000151 and GeoTracker Global ID T0600100196, City Blue Print, 1700 Jefferson St., Oakland, CA 94612

Dear Messrs. Westbrook and Grimes:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file including the *Draft Feasibility Study / Corrective Action Plan (FS/CAP)*, dated August 24, 2018. The FS/CAP was prepared and submitted on your behalf by Applied Water Resources Corporation (AWR) based on the results of a series of meetings, including the most recent on July 6, 2018. These meetings were requested by ACDEH staff to continue project coordination, timing of the work, and incorporation of the input, and evaluation of technical comments from multiple technical teams representing onsite and offsite property owners prior to finalization of the work product. During previous meetings an associated timeline for action items was identified. Modifications to the timeline are included below.

Based on ACDEH 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. Draft FS/CAP** – Eight remedial alternatives (enhanced biological remediation, bio sparge, air-sparge, in-situ chemical oxidation, soil vapor extraction, dual-phase extraction, sub-slab depressurization, and excavation) were evaluated in the above-mentioned report as viable cleanup alternatives for the site. Additional data collection was also suggested as appropriate in part to prepare a Site-Specific Risk Assessment (SSRA), but no remedial alternative was recommended in the FS/CAP. Based on ACDEH's review, it does not appear that the FS/CAP was prepared in accordance with Title 23, California Code of Regulations, Section 2725, which requires evaluation of remedial alternatives for remedying the actual or potential adverse effects of the unauthorized release(s) and selecting the most effective corrective action. This in part may be due to a misunderstanding in the appropriateness of the recommended SSRA at an offsite property.

One of the remedial alternatives evaluated, sub-slab depressurization, and the SSRA, are not applicable or viable remedial alternatives. Sub-slab depressurization is not a remedial alternative, rather it is an engineering control or mitigation measure and does not constitute remediation. Sub-slab depressurization will not remedy the underlying cause of the contamination that is present at the site and vicinity. Sub-slab depressurization and the SSRA are not applicable offsite as there are currently Non-Aqueous Phased Liquids (NAPL) concentrations in soil underneath the adjacent apartment building, where groundwater is known to be at shallower depths than at the subject site.

Sub-slab depressurization and a SSRA will necessitate recording a Land Use Covenant (LUC) and implementation of a Long-Term Site Management Plan (SMP) to manage future potential exposures and the long-term property use restrictions must be accepted and allowed by the off-site property owners due to the land use limitations and long-term costs associated with annual inspections that are

required to ensure the mitigation system remains effective and is operating as designed. Since it is unlikely off-site property owners will accept a LUC, potentially devaluing their property, sub-slab depressurization and a SSRA are not an acceptable remedial alternative for properties off the site.

Both of these options require an agency to take the full free use of property from innocent property owners, and this agency cannot do so.

2. **Destruction of Vapor Well SV19** – Based on the results in the referenced report the referenced FS/CAP currently recommends against the destruction of vapor well SV19.
3. **Pilot Test Work Plan** – The June 26, 2018 directive letter provided a December 3, 2018 due date for a pilot test work plan. To create the best project efficiency in achieving the previously targeted CAP implementation date, it appears appropriate to revise this date and combine the pilot test work plan with the final FS/CAP by the date identified below. Please be aware the work plan can incorporate aspects of additional lateral delineation in order to determine the extent that will require corrective actions. This date is intended to incorporate discussions in the currently planned October 4, 2018 meeting.
4. **Public Notification** - The referenced draft FS/CAP document also presents a series of potentially viable remedial options and can be noticed for public comment. Consequently ACDEH will forward under separate cover samples of public notification documents for mockup. The samples will be in Word document format. Please modify them and return to ACDEH by email in Word format for final modifications, by the date identified below. This date is also intended to incorporate comments and thoughts generated at the planned October 4, 2018 meeting.

TECHNICAL REPORT REQUEST

Please submit the following technical reports and deliverables to the State Water Board's Geotracker website and notify your case worker by electronic mail (mark.detterman@acgov.org), in accordance with the following specified file naming convention and schedule, as provided below, and in the Responsible Party(ies) Legal Requirements/Obligations which is included as Attachment 1.

- **October 4, 2018** – FS/CAP Comment Meeting
- **October 19, 2018** – Draft Public Participation Form to Alameda County (Word Document)
- **November 2, 2018** – Final FS/CAP and Pilot Test Work Plan
(File to be named RO151_FS/CAP_R_yyyy-mm-dd)
- **November 2, 2018 to December 3, 2018** – Public Participation Period
- **December 17, 2018** – Potential Two Week Public Response Comment Period (if required)
- **January 2019** – Corrective Action Implementation Plan (CAIP; 3rd Party Reviewed)
(File to be named RO151_CAIP_R_yyyy-mm-dd)
- **February 2019** – CAIP Approval
- **End of Second Quarter 2019** – CAIP Field Implementation

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.

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Should you have any questions or concerns regarding this correspondence or your case, please call me at (510) 567-6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,



Mark E. Detterman, P.G., C.E.G.
Senior Hazardous Materials Specialist

Enclosures: Attachment 1 - Responsible Party(ies) Legal Requirements/Obligations & ACDEH Electronic Report Upload (ftp) Instructions

cc: Steven Michelson, Applied Water Resources Corporation, 2363 Mariner Square Drive, Suite 245, Alameda, CA 94501; (Sent via electronic mail to: smichelson@awrcorp.net)

Yola Bayram, Applied Water Resources Corporation, 2363 Mariner Square Drive, Suite 245, Alameda, CA 94501; (Sent via electronic mail to: ybayram@awrcorp.net)

Steve Goldberg, Downey, Brand, 621 Capitol Mall, 18th Floor, Sacramento, CA 95814; (Sent via electronic mail to: sgoldberg@downeybrand.com)

Don Sobelman, Downey, Brand, 621 Capitol Mall, 18th Floor, Sacramento, CA 95814; (Sent via electronic mail to: dsobelman@downeybrand.com)

Lance Lo, Jefferson Court Commercial Ventures, LLC, 1728 Ocean Avenue #128, San Francisco, CA 94112; (Sent via electronic mail to: lllctcg@aol.com)

Cote and Cookie Reese, 1701 San Pablo Avenue, Oakland, CA 94612; (Sent via electronic mail to: citydentaloffice@aol.com)

Andy Lojo, Terraphase Engineering, Inc, 1404 Franklin Street, Suite 600, Oakland, CA 94612; (Sent via electronic mail to: andrew.lojo@terrphase.com)

Chris Jones, Terraphase Engineering, Inc, 1404 Franklin Street, Suite 600, Oakland, CA 94612; (Sent via electronic mail to: chris.jones@terrphase.com)

Jeffrey S. Lawson, Silicon Valley Law Group, One North Market Street, Suite 200, San Jose, CA 95113; (Sent via electronic mail to: jsl@svlg.com)

Dilan Roe, ACDEH; (Sent via electronic mail to: dilan.roe@acgov.org)

Paresh Khatri, ACDEH; (Sent via electronic mail to: paresh.khatri@acgov.org)

Mark Detterman, ACDEH; (Sent via electronic mail to: mark.detterman@acgov.org)

Electronic File; GeoTracker

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: December 14, 2017
	ISSUE DATE: July 25, 2012
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	SUBJECT: Responsible Party(ies) Legal Requirements / Obligations

REPORT & DELIVERABLE REQUESTS

Alameda County Department of Environmental Health (ACDEH) Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) require submission of all reports in electronic form to the State Water Board's (SWB) GeoTracker website in accordance with California Code of Regulations, Chapter 30, Division 3, Title 23 and Division 3, Title 27.

Leaking Underground Fuel Tank (LUFT) Cases

Reports and deliverable requests are 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 (RP) in conjunction with an unauthorized release from a petroleum underground storage tank (UST) system.

Site Cleanup Program (SCP) Cases

For non-petroleum UST cases, reports and deliverables requests are pursuant to California Health and Safety Code Section 101480.

ELECTRONIC SUBMITTAL OF REPORTS

A complete report submittal includes the PDF report and all associated electronic data files, including but not limited to GEO_MAP, GEO_XY, GEO_Z, GEO_BORE, GEO_WELL, and laboratory analytical data in Electronic Deliverable Format™ (EDF). Additional information on these requirements is available on the State Water Board's website (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)

- Do not upload draft reports to GeoTracker
- Rotate each page in the PDF document in the direction that will make it easiest to read on a computer monitor.

GEOTRACKER UPLOAD CERTIFICATION

Each report submittal is to include a GeoTracker Upload Summary Table with GeoTracker valid values¹ as illustrated in the example below to facilitate ACDEH review and verify compliance with GeoTracker requirements.

GeoTracker Upload Table Example

Report Title	Sample Period	PDF Report	GEO_MAPS	Sample ID	Matrix	GEO_Z	GEO_XY	GEO_BORE	GEO_WELL	EDF
2016 Subsurface Investigation Report	2016 S1	✓	✓	Effluent	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
2012 Site Assessment Work Plan	2012	✓	✓			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2010 GW Investigation Report	2008 Q4	✓	✓	SB-10	W	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				SB-10-6	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				MW-1	WG	✓	✓	✓	✓	✓
				SW-1	W	✓	✓	✓	✓	✓

¹ GeoTracker Survey XYZ, Well Data, and Site Map Guidelines & Restrictions, CA State Water Resources Control Board, April 2005

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: NA
	ISSUE DATE: December 14, 2017
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	SUBJECT: Responsible Party(ies) Legal Requirements / Obligations

ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to the State Water Board's GeoTracker website." This letter must be signed by the Responsible Party, or legally authorized representative of the Responsible Party.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6731, 6735, and 7835) 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 licensed or certified professional and include the professional registration stamp, signature, and statement of professional certification. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

UNDERGROUND STORAGE TANK CLEANUP FUND

For LUFT cases, RP's non-compliance with these regulations may result in ineligibility to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse the cost of cleanup. Additional information is available on the internet at: https://www.waterboards.ca.gov/water_issues/programs/ustcf/

AGENCY OVERSIGHT

Significant delays in conducting site assessment/cleanup or report submittals may result in referral of the case to the Regional Water 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.