



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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August 14, 2014

Mr. Jeff Kerry
Kerry & Associates
151 Callan Avenue, Suite 300
San Leandro, CA 94577
(sent via electronic mail to:
djkerry1@aol.com)

Mr. Jeffery Kerry
Jeffery & Dolores Kerry Trust & Jame Donnelley et. al.
19655 North Ripon Road
Ripon, CA 95366

Subject: Conditional Interim Remedial Action Plan Approval; Fuel Leak Case No. RO00000208; Palace Garage (Global ID #T0600101043), 14336 Washington Avenue, San Leandro, CA 94578

Dear Mr. Kerry:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Interim Remedial Action Plan*, dated June 30, 2014, and the *Excavation Cost Breakdown*, dated August 13, 2014. Thank you for submitting the report and data.

A discussed in the directive letter (email) dated June 11, 2014 the site fails two Low-Threat Closure Policy (LTCP) criteria. It appears that a shallow secondary soil source remains beneath the site and as a result, a vapor intrusion risk is present to site and adjacent offsite buildings. In order to mitigate a vapor intrusion risk, and move the site towards closure, an Interim Remedial Action Plan (IRAP) was requested. The referenced IRAP report proposed the excavation of soil to a depth of approximately 16 feet below grade surface (bgs). The *Excavation Cost Breakdown* also indicates that this cost option appears to be the least expensive option, including of those provided in the *Revised Draft Corrective Action Plan Addendum*, dated April 10, 2013. Those costs were generally generated prior to incorporation of the LTCP into remedial option considerations.

Based on ACEH staff review of the IRAP, ACEH is in general agreement with the proposed scope of work and the work is conditionally approved for implementation provided that the technical comments below are incorporated during the proposed field investigation. Submittal of a Revised IRAP is not required unless an alternate scope of work outside that described in the work plan or technical comments below is proposed. We request that you address the following technical comments, perform the proposed work, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to: mark.detterman@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. **IRAP Modifications** – The referenced IRAP proposes a series of actions with which ACEH is in general agreement of undertaking; however, ACEH requests a modification to the approach. Please submit a report by the date specified below.
 - a. **Groundwater Monitoring Well Destruction** – Well MW-6 is within the defined area of excavation; please ensure that the well is destroyed in accordance with Alameda County Public Work Agency policy prior to initiation of excavation.
 - b. **Lateral and Vertical Confirmation Sampling** – The IRAP proposes the use of sheet piling on the northwest and southeast edge of the excavation due to the presence of two structures immediately adjacent to the proposed excavation area, and a threat of structural instability to the structures. Due to these limitations, please ensure excavation confirmation soil samples are collected in areas in which sampling is not restricted by sheet piles.

ACEH additionally requests excavation bottom confirmation samples. The IRAP assumes that the depth of groundwater will be coincident with higher soil concentrations detected at a depth of approximately 15 to 15.5 feet. It may not be. It also appears that the intent of extending the excavation to approximately 16 feet below grade surface (bgs) is to remove impacted soil at that depth in order to reduce groundwater concentrations. Documentation of residual impacts is appropriate.

- c. TPHd and Naphthalene Contaminants of Concern** - Analytical sampling (as requested in Technical Comment 2b above) is requested to include known specific contaminants of concern at the site, and is also requested to include TPH as diesel (TPHd) and naphthalene. Naphthalene concentrations in soil bores SB-20 and SB-22 were significantly higher than normally expected for the associated Total Petroleum Hydrocarbon as gasoline (TPHg) concentrations in soil samples (per the Leaking Underground Fuel Tank (LUFT) Guidance Manual, SWRCB, 2012). The presence of higher total xylene than benzene concentrations in early soil samples is also a potential indication of the release of diesel at the site. Thus it appears that TPH as diesel (TPHd) may have also been stored at the site in addition to gasoline. The lack of TPHd analysis may mischaracterize residual concentrations at the site.
- d. Dust and Traffic Control** – In addition to excavation dust control, please ensure that dust control of loading and off-haul operations is actively managed onsite prior to leaving the site boundaries. Please also ensure that traffic control of vehicles leaving the property is properly managed.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with Attachment 1 and the following specified file naming convention and schedule:

- **November 14, 2014** – Interim Remediation Results
File to be named: RO208_IR_R_yyyy-mm-dd

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.

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

If you have any questions, please call me at (510) 567-6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations and Electronic Report Upload (ftp) Instructions

cc: Matthew Farris, Closure Solutions, Inc, 4600 Northgate Blvd, Suite 230, Sacramento, CA 95834
(sent via electronic mail to: mfarris@closureolutions.com)

Dilan Roe (sent via electronic mail to dilan.roe@acgov.org)
Mark Detterman (sent via electronic mail to mark.detterman@acgov.org)
Electronic File, GeoTracker

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/).

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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: May 15, 2014
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010
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

- **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.