



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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August 16, 2010

Mr. Dermot O'Doherty
P&D 23rd Avenue Associates, LLC
P.O. Box 687
Oakland, CA 94604

Subject: Fuel Leak Case No. RO0000294 and Geotracker Global ID T0600177455, 23rd Avenue Partners, 1125 Miller Avenue, Oakland, CA 94601 – Review of Sub-slab Sampling Results

Dear Mr. O'Doherty:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site including the most recently submitted document entitled, "*Results of Sub-Slab Soil Vapor Investigation*," dated July 23, 2010 (Report). The Report presents the results from sampling of three sub-slab vapor probes inside the building at 1125 Miller Avenue. Total Petroleum Hydrocarbons as gasoline, ethylbenzene, toluene, and xylenes were detected at elevated concentrations in the original and duplicate sub-slab vapor sample from location SS-3. Location SS-3 is the location farthest from the former underground storage tanks and dispenser where the fuel release(s) are suspected to have occurred. Sub-slab vapor sampling location SS-3 is also adjacent to the portion of the building that is used as a residence.

The Report presents a concluding recommendation for low-risk case closure. As discussed in the technical comments below, we do not concur with the recommendation for low-risk case closure. We request that you prepare a Work Plan that addressed the technical comments below.

TECHNICAL COMMENTS

1. **Contaminants of Concern.** We do not believe there is sufficient evidence to conclude that Total Petroleum Hydrocarbons as gasoline (TPHg) is not a contaminant of concern for this site. A review of compiled soil analytical data in Table 1 of the January 11, 2007 report entitled, "*Results of Soil Vapor Sampling and Soil Boring Sampling Investigation – Risk-Based Corrective Action Report*," indicates that no soil samples were analyzed for TPHg. Review of the referenced table also indicates that benzene was detected at a concentration of 1.4 milligrams per kilogram (mg/kg) in soil sample TW2-16.5, which was collected in the area of the former USTs. Benzene was also detected in the two groundwater samples collected from the site. Based on this information and the detections of TPHg in soil vapor, it appears that the lack of TPHg analyses is a data gap rather than a basis for assuming that TPHg is not a contaminant of concern. We request that you submit a Work Plan to address this data gap. A review of historic site uses is also requested in the Work Plan.

2. **Analyses for Sub-slab Vapor Samples.** The sub-slab soil vapor samples were analyzed using EPA Method 8260B rather than EPA Method TO-15 as proposed in the "*Work Plan for Sub-Slab Vapor Sampling*," dated September 2008. As a result, the reporting limit for benzene exceeds the indoor air goal for benzene by approximately three orders of magnitude. Improved reporting limits are necessary to evaluate the potential from vapor intrusion for benzene. Please see technical comment 3 below.
3. **Screening Evaluation for Sub-slab Soil Vapor Samples.** Table 2 of the Report compares the sub-slab vapor samples to Environmental Screening Levels (ESLs) from Table 2 of the "*Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater*," (Revised May 2008). Table E-2 of the referenced document applies to soil vapor samples collected typically at a depth of approximately 5 feet bgs and is based on attenuation of vapors over approximately 5 feet of soil. Since sub-slab vapor samples are collected directly below the building slab, attenuation over a vertical interval of 5 feet of soil is not applicable. Therefore, an evaluation based on a comparison of sub-slab vapor sample results to ESLs for soil vapor may underestimate potential risks. Sub-slab vapor samples are to be compared to indoor air goals using a default attenuation factor of 0.01 for attenuation between the sub-slab and indoor air. A comparison of the results for SS-3 with application of an attenuation factor of 0.01 indicates that the concentrations of TPHg, ethylbenzene, and xylenes in SS-3 exceed the indoor air goals for residential land use. Based on the results from SS-3 and the elevated reporting limit for benzene, further evaluation of the potential for vapor intrusion to indoor air is needed. At a minimum, re-sampling of the sub-slab probes is required.
4. **Conclusions Regarding Site Characterization.** The July 23, 2010 Report concludes that the site is partially characterized and indicates that no groundwater samples were collected. However, the "*Work Plan for Sub-Slab Vapor Sampling*," dated September 2008, identifies three analytical results for groundwater. One of the requirements to consider a case under low-risk criteria is that the site has been adequately characterized to assess potential risk. In the Work Plan requested below, please indicate whether the limited groundwater results represent a data gap. If so, please propose work to address the data gap accordingly.
5. **Odor Survey.** We previously concurred with a recommendation to interview residents regarding nuisance odors. In the Work Plan requested below, please whether an inquiry has been made regarding possible odors.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **October 27, 2010** – Work Plan

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If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,

Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 2032 (*Sent via E-mail to: lgriffin@oaklandnet.com*)

Erik Lervaag, Clearwater Group, 229 Tewksbury Avenue, Pt. Richmond, CA 94801 (*Sent via E-mail to: ELervaag@clearwatergroup.com*)

James Jacobs, Clearwater Group, 229 Tewksbury Avenue, Pt. Richmond, CA 94801

Donna Drogos, ACEH (*Sent via E-mail to: donna.drogos@acgov.org*)
Jerry Wickham, ACEH

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.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 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)	ISSUE DATE: July 5, 2005
	REVISION DATE: July 8, 2010
	PREVIOUS REVISIONS: December 16, 2005, October 31, 2005
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

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- 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)

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

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 dehloptoxic@acgov.org
 - Or
 - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of Teena Le Khan.
 - 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 and Firefox browsers will not open the FTP site.
 - b) Click on Page on upper right side of browser, 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 dehloptoxic@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.