



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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December 5, 2012

Mr. John Protopappas
P&D 23rd Avenue Associates LLC
P.O. Box 687
Oakland, CA 94604
(Sent via E-mail to: John@MPFCorp.com)

Subject: Case File Review for Fuel Leak Case No. RO0000294 and GeoTracker Global ID T0600177455, 23rd Avenue Partners, 1125 Miller Avenue, Oakland, CA 94601

Dear Mr. Protopappas:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site including the most recently submitted documents entitled, "*Update of the Soil Vapor Sample Analytical Report Presented in Sub-Slab Soil Vapor Sampling Report*," dated October 9, 2012 (Analytical Report) and "*Sub-Slab Excavation Report*," dated November 8, 2012 (Excavation Report) and received by ACEH on November 14, 2012. Both reports were prepared on your behalf by Clearwater Group.

The Analytical Report presents laboratory analytical reports for Modified TO-14A/15 analyses performed on sub-slab soil vapor samples. The Excavation Report documents the results of removal of vent and supply lines and limited removal of contaminated soil beneath a former dispenser inside the western corner of the building. This site was also discussed during a meeting conducted on November 14, 2012 between Mr. John Protopappas of Madison Park Financial Corporation, James Jacobs of Clearwater Group, Robert Nelson of Clearwater Group, Olivia Jacobs of Clearwater Group, and Jerry Wickham of ACEH.

Based on our review of the case file, we request that you submit a Work Plan that addresses the technical comments below.

TECHNICAL COMMENTS

1. **Soil Vapor Screening Values.** Table 2 of the October 9, 2012 Analytical Report uses soil vapor screening values that do not appear to be designated properly. The title of Table 2 indicates that soil vapor sample results are compared to screening values from the Low-Threat Closure Policy (LTCP) with no bioattenuation zone. However, the screening values shown are for sites with a bioattenuation zone and are three orders of magnitude higher than screening values with no bioattenuation zone. We note these values were corrected in meeting handouts; please make this correction in future documents. The header of Table 2 describes CHHSLs commercial; however, the screening values shown appear to be CHHSLs for residential land use. Please correct the header and/or screening values in future documents.

2. **Volatile Organic Compounds in Sub-slab Soil Vapor.** Review of the October 9, 2012 Analytical Report indicates that tetrachloroethene (PCE) was detected in 3 of 10 sub-slab vapor samples collected on December 9, 2011 at concentrations ranging from 5.7 to 240 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). The Analytical Report states that all volatile organic compound (VOCs) concentrations are well below the residential CHHLs. This statement is not accurate since the maximum PCE concentration of $240 \mu\text{g}/\text{m}^3$ exceeds the residential CHHSL of $180 \mu\text{g}/\text{m}^3$. However, the maximum concentration of PCE does not exceed the San Francisco Bay Regional Water Quality Control Board Environmental Screening Level (ESL) for residential land use of $410 \mu\text{g}/\text{m}^3$. The detections of PCE were not evaluated or discussed in either of the recently submitted reports or during the November 14, 2012 meeting. In the Work Plan requested below, we request that you include an evaluation of whether the VOCs in sub-slab vapor represent a human health threat for vapor intrusion or propose additional data collection to complete this evaluation.
3. **Volatile Organic Compounds in Groundwater.** Further review of the case file indicates that groundwater does not appear to have been analyzed for VOCs other than petroleum hydrocarbon constituents. Due to the detections of PCE in sub-slab soil vapor, PCE is a chemical of concern for the site. The absence of VOC data for groundwater may represent a data gap for the site. Vapor intrusion assessments are generally conducted using multiple lines of evidence. VOC data for groundwater would provide an additional line of evidence to evaluate the PCE detected in sub-slab vapor discussed in technical comment 2. Therefore, the collection of a limited number of groundwater samples for VOC analysis is to be included in the Work Plan requested below.
4. **Residual Diesel Contamination.** Hand excavation was conducted inside the western end of the building in the area of a former fuel dispenser. The excavation was stopped at a depth of 2.5 feet below grade. However, soil containing elevated concentrations of total petroleum hydrocarbons as diesel remains in place beneath the western end of the building as indicated by elevated concentrations of TPH as diesel (TPHd) in confirmation soil samples. The TPHd does not appear to pose a human health risk for vapor intrusion to the western end of the building. Naphthalene was not detected at concentrations exceeding the LTCP criteria of $93 \mu\text{g}/\text{m}^3$ in sub-slab soil vapor samples collected beneath the building. As discussed during the November 14, 2012 meeting, the residual TPHd although not an apparent health risk based on comparison to LTCP criteria, may represent an odor or nuisance condition. A method for sealing the floor in this area of the building to mitigate possible nuisance conditions was proposed by Clearwater Group and was discussed during the meeting. However, you may wish to delay presenting plans for mitigation of possible nuisance vapor conditions in the western portion of the building pending completion of an evaluation of the VOC issue discussed in technical comment 2.
5. **Delineation of TPHd Plume.** A total of an additional ten soil borings was proposed for soil and groundwater sampling in the document entitled, "*Soil and Groundwater Investigation Results*," dated February 29, 2012. The purpose of the proposed borings was to define the lateral and vertical definition of diesel impacts. As discussed during the November 14, 2012 meeting, the results of a detailed well survey will be reviewed to determine whether additional delineation is necessary for the TPHd plume. However, as requested in technical comment 3, the collection of a limited number of groundwater samples for VOC analysis is to be

included in the Work Plan requested below. Depending upon their locations, these additional groundwater samples could also provide further delineation of TPHd in groundwater.

6. **Well Survey.** As discussed during the November 14, 2012 meeting, we request that you complete a well survey to identify all water supply wells within 2,000 feet of the site. We recommend that you obtain well information from both the Alameda County Public Works Agency and the State of California Department of Water Resources. Submittal of maps showing the location of all wells identified in your study, and the use of tables to report the data collected as part of your survey are required. Please provide a table that includes the well designation, location, total depth, diameter, screen interval, date of well installation, current status, historic use, and owner of the wells. In addition, please provide well logs and completion records for wells downgradient from the site that are potential receptors. Results of the detailed well survey are to be included in the Work Plan requested below. Please also include plans to conduct a door to door well survey.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Jerry Wickham), and to the State Water Resources Control Board's GeoTracker website according to the following schedule and file-naming convention:

- **February 21, 2013** – Work Plan
File to be named: WP_R_yyyy-mm-dd RO294

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.

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

Attachment: Responsible Party(ies) Legal Requirements/Obligations

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

Mr. John Protopappas
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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*)

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

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

James Jacobs, Clearwater Group, 229 Tewksbury Avenue, Pt. Richmond, CA 94801 (*Sent via E-mail to: augerpro@sbcglobal.net*)

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

Jerry Wickham, ACEH (*Sent via E-mail to: jerry.wickham@acgov.org*)

GeoTracker, 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

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, 7835, 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, late 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 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 .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 <://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 .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.