ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
ALEX BRISCOE, Agency Director

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March 15, 2013

Mr. Gale Rossi
City of Albany
1000 San Pablo Ave.
Albany, CA 94706

Ray Barker
City of Albany Fire Dept.
1000 San Pablo Ave.
Albany, CA 94706

Fire Chief Marc McGinn
City of Albany Fire Dept
1000 San Pablo Ave.
Albany, CA 94706

Subject: Request for Work Plan Addendum, Modified Approval of Work Plan, and Path to Closure; Fuel Leak Case No. RO0000297 and GeoTracker Global ID T0600102152; City of Albany Fire Dept, 1001 Marin Ave, Albany, CA 94706

Dear Messrs. Rossi and Barker, and Fire Chief McGinn:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Workplan to Conduct Soil and Groundwater Investigation,* dated, November 6, 2013, and submitted on your behalf by Gribi Associates (Gribi). Thank you for submitting the work plan; it has helped move the site forward.

The site has also been reviewed under the recently enacted Low-Threat Closure Policy (LTCP), and it appears that it does not meet the policy currently. With the collection of limited additional data the site may fit identified closure criteria under the LTCP. Because of this and another important change in the understanding of site and vicinity, as discussed below, this letter requests the submittal of a work plan addendum to modify proposed work at the site.

Based on the review of the case file ACEH requests that you address the following technical comments and send us the documents requested below.

TECHNICAL COMMENTS

1. **Low-Threat Closure Policy Evaluation –** As noted, ACEH has reviewed the site against the Low-Threat Closure Policy (LTCP) and finds that the site does not meet the policy for several reasons. ACEH attaches the GeoTracker LTCP review page and the ACEH Data Gap Identification Tool (DGIT) review to help communicate identified data gaps, with the expectation that data gaps will be incorporated in to the requested Work Plan Addendum. The communication of these data gaps under the LTCP is intended to initiate a "Path to Closure" dialogue between ACEH and Responsible Parties. In order to continue this dialogue, ACEH requests the collection of sufficient data to address these outstanding data gaps as identified below, and requests (following) that a Work Plan Addendum (as a Revised Figure 2, and a brief Data Gap Work Plan) be submitted by the date requested below.

    a. **General Criteria e and f –** The site does not appear to meet these General Criteria of the LTCP. The work proposed in the work plan, with modifications discussed below, may be sufficient to define the extent of the groundwater plume, assess soil, and potentially assess soil vapor under the LTCP, as is required under this policy. Based on the data available for the site, an assessment of anthropogenic preferential pathways (utilities or vicinity well survey) has not been requested.

    b. **Groundwater Media Specific Data Gaps –** The site does not appear to meet this media specific portion of the LTCP. The work proposed in the work plan, with modifications discussed below, may be sufficient to define the extent of the groundwater plume as required under this policy.

c. **Vapor Intrusion Media Specific Data Gaps –** The site does not appear to meet this media specific portion of the LTCP. There appear to be two methods to gather the data, either the collection of sufficient (multiple) onsite soil analytical data within both the 0 to 5 foot, and the 5 to 10 foot depth intervals, or the installation of soil vapor points, and the collection of soil vapor as defined by the LTCP. At present only one soil sample in the 0 to 5 foot interval appears to exist at the site, while two soil samples in the 5 to 10 foot depth interval appears to exist; however, these soil samples may be collected below groundwater and thus would not be representative of vadose zone soil. For this reason, ACEH requests the collection of multiple soil samples proximal to the former UST and fuel dispenser in order to collect sufficient data in each depth interval at the site. Please be aware that existing soil bores IB-1 and IB-2 encountered discolored or stained soils in both depth intervals which were not adequately analyzed previously.

With the proviso that the existing (with modifications as discussed below) soil sampling protocols are followed, ACEH requests only the submittal of a revised Figure 2 (as a work plan addendum) by the date identified below, to document revised bore locations. Upon ACEH approval of the bore locations, the work should proceed, and a report is requested to be submitted by the date identified below.

d. **Direct Contact and Outdoor Air Exposure Data Gaps –** The site does not appear to meet this media specific portion of the LTCP. This is principally due to the lack of soil analytical data within the 0 to 5 foot and the 5 to 10 foot depth intervals. The collection of data as described in the preceding section of the Technical Comments, is anticipated to fill this data gap.

2. Request for Work Plan Addendum (Data Gap Work Plan) – The referenced work plan proposes the installation of two soil bores in what has been understood to be the downgradient direction in the site vicinity for an extended period of time. The bores were proposed to define the down-to lateral-gradient groundwater flow directions. One soil sample and one grab groundwater sample were proposed to be collected and submitted for laboratory analysis. Please be aware that the former Exxon Service Station at 990 San Pablo Avenue a short distance to the northeast of the site has recently recalculated the gradient direction at the site. The former Exxon Service Station has been used as a proxy to determine the direction of groundwater flow at the subject site. The gradient at the former Exxon site is now understood to be to the southwest, directly towards the subject site, rather than to the west as depicted in previous reports for that site. This affects the location of proposed soil bores for the subject site. Additionally, the downgradient well (MW-4) at the former Exxon site also contains the highest hydrocarbon concentrations (sheen). That site has proposed to install a downgradient well immediately adjacent to the subject site, on the south side of Buchannan Street. Thus it no longer appears appropriate to install proposed bore IB-4 as proposed. Rather it appears appropriate to relocate the bore to collect data appropriate to evaluate the site under the LTCP. Consequently, ACEH requests a Work Plan Addendum (a revised Figure 2) to document the location of the revised bore location, and to include a brief discussion of the collection of required LTCP data, by the date identified below. Towards that end ACEH includes the following requested modifications of the recently proposed work methodology.

a. Soil Selection Protocols – The work plan proposes to collect approximately one soil sample in each soil bore. To prevent miscommunication ACEH additionally requests that soil samples be collected, and submitted for analysis in all bores, at signs of contamination (odor, discoloration, PID responses, etc.), at significant changes in lithology, and immediately above groundwater. This may require the collection and submittal of additional soil analytical samples to the analytical laboratory. This request also addresses identified LTCP data gaps, the lack of sufficient soil samples collected in the 0 to 5 and the 5 to 10 foot depth intervals.

b. Bore Log Generation – To reiterate and to clarify the proposed logging protocols, ACEH requests that PID readings and the depth of first and stabilized groundwater be included on the logs. Except for rare instances, these important details have not been recorded on soil bore logs previously submitted for this site.

3. **Path to Closure Project Schedule -** The State Water Resources Control Board passed Resolution No. 2012-0062 on November 6, 2012 which requires development of a "Path to Closure Plan" by December 31, 2013 that addresses the impediments to closure for the site. The Path to Closure must have milestone dates to calendar quarter which will achieve site cleanup and case closure in a timely and efficient manner that minimizes the cost of corrective action. The Project Schedule should include, but not be limited to, the following key environmental elements and milestones as appropriate:

   - Preferential Pathway Study
   - Soil, Groundwater, and Soil Vapor Investigations
   - Initial, Updated, and Final/Validated SCMs
   - Interim Remedial Actions
   - Feasibility Study/Corrective Action Plan
   - Pilot Tests
   - Remedial Actions
   - Soil Vapor and Groundwater Monitoring Well Installation and Monitoring
   - Public Participation Program (Fact Sheet Preparation/Distribution/Public Comment Period, Community Meetings, etc.)
   - Case Closure Tasks (Request for closure documents, ACEH Case Closure Summary Preparation and Review, Site Management Plan, Institutional Controls, Public Participation, Landowner Notification, Well Decommissioning, Waste Removal, and Reporting.)

   Please include time for regulatory and RP in house review, permitting, off-site access agreements, and utility connections, etc.

   Please use a critical path methodology/tool to construct a schedule with sufficient detail to support a realistic and achievable Path to Closure Schedule. The schedule is to include at a minimum:

   - Defined work breakdown structure including summary tasks required to accomplish the project objectives and required deliverables
   - Summary task decomposition into smaller more manageable components that can be scheduled, monitored, and controlled
   - Sequencing of activities to identify and document relationships among the project activities using logical relationships
   - Identification of critical paths, linkages, predecessor and successor activities, leads and lags, and key milestones
   - Identification of entity responsible for executing work
   - Estimated activity durations (60-day ACEH review times are based on calendar days)

   Please submit an electronic copy of the Path to Closure Schedule by the date listed below. ACEH will review the schedule to ensure that all key elements are included.

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 the specified file naming convention below, according to the following schedule:

- **April 5, 2013 –** Work Plan Addendum (Revised Figure 2 and Brief Data Gap Work Plan)
  File to be named: RO297_WP_ADEND_R_yyyy-mm-dd

- **May 19, 2013 –** Soil and Groundwater Investigation Report and Path to Closure
  File to be named: RO297_SWI_R_yyyy-mm-dd

Online case files are available for review at the following website: http://www.acgov.org/aceh/index.htm. If your email address is not listed on the first page of this letter, or in the list of cc's listed below, ACEH is requesting your email address to help expedite communications and to help lower overall costs.

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.

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

Sincerely,

Digitally signed by Mark Detterman
DN: cn=Mark Detterman, o, ou,
email=mark.detterman@acgov.org, c=US
Date: 2013.03.18 11:18:23 -07'00'

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

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

cc: James Gribi, Gribi Associates, 1090 Adams Street, Suite K, Benicia, CA 94510, (sent via electronic mail to: JGribi@gribiassociates.com)

Donna Drogos, ACEH, (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman, ACEH, (sent via electronic mail to mark.detterman@acgov.org)
Geotracker, Electronic 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 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.