

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

COLLEEN CHAWLA, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
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January 18, 2018

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Mr. Harold Mark Vignoles
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Mr. Dallas Nelson
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Mr. Peter Serrurier
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Richard Padovani
& White Family Properties LLC
845 92nd Avenue
Oakland, CA 94603

Richard Padovani
& Marcia Chan, Trustees
& White et al
4000 Forest Hill Avenue
Oakland, CA 94602

Subject: **Request for Brief Work Plan Addendum**; FuelLeak Case No. RO0000320 and Geotracker Global ID T0600101592, PACO Pumps Inc, 9201 San Leandro Street, Oakland, CA 94603

Dear Ladies and Gentlemen:

Alameda County Department of Environmental Health (ACDEH) has reviewed the case file, including the brief work plan outline contained in the *Former Paco Pumps Site*, dated November 6, 2017, and the *Third Quarter 2017 Groundwater Monitoring Report*, dated November 17, 2017, and the. The reports were prepared and submitted on your behalf by APEX / The Source Group (APEX). Thank you for submitting the documents.

The referenced work plan outline provided an overview of proposed tasks associated with each of the five Areas of Interest, and in general ACDEH is in agreement with the generalized scope of work; however, requests the submittal of a Work Plan Addendum, including the Standard Operation Procedures (SOPs) for the installation and sampling of sub-slab vapor points at the site, and additional items as discussed below, prior to providing final approval of a modified scope of work.

Based on ACDEH staff review of the referenced documents and of the case file we generally concur with the recently proposed scope of work, provided that a Work Plan Addendum, as discussed below, is submitted prior to final approval. We request that you address the following technical comments, and submit the requested document.

TECHNICAL COMMENTS

- 1. Sub-Slab Vapor Point Standard Operating Procedures** – Prior to providing final approval of the modified work plan, ACDEH requests the submittal of SOPs for the installation and sampling of sub-slab vapor points at the site. Please submit the SOPs as a **Work Plan Addendum**, by the date identified below.
- 2. Work Plan Modifications** – The referenced work plan proposes a series of actions with which ACDEH is in general agreement of undertaking; however, requests a set of modifications to the work scope as detailed below. The following organization is consistent with the work plan outline organization.

Please be aware that the work plan has not been approved at this time. Due to the number of changes, ACDEH is providing comments below to identify specific responses due back to ACDEH prior to final work plan approval, and to allow the changes to be incorporated in to your planning needs.

a. Area of Interest 5 – Vicinity of Well MW-4:

- i. **Subslab Vapor Points** – Consistent with the September 27, 2017 directive letter, ACDEH requests the installation and concurrent sampling of the vapor wells and subslab vapor points in accordance with acceptable SOPs, once received and approved. The subslab points will be used to assess the attenuation factor provided by the concrete at the site. Data collection at the subslab points are requested to include the fixed atmospheric gases discussed below. Please forward, as a **Work Plan Addendum**, a revised Figure 2 to document the location of the subslab vapor point sample locations, by the date identified below.
- ii. **Fixed Atmospheric Gases** – ACDEH requests the collection of fixed gases, including oxygen, carbon dioxide, as well as methane at all vapor sample locations (vapor wells and subslab vapor points). ACDEH requests the results (as a percentage) be included on the table documenting the results of the vapor sampling effort.
- iii. **Vapor Shroud Tracer** – Resampling of SV-6, SV-7, and SV-8 have been proposed. In order to document that the vapor shroud contains approximately 20% helium as proposed, please document and include the vapor shroud tracer concentrations (as a percentage) on the table documenting the results of the vapor sampling effort. The shroud tracer concentration for the subslab vapor points is also included in this request.
- iv. **Indoor Air Samples** – Two indoor air samples have been proposed. ACDEH requests the collection of a minimum of one of the samples within 10 feet of SV-6, which contained the highest concentration of soil vapor in Area of Concern 5. Please forward, as a **Work Plan Addendum**, a revised Figure 2 to document the revised location of the indoor air samples, by the date identified below.

Please note that the collection of 8-hour indoor air samples is generally acceptable; however, per Department of Toxic Substances Control (DTSC) guidance, 24-hour samples are required should the results be considered for use in a risk assessment.

- v. **Soil and Subslab Vapor Analytical Suite** – ACDEH is in general agreement with the proposed analytical suite; however, consistent with DTSC, requests the inclusion of naphthalene by TO-17 due to adsorption problems with tubing as discussed in the DTSC guidance.
 - vi. **Grab Groundwater Bore Soil Sampling** – Three grab groundwater samples are proposed to be collected in a north-south transect between MW-4 and the western edge of eastern building. ACDEH additionally request the collection of soil samples from the bores based on signs of contamination, such as PID response, staining, olfactory evidence, etc. If no indications are detected, ACDEH requests the collection of a soil sample at the groundwater interface.
- b. Area of Interest 4; Vicinity of Well MW-3:**
- i. **Geophysical Survey and Potholing** – Thank you for providing photographic evidence of potholing in the vicinity of geophysical anomalies. To provide a complete documentation of this effort, ACDEH additionally requests the submittal of the Subdynamic Locating Services report and documentation of the disposal of excavated soil at an appropriate receiving landfill.

- ii. **Wells MW-3 and E-8** – As noted previously, the replacement of these missing wells appears reasonable. To minimize data inconsistencies, ACDEH requests the wells be installed within approximately 5 feet of their predecessor.
 - iii. **Indoor Air Testing** – Indoor air was proposed to be sampled at two locations in the western building at the site. ACDEH requests the relocation of these indoor air samples to positions within approximately 10 feet of soil vapor wells SV-4 and SV-1 due to documented elevated vapor concentrations in these wells. The location of the ambient air sample appears reasonable. Due to the very open nature of this building it does not appear that subslab vapor points are necessary to document subslab vapor concentrations or determine a slab attenuation factor; however, may be needed should indoor air concentrations of concern be documented.
- c. Area of Interest 4 – Southern End of Western Building:**
- i. **Remaining Motor Oil Secondary Source** – The referenced work plan indicates that a potential source remains in the general vicinity of wells E-2, E-3, E-5, and E-6, but also indicates that the extent in groundwater appears to be defined in the downgradient direction. ACDEH is in general agreement with this summary which is based on existing data as well as the presence of sheen in wells E-2, E-3, and E-5. ACDEH again notes that with the apparently remaining motor oil secondary source, the site fails the Low Threat Closure Policy (LTCP) due to the lack of removal of the secondary source as required by the policy. Consequently, to meet the LTCP, ACDEH requests an additional geophysical survey in the vicinity of these wells to identify a potential UST or UST cavity and the subsequent removal of the secondary source to the extent practicable. Conducting this additional survey with the proposed scopes of work at this time will limit delays in the eventual closure of the site. Please include the subcontractors report in your final product.
- d. Area of Interest 2 – PCB Soil Contamination:**
- i. **Bore Locations** – Six soil bores were proposed to investigate residual PCB contamination in this Area of Interest. The Work Plan did not indicate sampling methodology; consequently ACDEH requests the collection of soil samples at signs of contamination such as PID response, discoloration, staining, olfactory evidence, or other indications. Due to the nature of heavy-end hydrocarbon contamination (limited volatile responses and limited indications of staining), ACDEH requests the collection and analytical sampling of multiple soil samples in order to obtain a vertical contaminant profile. While is anticipated, please ensure soil samples are collected in the 0 to 5 foot and 5 to 10 foot depth intervals, to incorporate this assessment of the area within the LTCP.
- e. Area of Interest 2 – Wells MW-9 and MW-12:**
- i. **Groundwater Well MW-13** – The location of well MW-13 appears reasonable.
- 3. Disposal of Former Oil Soil in Southwest Corner** – The lack of documentation of the disposal of stained soil in the southwest corner of the site remains an outstanding item of concern. It was reported that the current property owner conducted the removal of this soil from the site. ACDEH notes that all property owners are named as Responsible Parties to this investigation under state regulations. A Notice of Responsibility (NOR) update has recently been sent to include all property owners since the previous NOR was issued. Therefore, please coordinate with the current property owner to obtain disposal documentation, and include the documentation in the report requested below.
- 4. Groundwater Monitoring** – Please continue semi-annual groundwater monitoring at the site. Plume stability has not been demonstrated at the site. Please sample all wells during the next monitoring event and submit a sampling plan for future monitoring events. Silica Gel Cleanup (SGC) can be eliminated from the analytical suite.

Due to the importance of the depth to groundwater in understanding the site, ACDEH request that depth to water measurements be incorporated into the existing tables for the majority of past groundwater sampling events, as well as future events. Please submit groundwater monitoring reports by the dates identified below.

- 5. Electronic Report and Data Upload Compliance** – A review of the case file and the State's Geotracker database indicates that the site is not in compliance with previous directive letters. The most recent request for uploads was contained in the September 25, 2017 directive letter. Compliance is also a State requirement. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SLIC programs. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites was required in GeoTracker.

At present missing data and documents include, but may not be limited to, recent reports, GEO WELL data (the most recent is from 2014), associated EDF submittals (the most recent is from 2014), and GEO MAPS (the most recent is from 2013). The upload of current as well as historic site data and reports is a State requirement, and will eventually delay case closure. Compliance is also tied to reimbursement funding by the UST Cleanup Fund. ACDEH will respond to the work plan once it is uploaded and accepted on Geotracker.

Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. ACEH requests notification of, and a list of, the documents uploaded to Geotracker. Please upload all submittals to GeoTracker as well as to ACEH's ftp website by the date specified below.

TECHNICAL REPORT REQUEST

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

- **February 19, 2018** – Work Plan Addendum (Brief)
File to be named: RO320_WP_ADEND_R_yyyy-mm-dd
- **February 19, 2018** – Geotracker Upload Compliance Notification
Please notify your case worker
- **June 1, 2018** – First 2018 Semi-Annual Groundwater Monitoring Report
File to be named: RO320_GWM_R_yyyy-mm-dd
- **December 14, 2018** – Second 2018 Semi-Annual Groundwater Monitoring Report
File to be named: RO320_GWM_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.

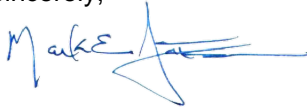
If your email address does not appear above, ACDEH request that you forward a copy in order to keep communications efficient.

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

Ladies and Gentlemen
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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
Electronic Report Upload (ftp) Instructions

cc: Jake Wilcox, Apex Companies, LLC, 3478 Buskirk Avenue, Pleasant Hill, CA 94523
(Sent via electronic mail to: Jacob.Wilcox@apexc.com)

Rob Bilotti, Service West, Inc; 9201 San Leandro Street, Oakland, CA 94603
(Sent via electronic mail to: Rob@servicewest.com)

Marc Zeppetello, Barg Coffin Lewis & Trapp, LLP, 350 California Street, 22nd Floor, San Francisco, CA 94104-1435; (Sent via electronic mail to: MAZ@bcltlaw.com)

Scott Kaplan, Stoel Rives, LLP, 900 S.W. Fifth Avenue, Suite 2600, Portland, OR, 97204
(Sent via electronic mail to: SJKaplan@stoel.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.