

ALAMEDA COUNTY
**HEALTH CARE SERVICES
AGENCY**

REBECCA GEBHART, Interim Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP) FOR
HAZARDOUS MATERIALS RELEASES
1131 HARBOR BAY PARKWAY, SUITE 250
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

December 7, 2016

Palm Peninsula LLC &
7200 Bancroft Avenue LLC
201 Wilshire Blvd., 2nd Floor
Santa Monica, CA 90401-1219
Attn.: Jacob Levy & Jonathan Aryeh
(Sent via electronic mail to
jacob@levyaffiliated.com)

Phillips 66
76 Broadway
Sacramento, CA 95818
Attn.: Ed Ralston
(Sent via electronic mail to
Ed.C.Ralston@p66.com)

Atlantic Richfield Company
(A BP Affiliated Company)
6 Centerpointe Drive, LPR6-161
La Palma, CA 90623-1066
Attn: Kyle Christie

Eastmont Oakland Associates LLC
c/o TPF VI REIT
825 Third Ave., 36th Floor
New York NY 10022-7519
Attn.: Scott Schonfeld

Eastmont Oakland Associates LLC
& BDE ETC LLC
825 Third Ave.
New York NY 10022
Attn.: James Paul

BDE ETC LLC
51 Federal St., Suite 202
San Francisco, CA 94107
Attn.: Benjamin Eisler

Eastmont Oakland Associates LLC
& AO ETC LLC
825 Third Ave.
New York NY 10022
Attn.: James Paul

AO ETC LLC
51 Federal St., Suite 202
San Francisco, CA 94107
Attn.: Benjamin Eisler

ConocoPhillips
76 Broadway
Sacramento, CA 95818
Attn.: Liz Sewell

BP- dba BP West Coast Product LLC
P.O. Box 6549
Moraga, CA 94570
Attn.: Paul Supple

Tosco Corporation
3100 Zinfandel Dr., #200
Rancho Cordova, CA 95670
Attn.: Chester Bennett

Argonaut Financial Services
One Eastmont Mall
Oakland, CA 94605
Attn.: Jim Givens

Eastmont Town Center Company LLC
7200 Bancroft Ave., Suite 1
Oakland, CA 94605-2413
Attn: Ting Liu

Bancroft Oakland Investment Company
c/o SB Management Corporation
433 N. Camden Dr., Suite 1070
Beverly Hills, CA 90210-4434

Subject: Work Plan Review; Fuel Leak Case No. RO0000356 and GeoTracker Global ID T0600100201, BP #11117,
7210 Bancroft Avenue, Oakland, CA 94605

Dear Responsible Parties:

Alameda County Department of Environmental Health (ACDEH) has reviewed the subject case file and the recently submitted document entitled *DRAFT Work Plan for Soil Gas Sampling* (Work Plan) prepared by Antea Group (Antea) and dated August 18, 2016 for the subject site. As presented in the Work Plan, Antea proposes to advance twelve (12) temporary soil bores to a depth of 5.5 feet below the ground surface (bgs) for the collection of soil gas samples. The locations of the 12 soil bores, depicted on Figure 3 of the Work Plan, shows three (3) equally spaced parallel transects consisting of four (4) bores each. As stated, Antea will perform the investigation in general accordance with the California Department of Toxic Substances Control's (DTSC) guidance documents including *Advisory – Active Soil Gas Investigation*, dated July 2015 and *Final Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air*, dated October 2011.

Antea proposes analysis of thirteen soil gas samples (includes one duplicate) for total petroleum hydrocarbons as gasoline (TPHg) by EPA Modified Method TO-3M; volatile organic compounds (VOCs) including aromatics and oxygenates by EPA Method TO-15; and fixed gases (methane, oxygen, carbon dioxide, and helium) by ASTM – D1946. Half of the total soil gas samples will be analyzed for naphthalene using EPA TO-17. Soil gas samples will be collected through Nylaflow® tubing into 1-liter Summa canisters.

Based on ACDEH staff review of the referenced document and of the case file we generally concur with the recently proposed scope of work, provided that the modifications requested in the technical comments below are addressed and incorporated during the field implementation. While the comments below request a number of additional soil bores, submittal of a revised Work Plan is limited to a revised Figure 3, unless an alternate scope of work outside that described in the Work Plan and technical comments below is proposed. We request that you address the following technical comments, submit the requested document, and upon ACDEH approval, perform the proposed work, and send us the technical reports requested below.

TECHNICAL COMMENTS

- 1. Electronic Submittal of Information** – The Work Plan has not been submitted to the ACDEH ftp site. Please submit the document and the revised Figure 3 requested in Item 2 below to the ACDEH ftp site in accordance to the naming convention by the date specified below. Additionally, please submit the revised Figure 3 to the California State Water Resources Control Board's (SWRCB's) GeoTracker website by the date specified below.
- 2. Soil Bore Location** – As depicted on Figure 3, the locations of the soil bores do not include the northeast, southeast, and southwest areas of the site. These areas include locations of elevated concentrations of total petroleum hydrocarbons as gasoline (TPHg) as identified in bores SB-17 (99,000 micrograms per liter - ug/L), CPT-12 (11,000 milligrams per kilogram - mg/kg) and SB-7 (300,000 ug/L).

Therefore, ACDEH requests two additional transects perpendicular to 73rd Avenue be added to those depicted on Figure 3- one to the northeast through the vicinity of SB-17 and one to the southwest in the vicinity of SB-7 in order to evaluate these areas. Additionally, in order to characterize the area between the proposed transects and 73rd Avenue, ACDEH requests an additional soil bore be added to each transect, extending the transect to the southeast toward 73rd Avenue.

Please submit the revised Figure 3 showing proposed locations of the soil bore as an electronic mail attachment, Attention: Keith Nowell, for ACDEH review. Upon our review and approval, please submit the figure as requested in Item 1 above, perform the proposed work, and send us the technical reports requested below. Please provide 72-hour advance written notification to this office (electronic mail preferred to: keith.nowell@acgov.org) prior to the start of field activities.

- 3. Soil Gas Collection** – As indicated above, Antea proposes the use of Nylaflow® tubing for soil gas sample collection. The 2015 DTSC document referenced above states reduced recovery of naphthalene has been observed when using Nylaflow® tubing with small sample sizes. Samples are proposed to be collected in 1-liter Summa canisters. Therefore, ACDEH requests the use of Teflon® or other appropriate tubing for sample collection. Alternatively, please perform TO-17 analysis for soil gas samples collected at each soil bore location.
- 4. Soil Sample Collection and Analysis**– In order to provide a secondary line of evidence, ACDEH requests the recovery of a soil sample from the bottom of each of the soil bores. Please analyze the soil samples for TPHg and volatile organic compounds (VOCs) by EPA Test Method 8260.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACDEH ftp site (Attention: Keith Nowell) and GeoTracker in accordance with the following specified file naming convention and schedule:

- **December 21, 2016** – Revised Figure 3 (via electronic mail attachment, Attention: Keith Nowell)
- **December 21, 2016** – *DRAFT Work Plan for Soil Gas Sampling* (file to be named: RO0000356_WP_R_yyyy-mm-dd) submitted to ACDEH ftp site.
- **January 16, 2017** – Electronic Submittal of Information (Approved Revised Figure 3 to ACDEH ftp and to GeoTracker websites)
- **April 6, 2017** – Soil Gas Investigation Report- (file to be named: RO0000356_SWI_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.

Thank you for your cooperation. ACDEH looks forward to working with you and your consultants to advance the case toward closure. Should you have any questions regarding this correspondence or your case, please call me at (510) 567-6764 or send an electronic mail message at keith.nowell@acgov.org.

If your email address does not appear on the cover page of this notification ACDEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

Sincerely,

Keith Nowell, PG, CHG
Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements

Cc: Lewis Mosconi, Phillips 66, 76 Broadway, Sacramento, CA 95818 *Sent via electronic mail to:*
lewis.mosconi@P66.com)

Dacre Bush, Antea Group, 3329 East Spring Street, Suite 100, Long Beach, CA 90806 (*Sent via electronic mail to:* dacre.bush@anteagroup.com)

Jeff Friedman, Antea Group, 3329 East Spring Street, Suite 100, Long Beach, CA 90806 (*Sent via electronic mail to:* Jeff.Friedman@anteagroup.com)

Kathleen Schultz, ScanlanKemperBard Companies, 1211 SW 5th, 26 Floor, Portland, OR 97204 (*Sent via electronic mail to:* kmschultz@skbcos.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)
Keith Nowell, ACDEH, (*Sent via electronic mail to:* keith.nowell@acgov.org)

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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) for more information on these requirements.

PERJURY 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 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, 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: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions


The Alameda County Environmental Cleanup Oversight Programs (LOP 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) Open File Explorer using the Windows  key + E keyboard shortcut.
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) On the address bar, type in ftp://alcoftp1.acgov.org.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
 - d) Click Log On.
 - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - f) 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.