



ENVIRONMENTAL HEALTH DEPARTMENT  
ENVIRONMENTAL PROTECTION  
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April 8, 2015

Emeryville Properties LLC  
c/o Mr. Zachary Wasserman  
1111 Broadway  
Oakland, CA 94607

Emeryville Properties LLC  
c/o Mr. William Lewerenz  
3963 Woodside Ct.  
Lafayette, CA 94549

Subject: **Modified Approval of Data Gap Work Plan**; Fuel Leak Case No. RO0000398 and GeoTracker Global ID T0600102202, Chromex, 1400 Park Avenue, Emeryville, CA 94608

Dear Messrs. Wasserman and Lewerenz:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Work Plan for Underground Storage Tank Closure*, dated February 9, 2015, prepared and submitted on your behalf by Terraphase Engineering, Inc (Terraphase) for the subject site. Thank you for submitting the work plan.

The referenced work plan proposes to install three hand augered soil bores within approximately 10 feet of the former underground storage tank (UST) excavation in an effort to determine the lateral extent of residual soil contamination in proximity to the former excavation. Soil samples are proposed to be collected at the depth of three and five feet below surface grade (bgs), and just above groundwater, estimated to be at a depth of approximately 10 feet bgs. These soil samples are expected to address the vapor intrusion and direct contact criteria of the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP).

ACEH has previously undertaken the review of case files and documents with regards to the LTCP. Site documents indicate that three underground storage tanks (USTs) were removed from the site (two gasoline USTs, and one UST identified as diesel / motor oil). Additional non-petroleum hydrocarbon contamination associated with the site has been managed under a separate case number (RO0002656). Consequently, this review is based on, and is limited to, only the petroleum hydrocarbon contamination. Based on ACEH staff review, we previously determined that the site failed to meet the LTCP General Criteria e (Site Conceptual Model or SCM), and the Media-Specific Criteria for Groundwater, Petroleum Vapor Intrusion to Indoor Air, and Direct Contact and Outdoor Air Exposure. The work plan has provided a SCM and thus the site now meets this General Criteria; however, please note that ACEH considers an SCM to be a living document that requires constant updating as new data becomes available.

Based on ACEH staff review of the work plan, the proposed scope of work is conditionally approved for implementation provided that the technical comments below are incorporated during the proposed work. Submittal of a revised work plan or a work plan addendum is not required unless an alternate scope of work outside that described in the work plan or these technical comments is proposed. We request that you address the following technical comments, perform the proposed work, and send us the report described below. Please provide 72-hour advance written notification to this office (e-mail preferred to: [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org)) prior to the start of field activities.

### **TECHNICAL COMMENTS**

1. **Work Plan Modifications** – The referenced work plan proposes a series of actions with which ACEH is in general agreement of undertaking; however, however, ACEH requests several modifications to the approach. Please submit an excavation report by the date specified below.
  - a. **Soil Sample Selection Protocols** – As noted above, the work plan proposes to collect and retain soil samples for laboratory analysis from each soil bore at predetermined depth intervals. Rather

than select soil samples based on these predetermined depth intervals ACEH requests the collection of discrete soil samples at signs of contamination (photoionization [PID] detections, discoloration, odor, etc). Please also ensure multiple soil samples are collected from the bores as a whole within the 0 to 5 and 5 to 10 foot intervals prescribed by the LTCP.

- b. Soil Bore Installation Methodology** – The soil bores are proposed to be installed with a hand auger. ACEH is concerned that hand auguring will not allow field workers to positively select soil samples that exhibit signs of contamination (PID detections, odors, staining, etc.) over soil samples collected at predetermined depth intervals. For this reason ACEH requests that the soil bores be installed with direct push, or other methods, that have the ability to positively target samples that contain signs of contamination.
- c. Analytical Testing** – The referenced work plan proposes to submit the soil samples for analytical testing for Total Petroleum Hydrocarbons as gasoline (TPHg), TPH as diesel (TPHd), and benzene, toluene, ethylbenzene, and total xylenes, (BTEX), and for oxygenates (including MTBE). Because one of the USTs formerly contained motor oil, please additionally submit the samples for TPH as motor oil (TPHmo). Initial UST removal confirmation soil samples collected beneath the UST indicate substantial TPHmo concentrations in soil.
- d. Soil Bore Abandonment** – The work plan proposed to abandon (backfill) the bores with soil cuttings and hydrated bentonite. These materials may not meet permit conditions associated with the drilling permit, issued by the Alameda County Public Works Agency. Please ensure that drill permit abandonment requirements are followed.
- e. Groundwater Sampling** – The referenced work plan proposes to collect groundwater samples from existing wells MW-1 and MW-2 only in the event of the discovery of residual contamination in the soil samples submitted from the three soil bores. Because one of the continuing concerns at this site is the appropriateness of the well placement locations (the wells were not installed for the petroleum hydrocarbon investigation, but repurposed from the non-petroleum investigation), ACEH requests that grab groundwater samples be collected and submitted to an analytical laboratory from each of the soil bores at the time of installation. This is an attempt to determine the extent to which groundwater contamination may migrate in directions other than the presumed downgradient direction (towards MW-2). ACEH acknowledges that grab groundwater samples can bias high; however, non-hand augered bore holes can produce adequate groundwater samples to define a site if caution is taken.

ACEH also notes that the UST excavation apparently cleaned up at a depth of 11 to 12 feet bgs, coincident with the water table at the time of the tank removals (observed at 11 feet bgs). As such it appears that groundwater may have been the limiting factor to the vertical migration of petroleum hydrocarbons, and thus would have been exposed to the hydrocarbon contamination.

### **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 following specified file naming convention and schedule:

- **July 10, 2015** – Site Investigation Report  
File to be named: RO398\_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.

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.

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Thank you for your cooperation. Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,

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

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

cc: Gwen Tellegen, DUDEK, 605 Third Street, Encinitas, CA 92024 (sent via electronic mail to [GTwellegen@dudek.com](mailto:GTwellegen@dudek.com))

William Carson, Terraphase Engineering, 11590 W. Bernardo Ct, Suite 245, San Diego, CA 92127 (sent via electronic mail to [William.Carson@terraphase.com](mailto:William.Carson@terraphase.com))

Dilan Roe, ACEH (sent via electronic mail to [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))

Mark Detterman, ACEH, (sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))

Geotracker, Case Electronic 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.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](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, 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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> May 15, 2014
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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

- **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](mailto: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](mailto: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.