



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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July 7, 2009

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100 Bush St #2600
San Francisco, CA 94104

Subject: Fuel Leak Case No. RO0000440 and Geotracker Global ID T0600100511, Emery Bay Plaza, 1650 65th Street, Emeryville, CA 94608

Dear Ladies and Gentlemen:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the site including the most recent document *Groundwater Monitoring Report and Request for Case Closure* dated April 27, 2001 and prepared by PES Environmental, Inc. Your request for case closure was based on the lateral extent of contamination being localized in the vicinity of the former underground storage tank (UST) and on concentrations remaining stable. However, up to 16,000 micrograms per liter ($\mu\text{g/L}$) total petroleum hydrocarbons as gasoline (TPHg) and 3,800 $\mu\text{g/L}$ benzene are present in groundwater, the vertical extent of the plume has not been evaluated, the soil vapor pathway has not been evaluated, and the preferential pathways have not been investigated. Due to these data gaps, ACEH cannot consider case closure for the subject site at this time. In order to complete the review of your case and progress the site to closure, we request that you address the technical comments below, perform the requested work and submit the report requested below.

This decision to deny closure is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39.2(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Please contact the SWRCB Underground Storage Tank Program at (916) 341-5851 for information regarding the appeals process.

TECHNICAL COMMENTS

1. **GeoTracker Compliance** – A review of the State Water Resources Control Board's (SWRCB) GeoTracker website indicates the site has not been claimed, rendering the site to non-compliance status. 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. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please claim your site and upload all future submittals to GeoTracker and ACEH's ftp server by the date specified below. Electronic reporting is described below.

2. **Vertical Petroleum Hydrocarbon Definition.** Soil samples collected at the site indicate that the vertical extent of the contamination has not been defined in the source area. Soil samples collected from a maximum depth of ten feet below ground surface contained up to 6,600 milligrams per kilogram (mg/kg) total fuel hydrocarbons. No other sampling to define the vertical extent of contamination was performed. It appears that a boring in the source area may be sufficient to assess this data gap. Please submit a proposal to assess this data gap in the work plan requested below.

3. **Preferential Pathway Study.** The purpose of the preferential pathway study is to locate potential migration pathways and conduits and determine the probability of dissolved contaminant plume(s) encountering preferential pathways and conduits that could spread contamination. We request that you perform a preferential pathway study that details the potential migration pathways and potential conduits (wells, utilities, pipelines, etc.) for vertical and lateral migration that may be present in the vicinity of the site. Discuss your analysis and interpretation of the results of the preferential pathway study (including the well survey and utility survey requested below) and report your results in the report requested below. The results of your study shall contain all information required by California Code of Regulations, Title 23, Division 3, Chapter 16, §2654(b).

- a. Utility Survey

An evaluation of all utility lines and trenches (including sewers, storm drains, pipelines, trench backfill, etc.) within and near the site and plume area(s) is required as part of your study. Please include maps illustrating the location and depth of all utility lines and trenches within and near the site and plume areas(s) as part of your study.

- b. Well Survey

The preferential pathway study shall include a well survey of all wells (monitoring and production wells: active, inactive, standby, decommissioned (sealed with concrete), abandoned (improperly decommissioned or lost); and dewatering, drainage, and cathodic protection wells) within a 1/4 -mile radius of the subject site.

4. **Soil Vapor Sampling.** Soil and groundwater sampling has demonstrated that residual contamination remains in place at your site. However, the soil vapor pathway remains

unevaluated. Please submit a proposal to evaluate the vapor intrusion pathway in the work plan requested below.

5. **Groundwater Sampling and Monitoring Event** – In order to complete the review of your site for case closure, please include a plan for one groundwater sampling event in your work plan. Please analyze for the following constituents: TPHg by EPA Method 8015M, benzene, toluene, ethylbenzene, toluene, xylenes, methyl tertiary butyl ether (MTBE), ethyl tertiary butyl ether (ETBE), di-isopropyl ether (DIPE), tertiary amyl methyl ether (TAME), tert butyl alcohol (TBA), ethylene dibromide (EDB), ethylene dibromide (EDB), and 1,2-dichloroethane (1,2-DCA) by EPA Method 8260

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Barbara Jakub), according to the schedule presented below:

- **July 24, 2009** – Claim your site in Geotracker
- **October 7, 2009** – Work Plan

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.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml).

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.

If you have any questions, please call me at (510) 639-1287 or send me an electronic mail message at barbara.jakub@acgov.org.

Sincerely,



Barbara J. Jakub, P.G.
Hazardous Materials Specialist

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Enclosures: ACEH Electronic Report Upload (ftp) Instructions

cc: Saulius Germanas, CHG, PES Environmental, Inc., 1682 Novato Boulevard, Suite 1000,
Novato, CA 94947
Donna Drogos, ACEH
Barbara Jakub, ACEH
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