



August 16, 2010

ENVIRONMENTAL HEALTH DEPARTMENT  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
(510) 567-6700  
FAX (510) 337-9335

Ms. Julie Treinen  
Griffin Capital Investors LLC  
2321 Rosecrans, Suite 3290  
El Segundo, CA 90245  
(sent via electronic mail to [jtreinen@griffincapital.com](mailto:jtreinen@griffincapital.com))

Mr. Walt Kaczmarek  
Unknown address

Ms. Denise Pingston  
TMG Partners  
100 Bush St. #2600  
San Francisco, CA 94104

Subject: Work Plan Approval, Request for Information and a Work Plan; Fuel Leak Case No. RO0000440 and Geotracker Global ID T0600100511, Emery Bay Plaza, 1650 65th Street, Emeryville, CA 94608

Dear Ms. Treinen, Ms. Pingston, and Mr. Kaczmarek:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Work Plan for Groundwater Monitoring and Preferential Pathway Study*, dated October 7, 2009, and submitted on your behalf by PES Environmental, Inc (PES). The Work Plan was submitted in response to an ACEH letter dated July 7, 2009. Thank you for submitting the work plan. The most recent groundwater sampling event was conducted in October 2000 and documented 16,000 µg/L TPHg and 3,800 µg/L benzene in well MW-2 immediately upgradient of the onsite building.

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 field investigation. 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 technical comments below is proposed. We request that you address the following technical comments, perform the proposed work, and send us the reports 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. **Preferential Pathway Study** – ACEH is in agreement with the proposed preferential pathway study. Simply to prevent miscommunication on this subject, please ensure that utility mains as well as utility laterals are located in the proposed study. The use of private utility locator onsite as proposed in the work plan is judged appropriate and will enable onsite utility location.
2. **Groundwater Monitoring** – ACEH is in general agreement with the proposed scope of work outlined by PES in the work plan. In general terms, PES has proposed to have site wells surveyed, has proposed to relocate wells MW-3, MW-6, and MW-7 with a subsurface electromagnetic survey, and has proposed to sample wells MW-2, MW-4, MW-6, MW-8, and EW-1 after relocating and redevelopment. Please ensure total well depth is measured prior to and after well redevelopment. This will allow a judgment of the sedimentation rate in the well, and success of sediment removal, if any. ACEH also requests that the well survey encompass all site wells and that the survey be to Geotracker standards, in order to enable uploading the results to Geotracker, a SWRCB requirement. ACEH further requests that well MW-3 be included at least temporarily in future monitoring events.

Please place the site on a semiannual monitoring basis. The site is currently out of compliance with the July 24, 2009, ACEH letter requesting the implementation of semiannual groundwater monitoring. A reduction in the number of wells and the sampling interval may be appropriate after a minimum of two events.

As proposed, the inclusion of wells MW-5 and MW-7 is not required at this time. These wells have recently been monitored as a part of the soil and groundwater investigation at the two sites immediately north of the subject site.

3. **Request for Additional Information** – ACEH requested the evaluation of the vapor intrusion pathway at the subject site in the July 2009 letter. In response PES referenced the installation of a passive soil methane venting system consisting of 24 vertical sub-slab wells that vent to the roof and cited several reports. Because the reports have not been made available for review, ACEH has not been able to verify the usefulness of the system in regards to the UST vapor intrusion concerns. Presuming the reports will be useful for this purpose, ACEH requests that the reports be submitted to the County's ftp website to enable that review.
4. **Request for Work Plan** – ACEH also requested the delineation of the vertical extent of soil at the site in the July 2009 agency letter. In response PES provided a review of early UST overexcavation confirmation analytical data that indicates that soil contamination in the vicinity of the former UST location was attenuating with depth below groundwater at two locations (with residual soil contamination up to 390 mg/kg at 17 feet below grade surface). A review of the most recent analytical data for the site (October 2000, as noted above) indicates that significantly elevated groundwater concentrations remain in the vicinity of the former UST at well MW-2 immediately upgradient of the site building, and that these data indicate a significant residual soil source remains. Therefore additional source area delineation is appropriate at the site based on the following lines of evidence:
  - a. While an overexcavation of a limited area immediately adjacent to the former UST location occurred in July 1987, only two sidewall samples were collected at generally unspecified locations.
  - b. Tank removal reports indicate that the former UST had previously held gasoline and waste oil, but standard waste oil contaminants have generally not been analyzed for at the site. These reports indicated an oily sludge was present in the UST excavation substantiating the comments. It would appear appropriate to investigate these contaminants as part of a focused source area delineation project with the intent of determining if focused source area remediation could move the project forward towards closure.

### **TECHNICAL REPORT REQUEST**

Please submit the following deliverables and technical reports to ACEH (Attention: Mark Detterman), according to the following schedule:

- **October 1, 2010** – Submittal of methane system electronic reports to ACEH ftp website and Geotracker
- **October 25, 2010** – Preferential Pathway and Groundwater Monitoring Report
- **November 15, 2010** – Source Area Delineation Work Plan
- **60 Days After Approval of Work Plan(s)** – Soil & Groundwater Investigation Report
- **May 2, 2011** – Semi-Annual Groundwater Monitoring Report

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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](mailto:mark.detterman@acgov.org).

Sincerely,

Mark E. Detterman, PG, CEG  
Hazardous Materials Specialist

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

cc: Chris Baldassari, PES Environmental, Inc, 1682 Novato Blvd, Suite 100, Novato, CA 94947  
(sent via electronic mail to [cbaldassari@pesenv.com](mailto:cbaldassari@pesenv.com))

Robert Creps PES Environmental, Inc, 1682 Novato Blvd, Suite 100, Novato, CA 94947  
(sent via electronic mail to [RCreps@pesenv.com](mailto:RCreps@pesenv.com))

Donna Drogos, ACEH, (sent via electronic mail to [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))  
Mark Detterman, ACEH, (sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))  
Geotracker, e-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.swrcb.ca.gov/ust/electronic\\_submittal/report\\_rqmts.shtml](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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> July 20, 2010
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 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 [dehloptoxic@acgov.org](mailto:dehloptoxic@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 [dehloptoxic@acgov.org](mailto:dehloptoxic@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.