

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**  
AGENCY  
ALEX BRISCOE, Director



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

April 1, 2011

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: Request for 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 *Completion Report Construction of Methane Collection, Control, and Monitoring System*, dated April 14, 2005, the *Operation and Maintenance Manual Methane Collection, Control, and Monitoring System*, dated April 14, 2005, and the *Results of Groundwater Monitoring and Preferential Pathway Study, and Request for Case Closure*, dated October 25, 2010, and submitted on your behalf by PES Environmental, Inc (PES). The reports were submitted in response to an ACEH letter dated October 7, 2010. Thank you for submitting the reports. They assist our understanding of the site.

The two methane collection, control, and monitoring system reports document the installation of 24 vertical methane gas ventilation wells that vent to the roof of the site building installed at the request of the Emeryville Fire Department. Because the site and vicinity are developed over a former landfill, methane has been previously documented to be present at concentrations in excess of 25% of the Lower Explosive Limit (LEL), and at many of the sample locations are reported to have exceeded the LEL. It has been suggested that the 24 vents could provide protection from vapor intrusion concerns related to the presence of petroleum hydrocarbon contamination related to the former UST location at the site.

Additionally, the October 2010 groundwater sampling event provides more recent site data than the last previous event in October 2000. The report documents decreases in well MW-2 groundwater concentrations from 16,000 µg/L TPHg to 6,100 µg/L and 3,800 µg/L benzene to 700 µg/L, immediately upgradient of the onsite building. However, the report also documents significant increases in upgradient well MW-8 groundwater concentrations from non-detectable for all compounds to 2,900 µg/L TPHg and 1,500 µg/L benzene. These later results are suggested to be from an offsite source.

The referenced report also contains a request for closure. Based on factors discussed below in Technical Comments, this fuel leak case cannot be closed at this time; this specifically includes lack of compliance with state Geotracker regulations. This decision is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Please contact Mr. George Lockwood in the SWRCB Underground Storage Tank Program at (916) 341-5752 or [GLockwood@waterboards.ca.gov](mailto:GLockwood@waterboards.ca.gov) for information regarding the appeal process.

Based on ACEH staff review of the case file, we request that you address the following technical comments and send us the reports described below.

### **TECHNICAL COMMENTS**

1. **GeoTracker Compliance** - The site remains out of compliance with state GeoTracker requirements. All required uploads have not been forthcoming and include at a minimum analytical EDFs, GEO\_WELL data, GEO\_MAPs, and well survey uploads to GeoTracker (GEO\_XY and GEO\_Z). Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details.
2. **Appropriate ESL Tables** – Table 2 in the October 2010 compares the analytical results to Non-Drinking Water and Drinking Water Ceiling ESLs (as well as Drinking Water and Vapor Intrusion ESLs). Based on the groundwater conductivity results collected during sampling, a tendency for the majority of wells to dewater (implying but not testing low yield), and the location of the site over a former landfill, ACEH is in general agreement that groundwater beneath the site is properly classified as non-beneficial. However, the proposed use of ceiling ESLs as either remedial or cleanup goals must be justified as protective of human health and the environment. Please adjust future reports to reflect this. Please also be aware that case closure does not necessarily require cleanup to cleanup goals, only that those goals can be met within a reasonable timeframe.
3. **Request for Work Plan** – One of the remaining principal concerns of ACEH is the extent to which residual soil and groundwater contamination in the vicinity of the former UST location has extended under the existing building onsite; the UST system was immediately upgradient of the building. As a consequence, the existing request for a work plan for a subsurface investigation remains a valid consideration. As noted in previous correspondence, a review of (at that time) the most recent analytical data for the site (October 2000) indicated that significantly elevated groundwater concentrations remained (above the cited Non-Drinking Water Ceiling ESL and above the Vapor Intrusion ESL for groundwater) at well MW-2 in the vicinity of the former UST. The data implied that a significant residual soil source remained (and may remain). While reduced, the October 2010 groundwater data extends the appropriateness of this observation at well MW-2, but does not address concentrations that have migrated downgradient under the building, or beyond as outlined below.

Other previously observed reasons include limited sidewall sampling to confirm adequate removal of impacted soil during remedial overexcavation in 1987 (two samples were collected at generally unspecified locations and the excavation required stopping three to five feet from the building due to structural stability concerns), and lack of characterization of waste oil and standard waste oil constituents for a UST that had previously held waste oil. Reviews of the chromatograms included in the October 2010 report indicate heavy hydrocarbons are present.

Additional observations supporting these concerns include consistently higher groundwater concentrations through time, including free phase concentrations in earlier years, from well MW-2, compared to well EW-1. This suggests the residual soil source may be more closely associated with well MW-2. This in turn implies a significant residual source may also exist beneath the building. Therefore as before, additional focused source area delineation (extent and remaining magnitude) is appropriate at the site, with the intent of determining any appropriate next steps. Angled bores may be one method by which to investigate the extent under the building.

To determine the extent that source area impacts in soil and groundwater extend downgradient, ACEH additionally requests limited investigation to verify the extent of downgradient impacts. Wells MW-4 and MW-6 are approximately 140 feet apart and the plume can be interpreted to extend through that gap. One or more wells or a limited soil bore transect between those well locations may be adequate. Please submit a work plan to undertake these tasks by the date identified below.

4. **Source of Hydrocarbons in Well MW-8** – A significant increase in hydrocarbon concentrations in well MW-8 was observed in the recent groundwater monitoring event. The unevaluated lateral and downgradient onsite extent of these hydrocarbons also have the potential to impact vapor intrusion concerns at the site building, especially since the chromatographic pattern and the analytical results suggest a source with more volatile components. While it is understood that innocent landowners are not responsible for contamination not derived from their property, ACEH requests further evaluation relative to this significant change as there do not appear to be known sources in the local vicinity in the upgradient direction. Other possibilities can include onsite or offsite vicinity shallow storm drains and surface spills. A fuller understanding of potential sources for the increase is required to assess the impact to the site. Please submit details of your evaluation with the previously requested work plan, and any appropriate subsurface investigations with the work plan.
5. **Request for Sub-Slab Vapor Survey Work Plan** – ACEH appreciates the release of the two reports concerned with methane mitigation beneath the subject building. The closest methane ventilation well to the hydrocarbon plume appears to be approximately 50 to 60 feet from the presumed location of the core of the hydrocarbon plume beneath the building. ACEH is unsure if this distance is sufficiently adequate to mitigate vapor intrusion concerns associated with the hydrocarbon plume, especially the volatile components, which have very low exposure goals. Additionally, because the extent of residual hydrocarbons in soil and groundwater downgradient of well MW-2 remains in question as discussed above, ACEH is also unsure of the magnitude of exposure to hydrocarbon vapors present beneath the building at the site. Finally, recent vapor intrusion research appears to suggest that oxygenated soil is a requisite to preventing petroleum hydrocarbon vapor intrusion; however, related research also indicates that the presence of methane at a site significantly limits (occludes) the infiltration of oxygen into the subsurface. As a consequence ACEH requests a work plan, by the date identified below, for a sub-slab vapor survey in the southeastern portion of the building, and dependant on those results, potentially a vapor intrusion study. The protocols for a vapor intrusion study can be included as a contingency in the sub-slab vapor intrusion work plan and protocols. Such a study should additionally sample for methane, and can consequently help determine the effectiveness of the methane ventilation system. The sampling of the stack emissions of the passive vent wells may also be useful. Please submit a work plan to undertake this task by the date identified below. Coordination of the vapor intrusion survey with the consultant at the adjacent site to the north is appropriate; consequently these consultants have been copied with this letter.
6. **Incomplete Preferential Pathway Study** – ACEH also appreciates the initial preferential pathway findings, but finds the study incomplete in several areas. As proposed in the October 2009 work plan, the well records of the Alameda County Department of Public Works were not reviewed. These records can be sufficiently different from DWR records that they require inclusion. Additionally, while perceived to be less of a concern at this site, clarification is sought on the depth of the utility flow lines. Other than the storm drains, the flow line depth for the relevant utilities or laterals were not discussed, and potentially create preferential pathways of concern. Should the utilities be installed within the zone of groundwater flow as determined by the historic record for the site, all onsite and offsite utilities within the vicinity should be depicted on site maps. Please submit a complete preferential pathway with the requested site investigation work plan as identified below.
7. **Groundwater Monitoring** – Please continue groundwater monitoring on a semi-annual basis using wells MW-8, EW-1, MW-2, MW-4, and MW-6. It is not necessary to sample wells MW-3, MW-5, and MW-7 at this time; they appear to be monitoring releases not associated with this site. Please incorporate standard waste oil constituents (TPH<sub>m</sub>, the five LUFT metals, and chlorinated solvents) a minimum of one time to determine the need for further inclusion of these analytes. Please also include analysis for Total Dissolved Solids (TDS). It may also be appropriate to test site wells to determine if the aquifer beneath the site should be classified as non-productive (< 200 gallons per day). Please submit semi-annual reports approximately every six months as initiated below. Please coordinate future groundwater monitoring events with events on the adjacent site in order to obtain a better understanding of the site.

### **TECHNICAL REPORT REQUEST**

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

- **April 22, 2011** – Overdue Geotracker Uploads
- **May 27, 2011** – Soil, Groundwater, and Soil Gas Work Plan with completed Preferential Pathway Study
- **June 24, 2011** – Semi-Annual Groundwater Monitoring Report
- **60 Days After Approval of Work Plan** – Soil & Groundwater Investigation Report

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))

Michelle King, Erler & Kalinowski, Inc, 1870 Ogden Drive, Burlingame, CA 94010  
(sent via electronic mail to [mking@ekiconsult.com](mailto:mking@ekiconsult.com))

Jeff Shaw, Erler & Kalinowski, Inc, 1870 Ogden Drive, Burlingame, CA 94010  
(sent via electronic mail to [jshaw@ekiconsult.com](mailto:jshaw@ekiconsult.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, 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.

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| <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 [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.