

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

November 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)

Mr. Walt Kaczmarek
Unknown address

Ms. Denise Pingston
TMG Partners
100 Bush St. #2600
San Francisco, CA 94104
(sent via electronic mail to dpingston@tmgpartners.com)

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

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

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Groundwater Monitoring Report, Second Quarter 2011 Sampling Event*, dated July 22, 2011 (received August 4, 2011) and the *Work Plan for Additional Investigation*, dated July 22, 2011 (received August 8, 2011). Both were prepared and submitted on your behalf by PES Environmental, Inc (PES). The reports were submitted in response to an ACEH letter dated April 1, 2011. Thank you for submitting the reports.

Among other items, the groundwater monitoring report documented a return to historic groundwater concentrations in upgradient well MW-8. This was reasoned to indicate that either a sampling or a laboratory error occurred to produce the elevated groundwater concentrations during the October 2010 sampling event. No further actions or investigations were proposed relative to this ACEH area of concern, except for continued semi-annual monitoring of the situation. Recent groundwater concentrations appear to have moderated; however, due to limited recent semi-annual sampling events the moderation may be related to seasonal fluctuations. Concentrations up to 6,100 µg/l TPHg and 700 µg/l benzene were present in October 2010, while in comparison concentrations of 1,900 µg/l TPHg and 220 µg/l benzene were documented in the recent May sampling event.

The work plan proposes the collection of sub-slab vapor sample beneath the building at the subject site, the construction of a temporary well (with sand and bentonite, but lacking a sanitary seal) between wells MW-4 and MW-6 in an attempt to determine if a groundwater plume may exist between the two wells, and proposes a delay in the requested source area investigation until collection of the vapor and groundwater samples. Both the vapor point and the temporary well are proposed for destruction thereafter. The work plan also included an addendum to the preferential pathway evaluation that included vicinity wells and potential utility conduits.

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. **Sub-Slab Vapor Survey Work Plan Addendum Request** – The recent work plan proposed a one-time sampling event at a single sub-slab vapor point beneath the building at the subject site, in conjunction with one indoor and one outdoor 8-hour time weighted average background air samples (the latter due to the proximity of I-80). ACEH requests a minimum of two “permanent” sampling points be installed within the likely groundwater plume location, away from utilities (as proposed), and (as requested herein) methane vent wells. This is in accordance with the DTSC *Interim Final Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air* (as modified February 2005) sub-slab sampling guidelines. This also allows resampling of the vapor points in accordance with standard recommended methodology. As a consequence, ACEH requests the submittal of a revised site plan (as a work plan addendum) to allow an understanding of the planned installation locations by the date listed below.

The work plan also proposes to utilize both the referenced DTSC 2005 guidelines and the DTSC Draft *Advisory – Active Soil Gas Investigation*, dated March 2010, to conduct the sub-slab vapor survey. However, there are several potential concerns that were not directly discussed, and to preclude miscommunication ACEH provides the following comments and requests to be incorporated into the proposed work. Other than a revised site plan as requested above, the submittal of a revised work plan or a work plan addendum is not required to address the following items, unless an alternate scope of work outside that described in the work plan or technical comments below is proposed.

- a. **Vapor Probe Construction** – The work plan details the construction details of the permanent vapor probe; however, does not specify the use of a filter pack around the vapor tip. Because a rotohammer will be used to drill the probe hole the generation of a concrete dust can be a concern. As a consequence ACEH requests the use of a sand pack to minimize problems with fine particulates. An alternative solution would include the use of a dust filter in the sampling train.
 - b. **Sample Collection Interval** – The work plan proposes to collect vapor samples 30 minutes after probe installation; however, the Draft March 2010 Advisory indicates that the wait period after probe installation with air rotary methods (such as a rotohammer) should be determined by equilibrium conditions. As a consequence ACEH requests a minimum 24 hour sampling interval, unless equilibrium conditions are documented prior to that time period.
 - c. **Tracer Shroud** - The sampling protocols indicate that a shroud will be used; however, do not describe how the sampling train will be accessed to retain a helium enriched atmosphere around the sampling train at all times. To preclude miscommunication ACEH requests that the shroud remain in place for the duration of the test to maintain that atmosphere. To allow “real-time” monitoring of the shroud tracer atmosphere with a (presumed) helium monitoring device, the shroud should be fitted with a minimum of one port. The port can be used to access the sampling train without removal of the shroud if a gas impermeable (e. g. plastic) curtain is used. Please tabulate the shroud tracer concentrations in the report requested below should the tracer concentration readings are not contained in the field data sheets.
 - d. **Additional Soil Vapor Analytical Suite** – To better understand the sub-slab vapor environment ACEH requests the collection and analysis of standard atmospheric gases (nitrogen and oxygen), as well as methane, CO₂, and the tracer gas by appropriate methodologies.
2. **Request for Work Plan** – The referenced work plan proposes delaying the requested investigation of the source area until the results of the sub-slab vapor sampling and groundwater sampling event discussed above are available. While the data may be useful in the requested source area focused investigation, it would not appear to be a significant reason to delay the work. The delineation of the source area remains a potentially significant data gap at the site due to the observed potential seasonal concentration changes in seen in groundwater at the site. This implies that source area concentrations are important to understand. Because residual concentrations in source area soils are

poorly understood, and are essentially undefined, hydrocarbon concentrations of some significance may remain.

As previously discussed more extensively in the ACEH letter dated April 1, 2011, one of the remaining 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 as the UST system was immediately upgradient of the building. The existing request for a work plan for a subsurface investigation remains a valid consideration. This request is not intended to delay the implementation of the vapor survey; they can be undertaken concurrently. Please submit the requested work plan by the date identified below.

3. **Groundwater Monitoring** – Thank you for collecting standard waste oil analytes during the most recent groundwater monitoring event. While 3.7 µg/l TCE was detected in upgradient well MW-8, but was not detected in downgradient wells, including source area wells, it does not appear additional waste oil analysis at the site is necessary. Please continue groundwater monitoring on a semi-annual basis using wells MW-8, EW-1, MW-2, MW-4, and MW-6. While it is not necessary to sample wells MW-3, MW-5, and MW-7 at this time, it is appropriate to incorporate analytical data generated for these wells into data tables to preclude future confusion. Please also coordinate future groundwater monitoring events with events on the adjacent site in order to obtain a better understanding of the site. Please submit a groundwater monitoring report by the date identified below.
4. **Status of Irrigation Well** – ACEH appreciates the well conduit survey and map of vicinity wells contained in the referenced work plan; however, there is reference to a 470 foot deep irrigation well at the subject site (listed as No. 30 on the spreadsheet). ACEH request clarification of the status of this well, and of the screened interval. This can and should be included with the work plan addendum requested below.

TECHNICAL REPORT REQUEST

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

- **November 18, 2011** – Work Plan Addendum (revised site plan)
- **December 5, 2012** – Soil and Groundwater Work Plan
- **December 30, 2011** – Semi-Annual Groundwater Monitoring Report
- **60 Days After Approval** – Site Investigation Report (Vapor Survey)

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.

Sincerely,

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

Mses. Treinen and Pingston, and Mr. Kaczmarek
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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)

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

Rob Hansen, Sybase, One Sybase Drive, Dublin, CA 94568
(sent via electronic mail to robert.hansen@sybase.com)

Brad McInroy, Sybase, One Sybase Drive, Dublin, CA 94568
(sent via electronic mail to brad@sybase.com)

Paul Mahoney, Sybase, One Sybase Drive, Dublin, CA 94568
(sent via electronic mail to Paul.Mahoney@sybase.com)

Todd Maiden, Esq., Reed Smith LLP, 101 Second Street, Suite 1800, San Francisco, CA 94105
(sent via electronic mail to tmaiden@reedsmith.com)

Michelle King, Eler & Kalinowski, Inc, 1870 Ogden Drive, Burlingame, CA 94010
(sent via electronic mail to mkking@ekiconsult.com)

Jeff Shaw, Eler & Kalinowski, Inc, 1870 Ogden Drive, Burlingame, CA 94010
(sent via electronic mail to jshaw@ekiconsult.com)

Donna Drogos, ACEH, (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman, ACEH, (sent via electronic mail to 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/).

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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: 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
 - 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 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.