ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
REBECCA GEBHART, Interim Director

DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

May 22, 2017

Ms. Carryl MacLeod
Chevron Environmental Management Co.
6001 Bollinger Canyon Road
San Ramon, CA 94583
(Sent via electronic mail to: CMacleod@chevron.com)

WestMac LLC
1842 21st Avenue
San Francisco, CA 94122
(Sent via electronic mail to: gathconstruc@aol.com) and sokaneconst@hotmail.com)

Mr. Itgel Buyandalai
787 Marlesta Road
Pinole, CA 94564
(Sent via electronic mail to: teamspirit74@yahoo.com)

Subject: Request for Data Gap Work Plan; Fuel Leak Case No. RO00002438; Chevron #9-2029 (Global ID #T0600173887), 890 MacArthur Blvd, Oakland, CA 94608

Dear Ms. MacLeod, WestMac LLC, and Mr. Buyandalai:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file including the letter from the Chevron Environmental Management Company (CEMC), dated April 27, 2017, sent in response to an email from ACDEH dated April 20, 2017. The ACDEH email requested information and a meeting of all involved parties in order to determine a path forward at the site which is stated to have a building permit for redevelopment from its former use as a service station to a future residential land use. The CEMC letter declined ACDEHs meeting request to discuss the vapor mitigation system (VMS) and further groundwater monitoring and delineation.

As recently communicated in a *Review Summary Report – Additional Work*, the State Water Board (SWB; March 21, 2017) is in agreement with ACDEH that the site does not meet the Vapor Intrusion Criteria of the Low Threat Underground Storage Tank Case Closure Policy (LTCP) on site, and potentially offsite as the maximum benzene concentration in groundwater is greater than 100 micrograms per liter (µg/l), at the site which lacks a bioattenuation zone.

Therefore at this juncture, ACDEH reiterates our request for a meeting with Chevron and the property owner to discuss (1) collection of requisite data to close the offsite vapor intrusion data gap, (2) the requirements for submittal of a vapor mitigation system design to support the residential redevelopment, and (3) remedial actions, if necessary, to remove residual petroleum contamination in soil at the site. Please be prepared to discuss the technical comments below at the meeting. Please provide potential meeting dates and times by the date identified below.

TECHNICAL COMMENTS

1. **Collection of Requisite Data to Close the Offsite Vapor Intrusion Data Gap –** The groundwater plume to the southwest appears to be defined. However, the plume to the south is not defined as discussed below.

    - The offsite groundwater plume to the south was defined in February 2015 during the drought with grab groundwater samples from soil bores SB-19 (Depth to Water [or DTW] of 9.83 feet), SB-20 (DTW of 6.3 feet), and SB-21 (DTW of 10.65 feet). Samples from soil bores SB-20 and SB-21 had non-detectable concentrations of Total Petroleum Hydrocarbons as gasoline (TPHg) and benzene, toluene, ethylbenzene, and total xylenes (BTEX), while SB-19 had a concentration of 8,300 micrograms per liter (µg/l) TPHg, non-detectable benzene and naphthalene, and 3 µg/l ethylbenzene. A groundwater sample collected in downgradient well MW-6 in May 2015 in similar drought conditions detected concentrations of 3,600 µg/l TPHg, 19 µg/l benzene, and 7 µg/l ethylbenzene, when depth to groundwater was at 7.2 feet.
    - During the wet winter season in December 2016, when the depth to water was as shallow as 4.63 feet below grade surface (bgs) in MW-6, concentrations increased in the well groundwater

to 7,400 µg/l TPHg, 410 µg/l benzene, 57 µg/l ethylbenzene. ACDEH is concerned that grab groundwater samples collected from the referenced soil bores yielded lower analytical results, which can under report the extent of the groundwater plume, and that potential higher groundwater concentrations during higher groundwater levels may represent a vapor intrusion risk to the downgradient residential neighborhood.

Thus due fluctuating groundwater elevations and concentrations, it is appropriate to evaluate the site, and downgradient site vicinity, during higher groundwater levels, such as the present.

2. **Vapor Mitigation System and Site Redevelopment Plans -** A City of Oakland Building Permit plan set entitled *880 West MacArthur Boulevard, 39 Residential Units in Oakland California,* prepared by Levy Design Partners Inc, and dated July 11, 2016, has been uploaded to Geotracker and the ACDEH ftp site by Stantec, the consultant for Chevron, on behalf of Mr. Alex Buyan (Itgel Buyandalai), the property owner. The plan set provides building and structural plans for a new five-story, 39 unit residential building with parking at ground floor and four stories of residential above, and one elevator shaft. Plan sheet A10.1 (Details: Foundation) presents details for below grade waterproofing and drainage beneath the concrete slab on grade consisting of a moisture barrier (Stego Wrap – 15 mil), underlain by drain rock and perforated piping to an outside sump. Although extensive excavation has occurred beneath the majority of the building footprint, residual soil contamination remains along the south edge of the site, and other areas not excavated, as documented by soil and groundwater concentrations in bores SB-11, SB-12, SB-14, SB-15, SB-18, and SB-19. Benzene and ethylbenzene were detected in grab groundwater samples collected in February 2015, at concentrations of 210 and 2,700 micrograms per liter (ug/l), respectively, in SB-15, and 1,200 and 3,100 ug/l, respectively in SB-18. Additionally, groundwater from well MW-6 collected in December 2016, with a depth to water of 4.63 feet bgs, contained benzene of 410 ug/l and ethylbenzene of 57 ug/l.

   Due to the shallow depth to water at the site, high benzene and ethylbenzene concentrations in groundwater, the lack of a bioattenuation zone, and the subslab drainage system design for the proposed residential building which potentially intersects contaminated groundwater and may provide a vapor migration pathway for soil vapor, a Vapor Mitigation System (VMS) is required for the new residential structure at the site. The VMS must be presented in a VMS Basis of Design Report prepared by a professional Civil Engineer for review and approval by ACDEH. The VMS Design Report should also evaluate and provide engineering controls, if required, to prevent hydrocarbon contaminated groundwater from entering the subslab drainage system. The proposed use of Vapor Block Plus VBP20 in the VMS system must be supported in the design report including its appropriateness as a vapor barrier and potential contact with contaminated groundwater at concentrations seen at the site. The design must include a vapor barrier and a venting system, unless demonstrated that the venting system would be flooded.

   Upon ACDEH approval of the Basis of Design Report, the building permit plans must be revised to incorporate the approved VMS design.

3. **Backfill Material –** Limited data exists in the file documenting the quality of backfill used at multiple remedial excavations at the site. Data from soil bore SB-13, collected in the middle of the large excavation, indicates no detectable, at good limits of reporting, soil and grab groundwater contamination at the location. However, the soil bore log indicates that approximately 50% of the soil cuttings were not recovered, and thus indicates additional sampling is appropriate within the larger overexcavation area as the low recovery suggests non-homogenous backfill material. Additionally, Figure 3 of the *Remedial Excavation Report* (July 6, 2005, Cambria Environmental Technology, Inc.) also indicates that other backfill areas are present at the site, especially at the location of the former underground storage tanks (USTs), and does not address the nature (type and environmental quality) of the backfill material used at the additional excavation areas. ACDEH requests clarification on the depths and extent of excavation associated with the new residential development relative to the extent and depth of undocumented backfill that will remain at the site. If additional documentation of the type and environmental quality of the backfill material that will remain at the site has been documented, please provide it, otherwise, provide a strategy for evaluating the backfill material to ensure that it is not a risk for vapor intrusion.

4. **Corrective Actions –** Although extensive excavation has been conducted at the site, residual contamination was left in place along the southern edge of the property to ensure the stability to the adjacent sidewalk. Soil data from soil bores SB-15 (480 milligrams per kilogram [mg/kg] TPHg, 0.40 mg/kg benzene, and 8.3 mg/kg ethylbenzene) and SB-18 (up to 470 mg/kg TPHg, 0.17 mg/kg benzene, and 3.8 mg/kg ethylbenzene) indicate that residual contamination is present along the southern edge of the site which continues to contaminate groundwater and creates a vapor intrusion risk for both onsite and potentially offsite vapor intrusion risk. A Corrective Action Plan (CAP) must be submitted to excavate residual source material. This potentially could be conducted concurrent with redevelopment of the site.

   Figures in the CAP must show new utility alignments for the proposed residential structure

5. **Groundwater Monitoring –** Due to the exceptional rain year to date, and the high likelihood of a significant rise in groundwater elevations at the site, and the potential for a concurrent rise in contaminant concentrations and thus vapor intrusion potential, it is appropriate to collect groundwater samples to evaluate the depth to groundwater and contaminant concentrations to evaluate vapor intrusion risk to the proposed new residential structure. ACDEH requests groundwater samples be collected in the month of May or June to capture the wet weather season. Please submit the reports by the dates identified below.

6. **Phase 1 Reports –** As previously requested, a review of the subject site case file, indicates that a Phase 1 report for the purchase of the property has not been submitted by the current site owners. ACDEH requests that the Phase 1 be submitted in order to determine if other additional Recognized Environmental Conditions (RECs) were reported. ACDEH additionally requests that any Phase 1 updates be submitted in order to determine if any changes have been noted since the initial documents were generated. Please submit the Phase 1 reports by the date identified below.

7. **Expiration of Building Permit –** A building permit application for the proposed redevelopment of the former service station to a multi-unit residential facility was submitted to the City of Oakland building department prior to environmental review. It is the understanding of ACDEH, from conversations with the property owner that a building permit was issued, has been extended, but will expire this year. Corrective actions require a 30 day public participation period prior to implementation. It is possible that resolution of the environmental concerns at the site will not be complete prior to the building permit expiration. Under this scenario ACDEH is willing to work with the building department to help facilitate the granting of an extension of the building permit. Please provide a copy of the building permit and contact information for the building department staff.

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

Please note that ACDEH has updated Attachment 1 with regard to report submittals to ACDEH. ACDEH will now be requiring a Submittal Acknowledgement Statement, replacing the Perjury Statement, as a cover letter signed by the Responsible Party (RP). The language for the Submittal Acknowledgement Statement is as follows:

I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's Geotracker Website.

Please make this change to your submittals to ACDEH.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACDEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with Attachment 1 and the following specified file naming convention and schedule:

- **June 2, 2017–** Meeting Date Identification
  Please email your case worker

- **June 9, 2017 -** Phase 1 Reports
  File to be named: RO2438_PHASE1_R_yyyy-mm-dd

- **August 4, 2017 –** Semi-Annual Groundwater Monitoring Report
  File to be named: RO2438_GWM_R_yyyy-mm-dd

- **August 25, 2017 –** VMS Basis of Design Report
  File to be named: RO2438_CAP_R_yyyy-mm-dd

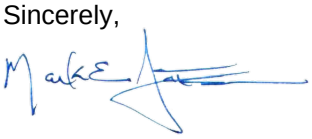
- **February 23, 2018 –** Semi-Annual Groundwater Monitoring Report
  File to be named: RO2438_GWM_R_yyyy-mm-dd

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 does not appear on the cover page of this notification, ACDEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

Thank you for your cooperation. If you have any questions, please call 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

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

cc: Travis Flora, Stantec Consulting Services, Inc, 15575 Los Gatos Blvd, Bldg C, Los Gatos, CA 95032 (Sent via electronic mail to: Travis.Flora@Stantec.com)

Dan McGue, Paragon Real Estate Group, 1400 Van Ness Avenue, San Francisco, CA 94109 (Sent via electronic mail to: DanMcGue@paragon.re.com)

Dilan Roe, ACDEH, (Sent via electronic mail to: dilan.roe@acgov.org)
Paresh Khatri, ACDEH; (Sent via electronic mail to: paresh.khatri@acgov.org)
Mark Detterman, ACDEH, (Sent via electronic mail to: mark.detterman@acgov.org)
Electronic File; GeoTracker

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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) for more information on these requirements.

ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website." 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 6731, 6735, and 7835) 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 licensed 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 case meet this requirement. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: http://www.bpelsg.ca.gov/laws/index.shtml.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, late 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 SCP)	**REVISION DATE:** December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	**SUBJECT:** Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP and SCP) 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) Open File Explorer using the Windows  key + E keyboard shortcut.
      i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
   b) On the address bar, type in ftp://alcoftp1.acgov.org.
   c) Enter your User Name and Password. (Note: Both are Case Sensitive)
   d) Click Log On.
   e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
   f) 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.