



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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June 27, 2014

Ms. Elaine Kirk
Marks Management Co.
c/o Banker, Marks, & Kirk
1721 Broadway, Suite 202
Oakland, CA 94612
(sent via electronic mail to:
EKirk.marks@earthlink.net)

Mr. William H. Banker, Jr.
San Pablo Avenue Venture
c/o Banker, Marks, & Kirk
1721 Broadway, Suite 202
Oakland, CA 94612
(sent via electronic mail to: BillBanker@comcast.net)

Subject: Partial Work Plan Approval and Request for Work Plan Addendum; Fuel Leak Case No. RO00002520 (Global ID #T06019788682), Maz Glass; 3800 San Pablo Avenue, Emeryville, CA 94608

Dear Ms. Kirk and Mr. Banker:

Alameda County Environmental Health (ACEH) has reviewed the case file, including the *Data Gaps Work Plan*, dated April 29, 2014, the *Site Conceptual Model*, dated April 1, 2014, and the *Second Quarter 2014 Groundwater Monitoring Report*, dated June 12, 2014. The reports were prepared and submitted on your behalf by Gribi Associates (Gribi). Thank you for submitting the reports.

Based on ACEH staff review of the referenced work plan, the proposed scope of work is conditionally approved for implementation **provided a work plan addendum is submitted** for review and approval prior to implementation of the field work. In order to expedite final approval and review of the work plan addendum, please submit a draft version of the Addendum by email for review prior to uploading to Geotracker and the ACEH ftp website. Please address the following technical comments, perform the approved work, and send us the reports requested below.

TECHNICAL COMMENTS

1. **Work Plan Modifications** – The referenced work plan proposes a series of actions and ACEH is in general agreement; however, ACEH requests several modifications to the approach, as discussed below.
 - a. **Soil Vapor Characterization** – ACEH is in general agreement with portions of the proposed scope of work for soil vapor characterization and requests the following modifications:
 - **Soil Vapor Well Construction** – The referenced work plan proposes the installation of four temporary soil vapor wells, and has a contingency of two additional vapor wells, depending on the results of the initial four vapor wells. While the wells are described as temporary, the wells are intended to remain onsite should additional vapor samples be required from these vapor wells, and will not be destroyed until that has been determined; thus ACEH considers them to be semi-permanent vapor wells. Except for the nature of the surface completion of the vapor well, the work plan provided well construction details. Because these are intended to be semi-permanent, ACEH requests that the wells be installed in well boxes.

The wells are proposed to be installed at two depths, 6.5 to 7.5 and 14 to 15 feet below surface grade (bgs); however, the work plan did not justify the two depths. Because the Low-Threat Closure Policy requires the installation of vapor wells five feet below the depth of the foundation

of an existing building, ACEH presumes, but requests confirmation (in the requested Work Plan Addendum), that existing foundations indicate that the installation of vapor wells between 6.5 to 7.5 feet in depth is appropriate. If existing building foundations have not been determined, ACEH requests that a building foundation survey be undertaken prior to vapor well installation and that the vapor wells be installed at a depth five feet below the building foundation. Please provide this information and justification in the resulting site investigation report. Please also be aware that this includes the depth of the foundation footings.

Also, at the present time, ACEH is not aware of a need for the installation of vapor wells at a depth of 14 to 15 feet. However, provided the data is presented to support the need for a deeper installation prior to the initiation of field work, ACEH is amenable to construction of deeper vapor wells.

- **Request for Additional Vapor Well Location** – In general the proposed locations of the wells appear appropriate; however, ACEH requests the addition of a vapor well in the southwestern corner of the eastern parking lot. Older site diagrams have depicted at least one underground storage tank (UST) at this location, and it is appropriate to investigate the potential for residual contamination to be present at the location.

Additionally, an assessment of the location of other potential sources identified in meetings including a likely former waste oil UST, hoists, and repair facility sumps at this former truck repair facility was not presented in the SCM as requested. Therefore please conduct this review and present justification for additional soil bores and vapor wells to address identified data gaps in the requested Work Plan Addendum.

- **Vapor Well Sampling Analytical Suite** – In addition to the identified chemicals of concern (Total Petroleum Hydrocarbons as gasoline [TPHg], and volatile organic compounds [VOCs]), the work plan proposes the collection of helium and oxygen in soil vapor. ACEH also requests the inclusion of standard atmospheric gases (carbon dioxide and nitrogen) as well as methane in the analytical suite in order to help validate the sampling results and determine if biodegradation is occurring in the subsurface.

ACEH additionally requests the inclusion of naphthalene in the soil vapor analytical suite (TO-15) as TPH as diesel (TPHd) is also a chemical of concern (COC) at the site, and the LTCP petroleum vapor intrusion to indoor air media-specific criterion includes a naphthalene evaluation (naphthalene is a standard component of diesel fuel). Please be aware, that the Department of Toxic Substances Control (DTSC) recommends confirmation of the sampling result of naphthalene by TO-15, with secondary analysis by TO-17, due to sorption of naphthalene by sampling equipment (especially Nylaflow tubing). ACEH requests that the DTSC recommendations be followed.

b. Shallow Soil Characterization - ACEH is in general agreement with the proposed scope of work for shallow soil characterization.

- **Four Shallow Soil Bores** - The referenced work plan proposed the installation of four shallow soil bores SS-1 to SS-4 at an approximate depth of 1 foot below grade surface (bgs) to pre-characterize soil in an area of the site that will require excavation to an approximate depth of 2 feet bgs for the proposed site redevelopment. These bores and the proposed analytical suite appear appropriate, and ACEH has no further comments relative to these bores.

c. Groundwater Plume Delineation – ACEH does not concur with the conclusions contained in the SCM that additional groundwater plume delineation is not necessary.

- **Additional Boring Locations** - The January 23, 2014 directive letter requested an assessment of the direction of groundwater flow as multiple flow directions have been documented by relatively few groundwater monitoring events at the site. As discussed in the meetings, the documented flow directions do not correlate with the apparent groundwater plume location. The use of a rose diagram to document groundwater flow directions was requested with a discussion of causes of groundwater direction changes.

The work plan proposed the installation of two soil bores across San Pablo Avenue from the subject site in order to help define the extent of the soil and groundwater plume in this direction; however, due to the lack of submitted data and analysis as previously requested, ACEH is uncertain that this is the only groundwater plume direction that requires delineation.

Additionally, as discussed above, a 1,000-gallon UST was removed from the sidewalk adjacent to the subject site in August 2012. At present the delineation of the groundwater plume downgradient of the UST is incomplete based on the previously submitted incomplete analytical set.

Please evaluate groundwater flow direction and existing data as discussed above, and provide a revised figure (as a Work Plan Addendum) showing the locations of additional proposed borings to address these data gaps and support the locations with a rose diagram of groundwater flow directions.

- **Full Analytical Suite** - Submittal of a full suite of Chemicals of Concern (COC) at the site, including TPH as diesel (TPHd), TPH as heating oil (TPHho), EDB, and EDC concentrations in soil and groundwater analyses at the site has been requested multiple times, inclusive of the January 23, 2014, and the November 16, 2012 directive letters. A full suite analysis of semi-volatile organic compounds (SVOC) and volatile organic compounds (VOC) in groundwater was also requested due to the likely presence of sumps and a waste oil UST. Please include the full suite of COCs in the Work Plan Addendum.
 - **Preferential Pathway Study** - Submittal of a preferential pathway study (location and depth of utilities, and of vicinity water supply wells using Department of Water Resources (DWR) and the Alameda County Public Works Agency (ACPWA) resources) has been requested multiple times (November 16, 2012 and January 23, 2014) in directive letters. Utility information has been summarized, but not depicted in site figures which are useful in understanding potential bore location limitations or other considerations. The Geotracker Groundwater Ambient Watering and Assessment (GAMA) website has also been reviewed for water supply wells; however, as previously requested, DWR and ACPWA databases have not been. Because the databases of each agency and website are separate and different, it is appropriate to review each of these resources. Review of Figure 5 from the *East Bay Plain Groundwater Basin Beneficial Use Evaluation Report, Alameda and Contra Costa Counties, CA*, San Francisco Regional Water Quality Control Board, dated June 1999, indicates that this region of Emeryville has a high incidence of early, potentially unregistered, water supply wells (see copy attached). Please depict utilities on figures with the proposed locations of the borings. Please also depict water supply well locations on a figure and tabulate identified wells. ACEH recognizes that well construction details are confidential; however, well locations are not.
2. **Groundwater Monitoring** – Due to the rapid schedule proposed for site redevelopment, it appears appropriate to continue quarterly groundwater monitoring at the subject site. The collection of quarterly data will help assess contaminant concentrations in groundwater and contaminant rebound. An evaluation of the rebound appears appropriate prior to authorization of additional remedial actions.

As previously requested, please include TPHd, TPHho, EDB, EDC full suite VOC and SVOC a minimum of one time into the analytical suite for groundwater. ACEH requests the analytical suite be evaluated thereafter. Additionally, please submit reports by the dates identified below.

3. **Site Investigation Report** – After review and approval of the Work Plan Addendum by ACEH, please present the results of the investigation in a report by the date identified below. Please update the SCM with the new data and include items previously requested by ACEH and not yet addressed as discussed below. As discussed in our meetings, ACEH is committed to expediting review of submitted reports to help facilitate the site redevelopment schedule. However, due to the lack of inclusion or lack of discussion of data gaps previously identified in the January 23, 2014 letter, ACEH cannot complete the review of the site to determine whether the LTCP criteria have been satisfied until the following information is provided:

- a. **Submittal of All Environmental Reports** – As previously requested, ACEH requests the submittal of all environmental reports generated for the project (inclusive of Phase 1 reports).
- b. **Site Vicinity Uses** - An aerial photographic figure to allow a determination of vicinity site uses.
- c. **Soil and Well Bore Details** - Submittal of all soil and well bores with PID and initial and static groundwater depths as discussed in meetings and as previously requested.
- d. **Submittal of Chromatograms** - ACEH also requested the submittal in the SCM of chromatograms of the TPHg analysis for soil and groundwater collected at soil bore SB-28 in an effort to determine the presence and magnitude of diesel or heating oil compounds this location. As ACEH has previously noted, soil analytical data from soil bore B-28, installed adjacent to a former heating oil UST near the intersection of Apgar Street and San Pablo Avenue, was analyzed for Total Petroleum Hydrocarbons as gasoline (TPHg). The groundwater analytical data detected 910 micrograms per liter (ug/l) TPHg, a concentration that can imply much higher diesel or heating oil concentrations, and indicates that plume delineation in this area of the site has not been achieved.

TECHNICAL REPORT REQUEST

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

- **July 25, 2014** – Quarterly Groundwater Monitoring Report
File to be named: RO2520_GWM_R_YYYY-mm-dd
- **August 1, 2014** – Work Plan Addendum
File to be named: RO2520_WP_ADEND_R_YYYY-mm-dd
- **60 Days After Work Plan Addendum Approval** – Site Investigation Report
File to be named: RO2520_SWI_R_YYYY-mm-dd
- **October 17, 2014** – Quarterly Groundwater Monitoring Report
File to be named: RO2520_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>.

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
Electronic Report Upload (ftp) Instructions

Figure 5, *East Bay Plain Groundwater Basin Beneficial Use Evaluation Report, Alameda and Contra Costa Counties, CA*, San Francisco Regional Water Quality Control Board, dated June 1999,

cc: James Gribi, Gribi Associates, 1090 Adams Street, Suite K, Benicia, CA 94510, (sent via electronic mail to: JGribi@gribiassociates.com)

Tom Graf, GrafCon, P.O. Box 1105, Tiburon, CA 94920, (sent via electronic mail to Tom@grafcon.us)

Dilan Roe, ACEH, (sent via electronic mail to dilan.roe@acgov.org)

Mark Detterman, ACEH, (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

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: May 15, 2014
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 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.

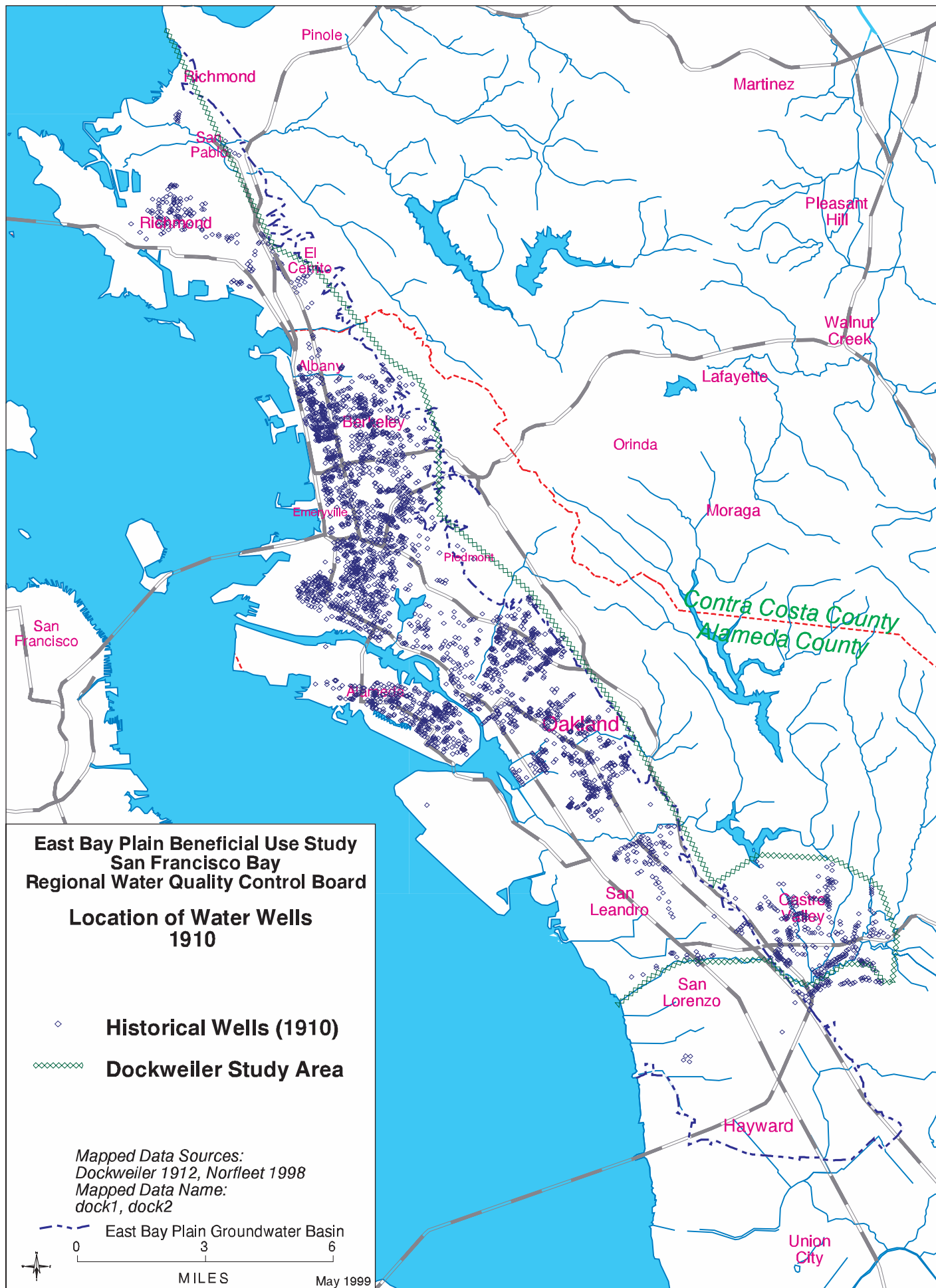


Figure 2