

ALAMEDA COUNTY
**HEALTH CARE SERVICES
AGENCY**

COLLEEN CHAWLA, Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
1131 HARBOR BAY PARKWAY, SUITE 250
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

August 17, 2018

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 William Banker
530 The Glade
Orinda, CA 94563
(Sent via electronic mail to:
BillBanker@comcast.net)

Mr. Kevin Brown
3800 San Pablo LLC
1201 Pine Street, #151
Oakland, CA 94507
(Sent via electronic mail to:
kb@hollidaydevelopment.com)

Subject: Conditional Work Plan Approval; Fuel Leak Case No. RO00002520 (Global ID #T06019788682), Maz Glass; 3800 San Pablo Avenue, Emeryville, CA 94608 and Site Cleanup Program (SCP) Case No. RO00003237 (Global ID # T10000010062), 3800 San Pablo Avenue, 3800 San Pablo Avenue, Emeryville, CA 94608

Dear Ms. Kirk, Mr. Banker, and Mr. Brown:

Alameda County Department of Environmental Health (ACDEH) has reviewed the case file, including the *Workplan to Conduct Additional Investigative Activities*, dated June 29, 2018. The work plan was prepared and submitted on your behalf by Gribi Associates (Gribi). Thank you for submitting the work plan.

For fuel leak case RO0002520 / T06019788682, the work plan proposed to evaluate groundwater downgradient of the diesel underground storage tank (UST) release, documented in the southern portion of the site, relative to the West MacArthur Boulevard underpass located immediately south-southwest of the UST release. For the fuel leak case as well as the SCP case RO0003237 / T10000010062, the work plan proposed the installation of five temporary sub-slab vapor points (SS-12 to SS-16) and the collection of subslab vapor samples for Volatile Organic Compounds (VOCs), fixed gases (oxygen, carbon dioxide, nitrogen, helium) and methane from the temporary points and from permanent points SS-9 to SS-11.

Based on ACDEH 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) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Conditional Work Plan Approval** – The referenced work plan proposes a series of actions and ACDEH is in general agreement; however, ACDEH requests several modifications to the approach, as discussed below.
 - a. **Temporary Sub-Slab Vapor Points** – The locations of the temporary sub-slab vapor points may in part be random, but the rationale for the selected locations was not discussed in the work plan. ACDEH requests that the placement of the points be biased towards drainage structures (sumps, drain lines, etc.) used by the former truck repair facility, while maintaining an adequate geographic distribution through the structure. This may require the installation of additional vapor points. ACDEH further requests an effort to locate all structures, and that the identified structures be located on future site maps.
 - b. **Selection of Temporary Vapor Points** – The use of temporary subslab vapor points is a calculated risk by project proponents, as Department of Toxic Substances (DTSC) guidance indicates multiple samples events from permanent vapor points are appropriate. Lower or

moderate analytical concentrations are not necessarily convulsive of the lack of risk after one sampling event, and additional sampling events may be requested by ACDEH.

- c. **Volatile Organic Compound Analysis** – While expected, but to preclude miscommunication, ACDEH requests a full scan VOC analysis by TO-15.
- d. **Groundwater Plume and MacArthur Undercrossing** – As essentially stated in the previous directive letter, ACDEH requests this portion of the investigation include the depth of the undercrossing and of the dewatering structures, the location of dewatering structures, an investigation into the capture zone of the dewatering structures, identification of discharge effluent treatment systems or disposal conveyance, and the generation of cross-sections to illustrate and verify this potential condition.

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 the specified file naming convention below, according to the following schedule:

- **October 19, 2018** – Third Quarter Semi-Annual 2018 Groundwater Monitoring Report
File to be named: RO2520_GWM_R_YYYY-mm-dd
- **October 26, 2018** – Site Investigation
File to be named: RO2520_RO3237_SWI_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.

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: 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, 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

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: December 14, 2017
	ISSUE DATE: July 25, 2012
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	SUBJECT: Responsible Party(ies) Legal Requirements / Obligations

REPORT & DELIVERABLE REQUESTS

Alameda County Department of Environmental Health (ACDEH) Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) require submission of all reports in electronic form to the State Water Board's (SWB) GeoTracker website in accordance with California Code of Regulations, Chapter 30, Division 3, Title 23 and Division 3, Title 27.

Leaking Underground Fuel Tank (LUFT) Cases

Reports and deliverable requests are 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 (RP) in conjunction with an unauthorized release from a petroleum underground storage tank (UST) system.

Site Cleanup Program (SCP) Cases

For non-petroleum UST cases, reports and deliverables requests are pursuant to California Health and Safety Code Section 101480.

ELECTRONIC SUBMITTAL OF REPORTS

A complete report submittal includes the PDF report and all associated electronic data files, including but not limited to GEO_MAP, GEO_XY, GEO_Z, GEO_BORE, GEO_WELL, and laboratory analytical data in Electronic Deliverable Format™ (EDF). Additional information on these requirements is available on the State Water Board's website (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)

- Do not upload draft reports to GeoTracker
- Rotate each page in the PDF document in the direction that will make it easiest to read on a computer monitor.

GEOTRACKER UPLOAD CERTIFICATION

Each report submittal is to include a GeoTracker Upload Summary Table with GeoTracker valid values¹ as illustrated in the example below to facilitate ACDEH review and verify compliance with GeoTracker requirements.

GeoTracker Upload Table Example

Report Title	Sample Period	PDF Report	GEO_MAPS	Sample ID	Matrix	GEO_Z	GEO_XY	GEO_BORE	GEO_WELL	EDF
2016 Subsurface Investigation Report	2016 S1	✓	✓	Effluent	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
2012 Site Assessment Work Plan	2012	✓	✓			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2010 GW Investigation Report	2008 Q4	✓	✓	SB-10	W	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				SB-10-6	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				MW-1	WG	✓	✓	✓	✓	✓
				SW-1	W	✓	✓	✓	✓	✓

¹ GeoTracker Survey XYZ, Well Data, and Site Map Guidelines & Restrictions, CA State Water Resources Control Board, April 2005

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: NA
	ISSUE DATE: December 14, 2017
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	SUBJECT: Responsible Party(ies) Legal Requirements / Obligations

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 the State Water Board's GeoTracker website." This letter must be signed by the Responsible Party, or legally authorized representative of the Responsible Party.

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 and include the professional registration stamp, signature, and statement of professional certification. 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

For LUFT cases, RP's non-compliance with these regulations may result in ineligibility to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse the cost of cleanup. Additional information is available on the internet at: https://www.waterboards.ca.gov/water_issues/programs/ustcf/

AGENCY OVERSIGHT

Significant delays in conducting site assessment/cleanup or report submittals may result in referral of the case to the Regional Water 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.