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HEALTH CARE SERVICES
AGENCY
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02-02-05

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January 31, 2005

Stanley Greitzer
P.O. Box 329
Gardena, CA 90248

Subject: Toxics Case No. RO0002613, Greitzer Property, Former Industrial Facility at 1614 Campbell St., Oakland, California – Response to Environmental Review Documents and Workplan

Dear Mr. Greitzer:

Alameda County Environmental Health (ACEH) has reviewed your October 11, 2004, *Site Conceptual Model and Workplan* prepared by ERAS Environmental, Inc., and the case file for the above-referenced site. The site conceptual model (SCM) and workplan do not adequately respond to ACEH's concerns as expressed at the August 10, 2004 meeting between yourself, ERAS, Nas Construction Co., and ACEH. ACEH has been asked to provide input on two issues concerning the site:

- *Site History Evaluation And Preliminary Assessment:* ACEH recommended the following potential approaches for preliminary assessment of this former industrial facility: 1) detailed reconstruction of the site history and targeted sampling in areas of concern, and/or 2) site-wide sampling, inclusive of all areas where hazardous materials may have been used, dispensed or stored, to identify contamination from unknown or undocumented releases. These approaches are recommended based on ERAS' Phase I ESA findings, including poor housekeeping practices with respect to hazardous materials and an extensive industrial use history. Following the meeting, ERAS did not refine its evaluation of the site, and the workplan proposes collection of two samples based solely on ERAS' November 7, 2003, observations. ERAS' SCM does not sufficiently evaluate the site history, and presents an insufficient workplan.
- *Corrective Action Related To Former Onsite Gasoline And Fuel Oil Tanks*: To address subsurface contamination believed to be associated with former gasoline and fuel oil tanks, ACEH recommended additional assessment to better define the nature of the site and to fully define the extent of contamination. The locations of the former tanks appear approximate and the magnitude and extent of hydrocarbons is undefined. ERAS proposes over-excavation. Insufficient data and analysis have been presented to determine whether or not this approach is likely to fully address the problem. Further, this approach has not been shown to be cost-effective.

We recommend that you reconsider your approach and submit a comprehensive plan for preliminary assessment of the site and further investigation of known areas of contamination. Further specifics describing our rationale for not concurring with the SCM and workplan, and detailing our request for a revised workplan are presented below.

TECHNICAL COMMENTS

1. Hazardous Materials Disposal

On your behalf, Nas Mark Johnson submitted: 1) July 19, 2004 letter describing facility cleanup, and 2) August 17, 2004, letter with copies of Material Safety Data Sheets for chemicals used at the site. It appears that the well was destroyed under permit, and removals of hazardous materials were performed with appropriate manifesting. No confirmation has been provided by the project coordinator (or ERAS) that the site is currently in compliance with applicable laws and regulations. ACEH does not have the resources to inspect your facility. We recommend that ERAS visit the site, confirm completion of the site work and state whether or not any current storage is in compliance with all federal, state and local laws and regulations.

2. Site History

ERAS states that the site has been operated as an industrial facility since at least 1912, and that prior to current manufacture of synthetic insulation, light bulbs were produced at the site. No attempt appears to have been made in either ERAS' October 11, 2004, SCM or their December 13, 2003, *Phase I Environmental Site Assessment* (ESA) to evaluate the potential historical presence of hazardous materials at the site prior to the November 7, 2003, Phase I reconnaissance. We recommend that you consult ASTM E 1527-00 *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* and the Cal-EPA Department of Toxic Substances Control, *Preliminary Endangerment Assessment Guidance Manual*, Ch. 2, in evaluating the site history. Significantly, your December 13, 2003, *Phase I ESA* is not in conformance with ASTM E 1527-00 as it does not include the required conclusive statement specified in Section 11.7: "This assessment has revealed no evidence of recognized environmental conditions in connection with the property except for the following: (list)." While we concur with the proposed sampling of the hazardous materials storage area and the drainage sump, this sampling may be insufficient to fully assess the site. ACEH recommends that you either 1) refine your understanding of the site history and present an orderly description of each area of concern, or 2) propose site-wide screening-level sampling in the revised workplan requested below.

3. Sampling and Analysis Plan

ERAS proposes insitu sampling near the locations of former fuel oil and gasoline tanks, in a hazardous materials storage area, and from a drainage sump. ACEH addresses investigation of the former fuel oil tank and gasoline tanks in Comment No. 3, below. ERAS' proposal to address the findings of their Phase I ESA with one soil boring and sampling groundwater from the sump is insufficient because ERAS identified multiple areas of potential impact, and because ERAS does not succinctly identify areas which warrant further investigation or provide rationale supporting their recommendations. ERAS' Phase I ESA identified multiple areas of concern including 1) two sumps (p.14, "Evidence of Waste Disposal"), 2) hazardous materials storage in "various locations" (p.16, "General Environmental Practices"), in the well shed and in a hazardous materials storage room, and 3) sampling of the industrial water well detected Rhoplex E-32 NP emulsion (according to the July 19, 2004 letter from Nas Construction). No MSDS for this product (or other appropriate reference with a list of chemicals found in the emulsion) has been provided. Each area of concern needs to be discussed. Furthermore, because ERAS recommended formal facility closure through the CUPA and because ERAS identifies the site as a RCRA hazardous waste generator, a more conservative approach to preliminary assessment of the site appears necessary.

In addition to fully addressing ERAS' November 7, 2003, site reconnaissance findings, we recommend that you conduct and address the findings of a more detailed site history evaluation (per Comment No. 1, above). In general, the degree of site sampling necessary to suitably assess a former facility depends on the availability of site history documentation. As an alternative to detailed reconstruction of the site history, data gaps and uncertainties can be addressed through more comprehensive sampling and analysis. Significant augmentation of 1) your site history evaluation, 2) your sampling and analysis plan, or 3) a combination of these two efforts, is necessary before ACEH can comment on the completeness of your property transaction screening.

4. Former Fuel Oil and Gasoline Tanks

ERAS' *Phase I ESA* reports the former presence of gasoline and fuel oil storage tanks and recommends that a geophysical survey be performed to determine whether or not these tanks are buried at the site. No geophysical survey appears to have been performed, and evidence confirming the former locations of the USTs has not been suitably presented. Further, ERAS' CSM does not describe the hydrogeologic or contaminant concentration data in a concise and comprehensive manner. A suitable workplan needs to coherently summarize the available data, clearly identify objectives for additional investigation, and propose investigation tasks with rationale supporting the selected approach. As part of this effort, industry standard for professional work includes tabulation of soil and groundwater data. The objective of summary tables is to present all site data in a format which facilitates evaluation of chemical concentrations across the site and evaluation of time series.

In their October 11, 2004, workplan, ERAS proposes over-excavation of the presumed former tank locations and limited soil and groundwater sampling from the excavation. While it is our opinion that limited excavation would likely be an effective means to: 1) conduct additional subsurface evaluation of the potential presence of underground tanks in the selected locations, 2) assist in delineating the extent of soil and groundwater impact, and 3) remove potentially contaminated soil and groundwater, ERAS has not presented a comprehensive plan for defining the nature and likely lateral and vertical extent of contamination. Accordingly, it is likely that further work following the proposed excavation would be required. Furthermore, ERAS' proposal to remove accessible soil with concentrations exceeding 500 mg/kg TPHmo or 100 mg/kg TPHg has not been shown to be a necessary or effective means of cleaning up the site. Please prepare 1) summary tables for soil and groundwater, 2) summary figures for soil and groundwater illustrating the distribution and indicating the concentrations and depths for the contaminants of concern, 3) revised preliminary cleanup levels for all contaminants of concern, 4) evidence supporting your identification of the former UST locations, 5) a sampling and analysis plan to define source area contamination, 6) a sampling and analysis plan to define the groundwater plume, and 7) identification of subsurface utilities and wells potentially affected by the release in accordance with 23 CCR 2654b(2) in the revised workplan requested below. Additional guidance for requests 4, 5 6 and 7 is presented below.

A. *Location of Former Gasoline and Fuel Oil Tanks* – In their Phase I ESA, ERAS states that an underground gasoline tank was located in the center of the parking area and that a fuel oil storage area was located on the eastern side of the building. In their subsequent subsurface investigation report, ERAS states that there was a gasoline storage tank and a fuel oil tank at the site. The fuel oil tank may have been above or below ground. It is not clear whether or not the "fuel oil tank" and the previously identified "fuel oil storage area" represent the same historical features. ERAS recommended a geophysical survey to inspect the two general locations identified in the Phase I ESA for USTs. This survey does not

appear to have been perform and no evidence supporting removal of the former tanks has been presented or evaluated.

B. *Hydrogeologic Characterization* – ACEH requires that the hydrogeology, including lithology, groundwater depth and flow direction, be sufficiently defined to provide direction in determining appropriate locations for soil and groundwater sampling and analysis. We require that sufficient data be collected at each site to confirm the groundwater flow direction. Photo copies of all boring logs should be included as supporting documentation to your SCM and referenced in your discussion of the site hydrogeology. Boring logs need to be legible and reviewed by the supervising geologist or engineer.

C. *Delineation of Source Area Soil Contamination* - In accordance with 23 CCR 2725(a), we require that you define the likely lateral and vertical extent of contamination. Excavation perimeter and bottom samples provide valuable information. Also, as a preliminary step in defining the vertical extent of source area contamination, ACEH typically recommends that soil samples be collected and analyzed from a boring within the footprint of the former UST field (or point of fuel release) to at least 10 ft below the total depth of contamination, as identified by field screening of samples. The potential presence of NAPL above and/or below the water table, and as free product or residual saturation, needs to investigated. Any future excavation sampling needs to include sampling from all sidewalls at a minimum rate of 1 sample per 20 lineal ft of excavation perimeter. Excavation bottom samples are also required.

D. *Delineation of Groundwater Plume* – ACEH requires that sufficient data be collected to define the likely three-dimensional extent of your groundwater plume. Significantly, your findings relative to vertical distribution of soil contamination (Comment 1, above), need to be considered in your groundwater evaluation. ACEH requires that groundwater sampling be depth-discrete with a maximum screening interval of 5 ft. Your groundwater results for borings A, B and C indicate that dissolved TPHg concentrations are highest near the approximate downgradient direction and lowest cross-gradient of the former gasoline tank. This pattern suggests that the detected groundwater contamination could be the result of an onsite source. This concern is not adequately addressed in ERAS' report.

E. *Conduit Study* - Due to the relatively shallow depth to groundwater and the potential presence of storm drains and other subsurface utilities downgradient of the site, we request that you perform a preferential pathway survey, and consider any potential influences on contaminant migration prior to developing a sampling and analysis plan. The objectives of the conduit study are to 1) locate potential migration pathways, and 2) evaluate the potential for contaminant migration via the identified pathways. We request that you perform a conduit study that details the potential migration pathways and potential conduits (including sewers, storm drains, other subsurface utilities, etc.) that may be present in the vicinity of the site. Provide a map showing the location and depths of all utility lines and trenches within and near the plume area and analysis and interpretation of your findings.

F. *Well Survey* - ACEH requires location of all wells (monitoring and production wells: active, inactive, standby, decommissioned, abandoned and dewatering, drainage and cathodic protection wells) within 2,000 ft of a site. We recommend that you obtain well information from both the local permitting agency and the State of California Department of Water Resources, at a minimum. We require that you provide tabulated location addresses, copies of DWR driller's reports and a map of all wells identified in your survey.

REPORT REQUEST

Please submit your *Workplan Addendum,* which addresses the comments above by **April 30, 2005**. ACEH makes this request relative to former USTs pursuant to California Health & Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2778 outline the responsibilities of a responsible party for an unauthorized release from an UST system, and require your compliance with this request. In addition to the above-cited authority relative to USTs, under California Health and Safety Code Sections 25187, 25187.1 and 101480, ACEH has the authority to establish site cleanup goals and to certify cleanup of other hazardous materials release and hazardous waste sites.

Professional Certification and Conclusions/Recommendations

The California Business and Professions Code (Sections 6735 and 7835.1) requires that workplans 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.

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.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, late reports or enforcement actions by ACEH may result in you becoming ineligible to receive cleanup cost reimbursement from the state's Underground Storage Tank Cleanup Fund (senate Bill 2004).

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 County District Attorney or other appropriate agency, for enforcement. California Health and Safety Code, Section 25299.76 authorizes ACEH enforcement including administrative action or monetary penalties of up to $10,000 per day for each day of violation.

Please call me at (510) 567-6719 with any questions regarding this case.

Sincerely,

Robert W. Schultz, R.G.
Hazardous Materials Specialist

cc: David Siegel, ERAS Environmental, Inc., 1533 B Street, Hayward, CA 94541
Nas Mark Johnson, Nas Construction Co., Inc., 6428 Sombrero Ave., Cypress, CA 90630
Donna Drogos, ACEH
Robert W. Schultz, ACEH