



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
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December 24, 2009

Mr. Geoffrey Sears  
Wareham Development Corporation  
1120 NYE St., Suite #400  
San Rafael, CA 94901-8403  
(sent via electronic mail to:  
[gsears@warehamproperties.com](mailto:gsears@warehamproperties.com))

Mr. Fillmore Marks  
Mark's Management Company  
505 Sansome Street, Suite 1400  
San Francisco, CA 94111

Subject: Request for Addendum for Polyaromatic Work Plan and Approval of Hydrocarbon Work Plan Addendum; SLIC Case RO0002621 and Geotracker Global ID SL0600195077, Emeryville Industrial Court, 5885 Hollis Street, Emeryville, CA 94608

Dear Mr.'s. Sears and Marks:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site, including the documents entitled *Groundwater Investigation Work Plan*, dated August 26, 2009, and *Groundwater Investigation Work Plan Addendum*, dated December 16, 2009; both were prepared and submitted on your behalf by Treadwell & Rollo, Inc. The Work Plan was submitted in response to a June 18, 2009 directive letter from ACEH, while the Addendum was submitted as a result of a meeting between Wareham Development, Conoco Phillips, and / or their respective consultants on December 11, 2009. Based on ACEH staff review of the case file, ACEH requests that you address the following technical comments, submit the addenda requested, and submit the reports described below.

#### **TECHNICAL COMMENTS**

- 1. Appropriate ESL Tables for Comparison** – There appears to be continued confusion in regards to the appropriate Environmental Screening Levels (ESL) tables that should be used in Emeryville. Please be advised that all groundwater in Emeryville is currently classified as 'MUN' (potentially suitable for municipal or domestic water supply). According to the RWQCB *Water Quality Control Plan (Basin Plan)*, dated January 18, 2007, for the San Francisco Bay Basin, "the term 'groundwater' includes all subsurface waters, whether or not these waters meet the classic definition of an aquifer or occur within identified groundwater basins.' It is also stated in the Basin Plan that 'all groundwaters are considered suitable, or potentially suitable, for municipal or domestic water supply (MUN).'" Therefore, the groundwater beneath the subject site must be considered beneficial for these uses unless shown to be non-beneficial using criteria presented in the Basin Plan. Please adjust your evaluations to reflect this in future reports. However, please also be aware that case closure does not necessarily require cleanup to MUN cleanup goals, only that those goals can be met within a reasonable timeframe.
- 2. Work Plan; Polyaromatic Hydrocarbon Characterization** – There also appears to be a misunderstanding of the scope of work requested in the June 18, 2009 directive letter issued by ACEH. The referenced work plan proposed the installation of two CPT bores to evaluate the downgradient extent of benzo (a) pyrene in groundwater. Because benzo (a) pyrene was detected in soil samples at similar concentrations (0.540 to 0.590 milligrams per kilogram [mg/kg]) at one or more depths (5, 10, or 15 feet bgs) in bores TR-13, TR-14, and TR-15, while the Environmental Screening

Levels (ESLs) for soil are 0.13 and 1.5 mg/kg; for shallow and deep soils, respectively; where groundwater is a current or potential drinking water source). As a result it also appears appropriate to collect soil samples to characterize the extent of benzo (a) pyrene in shallow soil (<3 meters or 10 ft). Please submit a work plan addendum to characterize the extent of the benzo (a) pyrene contamination on the west side of the site by the date requested below.

The Work Plan also proposed the collection of groundwater samples for analysis for Volatile Organic Compounds (VOCs) as a means to assess the downgradient extent of excavated areas that formerly stored solvents (paints, thinners, inks, solvents, and adhesives). We request you consider collection of soil samples for these analyses to preclude remobilizing should it become useful to have the data. Proceeding towards closure, we also request collection of soil and groundwater samples in the vicinity of TR-39 and TR-40 to investigate residual soil and groundwater impacts in the close proximity of the former use of paints, thinners, and solvents.

- 3. Work Plan Addendum; Hydrocarbon Plume Definition** – ACEH has previously requested that monitoring wells be installed to determine the extent of petroleum hydrocarbons remaining in groundwater in the southwestern portion of the site (January 22, 2007, and June 18, 2009 directive letters and November 13, 2008 meeting). Up to 150,000 micrograms per liter ( $\mu\text{g/L}$ ) of total petroleum hydrocarbons as gasoline (TPHg) and 2,500  $\mu\text{g/L}$  benzene were detected in groundwater from TR-25, while up to 2,100 mg/kg of a hydrocarbon characterized as TPHg was encountered in soil. The work plan addendum proposes the installation of five CPT bores to collect groundwater samples to help define the extent of impacted groundwater; one in the alley way to 50 feet bgs, and four in Peladeau Street to 20 feet bgs. Because the extent of residual soil contamination associated with the subject site has yet to be determined ACEH also requests that you collect soil samples at appropriate intervals (changes in lithology, indications of contamination, etc.).

The proposed addendum scope of work is conditionally approved for implementation provided that these technical comments are incorporated during the proposed field investigation. Submittal of a revised work plan addendum for this portion of the work is not required unless an alternate scope of work outside that described in the current work plan addendum is proposed. We request that you perform this portion of the proposed work and send us the reports described below. Please note that in conjunction with the adjacent ConocoPhillips site, installation of monitoring wells remain required.

- 4. Data Sharing** – As previously communicated, ACEH continues to request that Wareham Development and ConocoPhillips share data for their sites since both properties overlie the former Unocal bulk fuel plant and share a common source area. Please also send ConocoPhillips and their consultant a copy of the report requested below.

### **TECHNICAL REPORT REQUEST**

Please submit technical reports to Alameda County Environmental Health (Attention: Barbara Jakub), according to the following schedule:

- **January 15, 2010** – Work Plan Addendum
- **60 Days After Work Plan Approval** – Soil and Groundwater Investigation

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**

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. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

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. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for 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 monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements ([http://www.swrcb.ca.gov/ust/cleanup/electronic\\_reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)).

## **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.

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If you have any questions, please call me at (510) 567-6876 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,

Mark E. Detterman, PG, CEG  
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Matt Hall, Treadwell & Rollo, Inc., 555 Montgomery Street, Suite 1300, San Francisco, CA 94111, (sent via electronic mail to: [mbhall@treadwellrollo.com](mailto:mbhall@treadwellrollo.com))  
Terry Grayson, ConocoPhillips, 76 Broadway, Sacramento, CA 95818, (sent via electronic mail to: [Terry.L.Grayson@contractor.conocophillips.com](mailto:Terry.L.Grayson@contractor.conocophillips.com))  
Lia Holden, Delta Environmental Consultants, Inc., 312 Piercy Road, San Jose, CA 95138 (sent via electronic mail to: [lholden@deltaenv.com](mailto:lholden@deltaenv.com))  
Donna Drogos, (sent via electronic mail to [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))  
Mark Detterman (sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))  
File

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>ISSUE DATE:</b> July 5, 2005
	<b>REVISION DATE:</b> March 27, 2009
	<b>PREVIOUS REVISIONS:</b> December 16, 2005, October 31, 2005
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- 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)

#### Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

#### 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 [dehloptoxic@acgov.org](mailto:dehloptoxic@acgov.org)
    - Or
    - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of My Le Huynh.
  - 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 and Firefox browsers will not open the FTP site.
  - b) Click on File, then on Login As.
  - 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 [dehloptoxic@acgov.org](mailto:dehloptoxic@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.