

ALAMEDA COUNTY
HEALTH CARE SERVICES AGENCY
DEPARTMENT OF ENVIRONMENTAL HEALTH
Local Oversight Program (LOP)
1131 Habor Bay Parkway
Alameda, CA 94502-6577

CERTIFIED MAIL



7014 2870 0001 3244 0870

Randy Nathan
200 Star Canyon Trail
Sheep Ranch, CA 95246

002728

Leite, Monica, Env. Health

From: Sanders, Jonathan, Env. Health
Sent: Thursday, October 11, 2018 1:39 PM
To: Leite, Monica, Env. Health
Cc: Khatri, Paresh, Env. Health
Subject: FW: Site Cleanup Program (SCP) Case No RO0002728: Little Property - Response to Notice of Violation
Attachments: RO2728_CORRES_L_2018-10-11-1327.pdf

Monica,

Can you please download and mail copies of the directive letters dated 12/6/2006, 6/28/2009, 3/3/2018, and 4/6/2018, ACDEH's request for funds dated 6/14/2018, and ACDEH's email correspondence dated 10/11/2018 (attached) to Mr. Nathan at the address provide below? These will need to be sent certified mail so that we can confirm receipt at the destination. Thank you.

Jonathan E. Sanders

Senior Hazardous Materials Specialist
Alameda County Department of Environmental Health

1131 Harbor Bay Parkway
Alameda, CA 94502-6577
p: 510-567-6791
f: 510 -337-9335

From: Sanders, Jonathan, Env. Health
Sent: October 11, 2018 1:27 PM
To: 'randy nathan' <randy@calaveraswines.com>
Cc: 'Patrick Sullivan' <psullenv@gmail.com>; Paresh Env. Health Khatri (paresh.khatri@acgov.org) <paresh.khatri@acgov.org>; Roe; Dilan; Env. Health <Dilan.Roe@acgov.org>
Subject: Site Cleanup Program (SCP) Case No RO0002728: Little Property - Response to Notice of Violation

Mr. Nathan,

Alameda County Department of Environmental Health is in receipt of your letter dated October 8, 2018 which was transmitted to ACDEH by your consultant, Dr. Sullivan today, October 11, 2018. In your letter, you request that copies of ACDEH's directive letters dated 12/6/2006, 6/28/2009, 3/3/2018, and 4/6/2018 and ACDEH's request for funds dated 6/14/2018 be provided. Copies of each of these letters and other correspondence associated with the Case are available on the California State Water Board's GeoTracker database and can be obtained by following the following link: http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T06019780605. Copies of these correspondence will also be mailed to the address provided in your letter (200 Star Canyon Trail, Sheep Ranch, CA 95246).

With regards to a detailed and balanced accounting, I will forwarded your request on to our accounting department. The compliance date for payment of the past due statement balance is hereby extended to November 12, 2018.

ACDEH notes that the September 26, 2018 directive letter was transmitted via email to both you and your consultant, Dr. Sullivan on the morning of September 27, 2018 as is documented on GeoTracker. ACDEH has no record of this message being rejected by the incoming server and ACDEH has a history of successful email correspondence with both of these email addresses. As such, the compliance dates identified in the September 26, 2018 directive letter have not been extended. Please note that the compliance dates for submittal of a *Public Notice and Fact Sheet* as well as an *Accelerated Response and Urgent Action Response Action Plan* are tomorrow, October 12, 2018. Furthermore, the

October 26, 2018 compliance dates for submittal of a *Soil Vapor and Indoor Air Investigation Report*, the *Work Plan for Characterization of Soil and Groundwater*, and the *Electronic Submittal of Information GeoTracker Compliance* remains in effect.

Jonathan E. Sanders

Senior Hazardous Materials Specialist
Alameda County Department of Environmental Health

1131 Harbor Bay Parkway
Alameda, CA 94502-6577
p: 510-567-6791
f: 510 -337-9335

From: Patrick Sullivan [<mailto:psullenv@gmail.com>]
Sent: October 11, 2018 10:43 AM
To: Sanders, Jonathan, Env. Health <Jonathan.Sanders@acgov.org>
Subject: Response to Notice of Violation case RO0002728

Jonathan:

When you send any email communications to Randy Nathan please cc me so that I can make sure you get a timely response.

Thank you,
Patrick Sullivan (650) 483-5598

Leite, Monica, Env. Health

From: Sanders, Jonathan, Env. Health
Sent: Thursday, October 11, 2018 2:12 PM
To: Leite, Monica, Env. Health
Subject: RE: Site Cleanup Program (SCP) Case No RO0002728: Little Property - Response to Notice of Violation

Wow, I can't believe my dates were off on three of them... the correct dates are:

- March 14, 2018 <https://geotracker.waterboards.ca.gov/?surl=y8nx2>
- July 28, 2009 <https://geotracker.waterboards.ca.gov/?surl=8y8i8>
- December 27, 2006 <https://geotracker.waterboards.ca.gov/?surl=6ekbw>

Jonathan E. Sanders

Senior Hazardous Materials Specialist
Alameda County Department of Environmental Health

1131 Harbor Bay Parkway
Alameda, CA 94502-6577
p: 510-567-6791
f: 510 -337-9335

From: Leite, Monica, Env. Health
Sent: October 11, 2018 1:59 PM
To: Sanders, Jonathan, Env. Health <Jonathan.Sanders@acgov.org>
Subject: RE: Site Cleanup Program (SCP) Case No RO0002728: Little Property - Response to Notice of Violation

I was able to locate three out of the six letters. I did not see any Directive letters either on our W drive nor Geo Tracker for the dates 12/6/2006, 6/28/2009 and 3/3/2018.

Please let me know if you'd like me to mail off the other three letters only.

From: Sanders, Jonathan, Env. Health
Sent: Thursday, October 11, 2018 1:39 PM
To: Leite, Monica, Env. Health <Monica.Leite2@acgov.org>
Cc: Khatri, Paresh, Env. Health <paresh.khatri@acgov.org>
Subject: FW: Site Cleanup Program (SCP) Case No RO0002728: Little Property - Response to Notice of Violation

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Jonathan E. Sanders
Senior Hazardous Materials Specialist
Alameda County Department of Environmental Health

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From: Patrick Sullivan [<mailto:psullenv@gmail.com>]
Sent: October 11, 2018 10:43 AM
To: Sanders, Jonathan, Env. Health <Jonathan.Sanders@acgov.org>
Subject: Response to Notice of Violation case RO0002728

Jonathan:

When you send any email communications to Randy Nathan please cc me so that I can make sure you get a timely response.

Thank you,
Patrick Sullivan (650) 483-5598

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

F

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

December 27, 2006

Star Canyon LLC
C/o Mr. James E. Reed
2831 Telegraph Avenue
Oakland, Ca 94609-3606

Ms. Mary S. Little
886 McElroy Street
Oakland, CA 94607-1304

Subject: SLIC Case RO0002728 and Geotracker Global ID T08019780605, Little Property, 1201 32nd Street, Oakland, CA

Dear Mr. Reed and Ms. Little:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above-referenced site. Two reports have been submitted to ACEH files for the site; an undated report entitled, "Summary Report, Soil and Groundwater Sampling Conducted as Part of a Property Transaction Screen," prepared by International Geologic and a report entitled, "Subsurface Investigation Report (B1 through B3)," dated November 29, 2004 and prepared by RGA Environmental, Inc. These reports indicate that elevated concentrations of up to 17 milligrams per kilogram of trichloroethene (TCE) were detected in soils in the southeastern portion of the site. The highest concentration of TCE was detected in a soil sample collected at a depth of 15.5 feet bgs from soil boring B1, which was advanced in the southeastern portion of the property. No soil samples were apparently analyzed for depths shallower than 15.5 feet bgs from boring B1. TCE was also detected at highly elevated concentrations of up to 1,100 milligrams per liter (mg/L) in groundwater samples from two soil borings in the southeastern portion of the site (borings B1 and B3). TCE was also detected at lower concentrations in groundwater samples collected from three other soil borings in the central and northern portions of the site. Tetrachloroethene (PCE) was detected in groundwater samples collected from two of the borings in the northern portion of the site.

The "Subsurface Investigation Report (B1 through B3)," dated November 29, 2004 and prepared by RGA Environmental, Inc. recommended additional investigation within the southeastern portion of the site to identify the source of TCE and PCE in soil and groundwater. The RGA report recommended excavation of a shallow trench for soil sample collection. We concur that additional investigation of the southern portion of the site is required to find the source of TCE and PCE in soil and groundwater. Therefore, we request that you submit a Work Plan to conduct additional investigation within the southern portion of the site by March 20, 2007. The RGA report also recommended six off-site soil borings to evaluate the extent of TCE and PCE in groundwater. We concur that off-site borings will be needed; however, we request that the off-site borings be located in significantly closer proximity to the site than those boring locations proposed by RGA.

Mr. James E. Reed
Ms. Mary S. Little
December 27, 2006
Page 2

We request that you address the following technical comments, perform the proposed work, and send us the technical reports requested below.

TECHNICAL COMMENTS

1. **Boring Logs.** The undated report entitled, "Summary Report, Soil and Groundwater Sampling Conducted as Part of a Property Transaction Screen," prepared by International Geologic does not include boring logs for the two soil borings completed at the site. The lack of boring logs to describe subsurface conditions and soil screening is a data gap that limits the value of the information collected, particularly for shallow soils in the southeastern portion of the site. Characterization of the site geology and hydrogeology is a requirement for the site that must be addressed during future site investigation. Preparation of boring logs is a fundamental step required in the characterization of site geology and hydrogeology and is required for all future investigations.
2. **Geotracker EDF Submittals.** Pursuant to CCR Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the LUFT program, must be transmitted electronically to the SWRCB Geotracker website via the Internet. Additionally, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude accurate to within 1-meter accuracy, using NAD 83, and transmitted electronically to the SWRCB Geotracker website. Beginning July 1, 2005, electronic submittal of a complete copy of all reports (LUFT or SLIC) is required in Geotracker (in PDF format). In order to remain in regulatory compliance, please upload all SLIC analytical data and copies of reports post July 1, 2005, to the SWRCB's Geotracker database website in accordance with the above-cited regulation.

TECHNICAL REPORT REQUEST

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

- **March 20, 2007 – Work Plan for Site 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

Mr. James E. Reed
Ms. Mary S. Little
December 27, 2006
Page 3

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).

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.

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.

Mr. James E. Reed
Ms. Mary S. Little
December 27, 2006
Page 4

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Donna Drogos, ACEH
Jerry Wickham, ACEH
File



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

NOTICE TO COMPLY

July 28, 2009

Star Canyon LLC
C/o Mr. James E. Reed
2831 Telegraph Avenue
Oakland, Ca 94609-3606

Ms. Mary S. Little
886 McElroy Street
Oakland, CA 94607-1304

Subject: SLIC Case RO0002728 and Geotracker Global ID T06019780605, Little Property, 1201 32nd Street, Oakland, CA

Dear Mr. Reed and Ms. Little:

A review of the case file and the State Water Resources Control Board's (SWRCB) GeoTracker website indicate that the site has not been claimed in the database; therefore electronic copies of analytical and survey data have not been uploaded to the SWRCB GeoTracker database, thus rendering the site to non-compliance status. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, and Section 13304 of the Water Code, you are required to claim your site and subsequently electronically transmit reports and other site data, as required.

In order to regain compliance, please claim your site (www.geotracker.waterboards.ca.gov), upload all analytical data (EDF), including monitoring well survey data (GEO_XY and GEO_Z), and PDF reports from July 1, 2005 to current, to the SWRCB's GeoTracker database and submit verification to ACEH by **August 14, 2009**. Failure to claim the site by the due date specified above may result in issuance of a Notice of Violation and/or possible referral to the Office of the District Attorney for enforcement action.

If you have any questions, please call me at 510-567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,

Jerry Wickham, California PG 3786, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

Responsible Parties
RO000022728
July 28, 2009, Page 2

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 (Sent via E-mail to: lgriffin@oaklandnet.com)

Donna Drogos, ACEH (Sent via E-mail to: donna.drogos@acgov.org)
Jerry Wickham, ACEH

Geotracker, File

RESPONSIBLE PARTY OF RECORD AS OF 07/22/2009

RO0002728, LITTLE PROPERTY, 1201 32ND AVE , OAKLAND, CA, 94608

Alameda County Environmental Health (ACEH) has the following information on record regarding the Responsible Party(ies) for the above referenced site. Please update the following information for our records. Should you have contact information regarding additional Responsible Parties, please correct the information accordingly. Also, please check the "e-mail preferred" box to receive all future correspondences and notifications by e-mail.

E-mail Preferred

Hardcopy Preferred

ACEH is requesting your e-mail address so that we can correspond with you quickly and efficiently regarding your case. Please note that ACEH respects your privacy. Your e-mail address will remain confidential and will not be provided to any third party.

Current Information

MARY SUE LITTLE
LITTLE PROPERTY
886 MCELROY ST
OAKLAND CA 94607

JAMES REED
STAR CANYON LLC
2831 TELEGRAPH AVE
OAKLAND CA 946093606

Corrections or Additions

Name: _____
Company: _____
Address: _____
City: _____ State: _____ Zip: _____
E-mail: _____
Home Phone: (____) _____
Office Phone: (____) _____
Cell Phone: (____) _____

Name: _____
Company: _____
Address: _____
City: _____ State: _____ Zip: _____
E-mail: _____
Home Phone: (____) _____
Office Phone: (____) _____
Cell Phone: (____) _____

RO0002728, 1201 32ND AVE , OAKLAND

ALAMEDA COUNTY
**HEALTH CARE SERVICES
AGENCY**

COLLEEN CHAWLA, Agency 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

April 6, 2018

Star Canyon LLC
c/o Randy Nathan
1246 Rose Street
Berkeley, CA, 94702

Little Property
c/o Marry Little
886 McElroy Street
Oakland, CA, 94607

**Subject: Notice of Identification of Potential Trichloroethene Vapor Intrusion Issue;
Fuel Leak Case No. RO0002728
GeoTracker Global ID T06019780605
Little Property
1201 32nd Street, Oakland, CA 94608**

Dear Responsible Parties:

Alameda County Department of Environmental Health (ACDEH) staff met with Star Canyon LLC and their consultant Eras Environmental, Inc. (ERAS) on January 30, 2018 to discuss Trichloroethene (TCE) contamination detected in soil and groundwater at the above referenced property (the Site). During the meeting the stakeholders discussed a phased approach for collection of data to evaluate risk to human health and the environment from volatile organic compounds (VOCs). TCE has been reported in soil and groundwater at the Site at maximum concentrations of 17 milligrams per kilogram (mg/kg) and 1,100,000 micrograms per liter ($\mu\text{g/l}$), respectively. The approach discussed in the meeting emphasized expediting data collection for the evaluation of TCE exposure due to vapor intrusion from subsurface VOCs to indoor air to occupants and residents of immediately adjacent properties.

Subsequent to this meeting, ERAS submitted a *Work Plan for Limited Phase II Subsurface Investigation* dated February 21, 2018 (the Eras Work Plan) on behalf of Star Canyon LLC. The scope of work included collection of (1) sub-slab and indoor air samples from commercial buildings at 3137 Magnolia Street located immediately adjacent and to the south of the Site; (2) a soil gas sample along the western boundary of the Site in the vicinity of adjacent residential properties; and (3) collection of ambient air samples. The Site is currently a vacant lot and therefore no samples were proposed to be collected for the evaluation of vapor intrusion risk at the Site. ACDEH provided comment and conditional approval on the ERAS Work Plan to Star Canyon LLC in an email correspondence dated February 27, 2018 and in a directive letter dated March 14, 2018.

On March 12, 2018, Dr. Patrick Sullivan notified ACDEH staff that he had been retained by Star Canyon LLC to conduct environmental investigations at the Site. On April 5, 2018, ACDEH and Dr. Sullivan participated in a teleconference call to discuss proposed changes by Dr. Sullivan to the ACDEH approved ERAS Work Plan. During the conference call ACDEH reiterated the minimum requirements, as presented in the ERAS Work Plan, necessary to evaluate vapor intrusion risk at properties adjacent to the Site. Dr. Sullivan stated that he was working with Geosolve, Inc. and would submit a revised work plan to ACDEH to replace the ERAS Work Plan.

TCE has been detected in soil and groundwater at the Site at levels exceeding Residential and/or Non-Residential environmental screening levels that trigger immediate mandatory indoor air, sub-slab and/or soil gas sampling: Use of Residential environmental screening criteria are appropriate where land use includes residences and/or sensitive receptors including hospitals, day-care centers, senior centers, schools, or other facilities where sensitive receptors congregate. Use of Non-Residential environmental screening criteria are appropriate for all other land uses. A summary of conditions that trigger mandatory

sampling and conditions that ACDEH has identified as present at and/or in the vicinity of the Site are provided below¹:

Residential Screening Environmental Screening Levels

- Residential Soil Scenario:** TCE is reported as present in unsaturated soil beneath or in the immediate vicinity of existing building foundation(s) where TCE in soil vapor has not been adequately evaluated;
- Residential Soil Vapor Scenario:** TCE is reported as present at concentrations at or above **1,000 micro-grams per cubic meter ($\mu\text{g}/\text{m}^3$)** in **sub-slab or soil vapor** samples;
- Residential Shallow Groundwater Scenario** TCE is reported as present at concentrations at or above **17 micro-grams per liter ($\mu\text{g}/\text{L}$)** in **groundwater** samples collected from a groundwater bearing zone that is no more than 10-feet below ground surface (feet bgs);
- Residential Deep Groundwater, Sand Scenario:** TCE is reported as present at concentrations at or above **21 $\mu\text{g}/\text{L}$** in **groundwater** samples collected from a groundwater bearing zone that is greater than 10-feet bgs **and** where course grained soil (sands or gravels) are predominant above the water table **or** where the elimination of natural and anthropogenic preferential pathways as a complete vapor intrusion exposure pathway has not been previously approved by ACDEH; and/or
- Residential Deep Groundwater, Fine-Coarse Scenario:** TCE is reported as present at concentrations at or above **520 $\mu\text{g}/\text{L}$** in **groundwater** samples collected from a groundwater bearing zone that is greater than 10-feet bgs **and** where an at least 2 inch thick continuous saturated fine-grained soil (e.g., clays and silts) is present at the groundwater/vadose zone interface **and** ACDEH has previously approved the elimination of natural and anthropogenic preferential pathways as a complete vapor intrusion exposure pathways.

Non-Residential Environmental Screening Levels

- Non-Residential Soil Scenario:** TCE is reported as present in unsaturated soil beneath or in the immediate vicinity of existing building foundation(s) where TCE in soil vapor has not been adequately evaluated;
- Non-Residential Soil Vapor Scenario:** TCE is reported as present at concentrations at or above **8,000 $\mu\text{g}/\text{m}^3$** in sub-slab or soil vapor samples;
- Non-Residential Shallow Groundwater Scenario:** TCE is reported as present at concentrations at or above **140 micro-grams per liter ($\mu\text{g}/\text{L}$)** in **groundwater** samples collected from a groundwater bearing zone that is no more than 10-feet bgs;

¹ Environmental screening levels and conditions that trigger mandatory sampling are derived from (1) the United States Environmental Protection Agency (USEPA) Region 9 *Guidelines and Supplemental Information needed for Vapor Intrusion Evaluations at the South Bay National Priorities List (NPL) Sites* dated December 3, 2013; (2) The Department of Toxic Substances Control (DTSC) Human Health Risk Assessment (HHRA) Human and Ecological Risk Office (HERO) Note Number 5 dated August 23, 2014; and (3) The San Francisco Bay Regional Water Quality Control Board's *User's Guide: Derivation and Application of Environmental Screening Levels (ESLs) Interim Final* dated February 2016.

- Non-Residential Deep Groundwater, Sand Scenario:** TCE is reported as present at or above **180 µg/L** in groundwater samples collected from a water bearing zone that is greater than 10-feet bgs **and** where coarse grained soil (sands or gravels) are predominant above the water table **or** where the elimination of natural and anthropogenic preferential pathways as a complete vapor intrusion exposure pathway has not been previously approved by ACDEH; and/or

- Non-Residential Deep Groundwater, Fine-Coarse Scenario:** TCE is reported as present at or above **4,400 µg/L** in groundwater samples collected from a water bearing zone that is greater than 10-feet bgs **and** where an at least 2 inch thick continuous saturated fine-grained soil (e.g., clays and silts) is present at the groundwater/vadose zone interface **and** ACDEH has previously approved the elimination of natural and anthropogenic preferential pathways as a complete vapor intrusion exposure pathways.

The United States Environmental Protection Agency Region 9 (USEPA), the California Department of Toxic Substances Control (DTSC) and the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) acknowledge that short term exposure of women in their first trimester of pregnancy to low levels of TCE presents an acute risk to fetal development. The USEPA has established accelerated response action levels (ARALs) and urgent response action levels (URALs) for TCE in indoor air for the protection of women of child-bearing age in both residential and non-residential settings². The DTSC and Regional Water Board have concurred with and adopted the ARALs and URALS. Based on the presence of the triggering conditions that are identified above there is a potential that indoor air within buildings in the vicinity of the Site may exceed the ARALs and/or URALS. In the event that concentrations of TCE in indoor air samples exceed the ARALs or URALS, the DTSC requires that specific protocols be enacted within short timeframes for the protection of occupants of buildings.

Therefore, at this juncture ACDEH requests that you submit the following documents to ensure that indoor and subsurface conditions are adequately and expediently evaluated and the DTSC protocols can be immediately enacted in the event that ARALs or URALS are exceeded.

TECHNICAL REPORT AND DELIVERABLE REQUESTS

Please submit via email the following technical reports and deliverables to the Chief of the Land Water Division, Dilan Roe (dilan.roe@acgov.org), the Site Cleanup Case Program Supervisor, Paresh Khatri (paresh.khatri@acgov.org), and the Primary Caseworker, Jonathan Sanders (jonathan.sanders@acgov.org) for review and approval in accordance with the compliance schedule provided below. All technical reports and analytical data must also be uploaded to GeoTracker in accordance with the requirements described in Attachment A. File naming conventions for electronic reports are provided in Attachment B.

1) Indoor Air, Ambient Air, and Sub-Slab Vapor Sampling and Analysis Plan Due Monday, April 9, 2018

Please prepare and submit an Indoor Air Sampling and Analysis Plan (SAP) that describes concurrent indoor air, ambient air, sub-slab vapor sampling efforts sufficient to evaluate if TCE vapor intrusion issues are present at the Site. The SAP should be prepared in accordance with the DTCS's *Vapor Intrusion*

² USEPA. 2013. EPA Region 9 *Guidelines and Supplemental Information needed for Vapor Intrusion Evaluations at the South Bay National Priorities List (NPL) Sites*. December 3, 2013

Notice of Identification of Potential Trichloroethene Vapor Intrusion Issue

Little Property

April 6, 2018

*Guidance*³ and the DTSC's *Vapor Intrusion Public Participation Advisory*⁴ and must contain, at a minimum, the following:

- a) One or more site maps which shall include the following elements:
 - i. Analytical data and identification of occupiable structures where vapor intrusion to indoor air is a potential human health risk (the Area(s) of Concern);
 - ii. Building footprint, location of ground floor exterior and interior walls, location of entry points natural ventilation, location of known utilities, and location of stairwells and elevators for all accessible structures within the Area(s) of Concern;
 - iii. Location and identification of potential exposure pathways such as crack or penetrations in the foundation, mechanical systems (e.g., elevators, heating and ventilations units), natural ventilation systems (e.g., windows, doors, loading docks), and location of plumbing fixtures (e.g., toilets, sinks, drains, and sumps);
 - iv. Proposed sampling locations; and
 - v. Identification of tenant(s), hours of operation, and type of operation for tenant spaces within the Area(s) of Concern.
- b) Notification and building survey document requirements prior to sampling. Stand-alone copies of these documents must be included in the appendices of the SAP. Guidance and minimum requirements for the preparation of these documents is provided in Appendix C of DTSC's *Vapor Intrusion Public Participation Advisory* dated March 2012.
- c) A description of indoor air, ambient air, and sub-slab vapor sampling methodology, including site specific discussions of:
 - i. Data quality objectives;
 - ii. Laboratory analytical method selection, including a statement that laboratory analysis will be conducted on a 24-hour turn-around time;
 - iii. The number and type of samples that will be collected, including the number and location of ambient air samples and duplicate samples;
 - iv. The status of heating and ventilation systems and natural ventilation systems during sampling efforts;
 - v. The duration and time of sample collection;
 - vi. Technical justification and supporting lines of evidence for sample locations; and
 - vii. Quality control and quality assurance measures, including leak check testing for sub-slab vapor sampling.
- d) A description of reporting, including a statement that laboratory analytical results will be provided to ACDEH within 24 hours of receipt;
- e) A schedule for sampling and reporting; and
- f) Stand-alone copies of standard operating procedures for indoor air, ambient air, and sub-slab vapor probe installation and sampling which must be included as appendices in the SAP.

³ DTSC. 2011. *Final Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air (Vapor Intrusion Guidance)*. October 2011;

⁴ DTSC. 2012. *Vapor Intrusion Public Participation Advisory, Final*. March 2012;

Please note, as discussed above, the Eras Work Plan presents a scope of work for indoor air, sub-slab vapor, soil vapor, and ambient air sampling and analysis that was previously submitted and conditionally approved by ACDEH in the March 14, 2018 Directive Letter. The scope of work presented in the SAP must be at least as conservative as the scope of work presented in Eras Work Plan.

2) Accelerated Response and Urgent Response Action Plan
Due Monday, April 12, 2018

Please prepare an Accelerated Response and Urgent Response Action Plan. This plan should provide contingency measures that are sufficiently detailed to be immediately implemented in the event that ARALs or URALs are exceeded. This plan must contain at a minimum the following components:

- a) One or more site maps which shall include the following elements:
 - i. Analytical data and identification of occupiable structures where vapor intrusion to indoor air is a potential human health risk (the Area(s) of Concern);
 - ii. Building footprint, location of ground floor exterior and interior walls, location of entry points natural ventilation, location of known utilities, and location of stairwells and elevators for all accessible structures within the Area(s) of Concern;
 - iii. Location and identification of potential exposure pathways such as crack or penetrations in the foundation, mechanical systems (e.g., elevators, heating and ventilations units), natural ventilation systems (e.g., windows, doors, loading docks), and location of plumbing fixtures (e.g., toilets, sinks, drains, and sumps)
 - iv. Identification of tenant(s), hours of operation, and type of operation for tenant spaces within the Area(s) of Concern;
- b) Identification of applicable ARALs and URALs and a statement that occupancy is not allowed in areas where the concentration of TCE in indoor air exceeds URAL;
- c) Discussion of the feasibility, suitability, and methods for implementation of access control measures, including relocation measures and restricting access to specific areas where URALs are exceeded. Guidance related to relocation measures is provided in the USEPA's *Superfund Response Actions: Temporary Relocations Implementation Guidance* dated April 2002.
- d) Identification of the location, make and model number, and capacity of Heating, Ventilation, and Air Conditioning (HVAC) systems and other mechanical ventilation systems and identification, location, and approximate size of natural ventilation systems (windows or other openings which can be opened or closed).
- e) Discussion of the feasibility, suitability, a timeframe, and methods for implementation of interim mitigation measures for each of the following contingency measures:
 - i. Sealing cracks and penetrations;
 - ii. Sealing utility conduits, including sanitary sewer and electrical;
 - iii. Building pressurization with modifications to air exchange rate and ventilation; and
 - iv. Indoor air purification;
- f) Confirmation sampling protocols for indoor air, ambient air, and sub-slab vapor to ensure that prior to re-occupancy and during future occupancy, indoor air TCE concentrations remain below ARALs and URALs prior to occupancy.;
- g) Description of implementation reporting;
- h) Schedule for implementation of contingency measures and collection of confirmation samples in the event that TCE in indoor air exceeds ARALs or URALs

3) Public Notice and Fact Sheet
Due Monday, April 12, 2018

ACDEH requires that a public notice presenting a "Clear and Reasonable Warning" of potential exposure to TCE vapors be prepared and submitted pursuant to the requirements of *The Safe Drinking Water and Toxic Enforcement Act of 1986* (Proposition 65). ACDEH also requires that a Fact Sheet be prepared to communicate the potential presence of TCE in indoor air in Areas of Concern and the acute hazards associated with exposure to TCE vapors. The Fact Sheet must be prepared in accordance with the recommendations of the DTSC's *Vapor Intrusion Public Participation Advisory*⁵ and will be used to communicate hazard associated with TCE vapor intrusion to the tenants, occupants, and other stakeholders in whatever language(s) are appropriate. The fact sheet shall at a minimum include the following elements:

- a) A description of the nature, source, and potential exposure pathways for chemicals of concern;
- b) A sitemap which includes depictions of the Areas of Concern, and other features such as roads, buildings, and other identifying elements in the vicinity of the Areas of Concern;
- c) A description of potential mitigation measures and site characterization activities that may be conducted;
- d) A link to the public GeoTracker case for the Site;
- e) Contact information for the ACDEH primary caseworker (Jonathan Sanders) and an authorized representative of the Responsible Party for questions and concerns;

Examples of Fact Sheets and Proposition 65 Notifications are provided in the DTSC's *Vapor Intrusion Public Participation Advisory*⁵.

4) Results of Indoor Air, Ambient Air, and Sub-Slab Sampling
Due Friday, April 13, 2018 or within 24-hours of receipt of indoor air analytical results, whichever is sooner.

Please prepare and submit documentation of indoor air sampling. This documentation is to be submitted within 24-hours of receipt of indoor air analytical results and must include, at a minimum, the following elements:

- a) A cover letter certifying that samples were collected in accordance with an ACDEH approved Indoor Air Sampling and Analysis Plan. This cover letter must be signed and stamped by a registered professional with responsible charge of the project and must also include a statement as to if ARALs or URALs are exceeded. If ARALs or URALs are exceeded, the cover letter must also include a statement that the ACDEH approved Accelerated Response and Urgent Response Action Plan is being immediately implemented;
- b) A figure depicting the location of indoor air and ambient air samples collected at the Site. This figure must depict which samples, if any, exceed ARALs or URALs; and
- c) A summary table of indoor air analytical results which must include the applicable Regional Water Board Environmental Screening Levels (ESL's), ARALs, and URALs for TCE.
- d) Analytical laboratory report(s) providing indoor air analytical results.

Notice of Identification of Potential Trichloroethene Vapor Intrusion Issue
Little Property
April 6, 2018

CLOSING


These reports are being requested pursuant to Proposition 65, and Section 13267 of the California Water Code.

If you have any questions, please call me at (510)567-6791 or send me an electronic mail message at jonathan.sanders@acgov.org.

Sincerely,



Dilan Roe, P.E. C73703
Chief
Land Water Division



Jonathan Sanders
Senior Hazardous Materials Specialist
Local Oversight and Site Cleanup Program

ENCLOSURES:

- Attachment A Responsible Party (ies) Legal Requirements / Obligations
- Attachment B File Names for Electronic Reports

DISTRIBUTION LIST:

Electronic File, GeoTracker
Dilan Roe, ACDEH Chief Land Water Division (Sent via E-mail to: dilan.roe@acgov.org)
Paresh Khatri, ACDEH Supervisor Site Cleanup Program (Sent via E-mail to: paresh.khatri@acgov.org)
Ronald Browder, ACDEH Director (Sent via E-mail to: ronald.browder@acgov.org)
Jonathan Sanders, ACDEH Primary Caseworker (Sent via E-mail to: jonathan.sanders@acgov.org)
Randy Nathan, Star Canyon LLC (sent via email to: randy@calaveraswines.com)
Marry Little, Little Property, 886 McElroy Street Oakland, CA, 94607

ATTACHMENT A

Responsible Party(ies) Legal Requirements / Obligations

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.

ATTACHMENT B

File Names for Electronic Reports

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: April 4, 2018
	PREVIOUS REVISIONS: April 4, 2018, July 17, 2017, November 8, 2016, December 15, 2015, December 16, 2014, June 19, 2013, June 15, 2011, March 26, 2009, April 29, 2008
	ISSUE DATE: June 16, 2006
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: File Names for Electronic Reports

Format: REPORT_NAME_R_YYYY-MM-DD
Ex: SWI_R_VOL1_2006-05-25

LOP and SCP (VRAP) INCOMING REPORTS AND LETTERS	
Document Name	Abbreviation File Name= Abbreviation + Date (yyyy- mm-dd)
Abandoned Well Information/Water Supply Well Information	ABWELLINF_R
Addendum	ADEND_R (added after report name)
Additional Information Report	ADD_R
Analytical Reports (Loose data sheets not in report)	ANALYT_R
As Built Drawings (or Plans)	AS_BUILT
Case File Scanned By OFD	CASE_FILE
Cleanup and Abatement Report	CAO_R
Case Transfer Form (from CUPA)	CASE_TRNSFR_F
Conduit Study/Well Search/Sensitive Receptor/Well Survey/Preferential Pathway Study	COND_WELL_R
Corrective Action Plan (CAP)	CAP_R
Correspondence	CORRES_L
Court Injunctions	INJ_L
Development Entitlement	DEV_ENTITLE
Development Plans (Includes Plan Set, Cross-sections, and Related Drawings)	DEV_PLAN
Development Schedule (Project Schedule, Gant Chart, etc.)	DEV_SCHD
DWR Confidential Well Logs (Report containing)	report name_R_CONFIDENTIAL_YYYY-MM-DD (Ex: SWI_R_CONFIDENTIAL_YYYY-MM-DD)
DWR Well Completion Report-Confidential (Loose well logs)	DWR_WELL_CONFIDENTIAL_YYYY-MM-DD (Date of Well Log)
ESI/DAR (Environmental Site Investigation, Data Assessment Report)	ESI_R
Excavation Report	EX_R
Extension Request Letter	EXT_RQ_L

Fact Sheet	FACT_SHT
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Feasibility Study	FEASSTUD_R
Groundwater Monitoring/Quarterly Summary Report	GWM_R
Financial Assurance/Letter of Credit	FNCL_ASSRNC_LOC
Interim Remedial Action Plan	IRAP_R
Interim Remediation Results (Includes Pilot Test Reports, Vapor Mitigation Reports, Soil Reports, Free Product Removal Reports, & Dual-Phase Extraction Reports)	IR_R
Lawsuit	LAWSUIT_R
Migration Control Report	MIG_R
Miscellaneous Report/Soil Sample	MISC_R
Miscellaneous Sample Report (analytical results)	MISC_SAMP_R
Notification Letter	NOT_L
NPDES Miscellaneous Reports	NPDES_R
Operations & Maintenance Plan	OM_P
Operations & Maintenance Report	OM_R
Pay for Performance	PFP_R
Petition	PETITION_R
Phase 1 Environmental Assessment Report	PHASE1_R
Photos	PHOTO
Preliminary Site Assessment Report/Phase 2 (historic reports only)	PSA_R
Remedial Action Plan	RAP_R
Remedial Design & Implementation Plan	RDIP_R
Remediation Progress Report	REM_R
Request for Closure	RFC(_L or _R)
Risk Assessment Report	RISK_R
Risk Based Corrective Action	RBCA_R
List of Landowners Forms	LNDOWNR_F
SB2004 Letter of Commitment	LOC_L
Site Conceptual Model/Conceptual Site Model	SCM_R
Site Health & Safety Plan	SFTY_PLAN_R
Site Management	SITE_MANAGE_R_
Acknowledgement Statement for Site Management Plan	SMP_ACK_L

Site Management Plan	SMP_R
Site Summary Report	SITE_SUM_R
Soil and Water Investigation Report (Includes soil gas/vapor reports, indoor, additional site investigation, well installation, site characterization, cross section, indoor air, additional onsite investigation, Phase II/preliminary site assessment)	SWI_R
Soil Disposal Report	SOIL_DSPL_R
Source Area Characterization	SOURCAREA_R
State Information	STATE_INFO (no date)
Status Report(monthly remediation status reports addressed to sanitary district requires no stamp/perjury	STAT_R
Tank/Tank System Removal Report	TNK_R
Tentative Order Report	TENT_R
Unauthorized Release Form	URF_R
UST Sampling Report	UST_SAMP_R
USTCF 5 Year Review	USTCF_5YR
USTCF issued Public Notice	USTCF_PP_L
Well Construction Report (limited to water supply wells)	WELL_CST_R
Well Decommissioning Report/Letter (well destruction/abandonment)	WELL_DCM_R
Work Plan	WP_R

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
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

March 14, 2018

Star Canyon LLC
c/o Randy Nathan
1246 Rose Street
Berkeley CA, 94702

Little Property
c/o Marry Little
886 McElroy Street
Oakland CA, 94607

**Subject: Conditional Approval of Work Plan for Limited Phase II Subsurface Investigation
Case No. RO0002728
GeoTracker Global ID T06019780605
Little Property
1201 32nd Street, Oakland, CA 94608**

Dear Responsible Party(ies):

Alameda County Department of Environmental Health (ACDEH) has reviewed the case file associated with the above referenced property (the Site), including the *Work Plan for Limited Phase II Subsurface Investigation* dated February 21, 2018 (the Work Plan) prepared by Eras Environmental, Inc. (Eras).

The case associated with the Site has been inactive since July 2009 when ACDEH issued a Notice to Comply. In November 2017, ACDEH was contacted by the Alameda County Public Works Association (ACPWA) regarding a request for a permit to advance soil borings at the property adjacent and to the south of the Site located at 3137 Magnolia Street (the Magnolia Street Property). During our review of the permit clearance request, and as documented in the email correspondence from ACDEH dated December 27, 2017, a common owner for both the Magnolia Street Property and the Site were identified.

As such, ACDEH requested a stakeholders meeting to discuss the purpose of the proposed investigative activities at the Magnolia Street Property and to re-engage responsible parties in site characterization activities for the Site. This Stakeholders meeting was held on January 30, 2018 at which time ACDEH requested that the Work Plan be prepared.

As reported by Mr. Randy Nathan during the January 30, 2018 Stakeholders Meeting, Mr. Nathan is a 50% stakeholder of 3137 Magnolia Street Associates LLC which according to the Alameda County Assessor's office is the current property owner of the Magnolia Street Property. Mr Nathan is also reportedly the owner of Star Canyon LLC which according to the Alameda County Assessor's office is the current owner of the Site. The Site is currently undeveloped and unoccupied. The adjacent Magnolia Street Property is currently developed with a single story commercial building and is occupied by a retail tenant. During the meeting Mr. Nathan also identified other parties with ownership or historic ownership stake at the Site and the Magnolia Street Property including Mr. Larry Roe who is reportedly a 50% partner in the 3137 Magnolia Street Associates LLC, and Mr. Roe's wife, Celia who was a historic owner of the Magnolia Street Property. Additionally, Mr. Nathan reported that proposed subsurface investigation activities at the Magnolia Street Property are associated with as yet undefined potential redevelopment, transfer, or change in land use at the Magnolia Street Property and potentially the Site.

During the January 30, 2018 Stakeholders Meeting, ACDEH discussed the historic land use at the Site and the Magnolia Street Property and the results of soil and groundwater investigation activities conducted in June 2000 and November 2004 at the Site. The historic subsurface investigations had identified halogenated solvents, specifically trichloroethene (TCE), in soil and groundwater at the Site at maximum concentrations of 17 milligrams of analyte per kilogram of soil sample mass (mg/kg) and 1,100,000 micro-grams of analyte per liter of aqueous sample ($\mu\text{g/L}$) respectively. ACDEH noted that the source and extents of TCE in soil and groundwater both on and off-site had not yet been fully characterized. Furthermore, ACDEH noted that soil vapor and indoor air intrusion risk had not yet been evaluated for the Site and adjacent properties. During a review of the case file ACDEH identified several land uses at the Site and the adjacent Magnolia Street Property that are potential contributors to TCE contamination. Of

particular interest is Oakland Short Run Tool and Die which has historically been associated with both the Site and the Magnolia Street Property. Mr. Nathan also reported that the historic tenants of the Magnolia Street Property had illegally dumped liquids associated with parts cleaning and automotive repair on the Site and along the boundary between the Site and the Magnolia Street Property.

Based on the available subsurface analytical data and the identified land uses, ACDEH requested that a work plan be prepared to (a) evaluate vapor intrusion risk at the Site, the Magnolia Street Property, and the residences in the vicinity of the Site and the Magnolia Street Property; and (b) characterize the source area and extents of environmental contamination associated with the Site and Magnolia Street Property in soil, groundwater, and soil vapor.

The scope of work presented in the Work Plan is limited to the installation of permanent sub-slab vapor probes and the collection of sub-slab vapor samples and indoor air samples on the Magnolia Street Property and the installation of a permanent soil vapor probe and collection of a soil vapor sample on the Site. The Work Plan does not present a scope of work for characterization of the source area and extents of environmental contamination associated with the Site and Magnolia Street Property in soil, groundwater, or off-site soil vapor. Based on ACDEH's review of the Work Plan, ACDEH conditionally approves the Work Plan for implementation provided the elements discussed in the Technical Comments section of this report are addressed.

TECHNICAL COMMENTS

(1) Work Plan

ACDEH has the following technical comments related to the Work Plan:

(a) Proposed Analytical Suite

The Work Plan proposes analyzing soil vapor and indoor air samples by United States Environmental Protection Agency (USEPA) Air Method for Toxic Organics number 15 (TO-15) for a limited list of halogenated volatile organic compounds (HVOCs). Based on the reported historic land uses present at the Site and the lack of adequate site characterization, the restriction of the analytical reporting list is not appropriate at this time. Additionally, the Work Plan proposes the use of helium gas as a leak check compound during soil and sub-slab vapor sampling, however laboratory analytical for helium gas is not proposed. ACDEH requests that soil and sub-slab vapor samples be analyzed for helium by American Society for Testing and Materials (ASTM) method D-1946.

(b) Ambient Air Sample

The Work Plan does not propose the collection of an ambient air sample. ACDEH requires that an ambient air sample be collected in accordance with methods and requirements described in the DTSC's *Advisory: Active Soil Gas Investigations* dated July 2015.

(c) Data Quality Objectives

Data quality objectives (DQO) for sampling and analysis are not addressed as part of this work plan. ACDEH notes that in accordance with industry best practices, analytical reporting limits for current constituents of concern must be at least one order of magnitude lower than applicable screening values. At this phase of the investigation, applicable screening values at this Site include:

1. Tier 1 Environmental Screening Levels (ESLs) established by the San Francisco Bay Regional Water Quality Control Boards;

2. The values established in Table 4-4 of the Regional Water Board's Interim Final *User's Guide: Derivation and Application of Environmental Screening Levels (ESLs)* dated 2016; and
3. The "relatively elevated" threshold established in the California Department of Toxic Substances Control's (DTSC's) Human Health Risk Assessment Note Number 5.

In addition to laboratory reporting limits, the Work Plan does not propose collection and analysis of duplicate or replicate samples. In accordance with the DTSC's *Advisory: Active Soil Gas Investigations* dated July 2015, ACDEH requires that at least one duplicate or replicate sample be collected and analyzed for each media sampled (one for soil vapor and one for indoor air).

(2) Standard Operating Procedures

ACDEH has the following technical comments related to the Standard Operating Procedures (SOPs) provided as part of the Work Plan:

(a) Permanent Soil Vapor Probe Annular Seal

The SOP for the Soil Vapor Probe Installation and Sampling specifies that the annular seal for permanent soil vapor probes will consist of a hydrated granular bentonite or bentonite slurry as an annular seal. In accordance with the DTSC's *Advisory: Active Soil Gas Investigations* dated July 2015, ACDEH requires that the annular seal consist of a neat cement grout and bentonite mixture. The bentonite content of the mixture must be between one and five percent of the weight of the cement.

(b) Sub-slab Vapor Probe Leak Check Test

The SOP for the Sub-slab Vapor Probe Installation and Sampling specifies that prior to purging, leak check testing, and sampling, hydrated granular bentonite will be mounded around the surface seal to ensure surface seal integrity. ACDEH requests that this procedure not be conducted as it negates the ability for ACDEH to evaluate the effectiveness sub-slab vapor probe seal.

(c) Sample Apparatus Construction

The SOPs for both the Soil Vapor Probe Installation and Sampling and the Sub-slab Vapor Probe Installation and Sampling specify the components and construction of a sampling apparatus consisting of a flow regulator, a particulate filter, a T-fitting, and two vacuum gauges. The described construction of the sampling apparatus does not place the two pressure gauges on opposite sides of the flow regulator. ACDEH recommends that the sampling apparatus be constructed so that one vacuum gauge is located up-stream of the flow regulator and one vacuum gauge is located down-stream of the flow regulator so that both down-hole pressure and sample canister pressure can be measured simultaneously. ACDEH also recommends that a figure depicting the constructed sample apparatus be included in future submittals.

(d) Field Note Requirements

The SOPs for both the Soil Vapor Probe Installation and Sampling and the Sub-slab Vapor Probe Installation omit requirements for the collection of field notes. SOPs for field activities should include a description of what observations and measurements will be recorded during implementation of field activities and should include either an example of representative field notes or blank copies of forms to be completed by personnel implementing the SOP, including identification of which entries are required for the field forms to be considered complete.

DELIVERABLE AND TECHNICAL REPORT REQUEST

Please submit the following technical reports and deliverables to ACDEH (Attention: Jonathan Sanders) in accordance with the compliance schedule provided below and the *Responsible Party(ies) Legal Requirements/Obligations* and the *File Names for Electronic Reports* which are included as Attachments 1 and 2 respectively.

**(1) Soil Vapor and Indoor Air Investigation Report
Due March 30, 2018**

ACDEH requires that a technical report documenting the implementation of the Work Plan be submitted for review and approval.

**(2) Work Plan for the Characterization of Soil and Groundwater
Due March 30, 2018**

ACDEH requires that a work plan to characterize the lateral and vertical extents of the soil and groundwater contamination and to identify the locations and extents of source area(s) at the Site. ACDEH recognizes that limited soil and groundwater analytical data are currently available for the Site from which to design an investigation and encourages the development of a dynamic work plan to facilitate incremental investigative efforts sufficient to define the vertical and lateral extents of the soil and groundwater contamination associated with the Site.

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

Please note that ACDEH has updated Attachment A 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 the State Water Board's GeoTracker Website.

Please make this change to your submittals to ACDEH.

CLOSING

ACDEH looks forward to continuing to work with you and your consultants to advance the case toward closure. Should you have any questions regarding this correspondence or your case, please contact the primary caseworker, Jonathan Sanders who can be reached by phone at (510)567-6791 or by email at jonathan.sanders@acgov.org.

Sincerely,



Dilan Roe
Chief
Land Water Division



Jonathan Sanders
Senior Hazardous Materials Specialist
Local Oversight and Site Cleanup Program

ENCLOSURES:

- Attachment A Responsible Party(ies) Legal Requirements / Obligations
- Attachment B File Names for Electronic Reports

DISTRIBUTION LIST:

Electronic File, GeoTracker
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ATTACHMENT A

Responsible Party(ies) Legal Requirements / Obligations

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.bpelsq.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.

ATTACHMENT B

File Names for Electronic Reports

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: August 1, 2017
	PREVIOUS REVISIONS: July 17, 2017, November 8, 2016, December 15, 2015, December 16, 2014, June 19, 2013, June 15, 2011, March 26, 2009, April 29, 2008
	ISSUE DATE: June 16, 2006
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: File Names for Electronic Reports

Format: REPORT_NAME_R_YYYY-MM-DD
Ex: SWI_R_VOL1_2006-05-25

LOP and SCP (VRAP) INCOMING REPORTS AND LETTERS	
Document Name	Abbreviation File Name= Abbreviation + Date (yyyy- mm-dd)
Abandoned Well Information/Water Supply Well Information	ABWELLINF_R
Addendum	ADEND_R (added after report name)
Additional Information Report	ADD_R
Analytical Reports (Loose data sheets not in report)	ANALYT_R
As Built Drawings (or Plans)	AS_BUILT
Case File Scanned By OFD	CASE_FILE
Cleanup and Abatement Report	CAO_R
Case Transfer Form (from CUPA)	CASE_TRNSFR_F
Conduit Study/Well Search/Sensitive Receptor/Well Survey/Preferential Pathway Study	COND_WELL_R
Corrective Action Plan (CAP)	CAP_R
Correspondence	CORRES_L
Court Injunctions	INJ_L
Development Plans (Includes Plan Set, Cross-sections, and Related Drawings)	DEV_PLAN_date
Development Schedule (Project Schedule, Gant Chart, etc.)	DEV_SCHD_date
DWR Confidential Well Logs (Report containing)	report name_R_CONFIDENTIAL_YYYY-MM-DD (Ex: SWI_R_CONFIDENTIAL_YYYY-MM-DD)
DWR Well Completion Report-Confidential (Loose well logs)	DWR_WELL_CONFIDENTIAL_YYYY-MM-DD (Date of Well Log)
ESI/DAR (Environmental Site Investigation, Data Assessment Report)	ESI_R
Excavation Report	EX_R
Extension Request Letter	EXT_RQ_L
Fact Sheet	FACT_SHT

Feasibility Study	FEASSTUD_R
Groundwater Monitoring/Quarterly Summary Report	GWM_R
Financial Assurance/Letter of Credit	FNCL_ASSRNC_LOC
Interim Remedial Action Plan	IRAP_R
Interim Remediation Results (Includes Pilot Test Reports, Vapor Mitigation Reports, Soil Reports, Free Product Removal Reports, & Dual-Phase Extraction Reports)	IR_R
Lawsuit	LAWSUIT_R
Migration Control Report	MIG_R
Miscellaneous Report/Soil Sample	MISC_R
Miscellaneous Sample Report (analytical results)	MISC_SAMP_R
Notification Letter	NOT_L
NPDES Miscellaneous Reports	NPDES_R
Operations & Maintenance Plan	OM_P
Operations & Maintenance Report	OM_R
Pay for Performance	PFP_R
Petition	PETITION_R
Phase 1 Environmental Assessment Report	PHASE1_R
Photos	PHOTO_date
Preliminary Site Assessment Report/Phase 2 (historic reports only)	PSA_R
Remedial Action Plan	RAP_R
Remedial Design & Implementation Plan	RDIP_R
Remediation Progress Report	REM_R
Request for Closure	RFC(_L or _R)
Risk Assessment Report	RISK_R
Risk Based Corrective Action	RBCA_R
List of Landowners Forms	LNDOWNR_F_DATE
SB2004 Letter of Commitment	LOC_L
Site Conceptual Model/Conceptual Site Model	SCM_R
Site Health & Safety Plan	SFTY_PLAN_R
Site Management	SITE_MANAGE_R_
Site Management Plan	SMP_R
Site Summary Report	SITE_SUM_R

Soil and Water Investigation Report (Includes soil gas/vapor reports, indoor, additional site investigation, well installation, site characterization, cross section, indoor air, additional onsite investigation, Phase II/preliminary site assessment)	SWI_R
Soil Disposal Report	SOIL_DSPL_R
Source Area Characterization	SOURCAREA_R
State Information	STATE_INFO (no date)
Status Report(monthly remediation status reports addressed to sanitary district requires no stamp/perjury)	STAT_R
Tank/Tank System Removal Report	TNK_R
Tentative Order Report	TENT_R
Unauthorized Release Form	URF_R
UST Sampling Report	UST_SAMP_R
USTCF 5 Year Review	USTCF_5YR
USTCF issued Public Notice	USTCF_PP_L
Well Construction Report (limited to water supply wells)	WELL_CST_R
Well Decommissioning Report/Letter (well destruction/abandonment)	WELL_DCM_R
Work Plan	WP_R



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

06/14/2018

TO:
 STAR CANYON LLC
 C/O RANDY NATHAN
 1246 ROSE STREET
 BERKELEY, CA 94702

TO:
 MARY LITTLE
 886 McELROY STREET
 OAKLAND, CA 94607

SCP SITE:
 RO0002728
 LITTLE PROPERTY
 1201 32ND STREET
 OAKLAND, CA 94608

This account statement summarizes the activity in the deposit/refund account established for your Site Cleanup Program (SCP) case overseen by Alameda County Department of Environmental Health (ACDEH). ACDEH administers the SCP under authority of Health and Safety Code (H&SC) §101480, recovers remedial oversight fees from the Responsible Party (RP) under authority of H&SC §101490, and establishes a deposit/refund account as authorized in Alameda County Ordinance Code § 6.92.040L.

All accounts under \$1,500 are required to increase the account balance to \$4,000. Our records indicate that your account balance is \$-5,602.80 at this time. Therefore, in order to continue with remedial oversight for the case, we are requesting the submittal of a check made payable to Alameda County Department of Environmental Health in the amount of \$9,602.80.

Please send your check to the attention of our Finance Department. Please write "SCP" (the type of project), case number "RO0002728," account number "AR0312667," and the site address on the check.

Beginning balance as of 02/6/2018 \$-1,339.80

DESCRIPTION	HOURS	RATE	AMOUNT
Case Management / Remedial Oversight Charges since 02/6/2018	24.5	\$174/hour	\$-4,263.00
Current Balance			\$-5,602.80
Deposit Due (Pay this amount)			\$9,602.80

Make all checks payable to ALAMEDA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH
 Total due in 15 days. Overdue accounts past 30 days are subject to a 25 percent penalty.

This deposit may or may not be sufficient to provide all necessary regulatory oversight. ACDEH will deduct actual costs incurred based on the Ordinance specified hourly rate, which is currently \$174 per hour. If these funds are insufficient, an additional deposit will be requested. Otherwise, any unused monies will be refunded to you or your designee.

Thank you for your cooperation!

Caseworker:	Jonathan Sanders (jonathan.sanders@acgov.org)	Finance:	Jacquelyn Jacobs (jacquelyn.jacobs@acgov.org)
Dept. Chief:	Dilan Roe (dilan.roe@acgov.org)	Supervisor:	Paresh Khatri (paresh.khatri@acgov.org)

Electronic File