

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
ALEX BRISCOE, Director



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

November 28, 2011

Ms. Marilyn Pointe
Bay Rock Residential LLC
1300 Clay Street, Suite 620
Oakland, CA 94612

(sent via electronic mail to:
marilyn@bay-rock.com)

Mr. John Tibbetts
Oak's Club Room
4097 San Pablo Avenue
Emeryville, CA 94608

Mr. Peter Sher
San Francisco French Bread Company
7801 Edgewater Drive
Oakland, CA 94621

Subject: Request for FS/CAP, Geotracker Compliance, and Groundwater Monitoring, for Spills, Leaks, Investigations and Cleanup (SLIC) case file #RO0002733 (Global ID # T06019705080), Oak Walk Redevelopment Site, 4090 San Pablo Avenue, Emeryville CA 94608

Dear Ms. Pointe & Messrs. Tibbetts and Sher:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Results of Preliminary Subsurface Investigation*, dated April 29, 2004, the *Environmental Site Characterization*, dated April 2005, the *Corrective Action Plan*, dated July 17, 2006, the *Addendum to Corrective Action Plan*, dated November 2006, the *Remediation Report*, dated August 31, 2009, and the *Groundwater Quality Monitoring Reported, September 2010*, dated November 11, 2010. These reports were prepared and submitted on your behalf by The San Joaquin Company, Inc. (SJC). These are the principal documents associated with the site; however, additional not unsubstantial documents within the file were also reviewed. Thank you for submitting the reports.

The site was assembled from a number of parcels and occupies portions of two former parcels that were the location of two known environmental release sites within the Local Oversight Program (LOP) overseen by ACEH (Celis Service Station; LOP Case No. RO0000453; and the San Francisco French Bread Company; LOP Case No. RO0000171). The site has also been contaminated by substantial concentrations of mineral spirits which appear to have been released at several sites in an upgradient direction (Dunne Quality Paints; LOP Case No. RO0000073; and Oakland National Engravers [ONE]; LOP Case No. RO0000079), and which appear to have largely flowed through paleochannel conduits that have been mapped in some detail in most of the referenced reports (ACEH does make note that significant granular soil layers are present outside the mapped locations of the paleochannels such that the channels appear to be well interconnected by the granular soil layers starting at the approximate depth of 10 feet below grade surface [bgs]; thus ACEH does not anticipate that contaminant migration has been confined exclusively to the paleochannels). The migration of mineral spirits through the paleochannel network appears to have additionally and substantially impacted groundwater beneath several residential homes along 41st Street immediately east of the subject site, as well as the SNK Andante Project site to the south of the subject site, across 40th Street (RO0002530).

Based on ACEH staff review of the case file, we request that you address the following technical comments and send us the reports described below.

TECHNICAL COMMENTS

- 1. Electronic Report and Data Upload Compliance** – A review of the case file and the State's Geotracker database indicates that the site is not in compliance with previous directive letters. Compliance is also a State requirement. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, 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 UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. In September 2004, the SWRCB adopted regulations that require electronic

submittal of information for all groundwater cleanup programs, including SLIC programs. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites was required in GeoTracker. At present missing data and documents include, but may not be limited to, older reports, older EDF submittals (including soil gas data), GEO_MAPS, GEO_WELL data, survey data to Geotracker standards, and all bore logs. Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. Please upload all submittals to GeoTracker as well as to ACEH's ftp website, provide written notification and a copy of the upload list by the date specified below.

- 2. Request for Feasibility Study / Corrective Action Plan (FS/CAP)** – ACEH has been generally in agreement with the approach used at the site given the uncertainty of achieving contaminant reductions after onsite remediation at a site that is extensively affected by upgradient sources which are not within the control of project proponents. However, onsite sources (the San Francisco French Bread Company site [RO0000171], nominally the Celis Service Station site [RO0000453], and perhaps an unknown onsite source in the vicinity of well cluster MW-16) of gasoline hydrocarbon contamination have not been as amenable to reductions as previously anticipated.

While a number of the CAP goals were achieved, the presence of a groundwater TPHg plume with elevated concentrations beneath the subject site indicates not all CAP goals were achieved and that additional focused corrective actions are warranted at the site. Review of Figures 20 and 21 of the most recent groundwater monitoring report (*Quality Monitoring Reported, September 2010, November 2010*) depicts groundwater TPHg and benzene plumes which appear to be sourced downgradient of the San Francisco French Bread Company site, and upgradient of the Celis Service Station site. Recent concentrations of up to 64,000 µg/l TPHg (significantly in excess of other TPHg detections at the site which may be related to a lighter fraction of mineral spirits) and 18,000 µg/l benzene have been reported to underlie some of the more vulnerable housing stock identified in several reports. ACEH also notes that the lateral extent of gasoline related contaminants (TPHg and BTEX) are laterally undefined beneath 40th Street, which may leave housing stock at SNK Andante less protected relative to these volatile compounds, or may allow these contaminants to flow through unknown conduits in or beneath 40th Street. Thus it appears appropriate to undertake and focus additional work on apparent remaining residual sources at the site.

At this time a Feasibility Study/Corrective Action Plan (FS/CAP) prepared in accordance with Title 23, California Code of Regulations, Section 2725 appears warranted. The FS/CAP must include a concise background of soil and groundwater investigations, cleanup, and mitigation alternatives performed in connection with this case and an assessment of the residual impacts of the chemicals of concern (COCs) for the site and the surrounding area where the unauthorized release has migrated or may migrate. The FS/CAP should also include, but is not limited to, a detailed description of site lithology, including soil permeability, and most importantly, contamination cleanup levels and cleanup goals, in accordance with the San Francisco Regional Water Quality Control Board (SFRWQCB) Basin Plan and appropriate ESL guidance for all site derived COCs and for the appropriate groundwater designation. Please note that soil cleanup levels should ultimately (within a reasonable timeframe) achieve water quality objectives (cleanup goals) for groundwater in accordance with the SFRWQCB Basin Plan. Please specify appropriate cleanup levels and cleanup goals in accordance with 23 CCR Section 2725, 2726, and 2727 in the FS/CAP.

The FS/CAP must evaluate at least three viable alternatives for remedying or mitigating the actual or potential adverse affects of the unauthorized release(s) besides the 'no action' and 'monitored natural attenuation' remedial alternatives. Each alternative shall be evaluated not only for cost-effectiveness but also its timeframe to reach cleanup levels and cleanup goals, and ultimately the Responsible Party must propose the most cost-effective corrective action.

ACEH requests the submittal of a FS/CAP, inclusive of the lateral definition of fuel hydrocarbon contaminants, by the date identified below to undertake pilot testing of potential remedial options at the site.

- 3. Request for Preferential Pathway Survey** – A preferential pathway survey (a utility and well survey) does not appear to have been conducted for this site, and is appropriate in consideration of the undefined lateral extent of gasoline contamination beneath 40th Street as noted above. In addition to the previously mentioned paleochannel conduits, utilities or foundational conduits can also provide preferential pathways for the migration of contamination and based on reporting appear to have done so at the SNK Andante site. Thus utility or foundation conduits may also play a role in the location of the groundwater fuel hydrocarbon plume that appears located beneath the Oak Walk Redevelopment and beneath 40th Street. As a consequence, ACEH requests the submittal of a preferential pathway study by the date identified below. A similar request is included in a co-issued ACEH letter to Responsible Parties associated with the Celis Service Station (RO0000453) and SFFBC (RO0000171) sites; communication and cooperation with those parties would likely be beneficial to all parties. Please conduct the survey as a part of the requested FS/CAP.

The purpose of the preferential pathway study is to locate potential migration pathways and conduits and determine the probability of a groundwater plume encountering preferential pathways and conduits that could spread contamination. We request that you perform a preferential pathway study that details the potential migration pathways and potential conduits (utilities, utility laterals, pipelines, foundational, and etc.) for vertical and lateral migration that may be present in the vicinity of the site.

Discuss your analysis and interpretation of the results of the preferential pathway study (including the detailed well survey and utility survey requested below) and report your results in the report requested below. The results of your study shall contain all information required by California Code of Regulations, Title 23, Division 3, Chapter 16, §2654(b).

- a. Utility Survey** - An evaluation of all utility lines, utility laterals, and trenches (including sewers, storm drains, pipelines, trench backfill, foundation backfill, etc.) within and near the site and plume area(s) is required as part of your study. Please assimilate, reduce, and synthesize available information and maps, and generate appropriate (vicinity and / or site specific) maps and cross-sections illustrating the location and depth of all utility lines and trenches within and near the site and plume areas(s) as part of your study.
 - b. Well Survey** - The preferential pathway study shall include a detailed well survey of all wells (monitoring and production wells: active, inactive, standby, decommissioned (sealed with concrete), abandoned (improperly decommissioned or lost); and dewatering, drainage, and cathodic protection wells) within a ¼ mile radius of the subject site. As part of your detailed well survey, please perform a background study of the historical land uses of the site and properties in the vicinity of the site. Use the results of your background study to determine the existence of unrecorded/unknown (abandoned) wells, which can act as contaminant migration pathways at or from your site. Please review and submit copies of historical maps, such as Sanborn maps, aerial photographs, etc., when conducting the background study.
- 4. Coordinated Groundwater Contaminant Plume Monitoring and Sampling** – The most recent groundwater monitoring event occurred in September 2010. In order to understand current and future conditions, and to determine if contaminant rebound, if any, may be present, ACEH requests the resumption of groundwater monitoring at the site using the identified analytical suite, on an initial quarterly basis. After one year of monitoring, ACEH requests that the interval be reevaluated.

Because the paleochannels have allowed the comingling of many sites, ACEH is requiring that groundwater monitoring and sampling for this site be coordinated on the same day with groundwater monitoring, sampling, and reporting for vicinity sites (Celis Service Station [RO0000453], San Francisco French Bread Company [RO0000171], SNK Andante [RO0002533], Dunne Quality Paints [RO0000073], and Oakland National Engravers [RO0000079]). By copy of this letter this requirement is provided to all of the referenced sites. ACEH is requiring that groundwater monitoring, sampling, and reporting continue at these sites in accordance with the schedule below. Please submit groundwater monitoring reports by the dates identified below.

- 5. Request for Email Addresses** – If your email address is not listed on the first page of this letter, or in the list of cc's listed below, ACEH is requesting your email address to help expedite communications and to help lower overall costs. Please provide that information in your next submittal.

TECHNICAL REPORT REQUEST

Please submit the following deliverable to ACEH (Attention: Mark Detterman), according to the following schedule:

- **December 2, 2011** – Geotracker & ACEH ftp Website Submittal Compliance and notification of such
- **January 30, 2012** – FS/CAP Report with Preferential Pathway Survey
- **February 10, 2012** – Fourth Quarter 2011 Semi-Annual Groundwater Monitoring Report
- **May 4, 2012** – First Quarter 2012 Groundwater Monitoring Report
- **August 3, 2012** – Second Quarter 2012 Groundwater Monitoring Report
- **November 9, 2012** – Third Quarter 2012 Groundwater Monitoring Report, with sampling interval reevaluation

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.

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark E. Detterman, P.G., C.E.G.
Senior Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions

cc: Dunne Quality Paints; (RO0000073):
Terry Turner, Dunne Quality Paints, 707 Glenside Circle, Lafayette, CA 94549
Chad McNamee, 6820 Thornhill Drive, Oakland, CA 94611
Martin Samuels, Green City Lofts, 3076 Delmont Avenue, Oakland, CA 94605
Martin Samuels, Green City Lofts, 4601 W. Walnut Street, Soquel, CA 95073
Martin Samuels, Green City Lofts, 2715 Porter Street, Suite 207, Soquel, CA 95073
Green City Lofts Home Owner Association; 1007 41st Street, Oakland, CA 94608
Timothy Bodkin, Bureau Veritas, 2430 Camino Ramon, Suite 122, San Ramon, CA 94583
(sent via electronic mail to timothy.bodkin@us.beuraveritas.com)

Oakland National Engravers; (RO0000079):
Terry McGrath, McGrath Properties, 130 Webster Street, Suite 200, Oakland, CA 94607
(sent via electronic mail to terry@mcgrathproperties.com)
Deborah Castles, McGrath Properties, 130 Webster Street, Suite 200, Oakland, CA 94607
(sent via electronic mail to deborah@mcgrathproperties.com)
Syed Rehan, AMEC Geomatrix, Inc., 2101 Webster Street, 12th Floor, Oakland, CA 94612
(sent via electronic mail to syed.rehan@amec.com)

San Francisco French Bread Company; (RO0000171):

Peter Sher, San Francisco French Bread Company, 7801 Edgewater Drive, Oakland, CA 94621
John Tibbetts, Oak's Club Room, 4097 San Pablo Avenue, Emeryville, CA 94608
Dai Watkins, The San Joaquin Co., 1120 Hollywood Avenue, Suite 3, Oakland, CA 94602
(sent via electronic mail to daiw@sanjoco.com)

Celis Service Station; (RO0000453):

Markus Niebanck, City of Emeryville, Economic Development & Housing Department, 1333 Park Avenue, Emeryville, CA 94608 (sent via electronic mail to mniebanck@ci.emeryville.ca.us)
Constantino Celis, Celis Alliance, 2200 Powell St, 12th Floor, Emeryville, CA 94608
Jacob Henry, URS Corporation, 1333 Broadway, Suite 800, Oakland, CA 94612
(sent via electronic mail to Jacob_Henry@URSCorp.com)

SNK Andante Project (RO0002530):

Mr. Don Peterson, SNK Captec Andante LLC, 1103 40th Street, Emeryville, CA 94608
Dai Watkins, The San Joaquin Co., 1120 Hollywood Avenue, Suite 3, Oakland, CA 94602
(sent via electronic mail to daiw@sanjoco.com)

Oak Walk Redevelopment; (RO0002733):

Dai Watkins, The San Joaquin Co., 1120 Hollywood Avenue, Suite 3, Oakland, CA 94602
(sent via electronic mail to daiw@sanjoco.com)

Magnolia Terrace Residential (RO0003004)

Darin Lounds, Executive Director, Housing Consortium of the East Bay, 1440 Broadway, Suite 700, Oakland, CA 94612; (sent via electronic mail to dlounds@hceb.org)
Brienne Steinhauser, Housing Consortium of the East Bay, 1440 Broadway, Suite 700, Oakland, CA 94612 (sent via electronic mail to: bsteinhauser@hceb.org)
Linda Gardener, Alameda County Housing and Community Development Department, 224 W. Winton Avenue, Room 108, Hayward, CA 94544; (sent via electronic mail to: Linda.Gardner@acgov.org)

Concerned Property Owners:

David Ennis, PO Box 10985, South Lake Tahoe, CA 96158-3985

Regulatory Contacts:

Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Suite 3341, Oakland, CA 94612-2032 (sent via electronic mail to lgriffin@oaklandnet.com)

Donna Drogos, ACEH, (sent via electronic mail to donna.drogos@acgov.org)

Mark Detterman, ACEH, (sent via electronic mail to mark.detterman@acgov.org)

Geotracker, Electronic File

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) GeoTracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the GeoTracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in GeoTracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

REQUIREMENTS

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection.**
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- **Signature pages and perjury statements must be included and have either original or electronic signature.**
- **Do not password protect the document.** Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:

RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Submission Instructions

- 1) Obtain User Name and Password
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to deh.loptoxic@acgov.org
 - b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses,** and the **Case Numbers (RO# available in Geotracker) you will be posting for.**
- 2) Upload Files to the ftp Site
 - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
 - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to deh.loptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @acgov.org. (e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload.** (e.g., Subject: RO1234 Report Upload) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.