

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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05-12-06

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

May 11, 2006

Mr. Peter McGing
Equity Office Properties
Two North Riverside Plaza, Suite 2100
Chicago, IL 60606

Subject: Fuel Leak Case No. RO0002900, SPK Industrial Property, 700 Independent Road, Oakland, CA 94621 – Work Plan Approval

Dear Mr. McGing:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site, including the report entitled, "Site Investigation Work Plan," dated April 28, 2006, prepared on your behalf by Kleinfelder, Inc. The Work Plan proposes advancing soil borings with collection of soil and groundwater samples in a grid pattern across the site to define the extent of contamination. The proposed scope of work contamination is generally acceptable provided that the technical comments below are addressed and incorporated during the field investigation.

We request that you address the following technical comments, perform the proposed work, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to jerry.wickham@acgov.org) prior to the start of field activities.

REQUEST FOR INFORMATION

We previously requested a copy of a Phase I environmental site assessment report prepared by Golder Associates in 2004. Results from this report are referenced in the Work Plan. We again request that you submit a copy of this report. Unless this report is submitted, additional analyses may be required to confirm the referenced results.

TECHNICAL COMMENTS

- 1. Soil Samples.** We concur with the collection of continuous soil samples for logging purposes in each boring. We also concur with the proposed method for selecting soil samples for laboratory analyses. One soil sample collected from the capillary fringe is to be submitted for laboratory analyses from each boring. If contamination is observed, soil samples are to be submitted for laboratory analyses for all depth intervals where the staining, odor, or elevated PID readings are observed. If staining, odor, or elevated PID readings are observed over an interval of several feet, a sufficient number of soil samples from this interval should be submitted for laboratory analyses to characterize the fuel hydrocarbon concentrations within this interval. Please present the results in the Soil and Groundwater Investigation Report requested below.

2. **Soil Boring Locations.** We concur with the proposed grid pattern of soil borings. However, we request that step out borings be added as necessary in order to characterize the lateral extent of contamination if significant contamination is observed in the proposed borings during the field investigation.
3. **Depth of Soil Borings.** We request that two of the proposed soil borings, one in the vicinity of the former UST and one in a suspected downgradient location, be extended to a depth of approximately 30 feet bgs in order to characterize the vertical extent of contamination. Soil samples are to be collected as discussed in technical comment 1. For the two soil borings extended to 30 feet bgs, we request that you collect one grab groundwater sample from first-encountered groundwater and one or more grab groundwater samples from any coarse-grained water-bearing layers encountered below first-encountered groundwater. Please present the results in the Soil and Groundwater Investigation Report requested below.
4. **Laboratory Analyses.** We request with the proposed laboratory analyses but request that ethylene dibromide and 1,2-dichloroethane are also included as laboratory analytes.
5. **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 is required in Geotracker (in PDF format). In order to remain in regulatory compliance, please upload all analytical data (collected on or after September 1, 2001) and a copy, in PDF format, of all reports prepared after July 1, 2005.

TECHNICAL REPORT REQUEST

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

- **September 27, 2006 – Soil and Groundwater Investigation Report**

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

Effective **January 31, 2006**, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement

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

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

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.

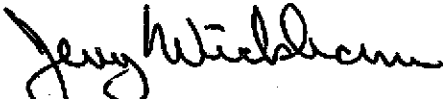
AGENCY OVERSIGHT

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.

Mr. Peter McGing
May 11, 2006
Page 4

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Wickham". The signature is written in a cursive style with a large initial "J".

Jerry Wickham
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Charles Almestad
Kleinfelder, Inc.
1970 Broadway, Suite 710
Oakland, CA 94612

Donna Drogos, ACEH
Jerry Wickham, ACEH
File



SENT
02-27-06

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

February 24, 2006

Mr. Peter McGing
Equity Office Properties
Two North Riverside Plaza, Suite 2100
Chicago, IL 60606

Subject: Fuel Leak Case No. RO0002900, SPK Industrial Property, 700 Independent Road, Oakland, CA 94621 – Request for Work Plan

Dear Mr. McGing:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site, including the report entitled, "Underground Storage Tank Removal Report," dated November 1, 2005, prepared on your behalf by Kleinfelder, Inc. The report summarizes results from the removal of one approximately 1,100-gallon underground storage tank (UST). Elevated concentrations of total petroleum hydrocarbons as gasoline (TPHg) and total petroleum hydrocarbons as diesel (TPHd) were detected in soil samples collected from the UST excavation. Stained soil was observed in soil left in place surrounding the former UST. Fuel hydrocarbons were also detected in a soil sample collected in the area of a former fuel dispenser. Additional subsurface characterization to define the nature and extent of soil and groundwater contamination is required for this site.

Please submit a work plan detailing your proposal to define the extent of soil and groundwater contamination by **April 28, 2006**. This report is being requested pursuant to the Regional Water Quality Control Board's authority under Section 13267 of the California Water Code. We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

REQUEST FOR INFORMATION

The "Underground Storage Tank Removal Report," dated November 1, 2005, references a limited soil and groundwater investigation conducted for a Phase I environmental site assessment by Golder Associates in 2004. We request that you submit a copy of this report along with other reports you have documenting investigation activities or other environmental work related to this site.

TECHNICAL COMMENTS

1. **Product Line.** The Norcal geophysical report that is Appendix A to the "Underground Storage Tank Removal Report," dated November 1, 2005 describes an apparent product line extending from the UST fill port to an apparent concrete dispenser foundation. Please describe the final disposition of this product line and whether the line was encountered within the tank excavation and the depth of the product line. Please include plans to define the potential extent of contamination beneath the product line in the Work Plan requested below.
2. **Dispenser.** The "Underground Storage Tank Removal Report," dated November 1, 2005 does not indicate whether excavation was performed in the area of the former dispenser. Please describe the scope of activities conducted during the UST removal in the area of the dispenser and the location and depth of product lines in the area of the dispenser, if known. Please include plans to investigate the extent of contamination in the area of the fuel dispenser.

TECHNICAL REPORT REQUEST

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

- **April 28, 2006** – Work Plan for Site Assessment

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

Effective **January 31, 2006**, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

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In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at jerry.wickham@acgov.org.

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.

LANDOWNER NOTIFICATION REQUIREMENTS

Pursuant to California Health & Safety Code Section 25297.15, the active or primary responsible party for a fuel leak case must inform all current property owners of the site of cleanup actions or requests for closure. Furthermore, ACEH may not consider any cleanup proposals or requests for case closure without assurance that this notification requirement has been met. Additionally, the active or primary responsible party is required to forward to ACEH a complete mailing list of all record fee title holders to the site. If you have not already submitted a list of record fee title owners in response to the Notice of Responsibility we require that you submit a complete mailing list of all record fee title owners of the site by **April 3, 2006**, which states, at a minimum, the following:

A. *In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (name of primary responsible party), certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site:*

- OR -

B. *In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (name of primary responsible party), certify that I am the sole landowner for the above site.*

(Note: Complete item A if there are multiple site landowners. If you are the sole site landowner, skip item A and complete item B.)

In the future, for you to meet these requirements when submitting cleanup proposals or requests for case closure, ACEH requires that you:

1. Notify all current record owners of fee title to the site of any cleanup proposals or requests for case closure;
2. Submit a letter to ACEH which certifies that the notification requirement in 25297.15(a) of the Health and Safety Code has been met;
3. Forward to ACEH a copy of your complete mailing list of all record fee title holders to the site; and
4. Update your mailing list of all record fee title holders, and repeat the process outlined above prior to submittal of any additional *Corrective Action Plan* or your *Request for Case Closure*.

Your written certification to ACEH (Item 2 above) must state, at a minimum, the following:

A. *In accordance with Section 25297.15(a) of the Health & Safety Code, I, (name of primary responsible party), certify that I have notified all responsible landowners of the enclosed proposed action. (Check space for applicable proposed action(s)):*

cleanup proposal (Corrective Action Plan)

request for case closure

local agency intention to make a determination that no further action is required

local agency intention to issue a closure letter

- OR -

B. *In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (name of primary responsible party), certify that I am the sole landowner for the above site.*

(Note: Complete Item A if there are multiple site landowners. If you are the sole site landowner, skip Item A and complete item B.)

UNDERGROUND STORAGE TANK CLEANUP FUND

Please be aware that you may be eligible for reimbursement of the costs of investigation from the California Underground Storage Tank Cleanup Fund (Fund). In some cases, a deductible amount may apply. If you believe you meet the eligibility requirements, I strongly encourage you to call the Fund for an application.

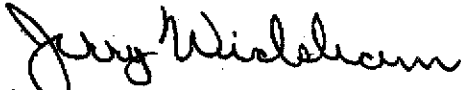
AGENCY OVERSIGHT

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Mr. Peter McGing
February 24, 2006
Page 5

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: Charles Almestad
Kleinfelder, Inc.
1970 Broadway, Suite 710
Oakland, CA 94612

Donna Drogos, ACEH
Jerry Wickham, ACEH
File