

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

ENVIRONMENTAL PROTECTION
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June 19, 2006

Mr. Richard Weinstein
MacArthur Ltd. Liability Company
360 17th Street
Oakland, CA 94612-3340

Subject: SLIC Case RO0002916, MacArthur Ltd. Property, 900-910 81st Avenue, Oakland, CA

Dear Mr. Weinstein:

Alameda County Environmental Health (ACEH) staff has received the "Limited Phase II Environmental Site Sampling," dated March 20, 2006, and "Environmental Transaction Screen," dated February 14, 2006. Both reports were prepared by Basics Environmental (Basics). Additionally, in telephone conversations with you, you have indicated your request that we close this site based upon our regulatory review of these reports.

We have examined the reports, the Phase II in particular, and determined it to be unacceptable and not ready for formal submittal to ACEH. The referenced report was not prepared by an appropriately-registered professional licensed to practice as a civil engineer or registered geologist in the state of California. Please note all work plans and technical or implementation reports, which contain engineering or geological information, interpretations, or other opinions, must be signed and stamped by an appropriately-registered professional, as required by the Business and Professions Code (Sections 6735, 6835, and 7835.1). For these reasons ACEH is unable to accept the report for regulatory review. We request that you submit a report prepared by an appropriately licensed professional.

In the interest of moving your site through the regulatory process we offer the following observations in the Technical Comments below to assist you in submitting the appropriate scope of work for this site.

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

TECHNICAL COMMENTS

- 1. Soil and Groundwater Sampling Locations.** The site has a long history of industrial activities that are associated with the use of hazardous materials. It appears that the soil sampling locations were chosen because of their proximity to storm drain drop inlets. However, these sample locations do not adequately address soil and groundwater issues throughout the site. Furthermore, the selection criteria for sampling locations should be based on several factors such as proximity to hazardous material chemical storage areas, clandestine drug lab, metal plating activities etc., and not on the location of storm drain lines. Please explain the rationale for choosing the sampling locations, the limited depth of

samples and total number of samples collected and present your discussion in the work plan report requested below.

Oakland Fire Department (OFD) maintains Hazardous Materials Generator (HMG) and Hazardous Materials Business Plan (HMBP) records that detail business activities. It does not appear that these documents were reviewed prior to selecting locations for the soil borings. Several businesses in operation at the site have received violations for improper storage and handling of hazardous materials. ACEH considers a review of these documents an essential component during the planning stages of a site investigation. Please incorporate the findings from your review of the HMG and HMBP into the discussion for future soil boring locations in the work plan requested below.

2. **Defining the Horizontal and Vertical Extent of Contamination.** During the Phase II sampling event, the limited depth of soil sampling -no soil samples collected below four feet bgs.- and only one grab groundwater sample collected for the entire area demonstrate that the site has not been fully characterized. The Limited Phase II Site Assessment did not attempt to evaluate groundwater hydrology or determine the potential contamination of other water bearing zones, or the potential contamination of soil below four feet bgs. Even though groundwater samples collected at 7-8 feet bgs. tested 520 µg/L TPHd, 4,900 µg/L TPHmo and 1.2 µg/L MtBE. Additionally, ACEH does not consider the soil boring locations and associated analytical data to be representative of soil and groundwater conditions site-wide.

Given that limited soil and groundwater data are available for the site ACEH is concerned that soil and groundwater contamination has not been adequately characterized. Moreover, the horizontal and vertical extent of soil and groundwater contamination has not been delineated at the site. Please present a proposal in the Work Plan requested below to conduct a soil and groundwater investigation to define the horizontal and vertical extent of soil and groundwater contamination throughout the site.

3. **Preferential Pathway Study.** We request that you complete a preferential pathway survey for the site to evaluate whether any potential conduits (wells, storm drains, sanitary sewer, pipelines etc.) could potentially act as preferential pathways for contaminant migration. The purpose of the survey is to determine the potential of petroleum hydrocarbons, chlorinated solvents or dissolved metals encountering a preferential pathway, resulting in the dispersion of contamination in subsurface. Discuss your analysis and interpretation of the results of the preferential pathway study and report your findings in the Work Plan requested below. Also, please provide a map showing the location of utilities that may act as preferential pathways.
 - a. **Well Survey.** ACEH request that you locate all wells (monitoring and production wells: active, inactive, standby, decommissioned, abandoned dewatering, drainage and cathodic protection wells) within ½ mile of the subject site. We request that you obtain well information from both Alameda County Public Works Agency and the State of California Department of Water Resources, at a minimum. Submittal of maps showing the location of all wells identified in your study, and the use of tables to report the data collected as part of your survey are required. Please present your results in the Work Plan requested below.
 - b. **Utility Survey.** An evaluation of all utility lines and trenches (including sewers, storm drains, pipelines, trench backfill, etc. to act as preferential pathways for contaminant

migration is required as part of your survey. Submittal of maps showing the location and depth of all utility lines and trenches within and near the site is required.

4. **Request For Information.** However, ACEH case files do not contain information from the following sources. Please send copies of the following reports;
1. Quarterly Groundwater Monitoring Reports from 1993 through 1996. You are also requested to submit copies of any reports you have documenting any additional investigations or work related to the site.
 2. Site assessment and chemical inventory for Elmhurst Anodizing, prepared by Ecology and Environment, 1996.
 3. Phase I Environmental Site Assessment, prepared by AEI consultants Inc., September 2000, prepared for United Commercial Bank.
 4. Updated Phase I Environmental Site Assessment, prepared by AEI Consultants Inc., February 2003 and prepared for United Commercial Bank.
 5. Soil sampling for water line upgrade by Lowney Associates, December 2005 and prepared for East Bay Municipal Utility District.

TECHNICAL REPORT REQUEST

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

- **July 30, 2006** – Work Plan for Soil and Groundwater Investigation

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

ELECTRONIC SUBMITTAL OF REPORTS

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

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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).

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 steven.plunkett@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 and 7835.1) require 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.

If you have any questions, please call me at (510) 383-1767.

Sincerely,



Steven Plunkett
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

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cc: Mr. Donovan Tom
Basics Environmental
655 12th Street.
Oakland, CA 94607

Donna Drogos, ACEH
Steven Plunkett, ACEH
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