



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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December 18, 2012

Mr. Peter Robertson
Sailsbury Avenue Associates, LLC
2917 MacArthur Blvd., #3F
Oakland, CA 94602
(sent via electronic mail to britpete@aol.com)

Ms. Maria Campos
1424 Fruitvale Ave.
Oakland, CA 94601

Mr. & Mrs. John Madler
1030 Dutton Avenue
San Leandro, CA 94577

Subject: Request for Work Plan Modification; Fuel Leak Case No. RO0002945 and Geotracker Global ID T0619778840, Chevron #9-8861 (Independent), 2145 35th Avenue, Oakland, CA 94601

Dear Mr. Robertson, Ms. Campos, and Mr. & Ms. Madler:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site including the *Phase II Environmental Investigation Report and Supplemental Investigation Workplan*, dated August 2012 (received September 18, 2012). The report was prepared and submitted on your behalf by Eagle Environmental Construction (EEC). Thank you for submitting the report. The report documented the collection of six soil samples to confirm the removal of hydraulic lift, the car maintenance pit, and the dispenser island; and the installation of soil bores BH-5 to BH-15, piezometers P1 to P4, and wells MW-1 to MW-4. Included in the report was a preferential pathway survey that did not find water supply wells in the downgradient direction, and found one utility (sanitary sewer) that might act as a pathway to groundwater contamination in the downgradient direction. This work augmented a previous site investigation that detected up to 2,100 mg/kg TPHg, 1,200 TPHss, 28 mg/kg ethylbenzene, and 260 mg/kg nickel in soil, and 87,000 µg/l TPHg, 69,000 µg/l TPHd, 71,000 µg/l TPHss, 1,800 µg/l TPHmo, 250 µg/l benzene, and 530 µg/l naphthalene in groundwater. The recent work detected concentrations up to 1,400 mg/kg TPHg, 870 TPHd, 1,000 mg/kg TPHss, 54 mg/kg ethylbenzene, 7.5 mg/kg naphthalene, 310 mg/kg lead, and 1,000 mg/kg nickel. Groundwater samples were collected from the soil bores and from developed wells. In developed wells, groundwater concentrations up to 3,800 µg/l TPHg, 1,200 µg/l TPHd, 3,900 µg/l TPHss, 82 µg/l benzene, 350 µg/l ethylbenzene, and 44 µg/l naphthalene were detected. The well furthest downgradient is onsite and contains the highest detectable concentrations in groundwater; consequently the downgradient extent in groundwater is not characterized. The report also included a work plan for the installation of 12 Geoprobe soil bores, with the subsequent installation of five to six groundwater monitoring wells.

Based on ACEH staff review of the work plan, the proposed scope of work is conditionally approved for implementation provided that the technical comments below are incorporated during the proposed work. Except for a revised Figure 21 for the work plan, the submittal of a fully revised work plan or a work plan addendum is not required unless an alternate scope of work outside that described in the work plan or these technical comments is proposed. We request that you address the following technical comments, perform the proposed work, and send us the report described below. Please provide 72-hour advance written notification to this office (e-mail preferred to: mark.detterman@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1) **Work Plan Modifications** – The referenced work plan proposes a series of actions with which ACEH is in general agreement; however, ACEH requests several substantial modifications to the approach.

a. **Request for Revised Soil Bore Location Map** – Figures in the referenced report depict two potential areas onsite with groundwater contamination, and proposes to install 12 soil bores to delineate both areas. Largely due to the recently adopted Low-Threat Closure Policy (LTCP) which de-emphasizes TPH contamination in soil and groundwater, ACEH does not believe that northwestern plume requires significant delineation, except perhaps to limit the downgradient extent (initial data indicates this to be to the south). This bore would augment groundwater data which is expected to be collected from well MW-1; which currently is non-detectable for all appropriate analytes.

ACEH also does not believe the onsite delineation of the lateral extent of the larger “southern” groundwater plume is required on the west and on the east of the plume as depicted in Figure 21, but that the lateral and downgradient extent of groundwater contamination would be more rapidly delineated by the installation of offsite soil bores at the immediately adjacent apartment building, as proposed, and with the installed of a soil bore transect on 35th Avenue; potentially on both sides of the street. Effectively this eliminates the proposed locations of soil bores BH16 to BH21. ACEH notes that should offsite access for the apartment building become troublesome, installation of a bore on the subject site may be appropriate.

To document acceptance of the requested work plan modifications, ACEH requests the submittal of a revised Figure 21, as a work plan addendum, by the date identified below.

b. **Data Packet Submittal and Installation of Wells** – The work plan proposes the installation of five to six groundwater wells following the installation of the soil bores. ACEH is in agreement that additional wells are appropriate to define the lateral and downgradient extent of groundwater contamination; however, believes the appropriate number to be two to three, or perhaps fewer.

To help expedite selection of appropriate well locations, ACEH requests the submittal of a data package, similar to that previously submitted for the referenced report, that will include tabulated analytical data, sufficient figures to help illustrate the data generated, soil bore logs, and proposed well locations. This is intended to allow a subsequent discussion of appropriate well placement locations prior to the generation of a report.

c. **Soil Selection Protocols** – The work plan addendum proposes to collect both soil and groundwater samples, but did not specify the number of soil samples to be collected in each soil bore. To preclude miscommunication ACEH requests that soil samples be collected, and submitted for analysis, at signs of contamination (odor, discoloration, PID responses, etc.), at significant changes in lithology, and just above groundwater. Please be aware that delineating the vertical extent of soil (and groundwater) contamination remains a requirement for site closure.

d. **LTCP Sampling Requirements** – The new Low-Threat Closure Policy (LTCP) has been implemented since the referenced work plan addendum was submitted and requires attention to contaminant distribution and concentration (among other significant changes) in the upper 5 feet at a site (especially of source zones). This may require the submittal of an additional one to two soil additional samples for lab analysis per bore location in this depth interval depending on the situation.

e. **Request for Addition of PAHs to Analytical Suite** – Because diesel, stoddard solvent, and motor oil have been detected at the site, and because a number of PAHs have been detected in soil and groundwater samples, ACEH requests the addition of PAHs by appropriate EPA methodology to the analytical suite at the site. This is in-line with LTCP requirements.

f. **Analysis for LUFT Metals** – The work plan proposes to include the five LUFT metals in the analytical suite for soil and groundwater; however, the only metals that appear to be of potential

concern are nickel and lead. As a consequence, ACEH requests that the metals analytical suite be limited to these metals.

- g. Well Screen Intervals** – The referenced work plan anticipates and proposes the installation of well screens between approximately 18 to 8 feet below grade surface. ACEH requests shorter screen intervals in order to collect more representative groundwater samples, generally with no more than a 5 foot sand interval; however, ACEH recognizes that fully screened water-bearing zones are appropriate in thinner permeable zones, and are difficult to field identify in clay dominated water-bearing systems. ACEH requests a substantive level of effort to minimize the screen length at each well location to the extent possible, with well screens minimally longer than the water-bearing zone, including any capillary fringe zone. If longer screen intervals are judged appropriate well clusters or multilevel wells (similar to CMT) may be appropriate. Please communicate and justify the preferred changed interval or well installation technology with ACEH as a Work Plan Addendum in the Data Packet Submittal by the date identified below.
- 2) Geologic Cross Sections** – Please be aware that several of the four geologic cross sections submitted with the referenced report contain substantial errors that render them substantively misleading, and may contribute to the impression, as stated, that the geologic units lack lateral continuity. Several of the cross sections depict site geology relatively accurately; however, several others do not. On several cross sections, a comparison between the soil bore logs and the lithology depicted for those bores on the sections do not match, and the lithology in soil bores on one cross section does not match the lithology in the same bore on another cross section (see for example the bore log for BH-4 and BH-8, and as depicted on Sections A-A' and B-B'; many other examples exist). In the view of ACEH the actual lithology beneath the site appears to be highly continuous and suggestive of buried stream channels in a fluvial valley environment, and thus may represent a significant preferential pathway, (which is the intent of the work plan to investigate). ACEH notes that the subject site is situated between Peralta Creek to the north and a small liner, roughly east - west ridge, to the immediate south of 35th Avenue. ACEH interprets this as the southern margin to the predevelopment Peralta Creek fluvial valley. ACEH requests a revision of the cross sections in the requested site investigation report.
- 3) Groundwater Monitoring Interval** – The recent installation of four wells at the site indicates that the site should be placed on a quarterly groundwater monitoring program for a minimum period of one year. This will quickly gather contaminant trends at the site. This interval may be reduced after sufficient trend data has accumulated. Please submit quarterly groundwater monitoring by the dates identified below.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with the specified file naming convention below, according to the following schedule:

- **January 11, 2013** – Work Plan Addendum
File to be named: RO2945_WP_ADDEND_L_yyyy-mm-dd
- **February 1, 2013** – Quarterly Groundwater Monitoring Report
File to be named: RO2945_GWM_R_yyyy-mm-dd
- **February 15, 2013** – Soil and Groundwater Data Packet Submittal
File to be named: RO2945_SWI_R_yyyy-mm-dd
- **60 Days After Well Location Approval** – Soil and Groundwater Investigation Report; with Revised Cross Sections; File to be named: RO2945_SWI_R_yyyy-mm-dd
- **May 3, 2013** – Quarterly Groundwater Monitoring Report
File to be named: RO2945_GWM_R_yyyy-mm-dd

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

Mr. Robertson, Ms. Campos, and Mr. & Ms. Madler
RO0002945
December 18, 2012, Page 4

in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>. If your email address does not appear on the cover page of this notification, ACEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

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

Sincerely,

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

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

cc: Steven Reinlib, Eagle Environmental Company, 4909 Third Street, San Francisco, CA 94124
(sent via electronic mail to Reinlib@aol.com)

Sami Malaeb, 350 Main Street, Suite H1, Pleasanton, CA 94566
(sent via electronic mail to s.malaeb@comcast.net)

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

Marisa Rodarte, Division of Financial Assistance, SWRCB, 1001 I Street, 17th Floor, Sacramento, CA 95814; (sent via electronic mail to mrodarte@waterboards.ca.gov)

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

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

Electronic File, GeoTracker

Attachment 1
Responsible Party(ies) Legal Requirements/Obligations

REPORT/DATA REQUESTS

These reports/data are being requested pursuant to Division 7 of the California Water Code (Water Quality), Chapter 6.7 of Division 20 of the California Health and Safety Code (Underground Storage of Hazardous Substances), and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations (Underground Storage Tank Regulations).

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (Local Oversight Program [LOP] for unauthorized releases from petroleum Underground Storage Tanks [USTs], and Site Cleanup Program [SCP] for unauthorized releases of non-petroleum hazardous substances) require submission of reports in electronic format pursuant to Chapter 3 of Division 7, Sections 13195 and 13197.5 of the California Water Code, and Chapter 30, Articles 1 and 2, Sections 3890 to 3895 of Division 3 of Title 23 of the California Code of Regulations (23 CCR). Instructions for submission of electronic documents to the ACEH FTP site are provided on the attached "Electronic Report Upload Instructions."

Submission of reports to the ACEH FTP site is in addition to requirements for electronic submittal of information (ESI) to the State Water Resources Control Board's (SWRCB) Geotracker website. In April 2001, the SWRCB adopted 23 CCR, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1 (Electronic Submission of Laboratory Data for UST Reports). Article 12 required electronic submittal of analytical laboratory data submitted in a report to a regulatory agency (effective September 1, 2001), and surveyed locations (latitude, longitude and elevation) of groundwater monitoring wells (effective January 1, 2002) in Electronic Deliverable Format (EDF) to Geotracker. Article 12 was subsequently repealed in 2004 and replaced with Article 30 (Electronic Submittal of Information) which expanded the ESI requirements to include electronic submittal of any report or data required by a regulatory agency from a cleanup site. The expanded ESI submittal requirements for petroleum UST sites subject to the requirements of 23 CCR, Division, 3, Chapter 16, Article 11, became effective December 16, 2004. All other electronic submittals required pursuant to Chapter 30 became effective January 1, 2005. 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, 7835, 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, late 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 SCP)	REVISION DATE: July 25, 2012
	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 (petroleum UST and SCP) 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.