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July 2, 2010

Mr. Markus Niebanck  
Emeryville Redevelopment Agency  
1333 Park Ave.  
Emeryville, CA 94608  
(sent via electronic mail to  
[mniebanck@ci.emeryville.ca.us](mailto:mniebanck@ci.emeryville.ca.us))

Mr. Scott Barde  
Owens Mortgage Investment Fund  
2221 Olympic Blvd.  
Walnut Creek, CA 94595

ELTEX Investments Corporation  
c/o Eller Media  
200 E Basse  
San Antonio, TX 78209

William Owens  
Ambassador Partners Limited  
2221 Olympic Blvd.  
Walnut Creek, CA 94595

Title Two Investment Corporation  
c/o Bellview Capital Mgmt.  
(Address unknown)

Lloyd Kendall Jr.  
(Address unknown)

Wilson Associates  
6451 Benvenue Ave.  
Oakland, CA 94610

Adeline Investments  
(Address unknown)

Subject: Request for Additional Information; Fuel Leak Case No. RO0002973 and Geotracker Global ID T0619717287, Ambassador Laundry, 3623 Adeline St., Emeryville, CA 94608

Dear Messrs. Niebanck, et al:

Alameda County Environmental Health (ACEH) staff has reviewed the *Former Ambassador Laundry Post Remediation Subsurface Investigation and First Groundwater Monitoring Report*, dated June 19, 2009, the *Second Quarter 2009 Groundwater Monitoring Report*, dated August 14, 2009, and the *Third Quarter 2009 Groundwater Monitoring Report*, dated December 15, 2009, for the subject site. Each report was generated by Kleinfelder on behalf of the City. Based on the review of site information ACEH is requesting additional analysis and information in an attempt to address apparent data gaps. Please address the technical comments below.

#### **TECHNICAL COMMENTS**

1. **Request for Final Approved Site Redevelopment Plans** – ACEH understands that a 2-story high density residential building is planned for the site, the footprint of the planned structure will essentially cover the entire site, and that parking areas are anticipated on the ground level with residential units on the second floor. ACEH requests copies of the final design plans in order to better understand the intended site development and to help determine if exceptions to these generalized descriptions are planned.
2. **Source of Shallow Groundwater** – Wells MW-1 to MW-6 appear to define the extent of impacted groundwater in the screened intervals. Except well MW-5, all wells are screened between 19 and 20

feet below grade surface (bgs) to 29 to 30 feet bgs. Well design is reported to have been based on depth to groundwater as encountered in the associated CPT bores. Well MW-5 was screened between 16 and 30 feet bgs. In a review of site soil bores ACEH notes consistent indications of a shallow groundwater bearing zone that remains undefined in proximity to 36<sup>th</sup> Street. Shallow groundwater was observed in soil bores C-10, C-8, C-7, KB-1, KB-5, KB-2, KB-4, KB-10, perhaps KB-11; in addition to CPT bores MW-6 and K-E (the final screen interval for MW-6 excluded shallow groundwater). Grab groundwater samples collected from some of these bores were sufficiently elevated to indicate a potential concern (grab groundwater samples; TPH diesel: 15 milligrams per liter [mg/L] in KB-1, 1.5 mg/L in KB-2, 2.3 mg/L in KB-6, 3.4 mg/L in C-7 are the highest noted, although other samples contained lower concentrations, while benzene was documented up to 13 micrograms per liter [ug/L] in one sample). Hydrocarbons in this area appear to have migrated beyond the well network, and may infiltrate to deeper levels further beyond (south) in uninvestigated region. This occurrence may be related to the former sewer discharge lines documented in the geophysical survey; however, the locations of each do not appear to coincide well. ACEH requests this occurrence of impacted groundwater be evaluated by further analysis in a report addendum or with a submittal of a work plan to address this apparent data gap as requested below.

3. **Soil Bore Logs** - The use of groundwater symbols in the bore logs also do not appear to be consistent with generated CPT logs and is a source of confusion. For example in well MW-1 the bore log appears to indicate first water was encountered at 9 or 10 feet bgs, while the associated CPT log indicates first water at 24 feet bgs. In well MW-5 first water appears to have been encountered at 11 feet in the soil bore, but not until 22 feet in the adjacent CPT log. If correct these logs additionally indicate the presence of shallow groundwater beneath the site. Please modify all bore logs as may be appropriate and submit in the report addendum requested below.
4. **Preferential Pathway Analysis** - The apparent offsite flow of impacted groundwater indicates a more detailed analysis of utility preferential pathways to be appropriate. Please incorporate all utility locations, including any laterals, in site plans as well as detailed, extended and revised cross sections where appropriate. This specifically includes any underground electrical, gas, and water utility lines in addition to the sewer and storm drain lines previously reported on. Please note the lithology or depths of lithology used in the cross sections do not appear to be entirely consistent with that of the bore logs included in the June 2009 report. Please submit revised cross sections where appropriate in the report addendum requested below.
5. **Well Relocation** – The first well MW-1 (installed in 1995) has been assumed to have been abandoned during building demolition in 2005 after it was not located with a geophysical survey conducted in August 2007. Well destruction permits do not appear to have been found; thus it is reasonable to assume the majority of the well structure remains as a potential vertical conduit. ACEH requests that a good faith effort to relocate the well be conducted prior to redevelopment. Please document how this will be managed in the report addendum requested below.
6. **Groundwater Monitoring** – Groundwater monitoring appears to have defined the extent of impacted groundwater in the screened intervals. It would be appropriate to pause groundwater monitoring on an interim basis until the remainder of the site is resolved.

### **TECHNICAL REPORT REQUEST**

Please submit technical responses or reports to Alameda County Environmental Health (Attention: Mark Detterman), according to the schedule presented below:

- **July 30, 2010** – Final Approved Redevelopment Plans
- **August 27, 2010** – Report Addendum with data gap and preferential Pathway analysis, revised bore logs and cross sections as appropriate, or Data Gap Work Plan

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.

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

Sincerely,

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

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Alvaro Dominguez, Kleinfelder West, Inc., 1970 Broadway - Suite 710, Oakland, CA – 94612  
(sent via electronic mail to [ADominguez@kleinfelder.com](mailto:ADominguez@kleinfelder.com))

Donna Drogos (sent via electronic mail to [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))  
Mark Detterman (sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))  
File

## **Attachment 1**

### **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.swrcb.ca.gov/ust/electronic\\_submittal/report\\_rqmts.shtml](http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml)).

#### **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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>ISSUE DATE:</b> July 5, 2005
	<b>REVISION DATE:</b> March 27, 2009
	<b>PREVIOUS REVISIONS:</b> December 16, 2005, October 31, 2005
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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

- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- 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)

#### Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

#### 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 [dehloptoxic@acgov.org](mailto:dehloptoxic@acgov.org)
    - Or
    - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of My Le Huynh.
  - 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 and Firefox browsers will not open the FTP site.
  - b) Click on File, then on Login As.
  - 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 [dehloptoxic@acgov.org](mailto:dehloptoxic@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.