



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

January 28, 2011

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

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

Lloyd Kendall Jr.
(Address unknown)

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

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

Wilson Associates
(Address unknown)

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

Ms. Deni Adaniya
Resources for Community Development
2730 Telegraph Avenue
Berkeley, CA 94705

Adeline Investments
(Address unknown)

Subject: Request for Addendum - Soil and Groundwater Management Plan; 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 case file including the *Soil and Groundwater Management Plan*; (SGMP) dated January 6, 2011, submitted for the subject site by Fugro West, Inc. (Fugro), on behalf of Resources for Community Development (RCD) and the city of Emeryville. Based on ACEH staff review of the SGMP, the document appears to be principally a geotechnical soil and groundwater management plan, but does reference the potential to encounter contaminated soil and groundwater at the site. Except for the identification of contaminant analytes, the SGMP leaves the sampling protocols, handling, and management of impacted soil and groundwater unspecified. Because residual contamination will remain, and the potential remains to encounter additional areas of contamination ACEH requests an addendum to the SGMP to document standard contaminant sampling, handling, and management methodologies.

TECHNICAL COMMENTS

1. **Management of Petroleum Contaminated Soil and Groundwater** – As noted, the SGMP appears to be principally geotechnical in nature, but does reference the potential to encounter contaminated soil and groundwater at the site, and defines the analytical suite. To move the project forward, ACEH requests an addendum to the SGMP, to be attached to the existing SGMP, which will document standard contaminant management methodologies. These should include, but should not be limited to, details associated with:
 - a. Use of Photoionization Detectors (or equivalent) to identify impacted soil and to identify sampling locations,
 - b. Appropriate sample collection procedures and preservation techniques,

- c. Appropriate excavation confirmation sampling (at a minimum, bottom sampling intervals mirroring UST removal confirmation sampling and sidewall confirmation sampling mirroring overexcavation sampling intervals [e.g. 20 foot centers and at signs of impacted soil]), and
- d. Segregation of impacted from non-impacted soil.
- e. Appropriate stockpile tarping,
- f. Establishing appropriateness of soil reuse either onsite or offsite through adherence to the draft SF RWQCB guidelines entitled *Characterization and Reuse of Petroleum Hydrocarbon Impacted Soil as Inert Waste*, dated October 20, 2006,
- g. Contaminated groundwater sampling, handling, and management procedures.

Each and all of these actions, procedures, protocols, and etc. are to be documented in a final excavation report to be submitted to the County's ftp site by the date identified below.

2. **Verifying Proper Decommissioning of Old MW-1** – Because well destruction permits do not appear to have been found for previously destroyed MW-1, it is entirely reasonable to assume the majority of the well structure remains as a potential vertical conduit. It is understood that an effort to locate this well will be undertaken prior to site redevelopment. ACEH reiterates the concern associated with this well and requests that a significant effort be extended to locate it prior to redevelopment to confirm its status and to verify proper decommissioning. If the well has not been properly decommissioned, this should be conducted under Alameda County Public Works Agency permit.

TECHNICAL REPORT REQUEST

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

- **February 28, 2011** – Work Plan Addendum
- **May 1, 2011** – Report on Remedial Excavation

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.

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: Stephen J. Osborne, Fugro West, Inc., 1000 Broadway, Suite 440, Oakland, CA 94607
(sent via electronic mail to sosborne@fugro.com)
Glenn Young, Fugro West, Inc., 1000 Broadway, Suite 440, Oakland, CA 94607
(sent via electronic mail to gyoung@fugro.com)
Donna Drogos (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman (sent via electronic mail to mark.detterman@acgov.org)
ftp eFile, GeoTracker

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).

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 dehloptoxic@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 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.