

Detterman, Mark, Env. Health

From: Detterman, Mark, Env. Health
Sent: Friday, June 28, 2013 3:18 PM
To: 'Cem Atabek'
Cc: Kris Larson
Subject: RE: RO3009: 540 Cleveland Avenue in Albany - Arsenic

Cem,

I will be attempting to get a conditional approval letter out shortly. There will likely be a number of tweaks, and the arsenic cleanup goal will be one. To help you move the site forward, I wanted to send this bit more informal response to let you know that ACEH will be requesting a CAP addendum for arsenic with justification for an alternative arsenic background concentration. You might be able to use the sites you mentioned below; however, ACEH has no knowledge of site particulars, agencies involved, use of any site management plans, any mitigation measures to protect the public from the higher values, and how those higher background concentrations are protective of public health at those sites. As the executive summary of the RWQCB ESL document states, additional evaluation will generally be necessary at sites where a chemical is present at concentrations above the corresponding ESL. The values in the ESL tables are considered to be Tier 1 risk assessment values, if changes are proposed, the proposed value requires additional risk evaluation, becoming a Tier 2 process. As the ESL document continues to state, the presence of a chemical at concentrations above the ESL does not necessarily indicate that adverse impacts to human health or the environment are occurring, just that the potential for adverse risk can exist and that additional evaluation is warranted. This thus becomes a risk evaluation, rather than a background evaluation, and ultimately gets into a cost/benefit analysis of performing a more site-specific risk assessment vs. continuing to observe the ESL for the contaminant. Please be aware that just because a gas station has elevated TPH or benzene concentrations and those are "background" at the site, that does not mean those "background" concentrations are representative to the local area, or protective of the public's or environmental health. And, FYI - I still hope to be able to get a letter out later today.

Mark Detterman
Senior Hazardous Materials Specialist, PG, CEG
Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502
Direct: 510.567.6876
Fax: 510.337.9335
Email: mark.detterman@acgov.org

PDF copies of case files can be downloaded at:

<http://www.acgov.org/aceh/lop/ust.htm>

From: Cem Atabek [<mailto:catabek@ninyoandmoore.com>]
Sent: Tuesday, June 25, 2013 4:08 PM
To: Detterman, Mark, Env. Health
Cc: Kris Larson
Subject: RE: RO3009: 540 Cleveland Avenue in Albany

Hi Mark, as I mentioned in the voice message I left you earlier today, we are hoping that you can provide a conditional approval letter for the CAP for 540 Cleveland Avenue in Albany sometime soon (Hopefully before June 30th). I had also mentioned that we would like to use 11 ppm as the cleanup goal for arsenic at the site based on the thesis document you mentioned below, however I just remembered that we recently did an arsenic background evaluation for a site in San Pablo which will be developed into a public park, where we came up with 8.5 mg/kg as the cleanup goal. We have also worked on other sites in the area including public parks in Emeryville where 17 ppm was established as the arsenic cleanup goal, and a public school site in Oakland where 12 ppm was established as the arsenic cleanup goal. Based on all this information, and the distribution of arsenic concentrations at 540 Cleveland Avenue, we would now like to propose

a cleanup goal of 8.5 ppm for arsenic. Since more sensitive land uses as public parks and schools can have arsenic cleanup goals as high as 12 and 17 ppm, we feel that 8.5 ppm would be adequately protective of human health for a site with commercial/industrial land use.

Only two soil samples ([B-10A@0.5-1.0](#) and [B25A@1-2](#)) collected at the site had arsenic exceeding 8.5 mg/kg. These samples are already within proposed excavation areas EX-1 and EX-9, so the arsenic impacted soil would be removed and we would add arsenic to the analysis of confirmation samples for these excavations.

Please let me know if this you can provide a conditional approval of the CAP at this point or if you would like to discuss the arsenic issue further.

Thanks,

-Cem

Cem R. Atabek
Senior Project Engineer

Ninyo & Moore

Geotechnical & Environmental Sciences Consultants
1956 Webster Street, Suite 400
Oakland, California 94612
(510) 343-3000 (ext.15202)
(510) 343-3001 (Fax)
catabek@ninyoandmoore.com

New San Jose office
2149 O'Toole Avenue, Suite 10
San Jose, CA 95131
(408) 435-9000
(408) 435-9006 (Fax)

Experience · Quality · Commitment

-----Original Message-----

From: Detterman, Mark, Env. Health [<mailto:Mark.Detterman@acgov.org>]

Sent: Monday, June 24, 2013 4:59 PM

To: Cem Atabek

Cc: Kris Larson

Subject: RE: RO3009: 540 Cleveland Avenue in Albany

Cem,

Thanks for the correction; I had thought I was working from the most recent version.

As for arsenic, it would need to take the same approach as I had mentioned for cobalt below (not a site background, but an area background). You should be aware that there is an arsenic Master's thesis document that is posted at the RWQCB ESL website that may be useful for background concentrations in the Bay Area; however, the background level for the Bay Area as a whole that was reported in the thesis (11 ppm) appears to be pretty high based on personal experience and may be the result of certain geologic media having higher arsenic background concentrations than I would expect at this site. But as with the cobalt, you will need to show that the background levels that are proposed to be left (presumed to be higher than the ESL) at the site will be protective of human health.

I've not analyzed the data like cobalt, but you might be able to reduce arsenic levels some with selective excavation? Regardless, it appears that Ninyo & Moore should develop an approach, and then we can discuss or you can submit an addendum to handle the cobalt.

Let me know.

Mark Detterman

Senior Hazardous Materials Specialist, PG, CEG
Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502
Direct: 510.567.6876
Fax: 510.337.9335
Email: mark.detterman@acgov.org

PDF copies of case files can be downloaded at:

<http://www.acgov.org/aceh/lop/ust.htm>

From: Cem Atabek [<mailto:catabek@ninyoandmoore.com>]
Sent: Thursday, June 20, 2013 10:27 AM
To: Detterman, Mark, Env. Health
Cc: Kris Larson
Subject: RE: RO3009: 540 Cleveland Avenue in Albany

Hi Mark, as I mentioned in my e-mail below dated May 29, the May 2013 Table B Commercial/Industrial ESL for cobalt was raised back to 80 mg/kg, which is well above our highest detected concentration of cobalt. We propose to use 80 mg/kg as the new cleanup goal for cobalt and therefore cobalt is not a concern at the site and would not be analyzed in confirmation samples. As I also mentioned in the e-mail below, the arsenic ESL decreased in the May 2013 ESLs, and therefore we would need to develop a site specific arsenic cleanup goal since the ESL is below common background levels. Please let me know if we can perform a background assessment and develop a cleanup goal for arsenic in accordance with DTSC guidelines, similar to what we had done for cobalt.

Thanks,

-Cem

Cem R. Atabek
Senior Project Engineer
Ninyo & Moore
Geotechnical & Environmental Sciences Consultants
1956 Webster Street, Suite 400
Oakland, California 94612
(510) 343-3000 (ext.15202)
(510) 343-3001 (Fax)
catabek@ninyoandmoore.com

New San Jose office
2149 O'Toole Avenue, Suite 10
San Jose, CA 95131
(408) 435-9000
(408) 435-9006 (Fax)

Experience · Quality · Commitment

-----Original Message-----

From: Detterman, Mark, Env. Health [<mailto:Mark.Detterman@acgov.org>]
Sent: Thursday, June 20, 2013 10:10 AM
To: Cem Atabek; Kris Larson
Subject: RE: RO3009: 540 Cleveland Avenue in Albany

Kris and Cem,

I've had the time to review the revised CAP, and wanted to provide some quicker feedback rather than a full directive letter. In general I'm agreement with the plan with one exception – that of the proposed

cobalt cleanup level. A review the cobalt data generally indicates that higher concentrations are in shallower soil (there are definitely exceptions), but in general the data suggests the higher concentrations are from site activities, rather than a generally higher background at the site. Additionally the justification for a higher cleanup goal does not provide background concentrations for our region, essentially just states they are lower, and does not provide vicinity background concentrations, just assumes they are lower. There is clearly a valid reason the RWQCB lowered commercial ESLs from 80 mg/kg to 1.6 mg/kg, and Table B from the ESL document indicates that the basis was specifically human health. As you are aware ESLs are for sites that do not want to use a site specific risk assessment. If you do want to propose an alternative ESL, it should be done based on a health risk assessment (as the ESL document clarifies), rather than on a UCL justification for background. If you have questions, please let me know.

Mark Detterman
Senior Hazardous Materials Specialist, PG, CEG
Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502
Direct: 510.567.6876
Fax: 510.337.9335
Email: mark.detterman@acgov.org

PDF copies of case files can be downloaded at:

<http://www.acgov.org/aceh/lop/ust.htm>

From: Cem Atabek [<mailto:catabek@ninyoandmoore.com>]
Sent: Friday, May 31, 2013 2:42 PM
To: Detterman, Mark, Env. Health
Cc: Kris Larson; Duane Blamer
Subject: RE: RO3009: 540 Cleveland Avenue in Albany

Hi Mark, the property owner and City of Albany are in contract for the transaction of this property, and the contract requires that the County approve the CAP by June 30th, so anything you could do to expedite your review would be greatly appreciated.

Thanks,

-Cem

Cem R. Atabek
Senior Project Engineer
Ninyo & Moore
Geotechnical & Environmental Sciences Consultants
1956 Webster Street, Suite 400
Oakland, California 94612
(510) 343-3000
(510) 343-3001 (Fax)
catabek@ninyoandmoore.com

New San Jose office
2149 O'Toole Avenue, Suite 10
San Jose, CA 95131
(408) 435-9000
(408) 435-9006 (Fax)

Experience · Quality · Commitment

-----Original Message-----

From: Detterman, Mark, Env. Health [<mailto:Mark.Detterman@acgov.org>]

Sent: Thursday, May 30, 2013 9:51 AM

To: Cem Atabek

Cc: Kris Larson; Duane Blamer

Subject: RE: RO3009: 540 Cleveland Avenue in Albany

Cem,

I've not had a chance to review it, but should be able to do so in June at some point. We'll need to figure out how to handle ESL updates since the intent, now that RWQCB has a staff toxicologist again, is for regular updates when new data comes out on the various chemicals.

Mark Detterman

Senior Hazardous Materials Specialist, PG, CEG

Alameda County Environmental Health

1131 Harbor Bay Parkway

Alameda, CA 94502

Direct: 510.567.6876

Fax: 510.337.9335

Email: mark.detterman@acgov.org

PDF copies of case files can be downloaded at:

<http://www.acgov.org/aceh/lop/ust.htm>

From: Cem Atabek [<mailto:catabek@ninyoandmoore.com>]

Sent: Wednesday, May 29, 2013 6:02 PM

To: Detterman, Mark, Env. Health

Cc: Kris Larson; Duane Blamer

Subject: RE: RO3009: 540 Cleveland Avenue in Albany

Hi Mark, I'm not sure if you have had a chance to review the revised CAP for RO#3009 (540 Cleveland Avenue in Albany). Since the ESLs were just revised again, I'm wondering if we would need to revise the CAP again, or if you could potentially provide a conditional approval of the CAP since it appears that the only changes that would affect the CAP would be that the cobalt ESL increased to be above the highest detected concentration, and the arsenic ESL decrease to once again be below background levels. I believe the only changes we would make to the CAP would be to replace the statistical analysis of background cobalt and development of a cobalt cleanup goal with a statistical analysis of background arsenic and development of an arsenic cleanup goal. Looking at the data, it appears that only one sample had arsenic above what we would define as background, and the proposed excavation limits would not be affected.

Thanks,

-Cem

Cem R. Atabek

Senior Project Engineer

Ninyo & Moore

Geotechnical & Environmental Sciences Consultants

1956 Webster Street, Suite 400

Oakland, California 94612

(510) 343-3000

(510) 343-3001 (Fax)

catabek@ninyoandmoore.com

New San Jose office
2149 O'Toole Avenue, Suite 10
San Jose, CA 95131
(408) 435-9000
(408) 435-9006 (Fax)

Experience · Quality · Commitment

-----Original Message-----

From: dehloptoxic, Env. Health [<mailto:deh.loptoxic@acgov.org>]
Sent: Thursday, May 16, 2013 4:07 PM
To: Cem Atabek
Cc: Detterman, Mark, Env. Health; Kris Larson
Subject: RO3009: ACCEPTED DOCUMENT ON FTP SITE

ACCEPTED DOCUMENT ON FTP SITE

CASE: RO3009, 540 CLEVELAND AVE

Your recently submitted document was successfully uploaded to the Alameda County Environmental Health Toxics Program ftp site. The document will appear in the case file within the next 2 to 3 business days. Your case worker has been notified of the document submittal. If the document requires a response from this agency and you have not heard from your case worker within 60 days from the date your submittal was accepted, please contact the case worker.

Online case files can be reviewed at <http://www.acgov.org/aceh/lop/ust.htm>

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of intended recipient(s) and may contain confidential and protected information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all.

From: Cem Atabek [<mailto:catabek@ninyoandmoore.com>]
Sent: Wednesday, May 15, 2013 4:09 PM
To: dehloptoxic, Env. Health
Cc: Detterman, Mark, Env. Health; Kris Larson
Subject: RO#3009 Report Upload

We have uploaded the Revised Data Gap Investigation Report and Corrective Action Plan for RO#3009 to the County FTP site. Please let us know if you need anything else.

Thanks,

-Cem

Cem R. Atabek
Project Engineer
Ninyo & Moore
Geotechnical & Environmental Sciences Consultants
1956 Webster Street, Suite 400

Oakland, California 94612
(510) 343-3000
(510) 343-3001 (Fax)
catabek@ninyoandmoore.com

New San Jose office
2149 O'Toole Avenue, Suite 10
San Jose, CA 95131
(408) 435-9000
(408) 435-9006 (Fax)

Experience · Quality · Commitment