



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

January 6, 2012

Dan and Vic Diversified, LLC  
2033 San Pablo Avenue  
Berkeley, CA 94702

Placeworks, LLC  
1501 Pacific Avenue  
Alameda, CA 94501

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

Subject: Request for Site Investigation Work Plan; Fuel Leak Case No. RO0003068 and GeoTracker Global ID T1000002518, Lane Splitters Pizza, 3645 San Pablo Avenue, Emeryville, CA 94608

Dear Responsible Parties:

Alameda County Environmental Health (ACEH) has reviewed the case file, including the *Limited Phase II Environmental Site Assessment*, dated March 30, 2004, generated by Ninyo & Moore, the *Remedial Action Report*, dated November 9, 2009, generated by Northgate Environmental Management, Inc. (Northgate), and the *UST Soil Sampling Test Results*, dated January 7, 2010, also generated by Northgate. Thank you for submitting the reports. These reports indicate that on December 23, 2009 one underground storage tank (UST) of unknown size was abandoned in-place at the site during installation of the fire service as the site continued construction. The UST was cleaned and backfilled. One soil sample was collected at a depth of approximately 5.5 ft bgs at a location approximately 2 feet east of the UST. Analysis of the soil sample indicated that 980 mg/kg TPHg, 870 mg/kg TPHd, 3,300 mg/kg TPHmo, <0.77 mg/kg benzene, 2.3 mg/kg toluene, 1.5 mg/kg ethylbenzene, 11.4 mg/kg total xylenes, and <0.77 mg/kg MTBE were present; additional analytes were also detected.

Prior to these actions a 2002 Phase I Environmental Assessment found that the site had been a gasoline service station between approximately 1947 and 1969. A 2004 subsurface investigation conducted a geophysical survey and found a generalized disturbed signature beneath the site. Five soil bores were also installed and found concentrations of TPH, BTEX, and MTBE, generally below regulatory thresholds. Two petroleum hydrocarbon hotspots were encountered during site grading, up to 20 eight-foot deep soil bores are reported to have been installed around Hotspot #1 (although this data has not been submitted), soil samples collected, and ultimately approximately 25.5 tons of impacted soil was excavated off hauled. Hotspot #2 is described as a fill pit presumed to be a location of a former UST, soil samples were collected, and ultimately approximately 127.1 tons of soil was excavated and off-hauled. Concentrations up to 310 mg/kg TPHg, 629 mg/kg TPHd, 1,700 mg/kg TPHmo, <2.5 mg/kg benzene, <2.5 mg/kg toluene, 3.7 mg/kg ethylbenzene, 5.3 mg/kg total xylenes, and <2.5 mg/kg MTBE were encountered in the two hotspot locations. The chromatographic pattern for the TPHg and TPHd analysis are reported not to match standard patterns.

Based on the review of the case file ACEH requests that you address the following technical comments and send us the documents requested below.

#### **TECHNICAL COMMENTS**

- 1. GeoTracker Compliance** – A review of the State Water Resources Control Board's (SWRCB) GeoTracker website indicates the site has not been claimed. Because this is a state requirement, ACEH now requests that the site be claimed in GeoTracker by the date identified below.

Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please claim your site and upload all future submittals to GeoTracker and ACEH's ftp server by the date specified below. Electronic reporting is described below on the attachments.

Additional information regarding the SWRCB's GeoTracker website may be obtained online at [http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) and [http://www.swrcb.ca.gov/ust/electronic\\_submittal/report\\_rqmts.shtml](http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml)) or by contacting the GeoTracker Help Desk at [geotracker@waterboards.ca.gov](mailto:geotracker@waterboards.ca.gov) or (866) 480-1028.

2. **Request for a Work Plan With SCM** – In order to define the extent of any soil and groundwater contamination (lateral, downgradient, and vertical) in both soil and groundwater, ACEH requests the submittal of a work plan with a Site Conceptual Model (SCM) by a consultant qualified to undertake the work by the date identified below. Because the data at the site is reasonably extensive already, the work plan should not focus exclusively on the abandoned UST, but should present a comprehensive site evaluation, including all site analytical data, bore hole locations, etc., in comprehensive tables and figures. This is requested in part because not all site data has been disclosed yet (see below), and will allow any data gaps to be addressed comprehensively at the site as a whole. ACEH requests submittal of the work plan and SCM by the date identified below.
3. **Request for Preferential Pathway Survey** – The purpose of the preferential pathway study is to locate potential migration pathways and conduits and determine the probability of a groundwater plume encountering preferential pathways and conduits that could spread contamination. In part this is requested because the fire service was installed through the abandoned UST location, and in part to more comprehensively review the site in conjunction with the SCM. We request that you perform a preferential pathway study that details the potential migration pathways and potential conduits (utilities, utility laterals, pipelines, foundational, and etc.) for vertical and lateral migration that may be present in the vicinity of the site.

Discuss your analysis and interpretation of the results of the preferential pathway study (including the detailed well survey and utility survey requested below) and report your results in the report requested below. The results of your study shall contain all information required by California Code of Regulations, Title 23, Division 3, Chapter 16, §2654(b).

- a. **Utility Survey** - An evaluation of all utility lines, utility laterals, and trenches (including sewers, storm drains, pipelines, trench backfill, foundation backfill, etc.) within and near the site and plume area(s) is required as part of your study. Please assimilate, reduce, and synthesize available information and maps, and generate appropriate (vicinity and / or site specific) maps and cross-sections illustrating the location and depth of all utility lines and trenches within and near the site and plume areas(s) as part of your study.
  - b. **Well Survey** - The preferential pathway study is requested to include a well survey of all wells (monitoring and production wells: active, inactive, standby, decommissioned (sealed with concrete), abandoned (improperly decommissioned or lost); and dewatering, drainage, and cathodic protection wells) within a ¼ mile radius of the subject site.
4. **Request for Information** - ACEH's case file for the subject site contains only the electronic files listed on our website (please see attachments for a link). Please submit an electric copy of all missing reports, data, and correspondence related to environmental investigations for this property by the date identified below.

- 5. Request for Point of Contact and Email Addresses** – If your business does not have a point of contact listed, or an email address is not listed on the first page of this letter, ACEH requests your email address to help expedite communications and to help lower overall costs. Please provide that information in your next submittal.

### **UNDERGROUND STORAGE TANK CLEANUP FUND**

Please be aware that site investigation/site cleanup costs may be reimbursable from the California Underground Storage Tank Cleanup Fund. The application and additional information is available at the State Water Resources Control Board's website at [http://www.waterboards.ca.gov/water\\_issues/programs/ustcf](http://www.waterboards.ca.gov/water_issues/programs/ustcf). Please be aware that reimbursement monies are contingent upon maintaining compliance with directives from ACEH. Additional information about the USTCF can be found below in the attachments to this letter.

### **TECHNICAL REPORT REQUEST**

Please submit the following deliverable to ACEH (Attention: Mark Detterman), according to the following schedule:

- **December 19, 2011** – Missing Reports, Data, and Correspondence
- **January 30, 2012** – Work Plan with SCM and Preferential Pathway Survey
- **60 Days After Work Plan Approval** – Soil and Groundwater Investigation Report

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.

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

Sincerely,

Mark Detterman, PG, CEG  
Senior Hazardous Materials Specialist

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

cc: 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))

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

**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.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](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, 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>REVISION DATE:</b> July 20, 2010
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
<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

- **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](mailto: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](mailto: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.