



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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February 8, 2013

Ms. Carryl MacLeod
Chevron Environmental Management Co.
6101 Bollinger Canyon Road
San Ramon, CA 94583
(sent via electronic mail to:
CMacLeod@chevron.com)

Mr. Stuart Rickard
Placeworks, LLC
1501 Pacific Avenue
Alameda, CA 94501
(sent via electronic mail to:
Stuart@placeworks.com)

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

Mr. Vic Gumper
Dan and Vic Diversified, LLC
2033 San Pablo Avenue
Berkeley, CA 94702
(sent via electronic mail to:
Vic@lanesplitterpizza.com)

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

Dear Ms. MacLeod, and Messrs. Rickard, Niebanck, and Gumper:

Alameda County Environmental Health (ACEH) has reviewed the case file, including the *Work Plan for Subsurface Investigation*, dated November 28, 2012, generated by Conestoga-Rovers & Associates (CSA). Thank you for submitting the work plan. Thank you also for claiming the site in Geotracker.

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 (B-1 to B-5) 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 never 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.

A 2010 tank removal report indicates 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.

Based on ACEH staff review of the work plan, the proposed scope of work may be appropriate; however, the lack of a Site Conceptual Model (SCM) appears to be hindering the site, and technical justification for the proposed actions does not appear to be present. As a consequence, ACEH requests a brief work plan addendum to address this deficiency. Provided that the technical comments below are incorporated prior to conducting the proposed work, and the SCM can technically justify them and is approved by ACEH, the work would be considered conditionally approved for implementation.

TECHNICAL COMMENTS

1. **Electronic Report and Data Upload Compliance** – ACEH appreciates that the site has been claimed in Geotracker; however, a review of the case file and the State's Geotracker database indicates that the site is not in yet compliance with previous directive letters. Compliance is a State requirement. 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. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SLIC programs. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites was required in GeoTracker. **At present missing data and documents include, but may not be limited to older reports, GEO_MAPS, and all bore logs. Compliance is required by the State and is tied to reimbursement funding by the UST Cleanup Fund.** Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. ACEH requests notification of, and a list of, the documents uploaded to Geotracker. Please upload all submittals to GeoTracker as well as to ACEH's ftp website by the date specified below.
2. **Work Plan Modifications** – The referenced work plan proposes a series of actions with which ACEH is in general agreement of undertaking; however, ACEH requests several modifications to the approach. With the proviso that the requested two-part Work Plan Addendum is approved, please submit a report by the date specified below.
 - a. **Addition of Soil Bores** – The referenced work plan proposes the installation of five soil bores, three in downgradient and two in upgradient locations. At present the soil bores are approximately 50 to 60 feet apart. This may be appropriate for upgradient soil bores; however, because the goal of the investigation is to quickly delineate the extent of any groundwater contamination (in addition to soil contamination), and because other sites in the vicinity indicate a west southwest to southwesterly flow direction, ACEH requests a soil bore transect along the western property boundary, with soil bores no further apart than approximately 25 feet. This would require the installation of a minimum of two additional soil bores along that property perimeter. Provided all protocols described in the work plan, or as otherwise modified in this letter are followed, ACEH requires only the submittal of a Work Plan Addendum, (submittal of a revised Figure 2), by the date identified below, to reflect the soil bore location adjustments.
 - b. **Comment of Bore Clearing Techniques** – The work plan states that soil bores will be cleared with a hand auger to a depth of eight feet below grade surface (bgs). ACEH recognizes that Chevron safety preferences must be observed by CRA; however, ACEH also recognizes that soil contamination may be present within this depth interval. Consequently, ACEH requests the collection of soil for standard soil classifications and descriptions within that depth interval, including collection of undisturbed soil for photoionization detector (PID) readings in each soil bore.
 - c. **Soil and Groundwater Analysis** – The work plan appears to indicate that soil samples will be collected per the September 2012 *Leaking Underground Fuel Tank Guidance Manual* (LUFT Manual) to characterize soil for gasoline, diesel, and motor oil; however, does not thereafter include TPH as motor oil in the list of analytes (but does include a number of waste oil analytes). Because this site has an in-place abandoned UST, and existing analytical data appears to indicate that the UST may have been a waste oil UST, it is appropriate to include

TPH as motor oil in the analytical suite for the site. While this is presumed to have been an unintentional oversight, ACEH did want to clarify the need for this, and to request inclusion of TPH as motor oil in the standard list of analytes for the site.

- d. **Site Conceptual Model** – The previous directive letter issued by ACEH requested that a SCM be generated in conjunction with a data gap work plan. This request was consistent with the development of a SCM as described in the LUFT Manual referenced above (and revised to support the Low Threat Closure Policy), and was intended to help move the site through the investigation phase more quickly, and allow sufficient early review time to allow a fuller understanding of the site and vicinity prior to conducting work (see next Technical Comment). This is also consistent with Resolution No. 2012-0062, adopted on November 6, 2012, which requires all agencies to identify ways to increase the efficiency of implement of UST program implementation. This deliverable is now overdue. In order to provide technical justification for the proposed work, ACEH requests that a brief SCM be generated by the date identified below and included in the requested Work Plan Addendum. This version of the SCM is intended to be brief, and consistent with standard SCM practices, is intended to be updated and expanded as site data is generated.
 - e. **Anticipated Depth to Groundwater** – The work plan anticipates installing soil bores to an approximate depth of 24 feet bgs. ACEH is in concurrence with this depth under the assumption that the depth is related to obtaining vertical delineation of contamination in soil. However, because the depth estimate was contained in the section that also discussed obtaining a grab groundwater sample, this also suggests that groundwater is not anticipated to be encountered at shallow depths. This is contrary to site vicinity investigations as mapped out in Geotracker that appear to indicate that groundwater may be on the order of approximately 10 feet bgs, slightly below the total depth of a number of disclosed existing site bores. This could have been recognized in an SCM, and is requested to be addressed in the requested SCM. Regardless of the technical justification in the SCM, ACEH requests that very close attention be paid to shallow indications of saturation in soil bores (changes in moisture content, attenuation of discolored soil with depth, and discontinuation of PID readings with depth, etc.) in order to obtain representative samples of shallow, first encountered groundwater, in addition to vertical delineation of contamination in soil.
 - f. **Well Survey** – ACEH appreciates that a well survey (and a utility survey) have been proposed to be conducted. The work plan proposes the review of well data obtained from DWR. ACEH also requests that ACPWA well data also be reviewed due to the likelihood of differing sources and data; there is a sufficient difference in the data sets to make the effort worthwhile. While technically overdue, ACEH is in agreement with the revised proposed schedule.
3. **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. **Missing reports and data include those identified in the second paragraph on page one.**

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:

- **February 25, 2013** – Geotracker and ftp Uploads (and documentation of)
File to be named: RO3068_CORRES_L_yyyy-mm-dd
- **March 1, 2013** – Work Plan Addendum (SCM and Revised Figure 2)
File to be named: RO3068_SCM_WP_ADEND_R_yyyy-mm-dd

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- **April 12, 2013** – Soil and Groundwater Investigation Report (with Conduit Survey)
File to be named: RO3068_SWI_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 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>.

Should you have any questions, please contact 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: Ms. Celina Hernandez, 5900 Hollis Street, Suite A, Emeryville, CA 94608
(sent via electronic mail to: CHernandez@croworld.com)

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

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.