

ALAMEDA COUNTY  
**HEALTH CARE SERVICES  
AGENCY**

REBECCA GEBHART, Interim Director



DEPARTMENT OF ENVIRONMENTAL HEALTH  
LOCAL OVERSIGHT PROGRAM (LOP) FOR  
HAZARDOUS MATERIALS RELEASES  
1131 HARBOR BAY PARKWAY, SUITE 250  
ALAMEDA, CA 94502  
(510) 567-6700  
FAX (510) 337-9335

November 4, 2016

619 South 33<sup>rd</sup> LLC  
C/o Mark Skolnick  
930 Redwood Hwy, #B  
Mill Valley, CA 94941-2374  
(Sent via electronic mail to [mark@ipcap.net](mailto:mark@ipcap.net))

Subject: Conditional Work Plan; LOP Case No. RO0003166 and Geotracker Global ID T10000007122, Seminary Avenue UST, 1759 Seminary Avenue, Oakland, CA 94621

Dear Mr. Skolnick:

Thank you for claiming your site on the State Water Resources Control Board's (SWRCBs) GeoTracker website. Alameda County Department of Environmental Health (ACDEH) has reviewed the subject case file and the recently submitted document entitled *Site Characterization Work Plan* (Work Plan) prepared by AllWest Environmental (AllWest) and dated June 22, 2016 for the subject site. The Work Plan was prepared at the request of ACDEH in our letter dated March 3, 2016. The Work Plan was review against the SWRCB Low Threat Underground Storage Tank Case Closure Policy (LTCP). At the time of the heating oil tank removal, 39.9 milligrams per kilogram (mg/kg) extractable-range petroleum hydrocarbons (TEPH) were documented in soil removed from beneath the tank and concentrations of 12,800 micrograms per liter ( $\mu\text{g/L}$ ) TEPH were reported in excavation pit water.

As presented in the Work Plan, AllWest proposes to advance six (6) soil bores in the vicinity of the former heating oil tank to a depth of 12 to 15 feet below ground surface (bgs) for the recovery of at least two (2) soil samples and 1 grab-groundwater (GGW) sample from each bore. Soil sample proposed depths are at approximately 5-5.5 and 10-10.5 feet bgs or within areas of obvious contamination, and within the capillary fringe zone at approximately 10-10.5 feet bgs depending upon visual observation, odors and photo-ionizer detector (PID) screening.

Soil and GGW samples will be analyzed for total petroleum hydrocarbons (TPH) as diesel (TPHd) per EPA Method 8015 with silica gel cleanup; benzene, toluene, ethylbenzene, and xylenes (collectively BTEX); methyl tertiary butyl ether (MBTE) and naphthalene per EPA Method 8260B; and polynuclear aromatic hydrocarbons (PNAs)/polycyclic aromatic hydrocarbons (PAHs) per EPA Method 8270. Additionally, one composite soil sample is proposed to be analyzed for the LUFT 5 metals, cadmium, chromium, nickel, lead and zinc, per EPA Method 6010 for disposal profiling.

As indicated in our electronic mail correspondence dated May 27, 2016, ACDEH is in general agreement of the Work Plan. The proposed scope of work may be implemented provided that the modifications requested in the technical comments below are addressed and incorporated during the field implementation. Submittal of a revised Work Plan is not required unless an alternate scope of work outside that described in the Work Plan and technical comments below is proposed.

### **TECHNICAL COMMENTS**

- 1. Electronic Submittal of Information** – In our March 3, 2016 letter, ACDEH requested technical report submittal to our ftp site and to GeoTracker. Currently there have been no submittals to GeoTracker. As requested in our March 3 letter, please upload laboratory analysis report(s) in electronic deliverable format (EDF), reports (GEO\_REPORTs) and figures (GEO\_MAPs) to GeoTracker. Outstanding uploads include the EDF and

GEO\_MAP associated with the tank removal and the GEO\_REPORT and GEO\_MAP associated with the Work Plan. ACDEH requests document submittal by the date specified below.

Additionally, the report generated documenting the execution of the Work Plan will include the GEO\_REPORT and associated GEO\_BORES, GEO\_MAP, and EDF(s) submittals.

2. **List of Landowners Form** – In our March 3, 2016 letter, ACDEH provided and requested completion and submittal of the List of Landowners form. Currently the List of Landowners form has not been received by our office. ACDEH requests submittal of the List of Landowners form, via electronic mail attachment or by land mail, Attention: Keith Nowell, by the date specified below.
3. **Unauthorized Release Form** – In our March 14, 2016 letter, ACDEH provided and requested completion and submittal of an Unauthorized Release Form (URF). ACDEH requests submittal of the completed URF via electronic mail attachment or by land mail, Attention: Keith Nowell, by the date specified below.
4. **Soil Bore Depth** – The Work Plan states that soil bores will be advanced to a depth of 12 to 15 feet bgs. ACDEH requests the soil bores be advanced to an appropriate depth for the collection of the GW samples.
5. **Soil Bore Logs** – Please include the field screening PID readings on the bore logs. Each bore log should be submitted individually as a GEO\_BORE file to GeoTracker.
6. **Soil Sample Collection** – AllWest proposes to recover soil samples from each boring at depths of approximately 5 and 10 feet bgs. For compliance with the LTCP, ACDEH requests the recovery of soil samples include the intervals of 0-to 5 feet and 5- to 10 feet, bgs. Since the goal of this investigation is to determine the lateral, down gradient, and vertical extent of TPH contamination in soil and groundwater beneath the site, ACDEH recommends that soil samples should be collected and analyzed at intervals of less than five (5) feet, areas of obvious contamination, the soil/groundwater interface, and at significant changes in lithology. If staining, odor, or elevated PID readings are observed over an interval of several feet, a sufficient number of soil samples from this interval should be submitted for laboratory analyses to characterize the fuel hydrocarbon concentrations within this interval. Please ensure that the analytical results define the vertical extent of TPH impacts at the site.
7. **Sample Analysis** – AllWest proposes soil and GW samples to be analyzed for TPHd with silica gel cleanup. San Francisco Bay Region, Regional Water Quality Control Board (SFBR-RWQCB) does not utilize silica gel clean up (SGC) when evaluating concentrations of total petroleum hydrocarbons (TPH) as diesel (TPHd) and TPH as motor oil (TPHmo) with the Environmental Screening Levels (ESLs). For consistency, ACDEH follows the SFBR-RWQCB lead when evaluating cases having TPHd and TPHmo concentrations with regard to the ESLs. Therefore, TPHd analyses should be performed without SGC for evaluation of risks to human or ecological receptors.

However, ACDEH acknowledges that useful information may be gathered when comparing TPH concentrations for a sample analyzed both with and without SGC. SFBR-RWQCB staff does accept SGC only for the purpose of comparison of duplicate samples processed with and without SGC to assess the relative degree of biodegradation. Therefore, SGC may be used on selected samples for comparison with non-SGC concentrations.

### **TECHNICAL REPORT REQUEST**

Please upload technical reports to the ACDEH ftp site (Attention: Keith Nowell) and GeoTracker in accordance with the following specified file naming convention and schedule:

- **November 14, 2016** – Electronic Submittal of Information
- **November 14, 2016** – Return *List of Landowners* Form (via electronic mail attachment or by land mail, Attention: Keith Nowell)
- **November 14, 2016** – Unauthorized Release Form – (via electronic mail attachment or by land mail, Attention: Keith Nowell)
- **February 2, 2017** – Site Characterization Report- (file to be named: RO0003166\_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.

Thank you for your cooperation. ACDEH looks forward to working with you and your consultants to advance the case toward closure. Should you have any questions regarding this correspondence or your case, please call me at (510) 567-6764 or send an electronic mail message at [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org).

Sincerely,

Keith Nowell, PG, CHG  
Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements

Cc: Marc Cunningham, AllWest Environmental, 2141 Mission Street, Suite 100, San Francisco, CA 94110  
(Sent via electronic mail to: [marc@allwest1.com](mailto:marc@allwest1.com))

Dilan Roe, ACDEH (Sent via electronic mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))

Paresh Khatri, ACDEH (Sent via electronic mail to: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org))

Keith Nowell, ACDEH, (Sent via electronic mail to [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org))

GeoTracker, 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.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> May 15, 2014
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 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.