



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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September 12, 2016

1607 2nd Avenue, LLC
4096 Piedmont Avenue, #150
Oakland, CA 94611
Attn.: Harry Tung
(Sent via electronic mail to: harrytung@hotmail.com)

Richard L. & Linda M. Weinstein Trust et al
360 17th Street, #204
Oakland, CA 94612
Attn.: Richard Weinstein

Latwuania Rogers
Address Unknown

RGG LLC et al
360 17th Street, #204
Oakland, CA 94612

Subject: Conditional Work Plan Approval, Fuel Leak Case No. RO0003170 and GeoTracker Global ID T1000006756, Second Avenue UST, 1607 2nd Avenue, Oakland, CA 94606

Dear Responsible Parties:

Thank you for the recently submitted document entitled *Work Plan for a Vapor Intrusion to Indoor Air Evaluation* (Work Plan), dated August 8, 2016, and prepared by Schutze & Associates, Inc. (Schutze) for the subject site. Alameda County Department of Environmental Health (ACDEH) staff has reviewed the Work Plan and case file for the above-referenced site. The Work Plan was prepared at the request of ACDEH in its letter dated June 6, 2016 following our review of the document entitled *Soil and Groundwater Investigation Report and Evaluation for Low-Threat UST Case Closure* (SWI), dated March 9, 2016, also prepared by Schutze for the subject site.

As stated in the Work Plan, Schutze proposes to determine the depth of the foundation of the on-site building and, unless in the saturated zone, collect soil vapor samples beneath the utility room, a likely location of the former heating oil-fired boiler, by advancing a soil boring to a depth of five (5) feet below the base of the foundation and recovery of a sub-slab soil vapor sample. Additionally, a soil vapor sample is proposed to be recovered from directly next to the previous B-3 soil bore by advancing a bore to a depth of five feet below the ground surface (bgs). Helium will be used as a tracer gas for the soil vapor investigation. Schutze proposes to collect the soil vapor samples in accordance with the July 2015 *Advisory – Active Soil Gas Investigations* (Advisory) (California Environmental Protection Agency [Cal/EPA], Department of Toxic Substances Control [DTSC] and Regional Water Quality Control Boards of Los Angeles [LARWQCB] and San Francisco [SFRWQCB]).

As a contingency, Schutze proposes to conduct indoor air sampling based on their review of the soil vapor data. Two indoor air samples are proposed from within the building at locations depicted on Figure 1 of the Work Plan, shown as adjacent to the underground storage tank (UST) location and from within the utility room formerly serviced by the UST. The proposed sampling duration is eight hours. The indoor air survey, if conducted, will be performed in accordance with the following Cal/EPA guidance document: *Final – Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air* (October 2011) (Guidance). In accordance with the Guidance, an ambient air sample will also be collected.

Soil vapor samples will be analyzed for volatile organic compounds (VOCs) by EPA Test Method TO-15, with naphthalene confirmation by Test Method TO-17, and analyses for oxygen and carbon dioxide to provide an indication of aerobic/anaerobic conditions. Air samples will be analyzed for VOCs by EPA Test Method TO-15, with naphthalene confirmation by Test Method TO-17 if naphthalene was detected during the prior soil vapor sampling.

Based on ACDEH staff review of the referenced document and of the case file in conjunction with the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP), 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. Depth of Foundation** – The LTCP describes conditions, including bioattenuation zones, which if met, will assure that exposure to petroleum vapors in indoor air will not pose unacceptable health risks to human occupants of existing or future site buildings and adjacent parcels. Appendix 4 of the LTCP criteria illustrates a potential exposure scenario utilizing direct measurement of soil vapor concentrations. Depth of the soil vapor collection is specified as five feet beneath the depth of foundation. The foundation depth is measured at its thickness point- typically at the perimeter footing or an interior grade beam, typically 12- to 24 inches thick for a commercial structure.

ACDEH requests the thickest portion of the foundation be used when determining the depth of foundation and determination of the soil vapor sample collection depth.

- 2. Interior Soil Vapor Sample Collection** – The Work Plan indicates the utility room five-foot bgs sample may be collected from adjacent to the building. ACDEH discourages this exterior location as one purpose of the analysis of the 5-foot soil vapor sample and the sub-slab soil vapor sample is to evaluate vertical attenuation in the zone between the two sample points. Increasing the horizontal distance between the two locations introduces error in the attenuation evaluation.
- 3. Indoor Air Contingency Sampling** – Prior to the initiation of the indoor air contingency sampling, please provide ACDEH with a copy of the laboratory analysis report for the soil vapor sampling for our review. As stated in our letter of June 6, 2016, ACDEH is of the opinion it is premature to conduct the indoor air sampling pending a review of the soil vapor data. Following our review and approval, the contingency indoor air sampling may proceed. ACDEH approval of the indoor air sampling will be provided under separate cover.
- 4. Soil Vapor Analysis Scope** – ACDEH requests that the scope of analysis for the soil vapor samples include the helium, the tracer gas, and methane. The presence of methane may pose an explosive hazard, and it has been ACDEH's experience that residual total petroleum hydrocarbon (TPH) contamination may degrade by methanogenesis, resulting in methane generation.

5. **Indoor Air Sample Collection** – As mentioned above, Schutze proposes a duration for the recovery of indoor air samples of eight hours. The Guidance recommends samples be collected over a 24-hour period for the first indoor air sampling event. Therefore, ACDEH requests a 24-hour collection period for indoor air sampling, in the event indoor air sampling is authorized.
6. **Indoor Air Analysis Scope** – ACDEH requests that the scope of analysis for the indoor air samples include methane, oxygen, and nitrogen.

NOTIFICATION OF FIELDWORK ACTIVITIES

Please schedule and complete the fieldwork activities by the date specified below and provide ACEH with at least three (3) business days notification prior to conducting the fieldwork.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACDEH ftp site (Attention: Keith Nowell), and to the SWRCB's Geotracker website, in accordance with the following specified file naming convention and schedule:

- **December 12, 2016 – Vapor Intrusion to Indoor Air Evaluation** (file name: RO0003170_SWI_R_yyyy-mm-dd)

If your email address does not appear on the cover page of this notification, ACDEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

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

Sincerely,

Keith Nowell, PG, CHG
Hazardous Materials Specialist

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

cc: Jan Schutze, Schutze & Associates, Inc., 44358 South Grimmer Boulevard, Fremont, CA 94538
(Sent via electronic mail to: js@schutze-inc.com)

Dilan Roe, ACDEH (Sent via electronic mail to: dilan.roe@acgov.org)
Keith Nowell, ACDEH, (Sent via electronic mail to 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/).

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