

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

December 16, 2016

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

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

Latwuania Rogers  
Address Unknown

RGG LLC et al  
360 17<sup>th</sup> Street, #204  
Oakland, CA 94612

Subject: Re Analytical Date a Review, Fuel Leak Case No. RO0003170 and GeoTracker Global ID T10000006756, Second Avenue UST, 1607 2<sup>nd</sup> Avenue, Oakland, CA 94606

Dear Responsible Parties:

Thank you for the recently submitted document entitled *Analytical Report* (MAR), dated November 16, 2016, prepared McCampbell Analytical, Inc., provided to Alameda County Department of Environmental Health (ACDEH) by Schutze & Associates, Inc. (Schutze) as an attachment to an electronic mail dated November 22, 2016. The work was performed in general accordance with the work plan dated August 8, 2016 that was conditionally approved by ACDEH on September 12, 2016.

In the work plan Schutze stated the soil vapor samples would be collected 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 part of our review, a determination was made the soil gas samples would be collected through Nylaflo tubing, contrary to the recommendations of the Advisory, as naphthalene readily sorbs onto Nylaflo tubing. In a correspondence dated November 8, 2016, ACDEH stated the use of Nylaflo tubing was not acceptable. Additionally, as part of the conditional work plan approval, ACDEH requested EPA Test Method TO-17 be used for naphthalene soil gas sample analysis for confirmation of the TO-15 analysis. TO-17 sample collection and analysis was not performed.

The MAR presents the laboratory analysis results for four (4) soil gas samples, SV-1-3", SV-1-5', SV-2-5' and DUP. The four soil gas samples were analyzed for oxygen, carbon dioxide, methane and helium using ASTM Test Method 1946-90 and for volatile organic compounds (VOCs) using EPA Test Method TO-15.

A review of the laboratory analysis report documented helium concentrations at levels above the laboratory reporting limit in three (3) samples with concentrations of 13 percent (%) and 10% reported for SV-1-5' and SV-2-5', respectively. As helium is the leak detection compound, significant leakage in the sampling train may have occurred during collection of SV-1-5' and SV-2-5' soil gas samples.

In accordance with the Advisory, an ambient air leak up to 5% is acceptable if quantitative tracer testing is performed by shrouding. The leak detection compound concentration for SV-1-5' and SV-2-5' exceed this threshold concentration. In addition, the Advisory states that if the concentration of the leak check compound is greater than or equal to 10 times the reporting limit for target analytes, then corrective action is necessary. The

concentration of the leak check compound for SV-1-5' and SV-2-5' exceed 10 times the reporting limit for target analytes.

As a result of our data review, ACDEH is of the opinion the soil gas sampling conducted for the site may not meet DTSC standards and data quality objectives. Therefore, ACDEH requests the soil gas sampling event be repeated, with the analysis scope same as presented in our September 12, 2016 letter. ACDEH requests the work be performed in accordance with the Guidance.

Alternatively, please prepare a soil gas investigation report that includes a section discussing why the data is valid.

Should the soil gas sampling be repeated, please provide ACDEH a copy of the laboratory analysis report for review and discussion. Following our review, a determination will be made regarding implementing indoor air sampling.

### **SUBMITTAL ACKNOWLEDGEMENT STATEMENT**

Please note that ACDEH has updated its Attachment 1 with regard to report submittals to ACDEH. ACDEH will now be requiring a Submittal Acknowledgement Statement, replacing the Perjury Statement, as a cover letter signed by the Responsible Party (RP). The language for the Submittal Acknowledgement Statement is as follows:

*"I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website."*

Please make this change to your submittals to ACDEH.

### **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 State Water Resources Control Board's (SWRCBs) GeoTracker website, in accordance with the following specified file naming convention and schedule:

- **March 16, 2017 – 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](mailto:keith.nowell@acgov.org)

Responsible Parties  
RO0003170  
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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](mailto:js@schutze-inc.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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 ([http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)) for more information on these requirements.

#### ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website." 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 6731, 6735, and 7835) 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 licensed 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 case meet this requirement. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

#### 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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> December 1, 2016
	<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; May 15, 2014, November 29, 2016
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions


The Alameda County Environmental Cleanup Oversight Programs (LOP 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 acknowledgement 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) Open File Explorer using the Windows  key + E keyboard shortcut.
    - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
  - b) On the address bar, type in ftp://alcoftp1.acgov.org.
  - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
  - d) Click Log On.
  - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
  - f) 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.