

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**

AGENCY

REBECCA GEBHART, Acting Director



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

April 22, 2016

411 W MacArthur LLC  
650 B Fremont Avenue, #375  
Los Altos, CA 94542  
Attn.: Joseph Herndon (Sent via E-mail to: [joehernon@gmail.com](mailto:joehernon@gmail.com))

Subject: Meeting Follow Up and Work Plan Request; Voluntary Cleanup Remedial Action Program Case No. RO0003192 and GeoTracker Global ID T10000007937, 411 MacArthur Redevelopment, 411 West MacArthur, Oakland, CA 94609

Dear Mr. Herndon:

Thank you, Michael Kara of Applied Remedial Systems Inc. (ARS), and Jim Gribi of Gribi Associates (GA) for meeting with Alameda County Department of Environmental Health (ACDEH) staff on April 20, 2016. The purpose of the meeting was to discuss the findings of recent soil gas and grab groundwater sample analyses performed for samples collected at the subject site. Tables summarizing the results of the sample analyses were provided as an attachment to an electronic mail dated April 19, 2016 and sent by Mr. Gribi.

The sample collection was performed at the request of ACDEH at a meeting held on March 30<sup>th</sup>, 2016 with you, Mr. Kara, and Mr. Gribi. The work scope was presented in a work plan prepared by ARS dated April 1, 2016 and approved by ACDEH on April 6, 2016. The approved work plan proposes to recover three on-site grab groundwater (GGW) samples and three on-site soil gas samples for laboratory analysis.

Results of the GGW sample analyses document concentrations of residual total petroleum hydrocarbons as gasoline (TPHg), benzene and naphthalene of up to 42,000 micrograms per liter ( $\mu\text{g/L}$ ), 110  $\mu\text{g/L}$  and 2,300  $\mu\text{g/L}$ , respectively, are present at the site.

Results of the soil gas sample analyses document concentrations of residual TPHg, benzene, and naphthalene of up to 2,700,000 micrograms per cubic meter ( $\mu\text{g/m}^3$ ), 450  $\mu\text{g/m}^3$ , and non-detect (ND) at <530  $\mu\text{g/m}^3$ , respectively, are present at the site.

As discussed in the April 20, 2016 meeting, the reported concentrations are indicative of residual source material remaining in the subsurface in the swath of native soil located between the east side of the former tank pit excavation and the sidewalk along Webster Street. At the meeting, ACDEH requested preparation of a work plan to investigate for a potential residual contaminant source in soil along the Webster Street swath in order to evaluate if residual source, if present, may be a detriment to the proposed development. ACDEH requests that you submit the work plan by the date specified below.

On April 21, 2016, ACDEH was notified that GA is no longer a consultant for this case, and that those duties were transferred to Ms. Becky Sterbentz PG, CHG. Ms. Sterbentz is included as a cc below. Mr. Gribi is included as a cc to this letter as a courtesy, as he was present at the April 20, 2016 meeting. GA will be removed from the cc list for this case following issuance of this letter.

On January 1, 2005, the State Water Board adopted regulations that require electronic submittal of information (ESI) for soil, vapor, and groundwater of leaking underground storage tank (LUST) cases and non-UST cleanup sites, including Site Cleanup Program (SCP) sites (formerly referred to as Spills-Leaks-Investigations-Cleanups (SLIC) sites). The regulations adopted on January 1, 2005 also include requirements that written reports must be submitted in PDF. A review of the case file indicates that you are not in compliance with the ESI regulations, and as of April 21, 2016, no documents have been submitted by you to the State Water Resources Control Board's (SWRCBs) GeoTracker website or to the ACDEH ftp site. Electronic submittal of information was requested in our letter dated March 30, 2016. In order to gain compliance, ACDEH requests that you claim your site and upload existing submittals by the date specified below and all future documents be submitted to the GeoTracker website and ACDEH's ftp site.

### **TECHNICAL REPORT REQUEST**

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

- **May 6, 2016** – Electronic Submittal of Information to the SWRCBs GeoTracker website and to the ACDEH ftp site.
- **May 6, 2016** – Work Plan for Soil Contamination Investigation – (file to be named: RO0003192\_WP\_R\_yyyy-mm-dd)

Thank you for your cooperation. ACEH 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/Obligations and Electronic Report Upload (ftp) Instructions

Cc: Michael Kara, Applied Remedial Services, Inc., P.O. Box 5086, Walnut Creek, CA 94596, (Sent via electronic mail to: [mmkara707@aol.com](mailto:mmkara707@aol.com))

Becky A. Sterbentz, Aquifer Sciences, Inc., 3680-A Mt. Diablo Blvd., Lafayette, CA 94549  
Sent via electronic mail to: [Becky@aquifer.com](mailto:Becky@aquifer.com)

James E. Gribi, Gribi Associates, 1090 Adams Street, Suite K, Benicia, CA 94510, (Sent via electronic mail to: [JGribi@gribiassociates.com](mailto:JGribi@gribiassociates.com))

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

Keith Nowell, ACEH, (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.