

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 22, 2017

East Oakland International LLC & MRSBJ LLC
Janice S. Storey and Barbara J Norton
PO Box 6124
Moraga, ID 94566

Huntleigh Development, Inc.
Mr. Mike Adams
101 Linden Street
Oakland, CA 94607

Subject: Conditional Approval of the Supplemental Site Investigation for Site Cleanup Program Case No. RO0003261 and GeoTracker Global ID T10000010916, East Oakland International LLC & MRSBJ LLC, Burger King Property located at 4200 International Boulevard, Oakland, CA 94601

Dear Ms. Storey, Ms. Norton, and Mr. Adams:

I would like to take this opportunity to introduce myself. I am the case worker for the subject Site Cleanup Program (SCP) case. I have reviewed Alameda County Department of Environmental Health's (ACDEH) case file and the State Water Resources Control Board's (SWRCBs) GeoTracker website for the above-referenced site.

Based on a meeting at ACDEH's office on November 8, 2017, ACDEH understands that a parcel split for the Burger King portion is currently in process to facilitate a property transaction. During the meeting, results from the Phase II Investigation, conducted in September 2017, indicated Tetrachloroethylene (PCE) and total petroleum hydrocarbons (TPH) as diesel (d) concentrations in groundwater were reported above Tier 1 ESLs at two locations; southwest edge of the Burger King building and northeast along the property boundary. Additionally, soil gas results indicated PCE below commercial sub-slab ESLs reported in three locations located along the northeast and southwestern corners of the building (Burger King). As a result, a Site Cleanup Program (SCP) case was opened in November 2017 and ACDEH recommended that additional investigation activities be conducted at the site.

ACDEH staff has reviewed the recently submitted figure entitled, "Site Plan With Proposed Sampling Locations, Supplemental Site Investigation," dated November 14, 2017 (electronically received on November 16, 2017), prepared by Environmental Risk Assessors (ERA) for the subject site. The proposed scope of work presented in the above-mentioned figure consists of the advancement of 3 soil borings with grab groundwater sampling (SB-3a, SB-6a, and SB-12a), 16 soil gas sampling locations (SG-4 through SG-19), and two sub-slab vapor pins (VP-1 and VP-2). Methodology for the advancement of the soil borings and soil gas locations was not discussed in the email correspondence. Additionally, the analytical methodology for groundwater and soil vapor sampling was also not discussed in the email correspondence. Therefore, sufficient detail was not included to approve the scope of work as presented. In an effort to expedite site characterization and health risk evaluation at the site, ACDEH requests that ERA perform the proposed scope of work in accordance with the previously performed scope of work that was approved by ACDEH for site investigation at this subject site in September 2017. Since ACDEH generally concurs with the concept of the proposed scope of work, the work is conditionally approved provided that the modifications requested in the technical comments below are addressed and incorporated during the field implementation. We request that you address the following technical comments, perform the proposed work, and send us the technical report described below. Please

provide a 72-hour advance written notification to this office (e-mail preferred to: andrew.york@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Soil Vapor Sampling Protocol** – As mentioned above, little detail was presented regarding the soil vapor sampling methodology. Therefore, the protocol described in ACDEH's previous work plan approval directive letter, *Non-Case Information No RO0003261 Burger King Property, 4200 International Boulevard, Oakland, California 94601*, dated September 9 2017 must be followed. In addition applicable portions of DTSC guidance documents cited in the previous work plan must be adhered to in order to ensure that representative soil vapor samples are collected.
2. **Soil Boring Advancement and Groundwater Sampling Protocol** – Methodology for the advancement of soil borings and the sampling of grab groundwater samples was not discussed in the email correspondence regarding this scope of work. As a result, field activities will be followed in accordance with ACDEH's previous work plan approval directive letter, *Non-Case Information No RO0003261 Burger King Property, 4200 International Boulevard, Oakland, California 94601*, dated September 9 2017.
3. **Proposed Soil Boring Advancement and Groundwater Sampling** – ERA proposes to advance three soil borings and collect grab groundwater samples from three locations (SB-3a, SB-6a, SB-12a) located on the western property boundary in addition to west and northwest of the onsite building (Burger King). However, based on data presented in the previous Phase II investigation, PCE and TPH-d groundwater concentrations were detected above Tier 1 ESLs at SB-1 and SB-8, respectively, and the groundwater contaminant plume appears undefined. ACDEH recommends soil and groundwater delineation in the vicinity of SB-1 and south of SB-8 (concrete pad) to further characterize onsite subsurface conditions. Please submit a revised figure with proposed boring locations before field activities are conducted.
4. **Proposed Soil Gas Sample Locations** - ERA proposes to advance and sample 16 soil gas locations (SG-4 through SG-19) located along the north, east, and west property boundaries. However, based on data presented in the previous Phase II investigation, PCE soil gas concentrations, were detected at SG-1a, SG-5 and SG-6, located at southwest and northeast corners of the onsite building. In order to further characterize the onsite soil gas conditions, ACDEH recommends delineating the southwest corner of the building in the vicinity of SG-1a in addition to the northwest corner of the building between SB-5 and SB-6. Please submit a revised figure with proposed boring locations before field activities are conducted.
5. **GeoTracker and Electronic Submittal of Information (ESI) Compliance** – A review of the State Water Resources Control Board's (SWRCB) GeoTracker website indicated that this site is not in compliance with California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, stating that 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 Site Cleanup Program (SCP) cases. Also beginning July 1, 2005, the submittal of electronic data and complete copies of all reports for all sites was required in GeoTracker. At present missing data and documents include but are not limited to:
 - Analytical data for soil, groundwater, and vapor samples collected for the purpose of subsurface investigation (EDF files);

- Complete copies of reports, in PDF format, including the signed submittal acknowledgement statement cover letter and professional certification (GEO_REPORT files);
- Site maps displaying site location, streets bordering the subject site, and sampling locations for all soil, water, and vapor sample locations (GEO_MAP files)
- Boring logs with depth to the screened interval and the length of screen interval for any permanent wells installed.

Please upload the missing soil, groundwater, and vapor analytical data, documents and reports, maps, and boring logs to GeoTracker. See Attachment 1 and the State's GeoTracker website for further details. ACDEH request email notification and a list of the documents uploaded to Geotracker. Please upload all submittals to GeoTracker and ACDEH's FTP website by the date specified below.

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

Please note that ACDEH has updated Attachment 1 with regard to report and data 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. The language for the Submittal Acknowledgement Statement is as follows:

I have read and acknowledged 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

TECHNICAL REPORT REQUEST

Please submit technical data and reports to Alameda County Environmental Health (Attention: Drew York), according to the following schedule:

- **December 27, 2017** – GeoTracker and ESI Compliance
(Please email your caseworker with confirmation of all uploaded data and reports)
- **January 26, 2018** – Supplemental Site Investigation Summary Report
(File to be named RO0003261_SWI-R_yyyy-mm-dd)

The requested data is 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.

If you have any questions, please call me at (510) 639-1276 or send me an electronic mail message at andrew.york@acgov.org.

Sincerely,



Drew J. York
Senior Hazardous Materials Specialist

Ms. Storey, Ms. Norton, & Mr. Adams

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

cc: Lita D. Freeman, Environmental Risk Assessors (*Sent via E-mail to: litafreeman@gmail.com*)
Jay Hagglund, Cushman & Wakefield (*Sent via E-mail to: jay.hagglund@cushwake.com*)
Dilan Roe, ACDEH, Chief Land, Water Division (*Sent via E-mail to: dilan.roe@acgov.org*)
Paresh Khatri, ACDEH (*Sent via E-mail to: paresh.khatri@acgov.org*)
Drew York, ACDEH (*Sent via E-mail to: andrew.york@acgov.org*)
Electronic File, GeoTracker

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/) 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.bpelsq.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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: 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 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) 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 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.