



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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January 27, 2016

Ms. Rachel Green
Anton Development Company
1415 L Street, Suite 450
Sacramento, CA 95814
(sent via electronic mail to rgreen@anton.co)

Subject: Modified Work Plan Approval; SCP Case RO000548 and Geotracker Global ID T0600100894, Mike Roberts Color Production 6707 Bay Street, Emeryville, CA 94608

Dear Ms. Green:

Alameda County Environmental Health (ACEH) has reviewed the case file, including the *Work Plan for Supplemental Pre-Construction Subsurface Investigation*, dated January 21, 2016. The work plan was prepared and submitted on your behalf by PES Environmental, Inc (PES), as a result of a meeting held on January 6, 2016 with project proponents and ACEH. Thank you for submitting the work plan.

Based on ACEH staff review of the referenced work plan, the proposed scope of work is conditionally approved for implementation provided that the technical comments below are incorporated during the proposed work. Submittal of a revised work plan or a work plan addendum is not required unless an alternate scope of work outside that described in the work plan or these technical comments is proposed. We request that you address the following technical comments, perform the proposed work, and send us the report described below. Please provide 72-hour advance written notification to this office (e-mail preferred to: mark.detterman@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Conditional Work Plan Addendum Approval** – The referenced work plan proposes a series of actions with which ACEH is in general agreement; however, ACEH requests several modifications to the approach, as discussed below. Please submit a report by the date identified below.
 - a. **Depth of Sample Collection** - The referenced work plan proposes the installation of 23 soil bores to collect soil, soil vapor, or groundwater beneath the subject site at a depth of 5 or 10 feet below grade surface (bgs). As has been previously requested, cross-sections of the proposed structure, with elevation controlled analytical data relative to the proposed building foundation, were not included with the work plan. There is a risk in proceeding at this time without these figures. Without such, ACEH cannot evaluate the appropriateness of the depth of the proposed sample collection relative to future proposed foundations, and thus the comparison of the analytical data to Environmental Screening Levels (ESLs) that have generally been used as goals at the site. While ACEH generally is in agreement that data is appropriate, ACEH must withhold comment in regards to the sampling depth interval at this time.
 - b. **Figure 2 Comments** – Figure 2 depicts the location of soil vapor samples that exceeded the residential ESL for vinyl chloride; however, does not depict soil vapor locations that exceeded other vapor ESLs of concern; thus the scope of the proposed work plan may be insufficient to delineate contaminated soil that has resulted in soil vapor concentrations above appropriate ESLs. Please be aware that all non-detects that are non-detectable above residential ESLs are not considered sufficiently defined. By this measure, very few soil vapor sample locations (SV5, SV6, SV9, SV27, SV31, and SV47) are excluded from a risk of vapor intrusion concern (inclusive

of 5 and 10 foot samples due to the undefined depths of sampling relative to the proposed future foundations).

- c. Soil Analytical Data Collection** – Based on the wording of the work plan, ACEH is not certain that soil samples will be collected in each proposed bore. ACEH requests the collection of more than one soil sample in each soil bore; at signs or indications of contamination, at appropriate depths intervals for ESL comparison and at the terminus of the soil bore. The data is anticipated to quickly assist in determining the location of soil contamination that is under investigation at the subject site, and provide added pre-characterization of shallow soil or soil potentially exported.
 - d. Grab Groundwater Sampling** – The work plan describes the planned collection of one grab groundwater sample proximal to previous bore SV22 for the purpose of evaluating impact to groundwater at this location. In an effort to expedite the delineation of any volatile organic compound (VOC) contamination, including vinyl chloride, at the site or proximal to SV22, it appears appropriate to request the collection of grab groundwater samples at locations surrounding and downgradient of SV22.
- 2. Redevelopment Related Communication Tools** – In order to effectively communicate between project proponents, consultants, ACEH, and eventually the general public, ACEH is requesting the use of several communication tools in future submittals. These were in part discussed in the January 6, 2016 and previous meetings, and have been implemented in some submittals, but are additionally incorporated into this letter.
- a. Previous Development Layout** – In order to help determine if previous uses at the site may have impacted the subject site, ACEH requests an overlay of earlier site layouts on one or more figures, as appropriate. This should include the location of previous buildings, use or storage areas, parking areas, storm drain catch basins, water wells, or other known historic features or structures. The effort is intended to help identify any data gaps in site investigations to date, and to eventually support case closure.
 - b. Development Cross Sections and Residual Contamination** – In order to clearly depict any, or no, residual contamination proposed to remain at the site, ACEH requests multiple cross sections through the entire site, depicting the specific proposed foundation elevations, stripped of geologic content, with soil, groundwater, vapor, or other sample analytical data, depth controlled and located appropriately. Contaminated material proposed to be excavated does not need to be depicted in the cross section data, but will be retained in tables (see below). The intent of this request is to allow quick review of site data in a graphic fashion, and to assemble support for the eventual case closure and required communications with the public during a public comment period. Should corrective actions be required, the data will again assist with general communications with all parties. This is requested to include multiple detailed cross sections through select areas of environmental interest, such as the elevator sumps, stair wells, data relative to subgrade structures or foundations, significant contamination requiring added detail, and etc.
 - c. Tables** – As previously partially communicated, to assist in communication between all interested parties, ACEH requests the following tables be assembled and submitted in the requested report:

 - **Associated Parcels** - The referenced work plan indicated that multiple addresses are associated with the referenced site. To clarify current and future parcel use, please include a table that lists all current parcel numbers, associated addresses, intended changes to the number of parcels (merges / splits), lists historic infrastructure associated with the parcels, lists historic and current soil bores, or other environmental data collection locations on each parcel.

- **Analytical Data** – Analytical data tables with historic and current analytical data, previously excavated soil, or proposed to be excavated (historic and future), indicated by shading or strike out (but still legible). If it is important to distinguish between historic removed and proposed, different shadings are appropriate. Data can be tabulated by “soil to be removed / soil proposed to remain” sections within a table if useful, appropriate, or warranted.
- **Non-Detectable Data** - All non-detectable (ND) data is requested to be tabulated by individual chemical detection limit (<x), with highlighting or bolding of detects, or of concentrations or detection limits over ESLs (or other goals). This is intended to quickly determine if a specific sample meets or exceeds identified goals. This effort can partly be combined with a professional signed statement for each data set that the data has reviewed and it is below ESLs or other goals for the site; however, the predominance of the data is required to be listed as just described.
- **Added Table Column** – An additional “Relative to Building Foundation Elevation” column in soil, groundwater, and vapor, or other, analytical tables is requested. The intent of this column is to quickly indicate the depth of the sample relative to the proposed building foundation depth. As noted above, data proposed to be excavated or otherwise removed is requested to be retained in the tables, but lined or shaded out, but in either case kept legible.
- **Use of Environmental Screening Levels** – Please be aware of the appropriate use of ESLs relative to the future proposed foundation depth. For example, a groundwater or a vapor sample at a site may have been 10 feet bgs, may now be 2 ft below the foundation, and would not meet the 10 foot separation distance groundwater ESLs assume or 5 ft separation that vapor ESLs assume.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board’s Geotracker website, in accordance with the specified file naming convention below, according to the following schedule:

- **March 25, 2016** – Site Investigation Report
File to be named: RO548_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.

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark Detterman, PG, CEG
Senior Hazardous Materials Specialist

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

Ms. Rachel Green
RO0000548
January 27, 2016, Page 4

cc: John Nady, Nady Systems, Inc., 11 Glen Alpine Road, Piedmont, CA 94611

Kyle Flory, PES Environmental, Inc, 1682 Novato Blvd, Suite 100, Novato, CA 94947
(sent via electronic mail to kflory@pesenv.com)

Robert Creps, PES Environmental, Inc, 1682 Novato Blvd, Suite 100, Novato, CA 94947
(sent via electronic mail to rcreps@pesenv.com)

Dilan Roe, ACEH, (sent via electronic mail to dilan.roe@acgov.org)
Mark Detterman, ACEH, (sent via electronic mail to mark.detterman@acgov.org)
Geotracker, Electronic 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.