

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
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September 29, 2017

Ms. Rachel Green
Anton Emeryville, LLC
950 Tower Lane, Suite 1225
Foster City, California 94404
(Sent via electronic mail to: rgreen@anton.co)

Subject: Conditional Case Closure
Approval of Corrective Action Plan
Approval of Work Plan for Focused Off-Site Subsurface Vapor Evaluation
Site Cleanup Case RO0000548 and Geotracker Global ID T0600100894, Mike Roberts
Color Production, 6707 Bay Street, Emeryville, CA 94608

Dear Ms. Green:

Alameda County Department of Environmental Health (ACDEH) has reviewed the case file in conjunction with the proposed corrective actions, investigations, and proposed site redevelopment for the subject site presented in the following documents prepared by PES Environmental, Inc. (PES) on behalf of Anton Emeryville, LLC:

- *Corrective Action Plan, 6701, 6705, and 6707 Shellmound Street (CAP)*, dated August 14 2017. The CAP contains site background information which includes a discussion of historical site uses and investigations as well as interim remedial measures (IRM) including soil vapor extraction (SVE) conducted at the site from 2013 through 2017, and presents a summary of prior data evaluations which include the conceptual site model, site-specific human health risk assessment, cleanup objectives, and a discussion of planned or potential remedial actions including soil excavation, installation of vapor mitigation systems (VMS) to mitigate potential impacts of vapor intrusion into occupied structures, construction of trench dams in utility trenches to mitigate potential vapor migration, soil and groundwater management protocols that will be implemented during site redevelopment to mitigate conditions potentially hazardous to human health or the environment during and after construction, and proposed institutional controls consisting of a recorded land use covenant. A public notice document was circulated by ACDEH to solicit public comments on the draft CAP for a 30-day period that ended on September 18, 2017; no public comments were received.
- *Work Plan for Focused Off-Site Subsurface Vapor Evaluation, 6601-6603 Shellmound Street (Off-Site Work Plan)*, dated September 22, 2017. The Off-Site Work Plan presents a scope of work to further assess volatile organic compound (VOC) vapor conditions beneath and adjacent to the off-site property located at 6601-6603 Shellmound Street to demonstrate that off-site vapor conditions are suitable for no further action (NFA) after completion of corrective actions presented in the CAP.

The above-listed documents were prepared to support redevelopment of the site and a change in site use from commercial to residential, as detailed in the following redevelopment plan prepared by TCA Architecture and submitted to the City of Emeryville Planning Department:

- Planning Application Number UPDR14, Construction of a Seven-Story 186 Unit Building. This submittal includes architectural plans, survey, preliminary grading and utility plan and preliminary storm water plan, submitted to the City of Emeryville Planning Department on March 14, 2016 and approved by the City of Emeryville on March 24, 2016 as extended on June 22, 2017.

The redevelopment plans for the site include construction of a new multi-unit residential building with related amenities and facilities including parking, bike storage, fitness areas, lobby, leasing office, laundry and mail room. The building will be a seven-story at-grade structure that will occupy the majority of the subject property. The building foundation will consist of a 24-inch thick, structural reinforced concrete mat foundation on drilled displacement piers. The ground level (first floor) and second floor will be comprised primarily of parking areas with some residential units, a lobby and amenities areas. There will be five levels of residential units on the upper floors. Common areas on the first floor include the main entrance and lobby, fitness room, bike repair room/storage, and a dog spa. "Pitless" elevators will provide access from the ground level to floors two through seven. After development the entire site will be covered by the building and paved parking areas and sidewalks with the exception of planter areas, playground/dog park area and outdoor fitness areas.

Based on information presented in the case file, and with the provision that the information provided to this agency is accurate and representative of site conditions, ACDEH conditionally approves of the corrective actions and other site management activities presented in the CAP, and concurs that implementation of the proposed measures will prevent future exposure to construction workers and users/occupants of the proposed redevelopment project from residual contamination at the site.

Therefore, at this juncture you may proceed with site redevelopment activities provided the approved corrective actions and mitigation measures presented in the CAP are implemented and the documents listed in the Technical Report section below are submitted in accordance with the associated compliance dates. Accordingly, this letter represents Conditional Case Closure, subject to satisfaction of all of the requirements discussed herein. Final Case Closure will be granted following completion of corrective actions.

We request that you address the following technical comments, perform the proposed work, and send us the reports 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 REPORT REQUEST

1. Prior to the start of site demolition and construction activities the following documents must be submitted to ACDEH for review and approval:

- a. **Revised Off-Site Work Plan.** The proposed scope of work includes sampling and analysis of soil gas and subslab vapor probes adjacent to and beneath the off-site property to 1) assess whether vinyl chloride concentrations are beneficially affected during SVE operation in areas to the south of the SVE system during SVE operation; and 2) to confirm that soil vapor and sub-slab vapor conditions do not present any unacceptable health risk threat to the commercial users of the off-site adjacent property. The proposed vapor sampling events consist of sampling twelve soil gas and subslab vapor probes including 1) three new temporary multi-depth soil vapor wells installed adjacent to the planned on-site source soil excavation areas along the property boundary, and 2) four existing permanent vapor probes (PSGP1 through PSGP4), five new sub-slab vapor probes, and one new temporary multi-depth soil vapor located on the offsite property. Sampling of the sub-slab vapor probes is proposed over a six-month period to provide confirmation of the previously-observed absence of vinyl chloride in sub-slab vapor beneath the off-site building.

ACDEH concurs with proposed scope of work provided in the Off-Site Work Plan however requests submittal of a revised Off-Site Work Plan incorporating additional vapor monitoring points to adequately delineate the horizontal extent of the vinyl chloride impacts in the vicinity of PSV13 located on the southern portion of the property.

Following completion of corrective actions identified in the CAP, the soil vapor sampling events proposed in the Off-Site Work Plan, and an evaluation demonstrating the absence of unacceptable health risks from vapor intrusion concerns based on 2016 San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels, or site specific goals based on a Human Health Risk Assessment (HHRA), ACDEH will issue an off-site no further action determination.

- b. **Project Schedule.** An updated project schedule (baseline schedule) providing details of the sequencing of corrective actions and site redevelopment activities and submittals of documents listed in the project schedule submitted with the CAP. The baseline schedule must include at a minimum the following activities presented in the CAP: SVE operation, rebound testing and decommissioning; supplemental soil vapor and soil investigation activities at on-site and off-site locations; demolition of existing site structures, foundations and improvements; remedial soil excavation and confirmation sampling; monitoring well/probe destruction; soil import and excavation backfilling; post-excavation soil vapor sampling; grading and utility/trench dam installation and inspection; foundation and vapor barrier/subslab piping installation and inspection; vertical construction of building and VMS vertical vent piping installation and inspection; VMS installation verification monitoring; recordation of land use covenants and expected date of site occupancy. The schedule must include

- all submittals including but not limited to the Revised Off-Site Work Plan, CAIP, Offsite Soil Vapor Sampling Evaluation Report, Well and Probe Decommissioning Report, Revised Conceptual Site Model, Revised Site Management Plan (SMP) for Redevelopment Construction, Soil Import Documentation Report, Approved Building Permit Plans incorporating the VMS and utility trench dams for the building(s) identified in the CAP and the CAIP, Remedial Soil Excavation Completion Report, VMS and Utility Trench Dam Record Report of Construction, Long-Term Site Use SMP, and Land Use Covenant. The baseline schedule must be updated during the project as required to update ACDEH on the status of corrective action implementation and site redevelopment activities.
- c. **Corrective Action Implementation Plan (CAIP).** A CAIP providing methods, procedures and extents of supplemental investigations and soil removal actions described in the CAP required to meet site target cleanup goals and detailed design drawings and specifications for the VMS and utility trench dams. The CAIP must be submitted to ACDEH with the full set of construction drawings prepared for the project at the time the construction package is submitted to the City of Emeryville Building Department. The CAIP must include a Construction Quality Assurance Plan describing contractor and inspector qualifications and experience, procedures for VMS construction monitoring and documentation, and a construction sequencing plan presenting the sequence of measures that will be used to protect the installed VMS during building construction activities; and a Work Plan for indoor air sampling prior to building occupancy to verify the effectiveness of the VMS.
 - d. **Well and Probe Decommissioning Report.** A report documenting the decommissioning of vapor and air inlet wells and vapor probes and removal of wastes with appropriate documentation.
 - e. **Revised Conceptual Site Model (CSM).** A Revised CSM presenting the results of the additional on-site and off-site soil and soil vapor investigations, SVE operations, and a revised human health risk assessment.
 - f. **Revised Site Management and Contingency Plan for Redevelopment Construction (Construction SMP).** A Revised SMP describing procedures to be followed by environmental consultants, construction contractors and workers, and other property owner representatives during redevelopment construction, identifying safety and training requirements for construction workers, and establishing procedures for assessing and managing contaminated soil and groundwater that could be encountered during construction activities.
2. Prior to the import of soil to the site the following documents must be submitted to ACDEH for review and approval:
 - a. **Soil Import Documentation.** Requisite documentation for permeable and non-permeable material including information on proposed sources, sampling and profiling protocols, analytical laboratory reports, and tables with analytical results and applicable environmental screening levels consistent with paragraph 8.2.8

(Excavation Backfilling) of the CAP.

3. Prior to the start of site grading, utility installation and foundation construction the following reports must be submitted to ACDEH for review and approval:
 - a. **Approved Building Permit Plans.** A copy of the City of Emeryville approved construction drawings for site redevelopment incorporating the VMS and utility trench dams. ACDEH must be notified if the project proponent or the City proposes changes to the site development and first floor building plans presented in the preliminary architectural plans included in the CAP including but not limited to the proposed location and depth of the elevator shafts or changes to the VMS design or utility trench dam location presented in the CAIP. Any substantial changes made to the plans without review by ACDEH may invalidate the conclusions of the protectiveness of the proposed redevelopment of the site with respect to the residual contamination.
 - b. **Remedial Soil Excavation Completion Report.** A soil excavation report documenting source excavation, confirmation sampling and analytical results must be submitted prior to the start of construction of the final foundation system. The report must include a description of the sampling methods, scaled figures showing sampling locations, volume of soil excavated and final disposition, waste manifests if disposed of off-site, tabulated analytical results, and laboratory analytical reports.
4. Prior to building occupancy of the new residential redevelopment the following documents must be submitted to ACDEH for review and approval:
 - a. **Land Use Covenant (LUC).** A LUC documenting long-term site use will be required to be recorded, and must include the following site use restrictions: (1) implementation of the SMP, which shall be incorporated therein by reference, including preservation of the site surface cover and maintenance of the vapor mitigation systems and utility trench dams; (2) prohibition on the extraction of groundwater for any use, including but not limited to domestic, potable or industrial uses; and (3) prohibition on growing fruits or vegetables for consumption using site soils (edible gardening shall only be permitted using imported soil in raised beds).
 - b. **SMP for Long Term Site Use.** A SMP for long-term site management providing details regarding the location and construction of the VMS and utility trench dams, precautions should subsurface work be required in the area of installed mitigation measures, protocols for handling potentially impacted soil and groundwater exceeding residential screening criteria that may remain beneath the ground floor slab and foundations, and notification and documentation procedures should the VMS and/or trench dam be damaged. The SMP must include as-built drawings and specifications of the VMS and utility trench dams and must be maintained at the site address by the property manager or designated representative and will be recorded at the Alameda County Clerk- Recorder's Office.
 - c. **VMS and Utility Trench Dam Record Report of Construction.** A VMS and utility trench dam record report of construction with as-built drawings and other

information relevant to the installation of the VMS and trench dams and certifying the VMS and trench dams were installed in accordance with the design plans. The report must include indoor air sampling results conducted in the newly constructed building to verify the effectiveness of the VMS.

5. **Continued Geotracker Electronic Report and Data Upload Compliance** – Geotracker compliance is a State requirement that ACDEH is tasked with implementing. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, 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 Programs. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites was required in GeoTracker. Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. ACDEH requests future notification of documents uploaded to GeoTracker.

TECHNICAL REPORT/WORK SCHEDULE

Please perform the requested work and submit technical reports to Alameda County Environmental Health Environmental Health (Attention: Mark Detterman) in accordance with the schedule below. The technical reports may be combined as appropriate. The submittal compliance date for reports with a “Date to be Determined” notation will be finalized in a subsequent Directive Letter and will be based on the date(s) proposed in the Baseline Project Schedule.

- Date to be Determined – Revised Off-Site Work Plan
- Date to be Determined – Project Schedule
- Date to be Determined – Corrective Action Implementation Plan
- Date to be Determined – Off-Site Soil Vapor Evaluation Report
- Date to be Determined – Well and Probe Decommissioning Report
- Date to be Determined – Revised CSM
- Date to be Determined – Construction SMP
- Date to be Determined – Soil Import Documentation
- Date to be Determined – Approved Building Permit Plans
- Date to be Determined – Remedial Soil Excavation Completion Report
- Date to be Determined – VMS and Trench Dam Record Report of Construction
- Date to be Determined – Long Term Site Use SMP
- Date to be Determined – Land Use Covenant

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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) 567-6767 or send an electronic mail message at dilan.roe@acgov.org.

Sincerely,

Dilan Roe

Dilan Roe, PE, C73703
Chief – Land Water Division

Online case files are available for review at the following website:
<http://www.acgov.org/aceh/index.htm>.

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

Cc: John Nady, Nady Systems, Inc, 870 Harbour Way South, Richmond, CA, 94804;
(Sent via electronic mail to: jnady@nady.com)

Toby Nady, Nady Systems, Inc, 870 Harbour Way South, Richmond, CA, 94804;
(Sent via electronic mail to: tnady@nady.com)

Miroo Desai, City of Emeryville, 1333 Park Avenue, Emeryville, CA
94608 (Sent via electronic mail to: mdesai@emeryville.org)

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

Chris Baldassari, PES Environmental, Inc, 1682 Novato Blvd, Suite 100, Novato,
CA 94947 (Sent via electronic mail to: cbaldassari@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, ACDEH, (Sent via electronic mail to: dilan.roe@acgov.org)

Paresh Khatri, ACDEH;
(Sent via electronic mail to: paresh.khatri@acgov.org)

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Mark Detterman, ACDEH,
(Sent via electronic mail to: mark.detterman@acgov.org)

Ronald Browder, ACDEH,
(Sent via electronic mail to: ron.browder@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.