



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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April 12, 2016

Mr. Carryl MacLeod  
Chevron Environmental Management Co.  
6101 Bollinger Canyon Road  
San Ramon, CA 94583  
(sent via electronic mail to:  
[CMacleod@chevron.com](mailto:CMacleod@chevron.com))

WestMac LLC  
1842 21<sup>st</sup> Avenue  
San Francisco, CA 94122  
(sent via electronic mail to:  
[gathconstruc@aol.com](mailto:gathconstruc@aol.com))  
and [sokaneconst@hotmail.com](mailto:sokaneconst@hotmail.com))

Mr. Buyandalai Itgel  
787 Marlesta Road  
Pinole, CA 94564  
(sent via electronic mail to:  
[teamsprit74@yahoo.com](mailto:teamsprit74@yahoo.com))

Subject: Request for Site Residential Redevelopment Analysis; Fuel Leak Case No. RO00002438;  
Chevron #9-2029 (Global ID #T0600173887), 890 MacArthur Blvd, Oakland, CA 94608

Dear Ms. MacLeod, WestMac LLC, and Mr. Itgel:

Alameda County Department of Environmental Health (ACDEH) would like to thank you for attending the April 8, 2016 meeting regarding the site. The meeting was requested in the October 29, 2015, directive letter to discuss the site with respect to the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP), and the pending redevelopment of the site as a residential complex. Specifically, ACDEH requested the meeting in order to understand the implications of the construction of an underground parking structure associated with the proposed residential redevelopment at the site. To allow the construction of the underground parking structure the project proponents propose to remove between 4 and 12 feet of soil beneath the site. As discussed, this effectively removes the separation distance between a potential receptor at the surface and residual contamination at the site.

As discussed during the meeting a vapor mitigation barrier is planned for the proposed development; however, consistent with Department of Toxic Substance Control (DTSC) guidance, ACDEH does not recognize mitigation as a stand-alone solution, but recognizes vapor mitigation as a part of a solution. As discussed in the meeting, in order to understand the effect of residual contamination to affect the proposed structure, ACDEH requests a site specific analysis that is tailored to the specific proposed redevelopment. The intent of the analysis is to efficiently communicate the scope of a redevelopment, including depth of excavations, remaining proposed residual contamination after excavation, if any, lateral extent of contamination, determine if data has been collected to evaluate sensitive pathways (elevator pits, etc), or potential sources areas with respect to the new site configuration. The tables and figures very quickly and efficiently indicate this to ACDEH and also facilitate communication with the public at the time of public notifications, as well as to future tenants.

Therefore, based on the review of the case file ACDEH requests that you address the following technical comments and send us the documents requested below.

### **TECHNICAL COMMENTS**

- 1. Re-Development Tools** - Due to significant redevelopment activities in Alameda County, ACDEH has developed a standard set of required figures and tables for sites with active redevelopment which have been successful at quickly conveying site data to ACDEH and project proponents, as well as to the general public at important junctures, such as at required public notifications prior to corrective actions or case closure. Due to the essentially imminent residential redevelopment of the site, ACDEH requests the site be analyzed with these tools. The generation of a Site Management Plan (SMP) can also be undertaken as the tools are expected to support the use of a SMP (see below). The tools include the following at a minimum:

- a. **Plan Set** – In order to determine and support a level of protectiveness from any residual contamination at a site for future occupants or tenants, ACDEH requests the submittal of an electronic copy of the most recent existing development plan set (this may require Dropbox or another large file transfer program). ACDEH additionally requests that future site figures additionally depict future building plot plans relative to the excavation and media samples in order to quickly determine sample location and analytical data suitability for the planned future building. Typically this may require several figures to convey both historic and proposed future site plans relative to the same data. The intent is to convey the extent of removal of contamination due to historic site use areas, and the protectiveness of any residual contamination to future site uses.
- b. **Cross-Sections** – In order to determine the vertical and lateral distribution of any residual contamination at a site, and determine the appropriateness of its location relative to the proposed development, ACDEH requests multiple cross-sections across a site, including more detailed investigation area cross-sections (source or residual contamination areas), that depict the excavation base elevation, historic and proposed foundation depth elevations, any proposed cut / fill lines, old soil bore locations along that cross section, depth-correct residual analytical proposed to remain below the foundation, depth of groundwater and any analytical data that documents residual groundwater contamination. Below the future proposed foundation elevation, lithology can be depicted if it plays an important role; however, one intent is to depict the location of residual contamination relative to the proposed building foundation / slab and the proposed lowest building level (or higher if appropriate), and proposed future use areas (commercial / residential / day care / senior care / etc.). Lithology or data above a proposed excavation depth can be removed as it won't be of consequence to the future development once excavated, but the analytical data will remain in the tables (see below). If proposed or existing infrastructure (utilities or similar, as determined by development plans, including those extending onsite from public right-of-ways) cross areas of contamination they are to be depicted in the cross sections in order to quickly convey the potential, or lack of the potential, to act as preferential pathways for contamination.
- c. **Data Tables** - Tables are requested to include all historic and current analytical data, with excavated soil (historic and / or future planned) indicated by shading or strike out (but still legible). If it is useful to distinguish between historic removed and proposed, the use of shadings may be appropriate. A column labeled "Depth Below Future Foundation" may be useful for sites with significant excavation and foundation depth interval changes. This column quickly conveys the depth of residual contamination relative to the new foundation, as well as the appropriateness of the use of ESLs at that location relative to the new foundation (see below).
- d. **Non-Detectable Data** – Non-detectable tabulated analytical data is requested to be listed by individual chemical detection limit (<x), and highlighting / bolding of detections, or of non-detectable concentrations, over site goals (ESLs or other goals). This aspect can partly be combined with a professional signed statement that your consultant has reviewed all analytical data and has found it is below ESLs or other goals for the site.
- e. **Appropriate Use of ESLs** – If ESLs are identified as the remedial goals, the use of ESLs requires the recognition that ESLs assume a minimum distance of 10 feet between a receptor and groundwater concentrations, and a minimum distance of 5 feet between a receptor and a soil vapor concentrations. This may be important relative to future proposed foundation elevations. For example, a groundwater or a vapor sample at a site may have been 10 feet below grade surface (bgs) or 5 feet bgs, respectively, but may now be 2 ft below the foundation, and would not meet the 10 foot separation distance groundwater ESLs assume or 5 foot separation that vapor ESLs assume / require. This applies to horizontal distances as well as vertical distances.
- f. **Project Schedule** – Where is the project in entitlement project planning, CEQA, building and planning department approvals, when construction is hoped to realistically begin, a realistic time frame for regulatory review (the standard is 60 days, but we'll try for 30 days or better if we can), when and what project proponents will need something in writing from ACDEH for financing, and recognition that if mitigation measures are involved closure cannot be provided

until a final installation confirmation and verification sampling report is submitted and reviewed (60 days). The submittal of a Gantt chart is appropriate so that we can all set realistic time frames, and incorporate changes as events and environmental discoveries occur.

- g. Mitigation Measures** – The requested analysis is expected to determine the extent that mitigation measures will be needed at the site. If mitigation measures are required, then the site will need a RAP and / or a HHRA to evaluate risk with and without mitigation measures (assuming no removal of residual contamination below or adjacent to the future foundation). Mitigation must be approved by ACDEH and then incorporated into the building plans, which requires coordination with ACDEH, the building department, and the consultant throughout the final plan approval to ensure changes made during building department or planning review do not conflict with ACDEH approved plans. This is a consistent issue ACDEH has had a redevelopment sites. All plan changes will also require a professional signed statement from the environmental consultant that the changes do not affect the proposed mitigation measures.
- h. Potential For Deed Restriction** – Because the site does not meet the LTCP Vapor Intrusion Media Specific criteria for the existing commercial land use, ACDEH has made the determination that due to the essentially imminent residential redevelopment, it is appropriate to evaluate the proposed site redevelopment as a part of this environmental case. Please be aware, that the SWRCB may at some point disagree and require that the site be closed to the existing use as a commercial property. With this potential outcome, ACDEH would require that the residential redevelopment be opened as a self-funded Voluntary Remedial Action Program (VRAP) case to continue to provide oversight. It is also possible that associated parties may determine that it is appropriate to move the site into the VRAP at a yet undetermined juncture in the future. Please be aware that with this change in programs, the Porter-Cologne Water Quality Act requires that any regulatory agency in California use a deed restriction / land use covenant (LUC) if contamination above identified goals (ESLs or other) is proposed to remain at a site. Deed restrictions can be detrimental to certain projects. LUCs take time to word, sign, and record at the County.

Thus it may be appropriate to remove any contamination above identified goals prior to site redevelopment, or provided that the extent is well characterized and is relatively limited in extent, removal of contamination can be conducted concurrent with site development with the use of a SMP at the time of redevelopment. Please be aware that a large removal is essentially a Corrective Action, and a 30 day public notification may be required per state requirements (affecting the Gantt chart inputs). Minor cleanup of contamination may not be a corrective action.

- i. Site Management Plan** – The generation of a robust SMP to deal with known limited contamination (volumes, destinations, etc.) or unexpected contamination found during redevelopment, dust management / monitoring for onsite and offsite receptors, stormwater, step-out contingency, discovery of potential USTs, such as a contingency for contact info with the ACDEH CUPA group, etc, may be appropriate.

### **TECHNICAL REPORT REQUEST**

Please upload technical reports to the ACDEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with Attachment 1 and the following specified file naming convention and schedule:

- **July 8, 2016** – Site Redevelopment Analysis  
File to be named: RO2438\_MISC\_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.

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Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>. 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. If you have any questions, please call me at (510) 567-6876 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,

Mark E. Detterman, PG, CEG  
Senior Hazardous Materials Specialist

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

cc: Travis Flora, Stantec Consulting Services, Inc, 15575 Los Gatos Blvd, Bldg C, Los Gatos, CA 95032 (sent via electronic mail to: [Travis.Flora@Stantec.com](mailto:Travis.Flora@Stantec.com))

Dan McGue, Paragon Real Estate Group, 1400 Van Ness Avenue, San Francisco, CA 94109  
(sent via electronic mail to: [DanMcGue@paragon.re.com](mailto:DanMcGue@paragon.re.com))

Dilan Roe (sent via electronic mail to [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))  
Mark Detterman (sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@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

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.