

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

COLLEEN CHAWLA, Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
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April 27, 2018

Ms. Carryl MacLeod
Chevron Environmental Management Co.
6001 Bollinger Canyon Road
San Ramon, CA 94583
(Sent via electronic mail to:
CMacleod@chevron.com)

WestMac LLC
1842 21st Avenue
San Francisco, CA 94122
(Sent via electronic mail to:
gathconstruc@aol.com) and
sokaneconst@hotmail.com)

Mr. Itgel Buyandalai
787 Marlesta Road
Pinole, CA 94564
(Sent via electronic mail to:
teamspirit74@yahoo.com)

Subject: Status of Project Approval, and Conditional Approval of Draft Corrective Action Plan; Fuel Leak Case No. RO00002438; Chevron #9-2029 (Global ID #T0600173887), 890 MacArthur Blvd, Oakland, CA 94608

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

Thank you for attending the working meeting on April 3, 2018 in our office. The meeting was convened in order to identify a path forward at the site relative to the (1) a preliminary vapor mitigation system design to support the residential redevelopment, and (2) corrective actions to remove residual petroleum contamination in soil at the site.

Alameda County Department of Environmental Health (ACDEH) staff has also reviewed the case file including the *Focused Corrective Action Plan* (CAP), dated April 20, 2018. The CAP was prepared and submitted on your behalf by Stantec Consulting Services, Inc (Stantec). Thank you for submitting the CAP.

In order to additionally communicate the results of the meeting, to comment on the CAP, and to formalize the deliverable dates, ACDEH provides this letter, and requests the submittal of the following items by the dates identified below. The following technical reports are required for site redevelopment.

With the provision that these documents are submitted, and ACDEH concurs with the reports or future modifications, ACDEH concurs that the implementation of proposed measures will prevent future exposure to construction workers and site occupants of the proposed redevelopment project from residual contamination at the site.

TECHNICAL REPORT / WORK REQUESTS

I. Prior to Building Occupancy

- 1. Draft Corrective Action Plan** – As noted above, ACDEH staff has received and reviewed the Draft CAP dated April 20, 2018. The CAP proposes two alternative corrective action options, and selects hotspot excavation in two areas of residual contamination as the most viable plan of action to facilitate the redevelopment. Additional proposed actions include the installation of trench dams on underground utilities that will service the subject redevelopment and a Vapor Mitigation System beneath the subject building. ACDEH is in general agreement with the selected options, including the option for the introduction of Oxygen Releasing Compound (ORC) into the excavation prior to backfilling. ACDEH notes the ORC option was not fully discussed in the CAP and will need to be revised to incorporate this option prior to finalization in a Corrective Action Implementation Plan (CAIP), to be submitted to ACDEH by the date identified below.
- 2. Public Comment Period** – At this juncture it appears appropriate to initiate a 30-day public comment period for the proposed option. ACDEH will shortly provide under separate cover an example Fact Sheet in MS Word. ACDEH requests the return of a draft Fact Sheet, in MS Word, for ACDEH review and comment. ACDEH will issue the Fact Sheet to interested members of the

public in a preselected radius around the site. ACDEH requests the identification of interested parties known to your teams that have previously expressed an interest in the redevelopment by the date identified below.

3. **Baseline Project Schedule** – Prior to the start of building construction a Baseline Project Schedule (BPS) is requested for ACDEH review and approval. The BPS will provide details on construction measures and sequencing events including utility installation, vapor barrier installation, tasks identified in the Meeting Notes, and actions designed to protect groundwater monitoring wells and the vapor barrier during site redevelopment activities. As discussed further below, additional project schedule items that must be submitted prior to building occupancy include a Construction Soil & Groundwater Management Plan (CSGMP), Source Removal Documentation, Vapor Mitigation System (VMS) Basis of Design Report (BOD), including a VMS Construction Quality Assurance (CQA) Plan and a VMS Operations & Maintenance (O&M) Plan, an Institutional Controls Plan (ICP), VMS Record Report of Construction (RRC), and a Land Use Covenant (LUC), as well as an appropriate length of time for ACDEH to review each submittal.

Additional submittals for offsite groundwater and vapor intrusion assessment include a vapor intrusion work plan and groundwater monitoring and delineation.

4. **Construction Soil & Groundwater Management Plan (CSGMP)** – Prior to the start of building construction, a CSGMP is requested for ACDEH review and approval. The purpose of the CSGMP is two-fold: 1) to provide communication primarily with contractors who will be conducting targeted residual source removal on the southern and western property boundaries, and 2) with contractors constructing the building. The CSGMP is to provide details for the targeted removal of residual source material beneath the site and sidewalk, and location and protection of existing monitoring wells, protocols should unexpected additional contamination be encountered, protocols for handling potentially impacted soil and groundwater, and regulatory notification procedures. The CSGMP is expected to include such details, among other items, as dust control measures, haul routes, stockpile or direct loading details associated with remedial excavation.

Please note that ACDEH is in partial disagreement with the figure notes included on Figures 2 to 4 that were attached to the meeting notes. ACDEH is in disagreement with the extent of excavation, specifically the phrase "...to the extent that the City of Oakland will allow." As agreed in the meeting, the general extent of the excavations have been defined by existing analytical data, and the final extent of the excavations is to be determined by PID, odor, and visual means, including potentially beneath the full extent of the sidewalk. ACDEH requests a minimum of 48-hour advanced notification be incorporated into the CSGMP in order for ACDEH to be present at the time of the remedial excavation.

5. **Source Removal Excavation Report** – Prior to construction of the VMS and the building foundation, a Source Removal Excavation Report is to be submitted to ACDEH for review and approval. The report is to document the basis of the extent of excavation, waste management, waste manifests, and the environmental quality of any soil required for imported for backfill purposes. Notification of the review and approval of the report by ACDEH must be received prior to the start of construction of the foundation and the VMS by project proponents.
6. **VMS Basis of Design (BOD) Report** - Prior to construction of the building foundation and the VMS, a BOD Report is to be submitted to ACDEH for review and approval. A draft copy has been provided in paper form; however, the final version has not been provided or uploaded to Geotracker. As previously discussed in the July 14, 2017 directive letter, the BOD Report is to include a narrative outlining the vapor barrier design methodology, material selection justification (i.e., Liquid Boot versus Geo-Seal vapor barrier, etc.), appropriate engineering calculations, detailed construction drawings and specifications. Prior to construction a copy of the City of Oakland approved building plans incorporating the VMS must be submitted to ACDEH.

- a. **VMS Construction Quality Assurance (CQA) Plan** – A CQA plan is to be submitted to ACDEH, as a standalone appendix to the BOD Report, for review and approval. The CQA plan will specify the appropriate qualifications and experience necessary for contractors and

inspectors involved in the construction of the vapor barrier, and will provide procedures for construction monitoring and documentation, including responsibility and authority, construction inspections (i.e., smoke-testing, etc.), and as-built documentation.

- b. VMS Operations and Maintenance (O&M) Plan** – An O&M Plan must be submitted prior to ACDEH, as a standalone appendix to the BOD Report, for review and approval. The O&MP will be an element of long-term site management and is to include a discussion of environmental conditions and the mitigation elements, including the targeted residual source removal and vapor barrier. Additionally, the O&M Plan is to include general procedures for health and safety, soil and groundwater management, and notification and documentation requirements for subsurface work or activities that have the potential to breach the vapor barrier. The SMP is to include as-built drawings of the VMS, specifications, VMS photo documentation, responsible party information, details of required activities, emergency contacts and protocols in case of the discovery of an unreported breach to the VMS. The O&M Plan shall 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 as a part of the LUC.
- 7. Institutional Control Plan (ICP)** – An ICP is to be submitted to ACDEH for review and approval. The ICP is to provide an overview of the legal and administrative controls and methods for dissemination of information to minimize risk during property development, future below-ground construction and maintenance, and long-term site use. The ICP is to set forth the general requirements and necessary controls dictated by property restrictions or contractual agreements (e.g. leases) and shall include activities to maintain the integrity of the remedy, ongoing O&M, and record compliance with the ICs. The ICP is to be developed in consultation with ACDEH. The ICs are to be implemented prior to building occupancy. An example of an ICP will be forwarded separately.
- 8. VMS Record Report of Construction (RRC)** - Following construction of the vapor barrier, a RRC is to be submitted to ACDEH for review and approval. The report is to include as-built drawings, waste manifest for disposal of soil that is removed during targeted residual source removal or construction of the system, copies of permits, specifications, VMS photo documentation, and other information relevant to the installation of the system.
- 9. LUC Generation and Recordation** – The model Alameda County LUC will be forwarded as a MS Word document under separate cover for review and draft modification. Proposed language is to be returned to ACDEH in MS Word format for review, acceptance, and likely modification. A copy of the final wording will be returned for your final review and acceptance. Upon acceptance by all parties, the LUC is to be signed by the Responsible Parties and the Director of Environmental Health and subsequently recorded at the County Clerk – Recorder's Office. The recorded document will be returned to ACDEH upon recording by the County Clerk – Recorder's Office for eventual incorporation into the case closure documentation.

II. Prior to Site Closure

- 10. Offsite Vapor Intrusion and Groundwater Data Gap Work Plan** – As identified in the meeting, the offsite data gap work plan is pending the results of the requested groundwater monitoring event. Please submit a report by the date identified below.
- 11. Groundwater Monitoring** – Please submit the groundwater monitoring report by the date identified below.

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

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

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.

Please make this change to your submittals to ACDEH.

TECHNICAL REPORT REQUEST

Please submit the following technical reports and deliverables to the State Water Board's Geotracker website and notify your case worker by electronic mail (mark.detterman@acgov.org), in accordance with the following specified file naming convention and schedule, as provided below, and in the Responsible Party(ies) Legal Requirements/Obligations which is included as Attachment 1. Please note ACDEH no longer accepts reports on the ftp site.

- **May 8, 2018 – Draft Fact Sheet in MS Word**
Please email your case worker
- **May 18 – June 18, 2018 – Public Comment Period**
- **June 30, 2018 – Baseline Project Schedule**
File to be named: RO2438_SCH_L_yyyy-mm-dd
- **July 2, 2018 – VMS Basis of Design Report, Inclusive of Trench Dam Design**
File to be named: RO2438_CAP_R_yyyy-mm-dd
- **August 15, 2018 – Corrective Action Implementation Plan and Corrective Action Construction Soil & Groundwater Management Plan; File to be named: RO2438_CAIP_R_yyyy-mm-dd**
- **August 15, 2018 – Construction Soil & Groundwater Management Plan**
File to be named: RO2438_CSGMP_R_yyyy-mm-dd
- **TBD – Long-Term Site Management Plan**
File to be named: RO2438_LTSMP_R_yyyy-mm-dd
- **TBD – VMS CQA Plan**
File to be named: RO2438_CQA_R_yyyy-mm-dd
- **TBD – Institutional Control Plan**
File to be named: RO2438_SMP_R_yyyy-mm-dd
- **TBD – Interim Remediation & VMS Record Report of Construction**
File to be named: RO2438_REM_L_yyyy-mm-dd
- **TBD – LUC Recordation and Return**

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.

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.

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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.

Sincerely,



Mark E. Detterman, PG 4799, CEG 1788
Senior Hazardous Materials Specialist

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

cc: Eva Hey, Stantec Consulting Corporation, 57 Lafayette Circle, 2nd Floor, Lafayette, CA 94549;
(Sent via electronic mail to: Eva.Hey@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)

Tim Low City of Oakland, Planning & Building Department, 250 Frank H Ogawa Plaza, Oakland, CA 94612; (Sent via electronic mail to: timlow@aoklandnet.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)

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

Electronic File; GeoTracker

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: December 14, 2017
	ISSUE DATE: July 25, 2012
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	SUBJECT: Responsible Party(ies) Legal Requirements / Obligations

REPORT & DELIVERABLE REQUESTS

Alameda County Department of Environmental Health (ACDEH) Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) require submission of all reports in electronic form to the State Water Board's (SWB) GeoTracker website in accordance with California Code of Regulations, Chapter 30, Division 3, Title 23 and Division 3, Title 27.

Leaking Underground Fuel Tank (LUFT) Cases

Reports and deliverable requests are 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 (RP) in conjunction with an unauthorized release from a petroleum underground storage tank (UST) system.

Site Cleanup Program (SCP) Cases

For non-petroleum UST cases, reports and deliverables requests are pursuant to California Health and Safety Code Section 101480.

ELECTRONIC SUBMITTAL OF REPORTS

A complete report submittal includes the PDF report and all associated electronic data files, including but not limited to GEO_MAP, GEO_XY, GEO_Z, GEO_BORE, GEO_WELL, and laboratory analytical data in Electronic Deliverable Format™ (EDF). Additional information on these requirements is available on the State Water Board's website (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)

- Do not upload draft reports to GeoTracker
- Rotate each page in the PDF document in the direction that will make it easiest to read on a computer monitor.

GEOTRACKER UPLOAD CERTIFICATION

Each report submittal is to include a GeoTracker Upload Summary Table with GeoTracker valid values¹ as illustrated in the example below to facilitate ACDEH review and verify compliance with GeoTracker requirements.

GeoTracker Upload Table Example

Report Title	Sample Period	PDF Report	GEO_MAPS	Sample ID	Matrix	GEO_Z	GEO_XY	GEO_BORE	GEO_WELL	EDF
2016 Subsurface Investigation Report	2016 S1	✓	✓	Effluent	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
2012 Site Assessment Work Plan	2012	✓	✓			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2010 GW Investigation Report	2008 Q4	✓	✓	SB-10	W	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				SB-10-6	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				MW-1	WG	✓	✓	✓	✓	✓
				SW-1	W	✓	✓	✓	✓	✓

¹ GeoTracker Survey XYZ, Well Data, and Site Map Guidelines & Restrictions, CA State Water Resources Control Board, April 2005

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: NA
	ISSUE DATE: December 14, 2017
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	SUBJECT: Responsible Party(ies) Legal Requirements / Obligations

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 the State Water Board's GeoTracker website." This letter must be signed by the Responsible Party, or legally authorized representative of the Responsible Party.

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 and include the professional registration stamp, signature, and statement of professional certification. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

UNDERGROUND STORAGE TANK CLEANUP FUND

For LUFT cases, RP's non-compliance with these regulations may result in ineligibility to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse the cost of cleanup. Additional information is available on the internet at: https://www.waterboards.ca.gov/water_issues/programs/ustcf/

AGENCY OVERSIGHT

Significant delays in conducting site assessment/cleanup or report submittals may result in referral of the case to the Regional Water 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.