

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

April 28, 2017

Mr. David Kasirer  
WAC Enterprise FHS  
c/o Western Avenue Capital Management, Inc.  
8247 W. 4<sup>th</sup> Street,  
Los Angeles, CA 90048, CA 94605  
(Sent via E-mail to: [dkasirer@westernavecap.com](mailto:dkasirer@westernavecap.com))

Subject: Action Items and Deliverables from the April 27, 2017 Conference Call - Site Cleanup Case No. RO0002580 and GeoTracker Global ID SL18344764, Young's Cleaners, 10700 MacArthur Boulevard, Oakland, CA 94605

Dear Mr. Kasirer:

Alameda County Department of Environmental Health (ACDEH) Staff had a conference call with you, your consultant and other responsible parties of the site on April 27, 2017. The participants of the conference call included David Kasirer, Josh Kaplan and Jonathan Kasirer (WAC Enterprise FHS – WAC FHS); Trent Weise, Jeremy Smith and Jonathan Sanders (AEI Consultants – AEI); Alec Merriam (Former Owner); John Jay (Current and Former Property Manager); and Kit Soo and Dilan Roe (ACDEH). The purpose of the meeting was to discuss the results, action items and deliverables associated with the *Interim Mitigation Measures Results*, dated April 21, 2017, which was prepared by AEI on your behalf.

Based on our discussion during the April 27, 2017 conference call, we are requesting that you perform the following action items and prepare the associated deliverables:

- Prepare a sign and fact sheet indicating that trichloroethene (TCE) has been detected at concentrations in indoor air exceeding the Department of Toxic Substances Control's (DTSC) Accelerated and/or Urgent Response Action level, to inform women of child-bearing age of the potential concerns, actions that are being taken to evaluate and remediate the site, and actions that can be taken to reduce potential exposure. A sign to warn and notify must be posted on the door of the Equipment Room immediately. The fact sheet must be submitted to ACDEH by May 5, 2017 for review prior to posting. The fact sheet must be posted in the general storeroom area accessed by maintenance personnel.
- Perform verification indoor air sampling at the following locations: 1) equipment room, where IA-8 was previously collected; 2) storeroom, where IA-3 was previously collected; 3) one location within the future Shoe Palace suite where IA-2 was previously collected; and 4) two office locations adjacent to the equipment room. Following sampling and analyses, submit the results from the verification indoor air sampling event.
- Present information on modifications performed to the remediation system and associated appurtenances to address the vapor intrusion issue within the equipment room and vicinity.
- Submit information presenting the results of the Heating, Ventilation, Air-Conditioning (HVAC) balancing assessment within the future Shoe Palace, Storeroom Area, and Rainbow Apparel suites.

- Submit information presenting the soil stockpile sampling results from the trenching activities associated with installation of the sanitary sewer and domestic water lines in the future Shoe Palace suite.
- Prepare components of a Remedial Action Plan (RAP) including a focused site conceptual model. This will be discussed and presented during a meeting in June 2017 with ACDEH, prior to finalization. The components of the RAP will include the following at a minimum:
  - Assessment of the effectiveness of the soil vapor extraction treatment system (SVET) by proposing a method to assess remedial progress. The sub-slab depressurization (SSD) system must continue to operate during this assessment verify that the SSD is protective of indoor air. As part of this assessment, determine the extent of the soil vapor plume based on soil vapor measurements collected to date and evaluate whether installation of additional soil vapor extraction (SVE) wells in the areas of high vapor concentrations are appropriate.
  - A focused site conceptual model, including the preparation of a site plan showing all current and historical borings, soil vapor/sub-slab vapor points, monitoring wells, etc. and prepare cross-sections as appropriate.
  - Evaluation of the existing shallow and deep groundwater monitoring well network, including the verification of screened intervals for all existing wells (note that several shallow and deep wells have unverified top of screen depths). Please also assess whether the existing well network is able to define and delineate the contaminant plume in the shallow and deep intervals, respectively, and provide recommendations for additional locations, as appropriate.
- Prepare a Revised Site Management Plan (SMP) to present procedures and measures to be taken to minimize risks associated with the chemicals of concern located at the site. This is to ensure protection to human health and the environment for site workers or anyone that will have the potential to come in contact with contaminated media. The SMP will also include the current configuration of the site and other essential site features and details (slab type, thickness and age; existing soil vapor/groundwater/other monitoring wells/sumps, underground utility layout; areas of previous remedial excavations and depths, etc.)

### **SUBMITTAL ACKNOWLEDGEMENT STATEMENT**

Please note that ACDEH has updated its Attachment 1 with regards 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 State Water Resources Control Board's GeoTracker website."*

Note this change to your submittals to ACDEH.

**TECHNICAL REPORT REQUEST**

Please upload technical reports to the ACDEH ftp site (Attention: Kit Soo), and to the State Water Resources Control Board's GeoTracker website according to the following schedule and file-naming convention:

- Immediately – Sign to warn and notify that TCE has been detected at concentrations in indoor air exceeding the DTSC Accelerated and/or Urgent Response Action level - via email and upload  
File to be named: RO2580 NOT\_L\_yyyy-mm-dd
- May 5, 2017 – Fact Sheet – via email in draft format and upload once finalized  
File to be named: RO2580 FACT\_SHT\_yyyy-mm-dd
- May 5, 2017 - Results from the verification indoor air sampling event; description of modifications performed to remediation system and associated appurtenances to address the vapor intrusion issue in the equipment room; results of the Heating, Ventilation, Air-Conditioning (HVAC) balancing assessment within the future Shoe Palace, Storeroom Area, and Rainbow Apparel suites; and information presenting the soil stockpile sampling results from the trenching performed at the future Shoe Palace suite.  
File to be named: RO2580\_ADD\_R\_yyyy-mm-dd
- June 23, 2017 – Revised SMP  
File to be named: RO2580\_REV\_SMP\_R\_yyyy-mm-dd
- June 23, 2017 - Meeting to discuss the components of the RAP, prior to finalization. Email the draft report or meeting materials to ACDEH three days prior to meeting.
- June 30, 2017 – RAP  
File to be named: RO2580\_RAP\_R\_yyyy-mm-dd

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at [kit.soo@acgov.org](mailto:kit.soo@acgov.org). Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Sincerely,

Kit Soo, California PG 8957  
Senior Hazardous Materials Specialist

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

cc: Alec Merriam (Sent via E-mail to: [Alecmerriam@aol.com](mailto:Alecmerriam@aol.com))

John Jay, Management Agent, Jay-Phares Corporation, 107000 MacArthur Blvd., Suite 200, Oakland, CA 94605 (Sent via E-mail to: [johnjay@jayphares.com](mailto:johnjay@jayphares.com))

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RO0002580  
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Jonathan Kasirer, WAC Enterprise FHS, LLC, c/o Western Avenue Capital Management, Inc., 8247 W. 4<sup>th</sup> Street, Los Angeles, CA 90048 (*Sent via E-mail to: [jkasirer@westernavecap.com](mailto:jkasirer@westernavecap.com)*)

Joshua Kaplan, WAC Enterprise FHS, LLC, c/o Western Avenue Capital Management, Inc., 8247 W. 4<sup>th</sup> Street, Los Angeles, CA 90048 (*Sent via E-mail to: [jkaplan@westernavecap.com](mailto:jkaplan@westernavecap.com)*)

Trent Weise, AEI Consultants, 3880 S. Bascom Avenue, Suite 109, San Jose, CA 95124 (*Sent via E-mail to: [tweise@aeiconsultants.com](mailto:tweise@aeiconsultants.com)*)

Jeremy Smith, AEI Consultants, 2500 Camino Diablo, Suite 100, Walnut Creek CA 94597 (*Sent via E-mail to: [jasmith@aeiconsultants.com](mailto:jasmith@aeiconsultants.com)*)

Peter McIntyre, AEI Consultants, 2500 Camino Diablo, Suite 100, Walnut Creek CA 94597 (*Sent via E-mail to: [pmcintyre@aeiconsultants.com](mailto:pmcintyre@aeiconsultants.com)*)

Dilan Roe, ACDEH (*Sent via E-mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org)*)

Paresh Khatri, ACDEH (*Sent via E-mail to: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org)*)

Kit Soo, ACDEH (*Sent via E-mail to: [kit.soo@acgov.org](mailto:kit.soo@acgov.org)*)

GeoTracker, eFile

## 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/](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.bpelsg.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.

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| <b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b> | <b>REVISION DATE:</b> December 1, 2016   |
|  | <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; May 15, 2014, November 29, 2016 |
| <b>SECTION:</b> Miscellaneous Administrative Topics & Procedures             | <b>SUBJECT:</b> 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](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) 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](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.