



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

August 29, 2014

Mr. Geoffrey Sears
Wareham Property Group
1120 Nye Street, Suite 400
San Rafael, CA 94901
(Sent via electronic mail to: GSears@warehamdevelopment.com)

Subject: Request for Information; Site Cleanup Program (SCP) Case No. RO0002742 (Global ID #T06019701198), Westinghouse Electric – Parcel 1, 5815 – 5899 Peladeau Street, Emeryville, CA 94608

Dear Mr. Sears:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Closure Summary Report for Parcels 1 and 4, Parcel Map 7258 Emeryville, Alameda County, California* (Closure Summary Report), dated June 19, 2014. Thank you for submitting the report; it provides a concise summary of past activities at the site, and documents grant deed restriction modifications that occurred in March 2014.

On August 7, 1998 the San Francisco Bay Regional Water Quality Control Board (RWQCB) and ACEH jointly issued a letter stating that no further remediation was required at the subject site; generally known as Parcel 1 (in conjunction with Parcel 4). The letter stated the agencies had no objection to development of the site provided two items were satisfied:

- Documentation that a deed restriction prohibiting any residential development of the subject property had been filed and provided to both the RWQCB and ACEH.
- A request that should significant future construction activities occur at the site, a health and safety plan would be followed.

On May 8, 2014, a copy of an August 1998 grant deed restriction prohibiting residential land use was provided to ACEH. As discussed in the referenced Closure Summary Report, the deed also prohibited medical and dental offices. A copy does not appear to have been previously supplied. Thank you for providing the copy.

Recent modifications to the deed restriction were also documented in the June 2014 Closure Summary Report in order to remove the prohibition of medical and dental offices at the two parcels, as this prohibition had not been requested by the agencies. ACEH is in agreement that the reason for this modification is appropriate; the Closure Summary Report observed that the risk exposure model for a medical office or clinic, including a dental facility, is the same as any other commercial office center.

In general, ACEH concurs that closure of the subject site may proceed provided the requests contained in the August 7, 1998 letter are satisfied to current standards as discussed in the Technical Comments below. At this juncture, ACEH requests that you address the following technical comments and send us the reports described below.

TECHNICAL COMMENTS

1. **Geotracker Compliance Uploads** – First, thank you also for claiming the site. As you may be aware, since the August 1998 letter was issued, the State Water Resource Control Board

(SWRCB) has created the online Geotracker database to provide public access to reports and data for environmental cases in the state.

A recent review of the SWRCB GeoTracker website indicates that only the referenced Closure Summary Report has been uploaded to the website. Because essentially all work at the site was completed prior to the implementation of Geotracker, ACEH requests that all reports and associated documents be uploaded to Geotracker in order to have a complete historic public record in the state database. The reports, including the file naming convention utilized by ACEH, can be downloaded from the ACEH website for uploading to Geotracker.

ACEH requests notification of, and a list of, the documents uploaded to Geotracker. Please upload all submittals to GeoTracker as well as to ACEH's ftp website by the date specified below.

Additional information regarding the SWRCB's GeoTracker website may be obtained online at http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/ and http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml or by contacting the GeoTracker Help Desk at geotracker@waterboards.ca.gov or (866) 480-1028.

2. **Deed Restriction** – Due to the probability of worker exposure and health risks at the site the August 7, 1998 letter from ACEH and the San Francisco Bay Regional Water Quality Control Board (RWQCB) required recordation of a deed restriction. In order to prevent future voluntary rescission of changes to the deed restriction, ACEH utilizes a standardized deed restriction that has been approved by County council. A copy will be forwarded electronically under separate cover. Please review the standardized deed restriction and provide proposed wording within sections intended for modification by the date identified below.
3. **Site Management Plan** – Associated with the second 1998 regulatory closure requirement, the use of a health and safety plan during site construction activities, a Site Management Plan (SMP) does not appear to exist for the subject parcel. Due to the specific contaminants involved, as documented in site documents, ACEH considers any subsurface entry, including utility repair, to be of significance. Consequently, ACEH requests the generation of a SMP to detail precautions to be employed during subsurface entry, including personnel protective gear, monitoring procedures, soil and groundwater management and disposal procedures. Please submit a draft SMP addressing reported site contaminants by the date identified below.

Conversely, ACEH is not aware of the depth of the building foundations. In the event that all of the shallow contaminants were removed during the construction of the current site building, such as by the construction of an underground structure, the SMP may not be necessary. If this approach is selected, please provide documentation of the extent of soil removal and the depth of the foundations.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Mark Detterman), and to the SWRCB Geotracker website, in accordance with the following specified file naming convention and schedule:

- **October 17, 2014** – Geotracker Upload and Documentation (email preferred)
- **November 7, 2014** – Draft Site Management Plan
File to be named: RO2742_SITE_MANAGE_R_yyyy-mm-dd
- **December 5, 2014** – Draft Deed Restriction
File to be named: RO2742_CORRES_L_yyyy-mm-dd

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

Mr. Geoffrey Sears
RO0002742
August 29, 2014, Page 3

Should you have any questions or concerns regarding this correspondence or your case, please call me at (510) 567-6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

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

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

cc: Peter Masson, Conestoga-Rovers & Associates, 5900 Hollis Street, Suite A, Emeryville, CA
94608; (sent via electronic mail to: PMasson@croworld.com)

Fred Blicke, Conestoga-Rovers & Associates, 5900 Hollis Street, Suite A, Emeryville, CA 94608;
(sent via electronic mail to: FBlicke@croworld.com)

Ron Scheele, Conestoga-Rovers & Associates, 5900 Hollis Street, Suite A, Emeryville, CA
94608; (sent via electronic mail to: RScheele@croworld.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.