

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
REBECCA GEBHART, Acting Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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February 26, 2016 (Revised)

Mr. Brian Pianca
Wood Partners
20 Sunnyside Avenue, Suite B
Mill Valley, CA 94941
(Sent via email to bap@woodpartners.com)

Subject: Conditional Approval of Site Management Plan; Site Cleanup Program Case No. RO0003149 and Geotracker Global ID T0000006310, Tribune Site Reuse, 2302 Valdez Street, Oakland, CA 94612

Dear Mr. Pianca:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file including the *Soil and Groundwater Management Plan, Alta Waverly*, dated January 29, 2016. The document was prepared and submitted on your behalf by Langan Treadwell Rollo (LTR). The document is a modified Site Management Plan (SMP) generated at the request of ACDEH in order to incorporate additional site information and data as discussed in a conference call on January 12, 2016. Thank you for submitting the document.

The SMP was prepared by LTR on behalf of CRP/WP Alta Waverly Owner, LLC for use during the development of eight parcels located between 2302 to 2342 Valdez Street, and between 2321 and 2335 Waverly Street, in Oakland, California. The SMP was generated to provide soil and groundwater management procedures during planned development activities that include the excavation of contaminated soil from past site uses that are potentially hazardous to human health or the environment during and after site construction. The SMP was generated based on the results of historic and recent site investigations conducted at site properties, and site development plans prepared by Pyatock Architect and Urban Design dated October 12, 2015. Included parcels are as follows: 8-669-9; 8-669-10; 8-669-12; 8-669-13; 8-669-14; 8-669-15; 8-669-16; and 8-669-17. The eight parcels will be merged into a new single parcel at the time of redevelopment.

The proposed development consists of a mixed-use redevelopment that includes partially to fully below grade parking, street level commercial space, and residential units on floors two through seven. Residential parking will be below grade along Valdez Street, and at grade along Waverly Street. The redevelopment will cover the entire eight parcels. During redevelopment, soil will be excavated up to approximately 14 feet below grade surface (bgs) with one deeper excavation for an elevator pit (four additional feet of excavation). Due to the natural slope of the land surface, limited excavation is necessary along Waverly Street, and the development will be essentially at grade. The estimated volume of excavated soil that will be exported from the site has been estimated at approximately 26,000 cubic yards.

Based on ACEH staff review of the work plan, the SMP is conditionally approved for implementation provided that the technical comments below are incorporated during the proposed work. Submittal of a revised SMP or a SMP addendum is not required unless an alternate scope of work outside that described in the SMP or these technical comments is proposed. 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 COMMENTS

1. **Site Management Plan** – ACDEH is in general agreement that the referenced report, otherwise known as a SMP, is suitable to manage known contamination from historic site uses, and potential contingencies that can be encountered during site redevelopment. To facilitate communication, and potentially speed the review of the final report, ACDEH requests timely notification of these potential discoveries during the redevelopment process.
 - a. **Former UST Location Excavation** – As discussed in the conference call, redevelopment plan indicate that permeable pavers and café seating may be located over the former location of the underground storage tanks, and that a storm drain drop box will additionally be installed at the location. Confirmation sampling of the utility excavation, including side and bottom soil samples are appropriate to document that significant residual contamination does not remain at the location. The excavation of a five to ten foot interval of soil, and replacement with documented clean material, above the location may be necessary and appropriate to ensure a separation between any residual contamination and receptors. Please ensure these actions are documented in the final report requested below.
2. **Public Participation** – Because the proposed actions are a form of corrective action, and public participation is a requirement for the Corrective Action Plan process, ACEDH requests the generation of a Fact Sheet to notify the general public in the vicinity of the project of planned actions. ACDEH will notify potentially affected members of the public who live or own property in the surrounding area; however, prior to this action requests the submittal of a list of parties that you are aware have expressed an interest in the project. Public comments on the proposed remediation will be accepted for a 30-day period, which can run concurrent with site demolition activities. Example draft Fact Sheets will be forwarded under separate cover.
3. **Electronic Report and Data Upload Compliance** – Thank you for claiming the site in Geotracker and for uploading a number of documents to the website. Please note that in order for the site to obtain compliance with Geotracker requirements additional submittals are required. A recent review of the case file and the State's Geotracker database indicates that **the site is not in compliance with previous directive letters.** Compliance is a State requirement. 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 SCP program must be transmitted electronically to the SWRCB GeoTracker system via the internet. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites was required in GeoTracker. At present missing data and documents include, but may not be limited to, site investigation reports, EDF submittals, GEO MAPS, GEO WELL data, and all bore logs. Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. ACEH requests email 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.

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 the specified file naming convention below, according to the following schedule:

- **March 31, 2016** – Geotracker Submittals
Please notify your caseworker by email.
- **May 6, 2016** – Remediation Progress Report
File to be named: RO3149_REM_R_yyyy-mm-dd

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- **July 15, 2016** – Remediation Progress Report
File to be named: RO3149_REM_R_yyyy-mm-dd
- **September 30, 2016** – Excavation Report
File to be named: RO3149_EX_R_yyyy-mm-dd

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.

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, CEG
Senior Hazardous Materials Specialist

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

cc: Peter Cusack Langan Treadwell Rollo, 555 Montgomery Street, Suite 1300, San Francisco, CA
94111 (Sent via E-mail to: pcusack@langan.com)

Dave Harlan, City of Oakland Planning & Building, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland,
CA 94612, (Sent via electronic mail to dharlan@oaklandnet.com)

Sheryl Skillern, City of Oakland Fire Services, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA
94612, (Sent via electronic mail to sskillern@oaklandnet.com)

West Coast Property Management, Inc., 400 Valley Way, Milpitas, CA 95035; Attn: Prashant Mehta

Dilan Roe, ACDEH, (Sent via electronic mail to dilan.roe@acgov.org)
Mark Detterman, ACDEH, (sent via electronic mail to 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/).

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.