

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

COLLEEN CHAWLA, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

October 26, 2018

Marina Faire, LLC
c/o Ernie Lee
3271 South Highland Drive, Suite 704
Las Vegas, NV 89109
(Sent via E-mail to ernestlee@gmail.com)

**Subject: Conditional Approval for Vapor Barrier Installation
Site Cleanup Program Case No. RO0003155
GeoTracker Global ID T10000006425
Four Seasons Cleaners
13778 Doolittle Drive, San Leandro, CA 94557**

Dear Mr.Lee :

Alameda County Department of Environmental Health (ACDEH) has reviewed the case file associated with the above referenced property (the "Site"), including the *Plans for Retro-Coat Vapor Intrusion Mitigation Coating at the Former Four Seasons Cleaners* dated June 26, 2018 (the "Work Plan") prepared by EKI Environment & Water, Inc. (EKI) on behalf of Marina Faire, LLC. The Work Plan proposes the installation of Retro-Coat by Land Science Technology (the "Manufacturer") within a limited area of the 13778 Doolittle Drive as a supplement for the sub-slab depressurization system (SSDS) that is being installed at the site. The SSDS and Retro-Coat vapor barrier system are collectively intended to serve as engineering controls for the vapor intrusion exposure pathway within. The area which is serviced by these engineering controls is henceforth referred to as the "Burdened Area".

Based on ACDEH's review of the Work Plan, ACDEH has determined that the proposed scope of work and methods for the installation of Retro-Coat at the Site are generally appropriate and acceptable and therefore approves the Work Plan for implementation with the conditions identified in **Section I** of this letter and requests submittal of the technical documents described in **Section II** of this letter.

I. CONDITIONS OF APPROVAL

The Work Plan is approved for implementation under the following conditions

1. Building Infrastructure Preparation

Prior to surface preparation and installation of Retro-Coat, all furniture and flooring must be removed so as to expose the surface of the foundation slab. The tiled restroom area in the southeastern corner of the 13778 Doolittle Drive space depicted on Figure 1 of the Work Plan is exempt from this requirement.

2. Construction Sequencing

Based on conversations with the Design Engineer, it is unknown at this time if Retro-Coat will be acting as a finished surface or if flooring materials will be installed on-top of the Retro-Coat surface. Furthermore, a tenant for the space has not yet been identified and as such future operations within the tenant space are currently unknown. Therefore, ACDEH requires that Retro-Coat be installed as a finished surface which involves the application of Retro-Coat in two stages. The use of aggregates as an additive for slip resistance or the application of an ultraviolet light protection layer were not specified in the Work Plan, however, ACDEH approves the installation of these items in accordance with manufacturer specifications at the discretion of the design engineer.

3. Demarking Layer

As discussed with the Design Engineer and the Manufacturer, ACDEH requests that the base application of Retro-Coat be of a different color than the overlying layer. The purpose of this request is to provide a visual indicator of

wear on the exposed surface of the barrier. Based on conversations with the Design Engineer and the Manufacturer, the installation of a demarking layer can be accomplished by installing the Retro-Coat in two 10-mil applications with the base layer being white.

4. Construction Quality Control and Quality Assurance

ACDEH requires that the following construction quality control and quality assurance measures be implemented during installation:

- A. The thickness of the Retro-Coat application shall be measured and recorded at a rate of once per 500 square feet during application using a wet-mil gauge. Acceptable measurements are within 2-mil of nominal thickness.
- B. The total volume of each material applied during each stage of application (primer, based coat, top coat, aggregate, and UV-protection) must be recorded.
- C. Batch numbers of each material must be recorded.
- D. Photographs must be taken documenting the pre-installation conditions, surface preparation, sealing of cracks and penetrations, primer application, installation of the base and top coats of Retro-Coat, application of aggregate (if applicable), application of the ultraviolet protection layer (if applicable), and the finished surface.

II. DELIVERABLES AND TECHNICAL REPORTS REQUEST

Please submit the following technical reports and deliverables to ACDEH (Attention: Mark Detterman) in accordance with the compliance dates provided below and the *Responsible Party(ies) Legal Requirements/Obligations* and the *File Names for Electronic Reports* which are included as **Attachment A** and **Attachment B** respectively.

1. Installation Schedule Compliance Date: November 30, 2018

Please prepare an installation schedule for the vapor barrier system and the SSDS to facilitate ACDEH inspections

2. Record Report of Construction Compliance Date: December 28, 2018

A comprehensive report documenting installation of engineering controls that eliminate otherwise potentially complete exposure pathways. These engineering controls include the vapor barrier system and the SSDS. At a minimum, the record report of construction must include the following components:

- A. As built drawings of the engineering control systems;
- B. Documentation of implementation of construction quality control and quality assurance measures;
- C. Photolog documenting installation of the engineering controls;
- D. Copies of field notes and observations associated with the installation of the engineering controls;
- E. Identification of any deviations, modifications, or exclusions from the ACDEH approved design;
- F. Results of performance monitoring for vapor barrier and SSDS. These results must include ambient air and indoor air results, ventilation system flow and emission rates, and the calculation of attenuation across the engineering control systems using Radon or another conservative tracer.
- G. A statement from the design engineer certifying that that the installed system meets or exceeds the qualitative and quantitative design objectives.

**3. Operations, Maintenance, and Monitoring Plan for Vapor Migration Engineering Controls
Compliance Date December 28, 2018**

A technical document describing routine and non-routine operations, maintenance, and monitoring procedures for the engineering control systems, including the vapor barrier and SSDS. The operations, maintenance, and monitoring (OM&M) plan must, at a minimum, include the following components:

- A. Maintenance schedule for system components;
- B. Monitoring schedule for engineering controls;
- C. Description of the scope and limitations of routine and non-routine OM&M. This scope must include identification of samples or field parameters that will be collected in areas that will be inspected;
- D. Standard operating procedures (SOPs) and field forms that will be completed as part of routine and non-routine OM&M;
- E. A description of how system performance will be evaluated;
- F. Description of corrective actions that could be implemented if the results of OM&M identify a failure in the engineering controls and implementation criteria for these corrective actions;
- G. Termination criteria for on-going OM&M;
- H. Reporting requirements.

**4. Institutional Controls
Compliance Date: April 30, 2019**

Recordation of institutional controls including a Land Use Covenant and Disclosure Covenants, Conditions and Restrictions (CC&Rs) providing legal and administrative controls and methods for dissemination of information to site users and occupants, property managers and property owners to minimize risk during property development, future below-ground construction and maintenance, and long-term site use.

**5. Financial Assurance
Compliance Date: April 30, 2019**

Documentation of an appropriate financial instrument to assure ACDEH of implementation and maintenance of the engineering control systems. The details of this financial assurance must be worked out by the project proponent and ACDEH as design, construction, and monitoring plans are finalized and approved. The financial assurance instrument must provide for sufficient funds to construct, monitor, and provide regulatory oversight costs for long-term operations and maintenance of the engineering control systems. Additionally, an allowance for regulatory oversight must be included in the financial assurance mechanism.

**6. Site Management Plan
Compliance Date: December 28, 2018**

A non-technical document for tenants, occupants, construction workers, or any other entities which may come into contact with engineering control systems. The Site Management Plan (SMP) is intended to serve as an administrative control to ensure that engineering controls are not inadvertently damaged and that when engineering control systems are encountered, appropriate entities are notified. The SMP must include, at a minimum, the following components:

- A. An introduction that includes the purpose and objective of the SMP, identification of ACDEH as the regulatory oversight agency and identification of burdened areas;
- B. A description of the nature and location of engineering control systems and why they are necessary for the protection of human health. At a minimum, this must include photographs of system components and a

description sufficient to allow for a non-technical person to identify if they have inadvertently encountered a component of an engineering control system;

- C. Identification of administrative and institutional controls implemented at the site for the protection of the engineering control systems;
- D. Protocols for conducting work that may contact engineering controls or contaminated environmental media including reporting requirements.

III. CLOSING

ACDEH looks forward to continuing to work with you and your consultants to advance the case toward closure. Should you have any questions regarding this correspondence or your case, please contact the primary caseworker, Mark Detterman who can be reached by phone at (510)567-6876 or by email at mark.detterman@acgov.org.

Sincerely,



Mark Detterman, PG 4799, CEG 1788
Senior Hazardous Materials Specialist
Local Oversight and Site Cleanup Program



Jonathan Sanders
Senior Hazardous Materials Specialist
Local Oversight and Site Cleanup Program

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IV. ENCLOSURES:

Attachment A Responsible Party(ies) Legal Requirements / Obligations

Attachment B File Names for Electronic Reports

V. DISTRIBUTION LIST:

Greg Lee, 3271 S. Highland Drive, Suite 704, Los Vegas, NV 89109; (Sent via electronic mail to: glee@eurekamesquite.com)

Julie D'Hondt, Marina Faire, LP, 3271 S. Highland Drive, Suite 704, Las Vegas, NV 89109; (Sent via electronic mail to: highlandofficev3@gmail.com)

Vera Nelson, EKI Environment & Water, Inc, 577 Airport Blvd, Suite 500, Burlingame, CA 94010; (Sent via electronic mail to: yhnelson@ekiconsult.com)

John DeWitt, EKI Environment & Water, Inc, 577 Airport Blvd, Suite 500, Burlingame, CA 94010; (Sent via electronic mail to: jdewitt@ekiconsult.com)

Joy Su, EKI Environment & Water, Inc, 577 Airport Blvd, Suite 500, Burlingame, CA 94010; (Sent via electronic mail to: jsu@ekiconsult.com)

Ed Firestone, (Sent via electronic mail to: efirestone@aol.com)

Sady Hayashida, Hayashida Architects, 832 Bancroft Way, Berkeley, CA 94710; (Sent via electronic mail to: sadyh@hayashida-architects.com)

Buzz Butler, Lake Street, 601 Van Ness Avenue, San Francisco, CA 94102; (Sent via electronic mail to: buzz@lakestreetventures.com)

Dilan Roe, ACDEH, Chief Land & Water Division (Sent via electronic mail to: dilan.roe@acgov.org)

Paresh Khatri, ACDEH, Supervising Hazardous Materials Specialist (Sent via electronic mail to: paresh.khatri@acgov.org)

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

Jonathan Sanders, ACDEH, Senior Hazardous Materials Specialist (Sent via electronic mail to: jonathan.sanders@acgov.org)

Electronic File, GeoTracker

ATTACHMENT A

Responsible Party(ies) Legal Requirements / Obligations

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.

ATTACHMENT B

File Name for Electronic Reports

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: April 4, 2018
	PREVIOUS REVISIONS: April 4, 2018, July 17, 2017, November 8, 2016, December 15, 2015, December 16, 2014, June 19, 2013, June 15, 2011, March 26, 2009, April 29, 2008
	ISSUE DATE: June 16, 2006
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: File Names for Electronic Reports

Format: REPORT_NAME_R_YYYY-MM-DD
Ex: SWI_R_VOL1_2006-05-25

LOP and SCP (VRAP) INCOMING REPORTS AND LETTERS	
Document Name	Abbreviation File Name= Abbreviation + Date (yyyy- mm-dd)
Abandoned Well Information/Water Supply Well Information	ABWELLINF_R
Addendum	ADEND_R (added after report name)
Additional Information Report	ADD_R
Analytical Reports (Loose data sheets not in report)	ANALYT_R
As Built Drawings (or Plans)	AS_BUILT
Case File Scanned By OFD	CASE_FILE
Cleanup and Abatement Report	CAO_R
Case Transfer Form (from CUPA)	CASE_TRNSFR_F
Conduit Study/Well Search/Sensitive Receptor/Well Survey/Preferential Pathway Study	COND_WELL_R
Corrective Action Plan (CAP)	CAP_R
Correspondence	CORRES_L
Court Injunctions	INJ_L
Development Entitlement	DEV_ENTITLE
Development Plans (Includes Plan Set, Cross-sections, and Related Drawings)	DEV_PLAN
Development Schedule (Project Schedule, Gant Chart, etc.)	DEV_SCHD
DWR Confidential Well Logs (Report containing)	report name_R_CONFIDENTIAL_YYYY-MM-DD (Ex: SWI_R_CONFIDENTIAL_YYYY-MM-DD)
DWR Well Completion Report-Confidential (Loose well logs)	DWR_WELL_CONFIDENTIAL_YYYY-MM-DD (Date of Well Log)
ESI/DAR (Environmental Site Investigation, Data Assessment Report)	ESI_R
Excavation Report	EX_R
Extension Request Letter	EXT_RQ_L

Fact Sheet	FACT_SHT
Feasibility Study	FEASSTUD_R
Groundwater Monitoring/Quarterly Summary Report	GWM_R
Financial Assurance/Letter of Credit	FNCL_ASSRNC_LOC
Interim Remedial Action Plan	IRAP_R
Interim Remediation Results (Includes Pilot Test Reports, Vapor Mitigation Reports, Soil Management Reports, Free Product Removal Reports, & Dual-Phase Extraction Reports)	IR_R
Lawsuit	LAWSUIT_R
Migration Control Report	MIG_R
Miscellaneous Report/Soil Sample	MISC_R
Miscellaneous Sample Report (analytical results)	MISC_SAMP_R
Notification Letter	NOT_L
NPDES Miscellaneous Reports	NPDES_R
Operations & Maintenance Plan	OM_P
Operations & Maintenance Report	OM_R
Pay for Performance	PFP_R
Petition	PETITION_R
Phase 1 Environmental Assessment Report	PHASE1_R
Photos	PHOTO
Preliminary Site Assessment Report/Phase 2 (historic reports only)	PSA_R
Remedial Action Plan	RAP_R
Remedial Design & Implementation Plan	RDIP_R
Remediation Progress Report	REM_R
Request for Closure	RFC(_L or _R)
Risk Assessment Report	RISK_R
Risk Based Corrective Action	RBCA_R
List of Landowners Forms	LNDOWNR_F
SB2004 Letter of Commitment	LOC_L
Site Conceptual Model/Conceptual Site Model	SCM_R
Site Health & Safety Plan	SFTY_PLAN_R
Site Management	SITE_MANAGE_R_
Acknowledgement Statement for Site Management Plan	SMP_ACK_L
Site Management Plan	SMP_R
Site Summary Report	SITE_SUM_R

Soil and Water Investigation Report (Includes soil gas/vapor reports, indoor, additional site investigation, well installation, site characterization, cross section, indoor air, additional onsite investigation, Phase II/preliminary site assessment)	SWI_R
Soil Disposal Report	SOIL_DSPL_R
Source Area Characterization	SOURCAREA_R
State Information	STATE_INFO (no date)
Status Report(monthly remediation status reports addressed to sanitary district requires no stamp/perjury letter)	STAT_R
Tank/Tank System Removal Report	TNK_R
Tentative Order Report	TENT_R
Unauthorized Release Form	URF_R
UST Sampling Report	UST_SAMP_R
USTCF 5 Year Review	USTCF_5YR
USTCF issued Public Notice	USTCF_PP_L
Well Construction Report (limited to water supply wells)	WELL_CST_R
Well Decommissioning Report/Letter (well destruction/abandonment)	WELL_DCM_R
Work Plan	WP_R