

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**  
AGENCY  
ALEX BRISCOE, Director



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
(510) 567-6700  
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August 11, 2015

Fremont State Street Center, LLC  
Regis Homes Bay Area, LLC  
c/o Mr. David Hopkins  
901 Mariners Island Blvd, #700  
San Mateo, CA 94404  
(Sent via electronic mail to [dhopkins@srgnc.com](mailto:dhopkins@srgnc.com))

Subject: Conditional Work Plan Approval; Site Cleanup Program Case No. RO0003176 and Geotracker Global ID T10000007102, Fremont Plaza Shopping Center, 39155 and 39183 State Street, Fremont, CA 94538

Dear Mr. Hopkins:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Report of Results, Subsurface Investigation*, dated February 12, 2015, and the *Work Plan for Supplemental Site Investigation*, dated August 6, 2015. The reports were submitted on your behalf by PES Environmental, Inc. (PES). Thank you for submitting the documents.

The soil vapor work plan proposes the installation of three soil bores to a depth of approximately five feet below surface grade (bgs) in the vicinity of existing soil bore B4 where benzene soil vapor concentrations up to 510 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) were encountered at a depth of five feet bgs. A fourth soil bore was proposed to be installed to a depth of 10 feet bgs at the location of B4 in order to define the benzene concentration vertically.

The concentration of  $540 \mu\text{g}/\text{m}^3$  is above the San Francisco Bay Regional Water Quality Control Board (RWQCB) residential Environmental Screening Level (ESL) of  $42 \mu\text{g}/\text{m}^3$ , and above the Site-Specific Vapor Intrusion Screening Level (SSSL) for Residential Land of  $160 \mu\text{g}/\text{m}^3$  as calculated for the site using the Department of Toxic Substance Control (DTSC) version of the US EPA vapor intrusion spreadsheet model. The DTSC-modified EPA model is a Johnson and Ettinger-based model that can be used to provide an additional line of evidence for evaluating vapor intrusion at a site. Please be aware that ACEH is concerned that the use of this modified spreadsheet model as a Tier 2 analysis risk analysis may not be appropriate, requires the data inputs be site specific, and appropriate, as discussed further below.

In regards to concentrations of tetrachloroethene (PCE) detected in soil vapor beneath the site, in general, based on the distribution of vapor concentrations beneath the site, it appears that an offsite source is responsible for the PCE soil vapor concentrations. It appears that, either a set of onsite underground storm drain lines that collected storm drainage from the subject site, or the lateral migration of soil vapors from the utility lines in State Street, have resulted in an area of elevated onsite PCE vapor concentrations along the northeastern property boundary with State Street. As discussed in the July 1, 2015 meeting, vapor mitigation has been discussed, and appears appropriate, to allow site redevelopment to proceed, as discussed further below.

Based on ACEH staff review of the work plan, the proposed scope of work is conditionally approved for implementation provided that the technical comments below are incorporated during the proposed work. Submittal of a revised work plan or a work plan addendum is not required unless an alternate scope of work outside that described in the work plan or these technical comments is proposed. We request that you address the following technical comments, perform the proposed work, and send us the report described below. Please provide 72-hour advance written notification to this office (e-mail preferred to: [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org)) prior to the start of field activities.

## **TECHNICAL COMMENTS**

1. **Work Plan Modifications** – The referenced work plan proposes a series of actions with which ACEH is in general agreement of undertaking; however, ACEH requests modifications to the approach as discussed below. Please submit a report by the date specified below.
  - a. **Proposed Bore Locations** – In order to laterally limit the extent of potentially elevated benzene soil vapor concentrations, three vapor probes are proposed to be installed approximately 50 feet radially from bore B4. However, in order to limit the potential lateral extent, ACEH requests the vapor probes be installed no further than approximately 20 feet from the location of B4. If required, additional bores can be added at greater distances, at a later time.
  - b. **Repeat Vapor Sampling at B4** – It appears appropriate to request a vapor resampling event at the location of B4 at a depth of five feet bgs. This is consistent with DTSC guidelines for seasonal reproducibility, and will provide an additional line of evidence regarding the initial benzene vapor concentrations.
  - c. **Tracer Concentrations** – Based on laboratory report, it appears that 1,1-DFA was used as a tracer for previous vapor investigations. To remain consistent with DTSC guidelines, please additionally analyze the shroud for the tracer used. In the event of detection of the tracer in a vapor sample, DTSC provides guidelines for the acceptability of the resulting data, provided the shroud concentration is known. Please include tracer and oxygen concentrations on the assembled tables for quick referencing in the investigation report.
  - d. **Silica Gel Cleanup** – Extractable range hydrocarbon analysis for soil have been proposed to employ Silica Gel Cleanup (SGC). To remain consistent with recent San Francisco Bay Regional Water Quality Control Board (RWQCB) recommendations, please additionally analyze duplicate samples wherein SGC is not used.
  - e. **Soil Parameters** – In an effort to ensure that the DTSC vapor intrusion spreadsheet uses appropriate site specific soil parameter input data, ACEH requests a review of existing site documents for available soil parameters used in the spreadsheet calculations or the collection of sufficient data during the proposed current mobilization.
2. **DTSC-Modified Spreadsheet and Vapor Mitigation** – At present, ACEH is concerned that the use of the DTSC-modified spreadsheet model as a line of evidence to exclude selected vapor concentrations that are above residential ESL values as a vapor intrusion concern for the future site redevelopment, is not appropriate. Use of the model requires appropriate input parameters, as indicated in Technical Comment 1e above. Our review of the spreadsheet, in conjunction with available data, has yielded questions that it is appropriate to investigate. These are as follows:
  - a. **Soil Characterization** - A review of available soil bores logs indicates that silty sand or silty gravel with sand are present as shallow as two feet bgs in a number of bore locations. The spreadsheet appears to have used organic rich (fat?) clay and this would not be an appropriate characterization of the upper five feet of the site as indicated in the referenced reports.
  - b. **“Below Grade Depth” Characterization** – A review of the “below grade depth of the enclosed space” indicates that 15 centimeters was used for the depth below grade for the parking structures. This does not appear appropriate for areas beneath Buildings A and B. In ACEH’s review, this program indicates that a concentration of 640 µg/m<sup>3</sup> PCE (at bore location B31) and the use of 200 cm (or 244 cm for a full 8 foot) “below grade depth of the enclosed space” results in a vapor intrusion risk of greater than 10<sup>-6</sup> for the underground parking structure. The use of either of these corrected depths additionally produces an error message in the program that the sampling depth must be greater than or equal to the depth of the below grade bottom of floor. ACEH is in agreement, and due to the sandy lithology beneath the site allowing lateral movement of vapors from a conduit, it appears appropriate to determine vapor concentrations at or below the depth of the proposed parking structure in order to account for the full soil vapor profile the parking floor may be exposed to.

- c. Residential Conduit and Vapor Mitigation** - ACEH understands that the parking structure will meet ventilation code requirements; however, the presence of an elevator from the lower parking area into the above-grade residential areas, a direct conduit to residential areas, is present for PCE vapors that will have intruded into the sub-grade parking structure. As discussed in the July 1, 2015 meeting ACEH understands that vapor mitigation measures have been proposed for the site in order to protect future residents from the affects of an offsite PCE source; however, the extent of the measures have not been further discussed or supported in documents, in part pending completion of site investigations. ACEH notes that it is appropriate to document that the level of mitigation is protective to future residents.

ACEH requests these concerns be addressed in a future communication, by the date identified below. If data gaps are found as identified above, please include a work plan to fill the data gaps in the communication. Conversely if mitigating data is available, please communicate it with ACEH.

- 3. GeoTracker Compliance** – The subject site was recently created on the State Water Resources Control Board's (SWRCB) GeoTracker website. To comply with state regulations, ACEH requests that the site be claimed in, and required documents be uploaded to, GeoTracker by the date identified below.

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 UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SCP programs. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please claim your site and upload all future submittals to GeoTracker and ACEH's ftp server by the date specified below. Electronic reporting is described below on the attachments.

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

### **TECHNICAL REPORT REQUEST**

Please upload technical reports to the ACEH 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:

- **September 4, 2015** – Geotracker Claimed and Required Items Submitted  
Email notification to Case Worker
- **October 2, 2015** – Response to DTSC Spreadsheet and Vapor Mitigation Comments  
File to be named: RO3176\_CORRES\_L\_yyyy-mm-dd
- **November 6, 2015** – Site Investigation Report  
File to be named: RO3176\_SWI\_R\_yyyy-mm-dd

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

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If you have any questions, please do not hesitate to call me at (510) 567-6876 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,

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

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

cc: Carl Michelsen, PES Environmental, Inc, 1682 Novato Blvd, Suite 100, Novato, CA 94947, (sent via electronic mail to [CMichelsen@pesenv.com](mailto:CMichelsen@pesenv.com))

Tom Graf, GrafCon, P.O. Box 1105, Tiburon, CA 94920, (sent via electronic mail to [Tom@grafcon.us](mailto:Tom@grafcon.us))

Denise Cunningham, SummerHill Homes, (sent via electronic mail to [dcunningham@shhomes.com](mailto:dcunningham@shhomes.com))

Katia Kamangar, SummerHill Housing Group, (sent via electronic mail to [kkamangar@shhousinggroup.com](mailto:kkamangar@shhousinggroup.com))

Selim Zeyek, Alameda County Water District, 43885 South Grimmer Blvd, Fremont, CA 94538, (sent via electronic mail to [Selim.Zeyrek@acwd.com](mailto:Selim.Zeyrek@acwd.com))

Thomas Berkins, Alameda County Water District, 43885 South Grimmer Blvd, Fremont, CA 94538, (sent via electronic mail to [Thomas.Berkins@acwd.com](mailto:Thomas.Berkins@acwd.com))

Dilan Roe, ACEH, (Sent via electronic mail to [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))

Mark Detterman, ACEH, (sent via electronic mail to [mark.detterman@acgov.org](mailto: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/](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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> May 15, 2014
	<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
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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](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) 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](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.