



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

January 14, 2016

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)

City of Fremont
c/ o Mr. Clifford Nguyen
Urban Initiatives Manager
330 Capitol Avenue, Building A
P.O. Box 5006
Fremont, CA 94537
(Sent via electronic mail to: cnguyen@fremont.gov)

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 Messrs. Hopkins and Nguyen:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Work Plan for Supplemental Site Investigation*, dated December 15, 2015. The work plan was submitted on your behalf by PES Environmental, Inc. (PES). The work plan was submitted in response to a meeting held in our offices on November 19, 2015. Thank you for submitting the work plan. It is the understanding of ACEH that a second work plan will be submitted to address the excavation and removal of elevated concentrations of benzene, other contaminants, and apparently related concrete debris in the southern portion of the site, and to relocate and destroy a water supply well located on the subject parcel.

The soil vapor work plan proposes the installation of six soil vapor probes in close proximity to existing soil vapor probes along the sanitary sewer beneath State Street, and along the onsite sanitary sewer lateral, in order to evaluate temporal changes in soil vapor at similar collection depths as earlier soil vapor samples. An additional four soil vapor probes were proposed to evaluate vapor concentrations at the base of four elevator sumps beneath one of the proposed buildings, that can act as preferential pathways for vapor intrusion into the building.

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) 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. **Tracer Concentrations** – The work plan states that 1,1-DFA will be used as the tracer for the proposed vapor samples. To remain consistent with DTSC guidelines, please additionally determine tracer shroud concentrations. In the event of the detection of tracer in a vapor sample, and provided the shroud concentration is known, DTSC provides guidelines for determining the acceptability of the resulting data. Please include tracer and oxygen concentrations on the assembled tables for quick referencing in the investigation report.

- b. Depth of Elevator Pit Vapor Sample Collection** – The referenced work plan proposes to collect soil vapor at a depth of 13 feet below surface grade (bgs) at the base of the four elevator sumps in order to evaluate the risk of vapor intrusion via the sump excavations. This appears to be a misunderstanding, as the intent of ACEH is to determine soil vapor concentrations at standard sampling depths, relative to the final elevator sump elevation depth. Thus in order to remain consistent with Department of Toxic Substance Control (DTSC) guidance and San Francisco Bay Regional Water Quality Control Board (RWQCB) guidance for their Environmental Screening Levels (ESLs), the soil vapor sample should be collected from a depth of approximately 5 feet below the proposed future elevator sump bottom elevation. Thus based on existing plans, this request is likely to result in probe installation to as deep as 18 feet bgs. Please ensure that any proposed building or elevator sump elevation changes since the submittal of the 50% complete development plans in July 2015 are incorporated into the depth of the vapor sample collection.
 - 2. Redevelopment Related Communication Tools** – In order to effectively communicate between project proponents, consultants, ACEH, and eventually the general public, ACEH is requesting the use of several communication tools in future submittals. These were in part discussed in the November 2015 meeting, but are additionally incorporated into this letter.
 - a. Development Cross Sections and Residual Contamination** – In order to clearly depict any, or no, residual contamination proposed to remain at the site, ACEH requests multiple cross sections through the entire site, depicting the specific proposed structure foundation elevations, stripped of geologic content, with soil, vapor, or other sample analytical data, depth controlled and located appropriately. Contaminated material proposed to be excavated does not need to be depicted in the cross section data, but will be retained in tables (see below). The intent of this request is to allow quick review of site data in a graphic fashion, and to assemble support for the eventual case closure and required communications with the public during a public comment period. This is requested to include detailed cross sections through areas of environmental interest, such as the elevator sumps, soil vapor data relative to the subgrade parking structure foundations and walls, and benzene contamination and concrete debris, etc.
 - b. Previous Development Layout** – In order to help determine if previous existing uses at the site may have impacted the subject site, ACEH requests an overlay of earlier site layouts, if available or known, on one or more figures, as appropriate, of the parcel. This can include the location of previous buildings, use or storage areas, parking areas, storm drain catch basins, water wells, or other known historic features or structures. The effort is intended to help identify any data gaps in site investigations to date, and to eventually support case closure.
 - c. Added Table Column** – ACEH additionally requests an additional “Relative to Building Foundation Elevation” column in soil and vapor analytical tables. The intent of this column is to quickly indicate the depth of the sample relative to the proposed building foundation depth. As noted above, data proposed to be excavated or otherwise removed is requested to be retained in the tables, but lined or shaded out, but in either case kept legible.
 - d. Gantt Chart** – In order for all to understand project timelines and goals, and what or what may not be possible relative to the timeline, ACEH has requested the submittal of a Gantt Chart that incorporates standard regulatory review time frames. With concurrence, changes can be made to meet certain timelines. This is requested to be submitted as a separate document, concurrent with the requested site investigation report, in order to allow for modifications to be made.
- 3. GeoTracker Compliance** – 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. This is the second request for compliance with this state requirement; the site is currently out of compliance with this request.

In accordance with 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)

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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 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/ 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.

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:

- **February 5, 2016** – Geotracker Claimed and Required Items Submitted
Email notification to Case Worker
- **March 25, 2016** – Site Investigation Report and draft Gantt Chart (as separate documents)
File to be named: RO3176_SWI_R_yyyy-mm-dd and by email notification to the case worker.

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

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.

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)

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

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

Katia Kamangar, SummerHill Housing Group, (sent via electronic mail to 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)

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

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.

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| 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.