

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

REBECCA GEBHART, Interim Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
1131 HARBOR BAY PARKWAY, SUITE 250
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

November 16, 2017

Mr. Apolonio Munoz
MidPen Housing Corporation
303 Vintage Park Drive, Suite 250
Foster City, California 94404
(Sent via electronic mail to: amunoz@midpen-housing.org)

Subject: Conditional Case Closure
Approval of *Corrective Action Plan*
Site Cleanup Case RO0003179 and Geotracker Global ID T10000007202, Senior and Family
Housing, 1625-1635 Chestnut Street, Livermore, CA 94551
New addresses to be issued by the City:
Senior Housing – 1651 Chestnut Street, Livermore, CA 94551
Family Housing – 1665 Chestnut Street, Livermore, CA 94551

Dear Mr. Munoz:

Alameda County Department of Environmental Health (ACDEH) has reviewed the case file in conjunction with the proposed corrective actions, investigations, and proposed site redevelopment for the subject site presented in the following document prepared by PES Environmental, Inc. (PES) on behalf of MidPen Housing Corporation:

- *Corrective Action Plan, Senior and Family Housing, 1625-1635 Chestnut Street, Livermore, California (CAP)*, dated November 3, 2017. The CAP contains site background information which includes a discussion of the site history and a summary of previous environmental activities, and presents both an evaluation of the prior soil, soil gas and groundwater data from the previous subsurface investigations and the proposed corrective actions. The proposed corrective actions include soil excavation and offsite disposal of shallow soil containing PCBs, installation of a vapor barrier at the building elevator pits to mitigate the potential for PCE in soil gas from entering the buildings, and installation of trench plugs within utility corridors to control soil gas mitigation offsite. The CAP also included a Soil Management Plan (SMP) that provides site-wide guidelines to be followed in the event that presently unknown subsurface structures (e.g., sumps, underground storage tanks) or contaminated soil and/or groundwater are encountered during redevelopment activities. A public notice document was circulated by ACDEH to solicit public comments on the draft CAP for a 30-day period that ended on October 29, 2017; no public comment was received.

The redevelopment plans for the site include construction of two buildings for Senior and Family housing, respectively, with related amenities and facilities including at-grade parking and landscaped areas. Each of the two buildings will be four-story structures with one floor of subterranean parking that will occupy much of the subject property. The subterranean parking floor will completely underlie all occupied areas, such that there will be no slab-on-grade construction.

Based on information presented in the case file, and with the provision that the information provided to this agency is accurate and representative of site conditions, ACDEH conditionally approves of the corrective actions and other site management activities presented in the CAP, and concurs that implementation of the proposed measures will prevent future exposure to construction workers and users/occupants of the proposed redevelopment project from residual contamination at the site. All elements of the CAP must be implemented and the SMP followed as part of site development. As provided below, based on approval of an acceptable risk assessment, ACDEH will consider the vapor mitigation measures (i.e., elevator vapor barriers and trench plugs) to have been implemented as an extra contingency measure included for added protection.

Therefore, at this juncture you may proceed with site redevelopment activities provided the approved corrective actions and mitigation measures presented in the CAP are implemented and the documents listed in the Technical Report section below are submitted in accordance with the associated compliance dates. Accordingly, this letter represents Conditional Case Closure, subject to satisfaction of all of the requirements discussed herein. Final Case Closure will be granted following completion of corrective actions.

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: Dilan.Roe@acgov.org) prior to the start of field activities.

TECHNICAL REPORT REQUEST

1. Prior to the start of site construction activities the following documents must be submitted to ACDEH for review and approval:
 - a. **Project Schedule.** An updated project schedule (baseline schedule) providing details of the sequencing of corrective actions and site redevelopment activities. The baseline schedule must include at a minimum the following activities presented in the CAP: remedial PCB-affected soil excavation and offsite disposal; soil import and excavation backfilling (if any); vapor barrier installation at building elevator pits and inspection; trench plug installation along utility lines and inspection; site construction schedule; and expected date of site occupancy. The schedule must include all submittals including but not limited to Corrective Action Implementation Plans (CAIPs), Soil Management Plan (SMP) for Redevelopment Construction, Soil Import Documentation Report (if necessary), Approved Building Permit Plans incorporating the vapor barrier at building elevator pits and utility trench plugs identified in the CAP, and Construction Completion Reports. The baseline schedule must be updated during the project as required to update ACDEH on the status of corrective action implementation and site redevelopment activities.
 - b. **Corrective Action Implementation Plan (CAIP).** A CAIP providing methods, procedures and extents of soil removal actions described in the CAP required to meet site target cleanup goals, and detailed design drawings and specifications for the vapor barrier at the building elevator pits and utility trench plugs. The CAIP must be submitted to ACDEH with the full set of construction drawings prepared for the project at the time the construction package is submitted to the City of Livermore Building Department. The CAIP must include a Construction Quality Assurance (CQA) Plan describing contractor and inspector qualifications and experience, procedures for vapor barrier construction monitoring and documentation, and a construction sequencing plan presenting the sequence of measures that will be used to protect the installed

vapor barrier during building construction activities.

2. Prior to the import of soil to the site (if necessary) the following documents must be submitted to ACDEH for review and approval:
 - a. **Soil Import Documentation.** Requisite documentation for imported fill material will be consistent with paragraph 4.2.6 (Selection of Fill Material) of the CAP and utilize the Department of Toxic Substances Control (DTSC) clean import guidance document (Information Advisory Clean Imported Fill Material).
3. Prior to the start of site grading, utility installation and foundation construction the following reports must be submitted to ACDEH for review and approval:
 - a. **Approved Building Permit Plans.** A copy of the City of Livermore approved construction drawings for the Senior Housing site redevelopment incorporating the vapor barrier at the elevator pit. At a future time, as shown on the Project Schedule the approved construction drawings for the Family Housing site redevelopment will incorporate a vapor barrier at the elevator pit and utility trench plugs. ACDEH must be notified if the project proponent or the City proposes changes to the site development and first floor building plans, including but not limited to the proposed location and depth of the elevator pits or changes to the vapor barrier design or utility trench plug location presented in the CAP. Any substantial changes made to the plans without review by ACDEH may invalidate the conclusions of the protectiveness of the proposed redevelopment of the site with respect to the residual contamination.
 - b. **Remedial Soil Excavation Completion Report.** A soil excavation report documenting source excavation, confirmation sampling and analytical results must be submitted prior to the start of construction of the final foundation system. The report must include a description of the sampling methods, scaled figures showing sampling locations, volume of soil excavated and final disposition, waste manifests if disposed of off-site, tabulated analytical results, and laboratory analytical reports.
4. Prior to building occupancy of the new residential redevelopment the following documents must be submitted to ACDEH for review and approval:
 - a. **Vapor Intrusion Mitigation Health Risk Assessment (HRA).** A HRA may at developer's election be prepared prior to occupancy and submitted for ACDEH's review and approval. If the HRA documents that site conditions are protective of human health and do not require installation of vapor intrusion mitigation measures (i.e., elevator vapor barriers and trench plugs), such measures will be considered to be implemented as an extra contingency measure included for added protection.
 - b. **Land Use Covenant (LUC).** A LUC documenting long-term site use will be required to be recorded, and must include the following site use restriction: implementation of the SMP, which shall be incorporated therein by reference, including maintenance of the elevator vapor barriers and utility trench plugs. A LUC will not be required if a risk assessment documents to the satisfaction of ACDEH that the residual risk from PCE to site users (in the absence of installation of vapor mitigation measures) is less than one-in-one million for cancer risk and has a health index of less than 1.

- c. **SMP for Long Term Site Use.** A SMP for long-term site management providing details regarding the location and construction of the vapor barrier and utility trench plugs, and notification and documentation procedures should the vapor barrier and/or trench plug be damaged. The SMP must include as-built drawings and specifications of the vapor barrier and utility trench plugs and must be maintained at the site address by the property manager or designated representative and will be recorded at the Alameda County Clerk- Recorder's Office.
 - d. **VMS and Utility Trench Plug Record Report of Construction.** A vapor barrier and utility trench plug record report of construction with as-built drawings and other information relevant to the installation of the vapor barrier and trench plugs and certifying the vapor barrier and trench plugs were installed in accordance with the design plans.
5. **Continued Geotracker Electronic Report and Data Upload Compliance** – Geotracker compliance is a State requirement that ACDEH is tasked with implementing. 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. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including Site Cleanup Programs. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites was required in GeoTracker. Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. ACDEH requests future notification of documents uploaded to GeoTracker.

TECHNICAL REPORT/WORK SCHEDULE

Please perform the requested work and submit technical reports to Alameda County Environmental Health Environmental Health (Attention: Dilan Roe) in accordance with the schedule below. The technical reports may be combined as appropriate. The submittal compliance date for reports with a "Date to be Determined" notation will be finalized in a subsequent Directive Letter and will be based on the date(s) proposed in the Baseline Project Schedule.

- December 10, 2017 – Project Schedule
- December 10, 2017 – Corrective Action Implementation Plan, Senior Building Parcel
- Date to be Determined – Corrective Action Implementation Plan, Senior Building Parcel
- Date to be Determined – Corrective Action Implementation Plan, Family Building Parcel
- Date to be Determined – Health Risk Assessment (optional)
- Date to be Determined – Soil Import Documentation (if necessary)
- Date to be Determined – Approved Building Permit Plans
- Date to be Determined – Vapor Barrier and Trench Plug Record Report of Construction
- Date to be Determined – Long Term Site Use SMP
- Date to be Determined – Land Use Covenant (if necessary)

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Thank you for your cooperation. ACDEH looks forward to working with you and your consultants to advance the case toward closure. Should you have any questions regarding this correspondence or your case, please call me at (510) 567-6767 or send an electronic mail message at dilan.roe@acgov.org.

Sincerely,

p.p.

Dilan Roe, PE, C73703
Chief – Land Water Division

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

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

Cc: Mr. Apolonio Munoz, MidPen Housing Corporation, 303 Vintage Park Drive, Suite 250,
Foster City, California 94404 (Sent via electronic mail to:
amunoz@midpen-housing.org)

Carl Michelsen, PES Environmental, Inc, 7665 Redwood Blvd, Suite 200, Novato, CA 94945
(Sent via electronic mail to: cmichelsen@pesenv.com)

Scott Morrison, PES Environmental, Inc, 7665 Redwood Blvd, Suite 200, Novato, CA 94945
(Sent via electronic mail to: smorrison@pesenv.com)

Dilan Roe, ACDEH, (Sent via electronic mail to: dilan.roe@acgov.org)

Paresh Khatri, ACDEH; (Sent via electronic mail to: paresh.khatri@acgov.org)

Jonathan Sanders, ACDEH; (Sent via electronic mail to: jonathan.sanders@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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) for more information on these requirements.

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 ACDEH's FTP server and the SWRCB's GeoTracker website." 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 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. 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 case meet this requirement. 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

Please note that delays in investigation, late 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 SCP)	REVISION DATE: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP and SCP) 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) Open File Explorer using the Windows  key + E keyboard shortcut.
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) On the address bar, type in ftp://alcoftp1.acgov.org.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
 - d) Click Log On.
 - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - f) 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.