



November 29, 2017

Mr. Trevor Ashenbrenner  
SRM Development, LLC  
111 North Post, Suite 200  
Seattle, Washington 99201  
(Sent via electronic mail to: [trevor@srmdevelopment.com](mailto:trevor@srmdevelopment.com))

Subject: Review of Corrective Action Completion Report; Site Cleanup Program (SCP), Case No. RO0003186 and Geotracker Global ID T0000007664, Broadway 51<sup>st</sup> Redevelopment, 4901 Broadway, Oakland, CA 94611

Dear Mr. Ashenbrenner:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file including the *Corrective Action Completion Report* (CACR), dated October 3, 2017. The report was generated and submitted on your behalf by Pangea Environmental Services, Inc. (Pangea). Thank you for submitting the report. The report documented corrective actions associated with the removal of lead contaminated shallow soil at 4974, 4970, and 4964 Desmond Street, Oakland.

ACDEH has also revisited the *Excavation Report*, dated November 28, 2016, also generated and submitted on your behalf by Pangea, which documented corrective actions for the redevelopment as a whole, including 311 and 313 51<sup>st</sup> Street, as well as 4974, 4970, and 4964 Desmond Street, Oakland. Based on the review of these documents ACDEH requests that you address the following technical comments and send us the document requested below.

### **TECHNICAL COMMENTS**

1. **Remaining Uncertainties** – Based on the site understanding conveyed to ACDEH in the two referenced reports, two uncertainties remain at the subject redevelopment, as a whole, that do not appear to have been addressed. Please address these uncertainties in a written letter / report by the date identified below. The areas of concern are as follows:
  - a. **Corrective Action Completion Report Document** – Figure 3 of the referenced document indicates that Non-RCRA Hazardous soil was removed to a depth of two feet below surface grade (bgs) from the southern corner of the townhome development, and Class II Soil was removed from the northern edge, northeastern corner, and southwestern edge of the townhome development. Figure 4 and the discussion in Section 4.4 “Final Site Grading/Excavation” of the referenced report indicates that the final excavation grade was 1.5 feet bgs in these same locations. This later statement implies that hazardous and Class II soil documented to be present at 1.5 feet bgs was not removed between 1.5 and 2.0 feet bgs, and requires careful clarification at a minimum.
  - b. **Excavation Report Document** – ACDEH has also previously communicated questions regarding two areas of potential residual contamination extensively discussed in this report; one area included the area of the townhome redevelopment that is discussed immediately above and the discussion above now supersedes this earlier question. The second area with an open remaining question regards the extent of soil removal outside the building envelope along the southern end of the eastern property edge along Broadway, near its intersection with 49<sup>th</sup> Street. Some clarification has been received outside of formal responses and needs to be incorporated for the record at a minimum.

Based on ACDEHs review of the referenced document, non-RCRA hazardous and Class II soil was exported from this area to an approximate depth of 1.0 feet according to the report and was defined by deeper lateral soil samples with lead concentrations both higher (specifically SB-10-ESW2-2.5 and PB-4-NSW-E-2.5) and lower than the identified goal of 80 milligrams per kilogram (mg/kg). Please clarify and document the extent of soil removal in this area, as existing data indicates residual lead contamination may exist at a depth of at least approximately 2.5 feet in the area outside the building envelope and within areas of planned landscaping.

### **SUBMITTAL ACKNOWLEDGEMENT STATEMENT**

Please note that ACDEH has updated Attachment 1 with regard to report submittals to ACDEH. ACDEH will now be requiring a Submittal Acknowledgement Statement, replacing the Perjury Statement, as a cover letter signed by the Responsible Party (RP). The language for the Submittal Acknowledgement Statement is as follows:

*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.*

Please make this change to your submittals to ACDEH.

### **TECHNICAL REPORT REQUEST**

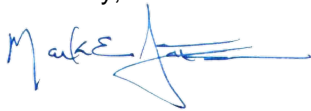
Please upload technical reports to the ACEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with the specified file naming convention below, according to the following schedule:

- **January 31, 2018** – Technical Response Letter  
File to be named: RO3186\_MISC\_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, ACEH 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](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: Bob Clark-Riddell, Pangea Environmental Services, Inc, 1710 Franklin Street, Suite 200, Oakland, CA 94612 (Sent via electronic mail to: [briddell@pangeaenv.com](mailto:briddell@pangeaenv.com))

Danielle Reyes, SRM Development, LLC, 101 North Post, Suite 200, Seattle, Washington 99201  
(Sent via electronic mail to: [danielle@srmdevelopment.com](mailto:danielle@srmdevelopment.com))

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Dilan Roe, ACDEH, (Sent via electronic mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))  
Paresh Khatri, ACDEH; (Sent via electronic mail to: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org))  
Mark Detterman, ACDEH, (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

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/](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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> December 1, 2016
	<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; May 15, 2014, November 29, 2016
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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](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) 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](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.