

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

June 14, 2017

Mr. Peter Solar
Broadstone on Broadway, LLC
477 Pacific Avenue, Suite One
San Francisco, CA 94133
(Sent via electronic mail to: psolar@allresco.com)

Subject: Site Cleanup Case No. RO0003198 and GeoTracker Global ID T1000008417, Broadstone on Broadway Redevelopment, 2820 & 2855 Broadway, Oakland, CA 94611

Dear Mr. Solar:

Alameda County Department of Environmental Health (ACDEH) has reviewed the case file in conjunction with the proposed corrective actions and proposed site redevelopment plans for the subject site presented in the *Revised Soil and Groundwater Management Plan (SGMP)* dated April 28, 2017 and the *Revised Soil and Groundwater Management Plan Addendum and Corrective Action Implementation Plan*, dated June 13, 2017, prepared by ATC Environmental (ATC) on behalf of Broadstone on Broadway, LLC: The SGMP is a revision to and supersedes the *Soil and Groundwater Management Plan* dated September 15, 2016 and the *Revised Soil and Groundwater Management Plans* dated December 7, 2016 and March 13, 2017. The SGMP presents corrective action and mitigation measures including soil excavation, installation of vapor mitigation systems (VMS) to mitigate potential impacts of vapor intrusion into occupied structures, construction of trench dams in utility trenches to mitigate potential vapor migration, and soil and groundwater management protocols that will be implemented during site redevelopment to mitigate conditions potentially hazardous to human health or the environment during and after construction. The SGMP Addendum/CAIP provides proposed revisions to (1) the extent of soil excavation and groundwater remediation in the trench drain area, and (2) the extent and material specifications for the VMS at the 2820 Broadway parcel. These documents were developed based on the results of investigation activities conducted at the site in 2015 through 2017 and in conjunction with the following redevelopment plans prepared by BKF Engineers and submitted to the City of Oakland Planning and Building Departments:

- **Planning Permit Number PLN16110, Broadway Valdez Planning Submittal.** This submittal includes conceptual redevelopment plans for 2800 Broadway (APN 9-685-68), 2820 Broadway (APN 9-685-69-1) and 2855 Broadway (APN 9-686-3) submitted to the City of Oakland Planning Department on April 8, 2016. ACDEH understands APN 9-685-68 has been removed from this phase of the redevelopment project due to chlorinated hydrocarbon subsurface contamination and thus is not included in the parcels being cleared for redevelopment by ACDEH.
- **Building Permit Number B1604077, Broadway Valdez – West Building, Building Permit Submittal.** This submittal includes plans dated August 5, 2016 and initially submitted to the Building Department on August 31, 2016 for 2855 Broadway for construction of a mixed-use development with a structural footprint to cover the entire property with zero lot line construction. A subterranean parking garage will encompass the entire property footprint. The first floor of the building will be used as retail space followed by five stories of residential units. Addendum #1 dated February 14, 2017 was included in SGMP and reviewed by ACDEH in conjunction with proposed corrective action.

- **Building Permit Number B1604083, Broadway Valdez – East Building, Building Permit Submittal.** This submittal includes plans dated August 5, 2016 and initially submitted to the Building Department on August 31, 2016 for 2820 Broadway for construction of a mixed-use development with a structural footprint to cover the entire property with zero lot line construction. In order to accommodate the proposed development, the existing structure will be demolished. The new building to be constructed will consist of sub-on-grade construction with first floor retail use on the western portion of the property. A podium-style parking garage, consisting of two floors will be constructed within the eastern portion of the property. Five floors of residential units will be constructed above the western retail area and eastern parking garage. The residential units within the eastern portion of the building will be constructed above the podium-style parking garage. Addendum #1 dated February 14, 2017 included in SGMP and reviewed by ACDEH in conjunction with proposed corrective action.

Based on information presented in the SGMP, SGMP Addendum/CAIP and 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 soil and groundwater management activities presented in the SGMP and SGMP Addendum/CAIP and concurs that implementation of the proposed measures will prevent future exposure to construction workers and site occupants of the proposed redevelopment project from residual contamination at the site.

Therefore, at this juncture you may proceed with site redevelopment activities on the two parcels provided the approved corrective action measures and soil and groundwater management protocols presented in the SGMP and SGMP Addendum/CAIP are implemented and the documents listed in the Technical Report section below are submitted in accordance with the associated compliance dates. Case closure will be granted following completion of corrective action and ACDEH review and approval of the requisite documents.

TECHNICAL REPORT REQUEST

1. Prior to the start of site demolition and construction activities on the 2820 and 2855 Broadway parcels the following documents must be submitted to ACDEH:
 - a. **Project Schedule.** A baseline project schedule providing details of the sequencing of corrective actions and site redevelopment activities on both parcels. The schedule must incorporate at a minimum the following activities: field investigation activities to profile the soil for offsite disposal; revised building permit plans incorporating the VMS changes for the 2820 Broadway building proposed in the SGMP Addendum/CAIP, decommissioning of groundwater monitoring wells; demolition of existing site structures and improvements; soil and groundwater corrective action implementation; site grading, soil import, utility installation and foundation construction; VMS installation and trench dam construction, vertical construction and VMS vertical piping installation; VMS installation verification monitoring; remedial action completion report submittal, expected site occupancy. 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.
2. Prior to the start of foundation construction on the 2820 parcel the following report must be submitted to ACDEH I for review and approval:
 - a. **Soil Excavation Report (2820 Broadway Only).** A soil excavation report presenting confirmation soil sampling and analytical results of the petroleum impacted soil excavation in the trench basin area. 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. The soil excavation will be performed consistent with the requirements of the SGMP and Addendum.

3. Prior to building occupancy of the new mixed use commercial and residential redevelopment at both the 2820 and 2855 parcels the following documents must be submitted to ACDEH for review and approval:
 - a. **Institutional Controls (ICs)** – A Land Use Covenant, documenting long-term site use, shall be recorded and shall include (1) prohibition of using groundwater for potable or irrigation purposes; (2) implementation of an SMP, which shall be maintained at the Site; (3) maintenance of the vapor mitigation systems and trench dams; (4) notice of the vapor mitigation system to first floor tenants; and (5) prohibition on conversion to condominium use without ACDEH's approval regarding the process for the continuation of the ICs and Land Use Covenant for individual homeowners. ACDEH agrees that delays in obtaining a certificate of occupancy should be avoided and will work with Broadstone on Broadway to ensure that the Land Use Covenant and SMP (below) are finalized during redevelopment so that the Land Use Covenant can be recorded immediately following redevelopment.
 - b. **Site Management Plan (SMP)** – A SMP for long-term site management providing details regarding the location and construction of mitigation measures (i.e., VMS and trench dams), precautions should subsurface work be required in the area of installed mitigation measures, precautions for handling potentially impacted groundwater, and notification and documentation procedures should the VMS or trench dams be damaged. The SMP must include as-built drawings and specifications of the VMS and trench dams 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.
 - c. **VMS System Record Report of Construction.** Following construction of the VI Mitigation System, a completion report shall be submitted to ACDEH and City of Oakland. The report shall include as-built drawings, copies of permits, and photographs of the installation of the vapor barrier and SSD system.

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 Attachment 1.

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,

Dilan Roe

Dilan Roe, PE
Chief – Land Water Division

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Attachment 1 - Responsible Party(ies) Legal Requirements/Obligations & Alameda County Electronic Report
Upload (ftp) Instructions

Cc: Elizabeth Mack, Lock Lord LLP (Sent via email to: emack@lockelord.com)
Andrew Stuart, ATC, (Sent via email to: andrew.stuart@atcassociates.com)
Gabe Stavila, ATC, (Sent via email to: gabe.stivala@atcassociates.com)

Ronald Browder, ACDEH (Sent via email to: Ronald.browder@acgov.org)
Paresh Khatri, ACDEH, (Sent via email to: paresh.khatri@acgov.org)
GeoTracker, e-File

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.

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.