

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

September 26, 2017

Mr. Steven Ho
Mr. Samson Yip
914 West Grand Avenue Oakland LLC
211 10th Street, Suite 222
Oakland, California 94607
(Sent via electronic mail to: bhcusa@gmail.com and yipsamson@gmail.com)

Subject: Conditional Approval of Corrective Actions; Site Cleanup Program Case No. RO0003226 and Geotracker Global ID T10000009223, 914 W. Grand; 914 W. Grand, Oakland, CA 94607

Dear Mr. Ho and Mr. Yip:

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 following documents prepared by Cornerstone Earth Group (Cornerstone) on your behalf:

- *Corrective Action Plan, 914 West Grand Avenue (CAP)*, dated September 12, 2017. The CAP contains a description of the planned development and a discussion of planned or potential remedial actions including soil excavation, installation of vapor mitigation systems (VMS) to mitigate potential impacts of vapor intrusion into the structure, 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, and the preparation of a long-term Operation and Maintenance Plan and Land Use Covenant (LUC).
- *Corrective Action Plan Addendum, 914 West Grand*, dated September 12, 2017. The CAP Addendum presents an update on changes in the development plan. The proposed updated development plan consists of a mixed use, six-story building of a concrete podium, steel and wood framed construction with three elevators to service the building. The construction will be lot line to lot line with the exception of a limited amount (10-foot wide strip) of permeable paving at the northern edge of the property. The ground level story consist of residential tenant parking (either open or mechanically ventilated), community space which will allow flexible use (except for sleeping) for residents associated with the condominium home owner's association, and commercial spaces (both rentable and for-sale). All other stories will be residential condominiums (115 unit for-sale units). The CAP Addendum states that the current parcels (Assessor Parcel Numbers [APN] 5-431-8-3, 5-431-9-2, 5-431-21-4, 5-431-23, 5-431-17-1 and 5-431-15-4) will be combined into one APN prior to development, and that a LUC for long term risk management will be recorded for the new Site-wide APN and associated legal description. Each condominium will have an APN, but not a separately recorded LUC; the Covenants, Conditions and Restrictions (CCRs) for the development will reference the Site-wide LUC.

The above-listed documents were prepared to support redevelopment of the site and a change in site use from commercial to residential, as detailed in the following redevelopment plan prepared by Lowney Architecture and submitted to the City of Oakland Planning and Building and Public Works Departments:

- *Planning Application Number PLN16272, Construction of a Six-Story Mixed-Use 142 Unit Building*. This submittal includes architectural plans, survey, preliminary grading and utility plan and preliminary storm water plan, submitted to the City of Oakland Planning Department on August 29, 2016, as later revised on September 6, 2017 (115 units) and approved by the City of Oakland on September 6, 2017.

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 soil and groundwater management activities presented in the CAP 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 provided the approved remedial 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. Case closure will be granted following completion of corrective actions.

TECHNICAL REPORT REQUEST

1. **Prior to the start of site demolition and construction activities** the following documents must be submitted to ACDEH for review and approval:
 - a. **Data Gap Work Plan.** A data gap investigation work plan describing the proposed scope of work and locations of additional borings to evaluate impacts on the quality of soil and soil vapor beneath the site and refine the extents of the remedial soil excavation.
 - b. **Project Schedule.** A baseline project schedule providing details of the sequencing of corrective actions and site redevelopment activities on the site. The schedule must incorporate at a minimum the following activities: corrective action implementation plan (CAIP), construction soil and groundwater management plan (SGMP), building permit plans incorporating a VMS; demolition of existing site structures and improvements; remedial soil excavation and completion documentation; site grading, soil import, utility installation and foundation construction; VMS installation, vertical construction and VMS vertical piping installation; VMS installation verification monitoring; VMS record report of construction submittal, and date of 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 site grading, utility installation and foundation construction** the following reports must be submitted to ACDEH for review and approval:
 - a. **Corrective Action Implementation Plan (CAIP).** The CAIP must incorporate the results of the additional data gap field investigation, provide detailed design drawings and specifications for the VMS and utility trench dams and incorporate details for the overexcavation of former underground storage tank (UST) pit backfill as described in the CAP. 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 Oakland Planning and Building Department. The CAIP must include at a minimum the following elements:
 - Protocols that will be used to overexcavate residual and secondary source material that is impacted with total petroleum hydrocarbons (TPH) as gas, diesel, motor oil or other petroleum-related and non-petroleum related volatile organic compounds (VOCs) in the former UST pit and associated infrastructure (pump islands, and etc.).
 - Soil management protocol for surface soil with sporadic detections of lead that will be excavated for construction of the ground floor slab and foundation systems.
 - Detailed construction plans and specifications for the selected VMS design. The VMS plans must be incorporated into the full set of construction drawings prepared for the redevelopment project.
 - Construction quality assurance plan describing contractor and inspector qualifications and experience, procedures for VMS construction monitoring and documentation.

- Construction sequencing plan presenting the sequence of measures that will be used to protect the installed VMS during building construction activities.
 - b. **Soil and Groundwater Management Plan (SGMP).** A SGMP presenting protocols for groundwater and soil management during site redevelopment relating to removing, handling, characterizing and properly disposing of soil and groundwater; dust control; and site access and security.
 - c. **Approved Building Department Plans.** A copy of the City of Oakland approved construction drawings for site redevelopment incorporating the VMS and utility trench dams. ACDEH must be notified if the project proponent or the City proposes changes to the site development and first floor building plans presented in the preliminary architectural plans included in the CAP including but not limited to the proposed location and depth of the elevator shafts or changes to the VMS design or utility trench dam location presented in the CAIP. 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.
 - d. **Soil Excavation Report.** A soil excavation report for the former UST/fuel system area and other areas of residual contamination presenting confirmation soil 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.
3. **Prior to building occupancy of the new mixed use commercial and residential redevelopment** the following documents must be submitted to ACDEH for review and approval:
- a. **Institutional Controls (ICs)** – Documentation of ICs providing legal and administrative controls and methods for dissemination of information to minimize risk during property development, future below- ground construction and maintenance, and long-term site use. A Land Use Covenant will be required to be recorded with a description of the requirements and necessary controls dictated by property restrictions or contractual agreements (e.g., leases) including activities to maintain the integrity of the VMS, ongoing O&M, and record compliance with the ICs.
 - b. **Site Management Plan (SMP)** – A SMP for long-term site management providing details regarding the location and construction of the VMS, precautions should subsurface work be required in the area of installed mitigation measures, precautions for handling potentially impacted groundwater, protocol for management of soil with lead exceeding residential screening criteria that may remain beneath the ground floor slab and foundations, and notification and documentation procedures should the VMS be damaged. The SMP must include as- built drawings and specifications of the VMS and utility 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 and Utility Trench Dam Record Report of Construction.** Following construction of the VMS and the utility trench dams, a completion report shall be submitted to ACDEH for review and approval. The report shall include as-built drawings, copies of permits, and other information relevant to the installation of the VMS and utility trench dams.

TECHNICAL REPORT/WORK SCHEDULE

Please perform the requested work and submit technical reports to Alameda County Environmental Health Environmental Health (Attention: Mark Detterman) in accordance with the schedule below. The technical reports may be combined as appropriate. The submittal compliance date for reports with a "Date

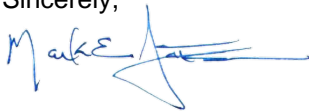
to be Determined" notation will be finalized in a subsequent Directive Letter and will be based on the date(s) proposed in the Project Schedule.

- **October 4, 2017** – Data Gap Work Plan
- **October 27, 2017** – Project Schedule
- **January 5, 2018** – Corrective Action Implementation Plan
- **January 5, 2018** – Soil and Ground Water Management Plan
- **Date to be Determined** – Soil Excavation Report
- **Date to be Determined** – Plans Approved by the City of Oakland
- **Date to be Determined** – Soil Import Documentation
- **Date to be Determined** – Institutional Controls
- **Date to be Determined** – Site Management Plan
- **Date to be Determined** – VMS Record Report of Construction

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

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 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: Mr. Ronnie Turner, Turner Development Resource Group, 4100 Redwood Road, #170, Oakland, CA 94619, (Sent via electronic mail to: RTdevelops@comcast.net)

Mr. Bradford Flewellen, CEF Realty Advisors, Inc, 882 Wood Street, Unit 1, Oakland, CA 94607; (Sent via electronic mail to: brad@cefrealty.com)

: Scott Miller, Oakland Planning and Building Department, (Sent via electronic mail to: smiller@oaklandnet.com)

Maurice Addow-Brenyah, Oakland Planning and Building Department, (Sent via electronic mail to: mbrenyah@oaklandnet.com)

Peter Langtry, Cornerstone Earth Group, 1270 Springbrook Road, Suite 101, Walnut Creek, CA 94597, (Sent via electronic mail to: plangtry@cornerstoneearth.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)

Mark Detterman, ACDEH, (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

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.