

ALAMEDA COUNTY
HEALTH CARE SERVICES AGENCY

REBECCA GEBHART, Interim Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
1131 HARBOR BAY PARKWAY, SUITE 250
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May 22, 2017

Mr. Tyler Wood
LENNAR Multifamily Communities
492 9th Street, Suite 300
Oakland, CA, 94607 (Sent via email to: tyler.wood@LiveLMC.com)

Mr. Kevin Ma
LENNAR Multifamily Communities
492 9th Street, Suite 300
Oakland, CA, 94607 (Sent via email to: kevin.ma@LiveLMC.com)

Subject: Technical Report Request for Voluntary Remedial Action Program Case No. RO0003229 and GeoTracker Global ID T0000010099, LENNAR Multifamily Communities, 1750 Webster Street, Oakland, CA 94612

Dear Mr. Wood:

Thank you for attending the meeting held at Alameda County Department of Environmental Health's (ACDEH) offices on April 17, 2017. The purpose of the meeting was to discuss the redevelopment plans for the site and the next steps to simultaneously facilitate site redevelopment and progress the case to closure. We understand that the project status is in the third round of plan check with the City of Oakland Planning Department.

In October 2016 a Voluntary Remedial Action Program case (RO0003229) was opened for this site to redevelop into mixed use commercial/residential use. The following environmental investigations documenting work performed without ACDEH's oversight were submitted to ACDEH. The investigations were performed and submitted between October 2015 and August 2016 on your behalf by GeoSolve, Inc. (GeoSolve):

1. *Phase I Environmental Site Assessment at 1711, 1801, 1805, 1811, 1817, through 1839 Harrison Street, 301 19th Street, 1732 through 1736, 1750, and 1801 Webster Street, Oakland, CA, dated November 6, 2015*
2. *Phase II Environmental Site Assessment at 1750 Webster Street and 301 19th Street, Oakland, CA, dated November 7, 2015*
3. *Phase II Environmental Site Assessment at 1810 Webster Street, Oakland, CA, dated February 12, 2016*
4. *Soil-Gas Survey at 1750 and 1810 Webster Street, and 301 19th Street Oakland, CA, dated February 22, 2016*
5. *Additional Phase II Environmental Site Assessment at 301 19th Street, Oakland, CA dated August 8, 2016*
6. *Additional Soil-Gas Survey 1750 and 1810 Webster Streets and 301 19th Street, Oakland, CA, dated August 31, 2016*
7. *Summary of Environmental Activities Report for the Proposed Multifamily Development, 1750 Webster Street, 1810 Webster Street, and 301 19th Street, Oakland, CA, dated November 10, 2016*

In the early 1990's, a proposed redevelopment at 1750 Webster Street prompted a Phase II Investigation that identified contamination. Subsequently, a Site Cleanup Case (RO0002672) was opened and subsurface investigations were conducted at the site. Soil and groundwater investigations and a Risk-Based Corrective Action determined that contamination detected on site appears to be related to an up-gradient

source and that the contamination did not pose a risk to human health or the environment as an open air multi-story parking structure (proposed redevelopment) or current land use at time of closure. The redevelopment did not materialize and this site was administratively closed, with the provision that if redevelopment was proposed in the future, the case would be re-evaluated based on the proposed redevelopment. Based on a review of the closed RO0002672 case file, residual petroleum hydrocarbon contamination is present at the site.

TECHNICAL COMMENTS

Based on meeting discussions, ACDEH requests submittal of the following items in accordance with the *Technical Report Schedule* below:

1. A complete set of the schematic design drawings submitted to the City of Oakland for the third round of plan check;
2. To facilitate an understanding of the proposed development plans in conjunction with the results of the environmental investigation and to locate of potential “hot spots” at the site, please prepare a series of figures and cross sections utilizing all current and historical data and proposed and historic structures:
 - a. The proposed locations of all subterranean structures, including, but not limited to underground vaults and utilities, stair wells, elevator shafts, elevator sumps, and subgrade parking in conjunction with the historic underground storage tanks (USTs) and other historic contaminant source areas;
 - b. All recent and historic soil, soil gas, and groundwater data points and concentrations, preferably one or two contaminants of concern (COCs) indicated per figure to preserve clarity;
 - c. All soil borings including historical soil borings;
 - d. Depth to groundwater;
 - e. Thickness of fill across site;
 - f. Depths of all proposed subterranean structures;
 - g. Estimated approximate depths of former historic USTs and other historic contaminant source areas;
3. The 2016 Soil Gas Surveys did not include sampling for methane gas, and due to presence of residual petroleum hydrocarbon contamination at the site, ACDEH requests submittal of a brief work plan describing a proposal for methane soil gas sample collection;
4. A 30-day public participation is a requirement for the case closure process. In order to notify potentially affected members of the public of the potential fuel leak case closure, ACDEH will distribute an *Invitation to Comment – Potential Case Closure* to landowners and residents, as well as any other interested persons. The *Invitation to Comment – Potential Case Closure* requests that landowners or residents submit any comments or questions to ACDEH regarding potential case closure. ACDEH will consider all comments from the public prior to potential case closure.

Upon submittal of the documents requested below, ACDEH anticipates the public participation period to start around June 5th and end around July 5th, 2017.

5. **Land Use Covenant:** A *Land Use Covenant* template will be provided electronically in Word format. Please modify but note that only the items in brackets can be changed. Any other proposed changes would require review of County Counsel, which we understand may take up to 6 months. Please e-mail to my attention the completed *Land Use Covenant* in Word format.
6. **Site Management Plan:** Submittal of a Site Management Plan (SMP) including, but not limited to, a description of destruction of the three groundwater monitoring wells A-1, A-2, and A-3, and contingency plans for unexpected discoveries during construction, such as historic USTs.
7. **Electronic Submittal of Information (ESI) Compliance** - Currently, site data and documents are maintained in two separate electronic databases – ACDEH’s File Transfer Protocol (FTP) site and the SWRCB’s Geotracker website. Both databases act as repositories for Portable Document Format (PDF) files of regulatory directives and reports, but only Geotracker has the functionality to store electronic compliance data in Electronic Deliverable Format (EDF) including analytical laboratory data for soil, vapor and water samples, monitoring well depth-to-water measurements, and surveyed location and elevation data for permanent sampling locations. Although the SWRCB is responsible for the overall operation and maintenance of the Geotracker System, ACDEH, as lead regulatory agency, is responsible to ensure that the Geotracker database is complete and accurate for sites regulated by ACDEH under the Local Oversight Program (LOP) and Site Cleanup Program (SCP) (SWRCB March 2011 document entitled *Electronic Reporting Roles and Responsibilities*).

A review of the case file indicates that the SWRCB Geotracker database and/or the ACDEH database is not complete, thus rendering the site to a non-compliant status pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3890 to 3895. At present missing data and documents include, but may not be limited to:

- analytical data for soil, water and vapor samples collected for the purpose of subsurface investigation or remediation, including influent/effluent water samples from remediation systems (EDF files);
- complete copies of reports, in pdf format, including the signed transmittal letter and professional certification (GEO_REPORT files);
- surveyed elevation measurements to the top of well casings (GEO_Z files);
- the latitude and longitude (GEO_XY files) of any permanent monitoring well for which data is reported in EDF format;
- depth-to-water information for permanent sampling points whenever the data is collected, even if the well is not sampled during the sampling event (GEO_WELL files);
- stand alone site maps displaying tank locations, streets bordering the facility, and sampling locations for all soil, water and vapor samples (GEO_MAP files);

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- stand alone boring logs with depth to the screened interval and the length of screened interval for any permanent monitoring well installed (GEO_BORE files).

TECHNICAL REPORT SCHEDULE:

Please upload technical reports to the ACDEH ftp site (Attention: Karel Detterman), and to the Geotracker website, in accordance with the following specified file naming convention and schedule:

Based on the discussions during our meeting and to facilitate the site redevelopment, ACDEH proposed the following *estimated* schedule and requests submittal of the requested reports by the dates provided below:

- May 31, 2017 - Complete set of the submitted schematic design drawings
File to be named: RO3229_DEV_PLAN_YYYY-MM-DD
- May 31, 2017 - Figures and Cross Sections
File to be named: RO3229_MISC_R_YYYY-MM-DD
- May 31, 2017 - Methane Soil Gas Work Plan
File to be named: RO3229_WP_R_YYYY-MM-DD
- May 31, 2017 - Electronic Submittal of Information (ESI) Compliance confirmation
- May 31, 2017 - Site Management Plan
File to be named: RO3229_SMP_R_YYYY-MM-DD

Should you have any questions, please contact me at (510) 567-6708 or send me an electronic mail message at karel.detterman@acgov.org

Sincerely,

Karel Detterman, PG
Hazardous Materials Specialist

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

cc: Rob Campbell, GeoSolve, Inc., 1807 Santa Rita Road, Suite D-165, Pleasanton, CA 94566, (Sent via e-mail to: rcampbell@geosolve-inc.com)
Tom Graf, P.O. Grafcon, P.O. Box 1105, Tiburon, CA 94920 (Sent via e-mail to: tom@grafcon.us)
Dilan Roe, ACDEH (Sent via E-mail to: dilan.roe@acgov.org)
Karel Detterman, ACDEH (Sent via E-mail to: karel.detterman@acgov.org)
Paresh Khatri, ACDEH (Sent via E-mail to: paresh.khatri@acgov.org)
GeoTracker, eFile

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.