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July 26, 2017

Ms. Dilan Roe  
Chief – Land Water Division  
Alameda County Department of Environmental Health  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94501-6577

**Subject: Institutional Controls Plan**  
Aster Apartments  
6775 Golden Gate Drive  
Dublin, California  
Assessor's Parcel No. 941-1500-015-09  
Post-Closure O&M Document Repository No. RO0003252

Dear Ms. Roe:

Enclosed please find the *Institutional Controls Plan* for the Aster Apartments site at 6775 Golden Gate Drive, in Dublin, California (Post-Closure O&M Document Repository No. RO0003252, GeoTracker Global ID T10000010517). This document was prepared by Amec Foster Wheeler Environment & Infrastructure, Inc. ("Amec Foster Wheeler"), on behalf of Dublin Apartment Properties, LLC.

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 State Water Quality Control Board's GeoTracker website.

Please contact me at (408) 680-4938 or Avery Whitmarsh of Amec Foster Wheeler at (510) 663-4154 if you have any questions regarding this document.

Sincerely yours,



Pete Beritzhoff  
Dublin Apartment Properties, LLC

Attachment: Site Management Plan

cc: Colleen Winey, Zone 7 Water Agency (electronic)  
Gregory Shreeve, City of Dublin (electronic)



amec  
foster  
wheeler

July 26, 2017

Project 8617170810.1.3

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Dear Ms. Roe:

On behalf of Dublin Apartment Properties, LLC (the Owner), Amec Foster Wheeler Environment & Infrastructure, Inc. ("Amec Foster Wheeler") has prepared this *Institutional Controls Plan* ("IC Plan") to document and outline the general requirements for the institutional controls (ICs) that are implemented at the Aster Apartments site, located at 6775 Golden Gate Drive in Dublin, California ("site"; Figure 1).<sup>1</sup>

This IC Plan provides a comprehensive guide for implementing, monitoring, and maintaining ICs at the site in order to protect human health and the environment from site contaminants. The IC Plan has been prepared pursuant to a request by the Alameda County Department of Environmental Health (ACDEH) in a letter to the Owner dated August 7, 2015.<sup>2</sup>

ACDEH is the regulatory agency responsible for oversight of environmental work at the site, and it is the sole responsibility of the Owner to ensure daily compliance with the ICs.

## **SITE HISTORY**

The site was developed in 1968 as Crown Chevrolet, a car dealership with auto body shops, on land that appears to have been previously used for agricultural purposes. Operations as a car dealership and auto body shop continued from 1968 through 2013. Investigations performed from 2009 through 2014 indicated the presence of volatile organic compounds (VOCs) in soil, groundwater, and soil vapor. More detailed site history and the results of previous investigations

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<sup>1</sup> The site was formerly known as the Crown Chevrolet North Parcel, with an address at 7544 Dublin Boulevard, Dublin California. The site was previously associated with Site Cleanup Program Case No. RO0003014 and GeoTracker Site ID T10000001616.

<sup>2</sup> ACDEH, 2015. Voluntary Remedial Action Case No. RO0003014 and GeoTracker Global ID T00000001616, Crown Chevrolet North Parcel, 7544 Dublin Boulevard and 6707 Golden Gate Drive, Dublin, CA 94568, August 7.

can be found in the *Soil, Groundwater, and Soil Vapor Investigation Report*<sup>3</sup> and the *Final Feasibility Study and Corrective Action Plan* (“FS/CAP”).<sup>4</sup>

The property was sold in the fall of 2014, and the site buildings were demolished in December 2014 in preparation for redevelopment. In accordance with the approved FS/CAP, a *Vapor Mitigation and Permeable Reactive Barrier Basis of Design Report* (“BoD Report”)<sup>5</sup> was prepared for a permeable reactive barrier (PRB) to treat VOC-impacted groundwater as it enters the site from the west, and a vapor mitigation system (VMS) to mitigate potential risks to future building occupants from VOC-impacted soil vapor. The PRB was installed in 2015,<sup>6</sup> and the VMS, which includes a vapor barrier and sub-slab depressurization system beneath mixed use commercial and residential buildings at the site, was installed in 2016 during building construction and began operating in May 2017.<sup>7</sup> The PRB and VMS are managed in accordance with operations, maintenance, and monitoring plans (OMM Plans).<sup>8,9</sup>

## **SUMMARY OF IC OBJECTIVES**

The purpose of this IC Plan is to assist obligated parties with the long-term management of site ICs. The ICs have been developed to achieve the following objectives:

- Limit land use to minimize the potential for ecological or human exposure to site contaminants;
- Protect the integrity of the PRB and VMS from damage during potential future construction activities;

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<sup>3</sup> AMEC Environment & Infrastructure, Inc., 2012. *Soil, Groundwater, and Soil Vapor Investigation Report*, Crown Chevrolet Cadillac Isuzu, 7544 Dublin Boulevard and 6707 Golden Gate Drive, Dublin, California, October 19.

<sup>4</sup> Amec Foster Wheeler Environment & Infrastructure, Inc., 2014. *Final Feasibility Study and Corrective Action Plan*, Crown Chevrolet Cadillac Isuzu, 7544 Dublin Boulevard and 6707 Golden Gate Drive, Dublin, California, May 1.

<sup>5</sup> Amec Foster Wheeler Environment & Infrastructure, Inc., 2015. *Vapor Mitigation and Permeable Reactive Barrier Basis of Design Report*, Former Crown Chevrolet North Parcel, 7544 Dublin Boulevard, Dublin, California, June 11.

<sup>6</sup> Amec Foster Wheeler Environment & Infrastructure, Inc., 2016. *Dublin Apartments Permeable Reactive Barrier Construction Completion Certification*, Former Crown Chevrolet North Parcel, 7544 Dublin Boulevard, Dublin, California, January 28.

<sup>7</sup> Amec Foster Wheeler Environment & Infrastructure, Inc., 2017. *Vapor Mitigation System Construction Completion Certification*, Aster Apartments, 6775 Golden Gate Drive, Dublin, California, July 17.

<sup>8</sup> Amec Foster Wheeler Environment & Infrastructure, Inc., 2017. *Operations Maintenance, and Monitoring Plan for Permeable Reactive Barrier*, Aster Apartments, 6775 Golden Gate Drive, Dublin, California, July.

<sup>9</sup> Amec Foster Wheeler Environment & Infrastructure, Inc., 2017. *Operations Maintenance, and Monitoring Plan for Vapor Mitigation System*, Aster Apartments, 6775 Golden Gate Drive, Dublin, California, July.

- Provide future site access to regulatory agency employees and personnel responsible for performing VMS and PRB monitoring activities; and
- Identify, communicate, and inform site stakeholders and any other interested parties of site use conditions and site restrictions related to the PRB and VMS.

Specific ICs that have been created to accomplish these objectives are discussed further in the following subsections.

### **Site Management Plan**

A *Site Management Plan* describes protocols to be implemented for protection of worker health and management of impacted soil and groundwater during potential future subsurface work at the site.<sup>10</sup> The SMP provides details regarding the following:

- Environmental conditions (e.g., estimated extent of impacted soil and groundwater) at the site including site chemicals of concern and applicable screening levels;
- The location and construction details of the PRB, VMS, and site monitoring wells;
- Requirements to perform operations, monitoring and maintenance of the PRB and VMS per the respective OMM Plans;
- Precautions that should be followed during site subsurface work;
- Precautions for protection of worker health and safety during site subsurface work;
- Protocols for management of site soil and groundwater;
- Notification procedures and documentation requirements for subsurface work or activities that have potential to breach the VMS or PRB;
- Notification procedures should the PRB, VMS, or associated systems be damaged; and
- A copy of the deed restriction for the property.

### **Deed Restriction**

In July 2018, a deed restriction was placed on the property to set forth protective provisions, covenants, conditions, and restrictions upon the site. These restrictions prevent the use of groundwater underlying the site, require that the SMP be adhered to for all intrusive work, ensure that ACDEH is notified of all planned intrusive work prior to activity commencement, and provide reasonable access to the property to regulatory and maintenance personnel. Provisions within the deed restriction allow access for ACDEH, other regulatory personnel, and any persons conducting corrective action performance monitoring in accordance with the PRB or VMS OMM Plans.

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<sup>10</sup> Amec Foster Wheeler Environment & Infrastructure, Inc., 2017. Site Management Plan, Aster Apartments, 6775 Golden Gate Drive, Dublin, California, July.

The writing, submission, and recording of the deed restriction followed the guidelines presented in the ACDEH "Non-Petroleum Site Closure Deed Restriction Guidance," dated November 2, 2016, and was based on an ACDEH template provided to Amec Foster Wheeler on April 28, 2017.

### **Underground Service Alert Registration**

The location of the PRB will be registered with Underground Service Alert of Northern California (USA). Parties planning subsurface work are required by law to outline the proposed work in white paint and notify USA. If the work is planned within the vicinity of the PRB, USA will notify the Owner, which will be responsible for marking the location of the PRB on the ground and notifying the party planning subsurface work of its presence.

The Owner-designated responsible party will also ensure that utility workers or contractors who create a ticket through USA have access to the SMP and follow its requirements.

### **Stakeholder Communication and Outreach**

Stakeholder outreach will be performed to identify, communicate with, and inform potentially affected stakeholders and any other interested parties of the site use conditions and site restrictions. Effective stakeholder outreach will assist the Owner in maintaining the ICs' long-term effectiveness to sufficiently protect human health and the environment. The stakeholders will include the future retail and residential occupants of the site.

The primary method of communication to these stakeholders will be through lease agreements, which will, at minimum, detail the site use restrictions. Per the instruction of the ACDEH "Non-Petroleum Site Closure Deed Restriction Guidance," the following language will be included in all purchase agreements and leases related to the property:

"The land described herein contains hazardous materials in the groundwater under the property, and is subject to a deed restriction dated as of *(Month/Day)*, *(Year)*, and recorded on *(Month/Day)*, *(Year)*, in the Official Records of Alameda County, California, as Document No. *(Document Number)*, which Covenant and Restriction imposes certain covenants, conditions, and restrictions on usage of the property described herein. This statement is not a declaration that a hazard exists."

Additional language related to environmental conditions and mitigation measures that will be included in the retail and residential leases is included in Attachment A. This language will inform future stakeholders of the existence of the VMS and the site restrictions imposed to maintain system integrity.

Additionally, fact sheets will be made available in the site's leasing office.

### **MODIFICATION OR TERMINATION OF ICS**

This IC Plan is based on current conditions at the property. It may be necessary to modify the ICs for reasons including, but not limited to, the following:

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- Reduction of site chemicals of concern below applicable screening levels;
- Change in property use (e.g., construction of buildings at the site);
- Change in understanding of environmental conditions (e.g., newly identified chemicals); and/or
- New legal or regulatory requirements.

In the event a modification to the IC Plan is required, an IC Plan Addendum will be prepared by the Owner and submitted to ACDEH. Following ACDEH approval of the Addendum, the site ICs will then be implemented per the requirements of the IC Plan and IC Plan Addendum. OMM activities will continue as scheduled while changes to the IC Plan are coordinated and approved.

The ICs may be terminated following written concurrence by ACDEH that ICs are no longer required to protect human health and the environment from site contaminants. The Owner may apply to ACDEH to terminate one or more of the ICs outlined in the IC Plan.

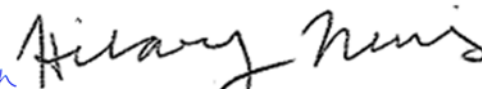
In the event that the Owner wishes to perform further investigation or remediation activities at the site in order support termination of some or all of the ICs, the Owner will submit a work plan detailing the proposed activities for ACDEH review and approval.

If you have questions regarding this IC Plan, please contact Amec Foster Wheeler at (510) 663-4100.

Sincerely yours,  
Amec Foster Wheeler, Environment & Infrastructure, Inc.

  
Douglas C. Bablitch, PE C64096  
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Hilary Nevis, PE C85061  
Environmental Engineer  
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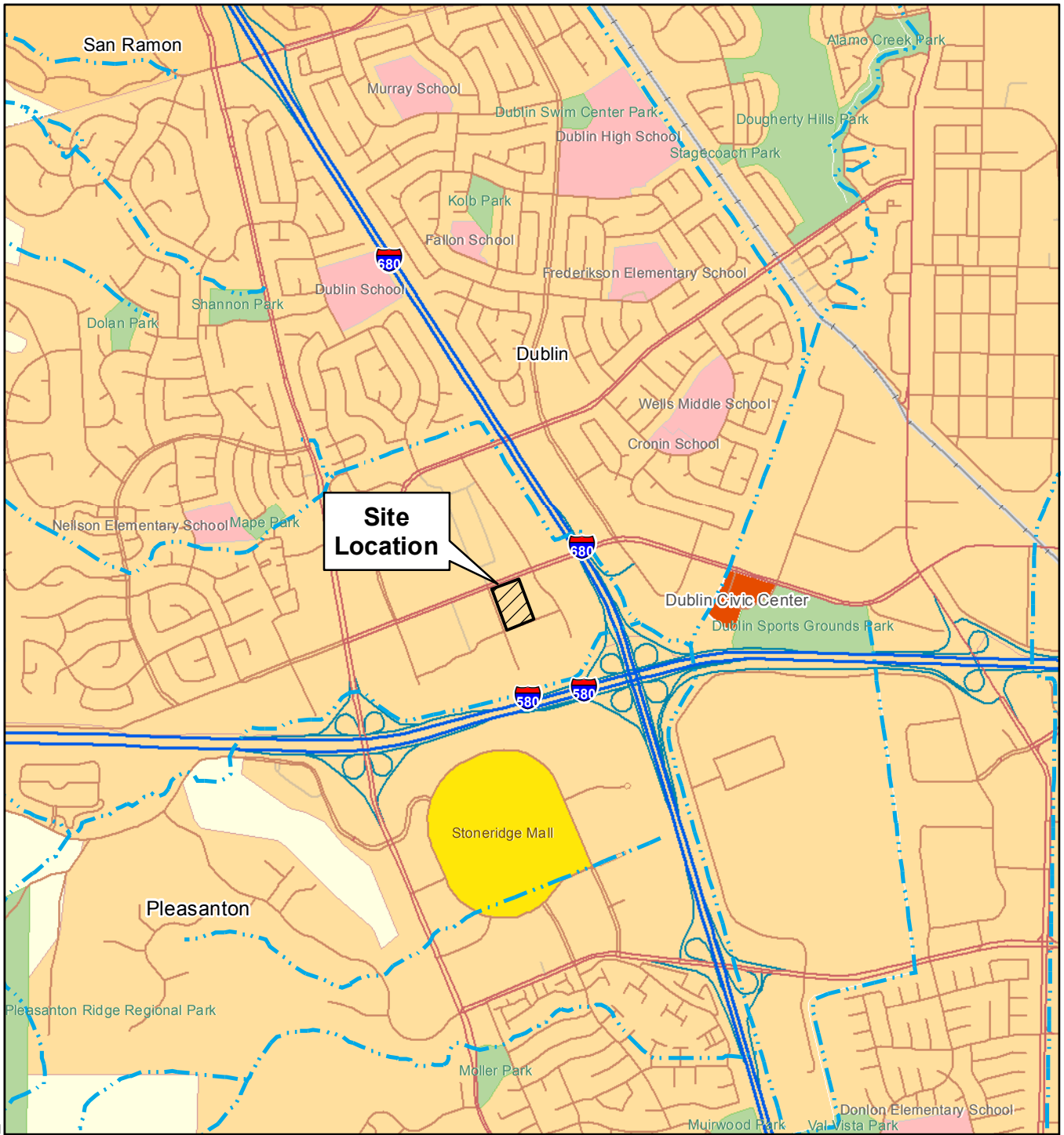
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Enclosures: Figure 1 – Site Location Map  
Attachment A – Residential and Retail Lease Language

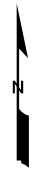
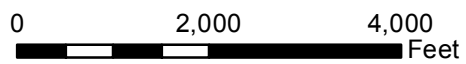
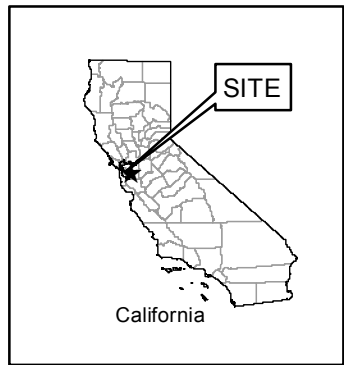


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**FIGURE**



Street map from ESRI, 2007.



**SITE LOCATION MAP**  
 Aster Apartments  
 6775 Golden Gate Drive  
 Dublin, California



**Figure 1**

Date: 07/17/2017

Project No. 8617170810

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**ATTACHMENT A**

Residential and Retail Lease Language

## ATTACHMENT A

### RESIDENTIAL AND RETAIL LEASE LANGUAGE

Aster Apartments  
6775 Golden Gate Drive  
Dublin, California

#### RESIDENTIAL LEASE LANGUAGE

Vapor Mitigation System. Previous environmental characterization studies have identified volatile organic compounds (“VOCs”) as contaminants of concern at the Site, including tetrachloroethene, trichloroethene and related chemicals. A portion of the Building is located over groundwater that contains VOCs at concentrations above their respective Environmental Screening Levels.<sup>1</sup> Tenant acknowledges that a vapor mitigation system (“VMS”) has been installed underneath the Building to mitigate the intrusion of VOC vapors into Landlord’s Building. The VMS has been designed to collect VOC vapors that may migrate from and through the underlying soil column and accumulate beneath the Landlord’s Building’s structural floor slab, and to vent collected vapors directly to the atmosphere outside the Landlord’s Building. The VMS consists of a sub-slab vapor barrier underlain by a passive (wind-assisted) collection and venting system. An operation, maintenance, and monitoring (OMM) plan for the VMS is available for review at the leasing office.

#### RETAIL SPACE LEASE LANGUAGE

Previous environmental characterization studies have identified volatile organic compounds (“VOCs”) as contaminants of concern at the Site, including tetrachloroethene, trichloroethene and related chemicals. A portion of the Building overlays groundwater and soil vapor containing VOCs at concentrations above their respective Environmental Screening Levels.<sup>2</sup>

Tenant acknowledges that a vapor mitigation system (“VMS”) has been installed underneath the Building to mitigate the intrusion of VOC vapors into Landlord’s Building. The VMS has been designed to collect VOC vapors that may migrate from and through the underlying soil column and accumulate beneath the Landlord’s Building’s structural floor slab, and to vent collected vapors directly to the atmosphere outside the Landlord’s Building. As described in *the Operations, Maintenance, and Monitoring Plan, Vapor Mitigation System* (“OMM Plan”) prepared by Amec Foster Wheeler Environment & Infrastructure, Inc. (Amec Foster Wheeler), the VMS consists of a sub-slab vapor barrier underlain by a passive (wind-assisted) collection

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<sup>1</sup> California Regional Water Quality Control Board, San Francisco Bay Region, 2016. Environmental Screening Level Workbook, February, [http://www.waterboards.ca.gov/rwqcb2/water\\_issues/programs/esl.shtml](http://www.waterboards.ca.gov/rwqcb2/water_issues/programs/esl.shtml)

<sup>2</sup> California Regional Water Quality Control Board, San Francisco Bay Region, 2016. Environmental Screening Level Workbook, February, [http://www.waterboards.ca.gov/rwqcb2/water\\_issues/programs/esl.shtml](http://www.waterboards.ca.gov/rwqcb2/water_issues/programs/esl.shtml)

and venting system. The ventilation system consists of a network of horizontal perforated collection piping embedded in a sub-slab gravel layer and connected to multiple vertical vent risers, each leading to the building roof level.

Copies of the OMM Plan, which includes a complete set of record drawings, are on file with the Landlord at the leasing office. A Site Management Plan (SMP) is also available for review at the leasing office. The SMP contains regulatory requirements, health and safety requirements, and required soil and water management procedures applicable to any party carrying out intrusive activities.

Tenant shall seek Landlord's prior approval for all Tenant work that includes cutting or drilling through the floor slab, walls, and/or ceiling (including anchoring). Such approval shall be obtained by Tenant in writing from Landlord prior to commencing any such work. Tenant shall submit to Landlord a full and complete work plan approved in writing by an engineer reasonably acceptable to Landlord. The work described in this plan shall be in accordance with the requirements outlined in the SMP. This plan shall include without limitation all applicable plans, specifications, reports and drawings in connection with such proposed work in form and substance suitable for Landlord to submit to the Alameda County Department of Environmental Health for prior approval of such work.

Tenant shall not take any action that would interfere with the integrity or operation of the VMS. If Tenant's work plans include cutting or drilling through the floor slab, walls, and/or ceiling, Tenant shall take all necessary measures to avoid damaging, disrupting, or impairing the function of any VMS components (including, but not limited to vapor barrier membrane and horizontal and/or vertical piping). If portions of the VMS piping require relocation, then procedures should be implemented to properly repair cut or damaged sections of horizontal and/or vertical piping or to appropriately relocate, as needed, specific sections of piping, as approved by the Landlord. Damaged sections of the horizontal and/or vertical piping shall be removed, and replacement sections shall be connected to existing segments in accordance with manufacturer-approved procedures and in conformance with the VMS record drawings (which Landlord may elect to perform at Tenant's cost). If such improvements include cutting or drilling holes through the main floor slab to allow passage of conduit, piping, or other systems, the vapor barrier must be repaired in accordance with manufacturer requirements and specifications.

All Tenant work at the Project that includes cutting or drilling through the floor slab, walls, and/or ceiling shall be overseen by a professional engineer appointed and compensated by Landlord to ensure compliance with the OMM Plan. All sub-slab membrane repairs shall be performed by an applicator certified by Land Science®, a division of REGENESIS® and shall conform to manufacturer's repair procedures current at the time the repairs are performed, such that the manufacturer's warranty remains in full force and effect. For any such work, the responsible party (e.g., general contractor) shall prepare a Site-Specific Health and Safety Plan ("SSHSP"),

which shall be reviewed and approved by a Certified Industrial Hygienist acceptable to Landlord. The SSHSP may, if appropriate, include provisions for monitoring of indoor air for vapors and for adequate ventilation of the work area, as well as any other necessary safety measures.

Tenant shall immediately notify Landlord of any observed damage to the VMS components, including, but not limited to, the vapor barrier, horizontal and vertical pipes, vent equipment, and any alterations, repairs, improvements or other changes made to the VMS in connection with any tenant work. Upon completion of any work, Tenant shall provide to Landlord as-built drawings documenting the work that was completed and the final configuration of the VMS. Any and all work performed by Tenant related to this Exhibit shall be subject to the prior written consent, and requirements of, the Alameda County Department of Environmental Health, and Tenant shall obtain Landlord's consent, all governmental approvals, and permits, all at Tenant's sole cost.