ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
COLLEEN CHAWLA, Director

DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
FOR HAZARDOUS MATERIALS RELEASES
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502
(510) 567-6777
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July 16, 2018

GHITC 2225 Telegraph Ave, LLC
1934 Hennepin Ave #201
Minneapolis, MN 55403
Attn.: Benjamin Graves (*Sent via electronic mail to: bgraves@graveshospitality.com*)

Subject: Conditional Approval of *Corrective Action Plan,* Site Cleanup Program Case No. RO0003273 and GeoTracker Global ID T10000011197, Uptown Moxy, 2225 Telegraph Avenue, Oakland, CA 94612 (APN 8-659-2-1)

Dear Mr. Graves:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file in conjunction with the document entitled *Corrective Action Plan* (CAP) dated January 30 2018 and prepared for the subject case (Site) by AEI Consultants (AEI) on your behalf.

ACDEH staff met with you and your redevelopment team on July 23, 2018 to review groundwater analytical results from groundwater monitoring activities presented in the *Groundwater Monitoring Report, Second Quarter 2018* (the GWM), dated July 03, 2018, prepared by Cardno on behalf of ExxonMobil. A series of meetings have been held with you, your development team, ExxonMobil, the primary Responsible Party for the sites' and ACDEH to determine a path forward to meet your proposed redevelopment schedule.

ACDEH understands that proposed redevelopment activities include the and construction of a modular-unit hotel that will occupy the entire property (e.g., lot-line to lot-line). As described to our agency, there is a potential for residential units to occupy the upper levels. No subterranean structures associated with redevelopment activities are proposed; hence, any extensive excavation activities are anticipated to be associated with the removal of the underground storage tank (UST) system and over excavation of contaminated soil. Soil intrusive work is anticipated to be limited and may include drilled piers, general earthwork, grading, and minor excavation for utility trenches, elevator pits, etc. Groundwater, anticipated at approximately 9 to 15 feet bgs based on ongoing groundwater monitoring, is expected to be encountered in limited quantities during the redevelopment activities.

Based on our meetings, ACDEH understands a vapor mitigation system (VMS) will be installed beneath the building footprint. The extent of the VMS has yet to be determined. Additionally, trench dams and/or plugs will be installed along utility corridors to control vapor migration along preferential pathways.

Total petroleum hydrocarbons (TPH) and volatile organic compounds (VOCs) have been detected beneath the Site in soil and groundwater at concentrations above the 2016 San Francisco Regional Water Quality Control Boards (Region 2) Environmental Screening Levels (ESLs). Environmental investigations have been conducted at the Site though April, 2018 to delineate the vertical and lateral extent of the potential chemicals of concern (PCOCs) in the subsurface on the property and evaluate the associated risk to potential on- and off-site sensitive receptors in association with the proposed site redevelopment activities.

The CAP states the State Water Resources Control Board's (State Water Board's) Low Threat Underground Storage Tank Case Closure Policy (LTCP) determined that the TPH- and VOC-impacted groundwater is anticipated to be managed under the LTCP for petroleum impacts resulting from UST releases. ACDEH notes the LTCP only addresses petroleum hydrocarbon contamination, and does not address the unidentified source of non-petroleum PCOCs detected in soil vapor at the Site. Additionally, the LTCP addresses petroleum hydrocarbon contamination conditions for closure under existing land use

an active service station and may not provide guidance for addressing residual contamination for redevelopment sites. Therefore, the LTCP may not be used for closure of this site cleanup program (SCP) case.

The scope of work for the CAP was submitted to address PCOCs in soil, soil vapor, and groundwater and recommends the following corrective actions including:

- Removal of underground storage tanks (USTs) and related equipment;
- Excavation activities to remove impacted soils to the extent practicable as excavation depths may be limited by the BART tunnel right-of-way;
- Limited groundwater extraction and remediation;
- Post-remedial groundwater monitoring using perimeter wells transferred from the sites' LUFT case to assess residual plume concentrations in groundwater; and,
- In situ chemical oxidation (ISCO) application for enhanced aerobic degradation. An ISCO/enhanced aerobic degradation reagent (KLOZUR CR) is proposed to be added to the base of the excavation and potentially to the piping trenches during facility construction to increase the ability to degrade PCOCs in groundwater.
- As warranted, installation of Vapor Mitigation Engineering Controls (VMEC) – including a VMS beneath the proposed new building footprint to control potential vapor migration to indoor air, and installation of trench dams and/or plugs along utility corridors to control vapor migration along preferential pathways.
- A Long term operation, monitoring, and maintenance (O&M) of the VMEC, if installed, would also be implemented.

ACDEH is of the opinion that implementation of the proposed excavation will minimize risk to on- and off-site receptors from exposure to residual subsurface contamination. Installation of the proposed VMECs will also mitigate risk to occupants of the proposed new multi-use building from potential TPH and VOC impacted soil vapor.

With the provision that the information provided to this agency is accurate and representative of currently known Site conditions, at this juncture, ACDEH has no objection to you proceeding with the proposed Site redevelopment activities presented in CAP provided GHITC 2225 Telegraph Ave submits the requisite documents listed below and implements ACDEH approved corrective actions.

DELIVERABLES

Please submit the following deliverables to ACDEH in accordance with the compliance schedule provided below and the *Responsible Party (ies) Legal Requirement/Obligations Instructions,* included as Attachment 1. ACDEH requests electronic mail notification verifying the requested deliverables have been uploaded to GeoTracker (electronic mail preferred, Attention: keith.nowell@acgov.org).

Prior to the start of all site construction activities including grading, and remedial excavation and construction dewatering the following documents must be submitted to ACDEH for review and approval:

1. **Revised Baseline Project Schedule -** A revised project schedule providing details of the sequencing of corrective actions and site demolition and redevelopment activities. The schedule must also include dates for submittal of requisite documents including at a minimum the following: Corrective Action Implementation Plan for Soil Excavation and Groundwater Dewatering (CAIP); Construction Soil and Construction Dewatering Groundwater Management Plan (SGMP) and SGMP Certification Form; Plan, Soil Import Management Plan (SIMP; if required); Vapor Mitigation Engineering Control (VMEC) Design Documents; a copy of City of Oakland approved building department permits with the ACDEH approved VMEC incorporated; Remedial Soil Excavation Documentation; Soil Importation Documentation (if required); Corrective Action Completion Report for Soil Excavation and Construction Groundwater Dewatering; VMEC Record

Report of Construction; VMEC Operation and Maintenance Plan; Trench Dam Maintenance Plan; Vapor Mitigation System Post Construction Performance Monitoring Report; Institutional Controls including recordation of a Land Use Covenant and documentation of Financial Assurance Mechanism for post-closure monitoring and reporting requirements; and a Long Term Site Management Plan (SMP). The schedule must include appropriate ACDEH review and response times for document submittals in addition to a 72-hour notification to ACDEH prior to implementation of each phase of corrective actions. The Baseline Project Schedule must be updated as necessary to reflect the current status of the project and must submitted to ACDEH for review and approval. Changes to the schedule for document submittals to ACDEH as communicated in our meeting will likely result in delays to the construction start date.

2. **Corrective Action Implementation Plan for Soil Excavation Construction Groundwater Dewatering, and ISCO Application (CAIP) -** A CAIP must be prepared under the direction of a registered civil engineer and submitted to ACDEH for review and approval. The CAIP must present a comprehensive and detailed plan for implementing the soil excavation and construction groundwater dewatering presented in the CAP. The CAIP must include but not limited to the following:

- **Soil Excavation**
    - Detailed figures (plan view and cross sections) delineating the vertical and lateral extent of the selected locations presented in the CAP where constituents of concern have been reported above screening levels, areas of proposed excavation limits and showing depth to water relative to the proposed excavation. The CAIP should include a discussion of the increasing concentration trends of petroleum hydrocarbons documented in the GWM and post excavation monitoring of the perimeter groundwater wells to remain following station removal;
    - Excavation phasing and other measures to minimize volatilization of organic compounds in soil and groundwater to outdoor air and exposure to receptors (for example phased demolition of pavement, dewatering, use of containerized bins for excavated soil, direct load of excavated soil into trucks for immediate off-haul, etc.);
    - BART collection and discharge locations;
    - Shoring and/or other stabilization measures;
    - Proposed confirmation sample locations and density;
    - Protocols for characterizing, segregating, and stockpiling and/or direct loading of excavated soil based on visual and olfactory observations, PID readings and analytical results for TPH-g, and VOCs and other appropriate analytes based on historic land use at the site associated with historic and current operations;
    - Estimated quantities of soil to be excavated and transported offsite for disposal;

- **Groundwater Remediation**
    - Detailed plans for construction dewatering including estimated duration of dewatering, estimated volume of extracted groundwater, effect of dewatering on local groundwater gradients and plume distribution of offsite contaminant plumes, detailed plans for the collection and treatment system, and proposed method of groundwater disposal;
    - Protocols for in situ chemical oxidation ISCO/enhanced aerobic degradation reagent application. An ISCO/enhanced aerobic degradation reagent (KLOZUR CR) is proposed to be added to the base of the excavation and potentially to the piping trenches during facility construction to increase the ability to degrade TPH and fuel-related VOCs in groundwater.
        - Quantity of treatment compound to be applied,

- Hydrogeologic and soil design properties within the target treatment zone (e.g., hydraulic conductivity, groundwater seepage velocity, thickness of contaminated zone, lithology, average depth to water, natural attenuation parameters etc.);
- Current groundwater and soil concentrations and proposed target treatment goals;
- Proposed groundwater monitoring well network to delineate the lateral extent of the groundwater plume and effectiveness of remedial actions in reducing contaminate mass; and
- Contingency measures for additional groundwater remediation if warranted by post-remediation groundwater data collected from the monitoring well network.

- **Additional Remediation Measures**
  - Detailed plans for additional corrective actions for soil, groundwater, or soil vapor to reduce the risk to on- and off-site receptors, if warranted based on results of the site investigation activities mentioned above.

3. **Construction Soil and Groundwater Management Plan (Construction SGMP)** – A Construction SGMP must be prepared under the direction of a registered civil engineer or registered geologist and submitted to ACDEH for review and approval. The Construction SGMP should describe procedures to be followed by environmental consultants, construction contractors and workers, and other property owner representatives during property improvements, identifying safety and training requirements for construction workers, establishing procedures for assessing and managing contaminated environmental media.

   The Construction SGMP will include a signatory page where all contractors will acknowledge that they have read and will follow the Construction SGMP.

4. **Construction SGMP Certification Form** - A copy of the Construction SGMP Certification Form signed by GHITC 2225 Telegraph Ave, LLC and all their environmental professionals and contractors associated with implementation of corrective actions at the Site must be submitted to ACDEH prior to the start of construction activities. ACDEH notes that additional SGMP Certification Forms must be submitted if additional subsurface work is conducted from the date of the last certification form.

Prior to the start of foundation construction, utility installation, soil importation and backfilling of excavations - the following documents must be submitted to ACDEH for review and approval:

5. **Soil Import Management Plan (SIMP)** – A SIMP for backfill if fill material is required for excavation backfill or other site redevelopment activities must be prepared under the direction of a registered civil engineer or registered geologist and submitted to ACDEH for review and approval. The SIMP must present criteria required to evaluate the environmental conditions of proposed import borrow sites; the environmental sampling and analysis required to characterized the soil to be imported from proposed import borrow sites; proposed site-specific screening levels to be referenced for accepting the soil proposed to be imported; and the documentation to be submitted to ACDEH for timely review and approval of proposed soil to be imported. ACDEH can provide a template upon request.

6. **Vapor Mitigation Engineering Controls (VMECs) Design Documents** – Corrective actions will include installation of VMECs including installation of vapor mitigation system beneath buildings and/or trench dams and plugs within utility corridors. VMECs design documents must be prepared by a Registered Civil Engineer and submitted to ACDEH for review and approval and incorporated into the City of Oakland building and utility permit plans and specifications for the development. The VMEC design documents must include:
   - Basis of design (BOD) report,

- Construction drawings and design specifications;
- Construction quality assurance plan including construction quality assurance/construction quality control procedures describing contractor and inspector qualifications and experience, and procedures for VMEC construction monitoring, testing, and documentation;
- Operation and maintenance (O&M) plan describing post-closure maintenance, monitoring, corrective action and reporting requirements; and
- Construction sequencing plan presenting the sequence of measures that will be used to protect the installed VMECs during building construction activities.

7. **Planning Approvals and Building Permit Plans** – A copy of the City of Oakland approved construction drawings for site redevelopment incorporating the ACDEH approved VMECs and utility trench dams. ACDEH must be notified if the project proponents or the City Planning or Building Departments propose changes to the site development and first floor building plans presented in the in the CAP including but not limited to the proposed location and depth of the elevator shafts or changes to the VMECs design or utility trench dam locations. 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 potential residual contamination.

Prior to backfilling remedial excavations and soil import activities the following documents must be submitted to ACDEH for review and approval:

8. **Remedial Soil Excavation Documentation** – Submittal of soil excavation documentation for excavation, confirmation sampling and analytical results must be submitted prior to the start of backfilling and construction of the final foundation system. The submittal must include but not be limited to scaled figures (plan views and cross-sections) showing sampling locations and extents of excavation, volume of soil excavated and final disposition, waste manifests if disposed of off-site, tabulated analytical results and environmental screening levels, and laboratory analytical reports. The data should be initially submitted to ACDEH via email correspondence to facilitate quick review and backfill approval. Subsequent to ACDEH approval to backfill the data must be incorporated into the Corrective Action Completion Report of Soil Excavation and Construction Groundwater Dewatering.

9. **Soil Import Documentation (if required for backfill)** - Submittal of requisite documentation to ACDEH for review and approval prior to import of fill material per the ACDEH approved SIMP protocols. Information must include but not be limited to proposed sources, sampling and profiling protocols, analytical laboratory reports, and tables with analytical results and applicable environmental screening levels. The data should be initially submitted to ACDEH via email correspondence to facilitate quick review and backfill approval. Subsequent to ACDEH approval to backfill the data must be incorporated into the Corrective Action Completion Report of Soil Excavation and Construction Dewatering.

Prior to building occupancy and issuance of a No Further Action Letter the following documents must be submitted to ACDEH prior to closure for review and approval:

10. **Corrective Action Completion Report for Soil Excavation, Construction Groundwater Dewatering, and ISCO Application** - A comprehensive report documenting the soil corrective action activities and construction groundwater dewatering activities, observations and findings during implementation. The report must include as-built drawings and photo documentation and must include a certification by the remediation design engineer that the remedial measures were implemented in accordance with the approved CAIP. The report must also include copies of all permits and must document at a minimum the following:
    - Description of UST system and facility infrastructure removal activities including confirmation sampling results of impacted soil and over-excavation volumes in these areas,
    - Description of soil excavation activities, including but not limited to volume of soil excavated, waste manifests for off-site disposal, figures (plan view and cross sections) depicting the excavation extents and locations of confirmation sampling, tabulated analytical results with ESLs and delineation and/or overexcavation samples, and laboratory analytical reports including pre-characterization results of in-situ sampling and/or stockpiling sampling;
    - Description of final clean fill importation in accordance with the ACDEH approved SIMP and import documentation submitted to ACDEH for approval prior to import. The documentation must also include manifests documenting source of material transported to site, and figures (plan view and cross sections) depicting the soil import backfill extents,
    - Description of groundwater remediation activities including but not limited to ISCO application, monitoring and analytical results of groundwater pre- and post-treatment, post treatment dissolved phase mass reduction calculations, figures depicting groundwater monitoring well network and contaminant isoconcentration contours, tabulated analytical results with ESLs, and laboratory analytical reports;
    - Description of construction groundwater dewatering activities with supporting documentation including but not limited to tables, figures, laboratory analytical reports, copies of discharge reports, and corrective actions associated with unauthorized releases during construction activities; and
    - Certification of compliance with the Construction SGMP protocols during implementation of remedial measures including but not limited to agency notification and reporting requirements, pre-field activities (site security and access, traffic control, excavation permits, notification and utility clearance), waste management, soil and groundwater management, stormwater management, dust and odor emission control, and contingency measures for discovery of unexpected underground structures.

11. **ISCO Performance Monitoring Report** – Performance report documenting ISCO including monitoring data, mass reduction calculations, laboratory data certificates and copies of the chain-of-custody forms. Monitoring will be conducted and reported at the following frequency:
    - Four times per year, during the first year of operation;
    - Two times per year, for two years following cessation of ISCO application; and
    - Annually, thereafter as appropriate.

12. **Post ISCO Application Groundwater Monitoring Reports** - Groundwater monitoring documents summarizing the findings of the sampling and data collected during the monitoring events. A tabularized summary of the: depth to water measurements and groundwater elevations; well construction details; dissolved phase mass reduction calculations, and analytical data shall also be included. Groundwater elevations and chemical concentrations will be depicted on separate figures. Groundwater monitoring will be conducted and reported at the following frequency:

- Four times per year, during the first year of operation;
- Two times per year, for two years following cessation of SVE system operation; and
- Annually, thereafter as appropriate.

13. **VMEC Report of Construction** – A comprehensive report documenting the construction quality assurance (CQA) activities and observation and findings during construction of the VMEC including vapor mitigation systems beneath buildings and trench dams/plugs in utility corridors. The report must include as-built drawings, photo documentation, certification by the CQA Manager and VMEC Design Engineer that the completed VMEC and utility trench plugs were installed in accordance with the ACDEH, approved basis of design report, plans, and specifications. The report must also include copies of the following documents as standalone appendices:

    - **VMEC Operations and Maintenance (O&M) Plan** – An O&M Plan for the vapor mitigation systems beneath the building. The O&M Plan must include at a minimum documentation of the installed VMEC components, including As-Built drawings and specifications, and photo documentation; responsible party information; details of required O&M activities; and emergency contacts and protocols in case of system failure.

    - **Trench Dam & Plug Maintenance Plan** – A maintenance plan for the trench dams and plugs installed within the utility corridors. The plan must include at a minimum documentation of the installed dams and plugs including As-Built construction drawings and specifications, surveyed coordinates, and photo documentation; responsible party information; and contacts and protocols in case that utility repair requires replacement of the dams or plugs.

14. **Vapor Mitigation System (VMS) Post Construction Performance Monitoring Report** – A report documenting the results of the VMS performance monitoring (indoor air, sub-slab soil vapor, and vent riser sampling) and certification by the VMEC Design Engineer that the VMS is functioning as designed.

15. **Institutional Controls (ICs)** – Recordation of institutional controls including a Land Use Covenant and Disclosure Covenants, Conditions and Restrictions (CC&Rs) providing legal and administrative controls and methods for dissemination of information to site users and occupants, homeowners associations, property managers and property owners to minimize risk during property development, future below-ground construction and maintenance, and long-term site use.

16. **Financial Assurance** – Documentation of an appropriate financial instrument to assure ACDEH of implementation and maintenance of the VMECs. The details of this financial assurance must be worked out by the project proponent and ACDEH as design, construction, and monitoring plans are finalized and approved. The financial assurance instrument must provide for sufficient funds to construct, monitor, and provide regulatory oversight costs for long-term operations and maintenance of the VMEC. Estimates of these costs must be based, in part, on the cost estimates for project implementation that are established in the CAIP. Additionally, an allowance for regulatory oversight must be included in the financial assurance mechanism.

17. **Long Term Site Management Plan (SMP)** – A SMP for long-term site management plan written for the property owner to facilitate compliance with the requirements of the Land Use Covenant. The SMP must provide a description the VMEC, permitted activities, maintenance and reporting requirements and schedule, and notification and documentation procedures should the VMEC be damaged. The SMP must include the VMECs, O&M Plans, and SGMP as standalone appendices and must be maintained at the site address by the property manager or designated representative.

As stated in the CAP, the selected remedial alternative for impacted groundwater at the site is monitored natural attenuation (MNA). AEI proposes conducting groundwater monitoring for a period of five years to monitor the results of the remedial actions and prepare and submit reports after each monitoring event. Based on the reporting, ACDEH will provide review and comments addressing the frequency and duration of the monitoring periods, evaluate the effectiveness of the remedial actions, and provide recommendations regarding additional remedial actions, if warranted.

At each phase of redevelopment and corrective action implementation, all environmental site data and reports for the site submitted for ACDEH review or approval must comply with the following State Water Resources Control Board's electronic submittal information requirements:

18. **GeoTracker Database Compliance** – Site data and documents are maintained in the State Water Board's GeoTracker website. The database acts as repositories for Portable Document Format (PDF) files of regulatory directives and reports and has the functionality to store electronic compliance data in Electronic Deliverable Format (EDF) including analytical laboratory data for soil, vapor, and groundwater samples, monitoring well depth-to-water measurements, and surveyed location and elevation data for sampling locations.

    All historical environmental documents related to the subject site including but not limited the missing soil and groundwater analytical data, documents and reports, maps, and boring logs must be uploaded to GeoTracker prior to receiving ACDEH approval for the related redevelopment or corrective action component. See Attachment 1 regarding electronic submittal requests to GeoTracker. Notification of, and a list of, the documents uploaded to GeoTracker can be provided via electronic mail, Attention: Keith Nowell.

TECHNICAL REPORTS/WORK SCHEDULE

Please perform the requested work and submit technical reports to ACDEH (Attention: Keith Nowell) in accordance with Attachment 1 and the schedule below. The technical reports may be combined as appropriate. Dates will be determined based on revised baseline project schedule.

- **Revised Baseline Project Schedule** – August 24, 2018
  File to be named: RO3273_DEV_SCHD-yyyy-mm-dd

- **Corrective Action Implementation Plan for Soil Excavation, Construction Groundwater Dewatering, and ISCO Application (CAIP)** – August 24, 2018
  File to be named: RO3273_CAIP-yyyy-mm-dd

- **Construction Soil and Groundwater Management Plan** – Date to be Determined
  File to be named: RO3273_SGMP-yyyy-mm-dd

- **Construction SGMP Certification Form** – Date to be Determined
  File to be named: RO3273_SGMP_CERT-yyyy-mm-dd

- **SIMP (if required for fill material)** – Date to be Determined
  File to be named: RO3273_SIMP-yyyy-mm-dd

- **VMEC Design Documents** – November 1, 2018
  File to be named: RO3273_VMEC-yyyy-mm-dd

- **Planning Approvals and Building Permit Plans with VMECs**– Date to be Determined
  File to be named: RO3273_DEV_PLAN-yyyy-mm-dd

- **Remedial Soil Excavation Documentation** – Date to be Determined
  File to be named: RO3273_SOIL_EXPORT-yyyy-mm-dd

- **Soil Import Documentation(if required for backfill)** – Date to be Determined
  File to be named: RO3273_SOIL_IMPORT-yyyy-mm-dd

- **Corrective Action Completion Report for Soil Excavation and Construction Groundwater Dewatering**– Date to be Determined
  File to be named: RO3273_ CACR-yyyy-mm-dd

- **ISCO Performance Monitoring Report**– Date to be Determined
  File to be named: RO3273_ IR_R_yyyy-mm-dd

- **Groundwater Monitoring Reports**– Date to be Determined
  File to be named: RO3273_ GWM_R_yyyy-mm-dd
- **VMEC and Utility Trench Dam Record Report of Construction** – Date to be Determined
  File to be named: RO3273_VMEC_ROC-yyyy-mm-dd
- **Vapor Mitigation System (VMS) Post Construction Performance Monitoring Report** – Date to be Determined
  File to be named: RO3273_VMS_MON_R-yyyy-mm-dd

- **Institutional Controls** – Date to be Determined
  File to be named: RO3273_IC-yyyy-mm-dd

- **Land Use Covenant** – Date to be Determined
  File to be named: RO3273_LUC-yyyy-mm-dd

- **Financial Assurance Mechanism** – Date to be Determined
  File to be named: RO3273_FAM-yyyy-mm-dd

- **Long Term SMP** – Date to be Determined
  File to be named: RO3273_LT_SMP-yyyy-mm-dd

- **GeoTracker Database Compliance** – ongoing as investigation and reports are conducted

Thank you for your cooperation. ACDEH looks forward to working with you and your redevelopment team to advance the case toward closure. If you have any questions, please call me at (510) 567-6764 or send me an electronic mail message at keith.nowell@acgov.org.

Sincerely,

Keith Nowell

Digitally signed by Keith Nowell
DN: cn=Keith Nowell, o=Alameda County, ou=Department of Environmental Health, email=keith.nowell@acgov.org, c=US
Date: 2018.08.06 08:31:46 -07'00'

Keith Nowell
Hazardous Materials Specialist

Encl.: Attachment 1 – Responsible Party (ies) Legal Requirement/Obligations Instructions

cc:

Ross Stadehouse, Tidewater Capital, 564 Market Street, San Francisco, CA 94104 (Sent via electronic mail to: rstackhouse@tidewatercap.com)

Tom Graf, GrafCon, PO Box 1105, Tiburon, CA 94920 (*Sent via electronic mail to tom@grafcon.us*)

Jeremy Smith, AEI Consultants, 2500 Camino Diablo, Walnut Creek, CA 94597 (*Sent via electronic mail to jasmith@aeiconsultants.com*)

Veronica Statham, AEI Consultants, 2500 Camino Diablo, Walnut Creek, CA 94597 (*Sent via electronic mail to vstatham@aeiconsultants.com*)

Jennifer Sedlachek ExxonMobile, 4096 Piedmont Ave. #194, Oakland, CA 94611 (*Sent via electronic mail to jennifer.c.sedlachek@exxonmobil.com)*

Scott Perkins, Cardno, 601 North McDowell Boulevard, Petaluma, CA 94954 (*Sent via* electronic mail to: *Scott.Perkins@cardno.com*)

Lam Truong, 2225 Telegraph Avenue, Oakland, CA 94612-2315 *(Sent via electronic mail to:* Oaklandvalero@att.net

Dilan Roe, ACDEH, Chief Land, and Water Division (*Sent via* electronic *mail to: dilan.roe@acgov.org*)

Paresh Khatri, ACDEH, Managing Supervisor (*Sent via* electronic *mail to: paresh.khatri@acgov.org*)

Keith Nowell, ACDEH (*Sent via* electronic *mail to: keith.nowell@acgov.org*)

Electronic File, GeoTracker

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	**REVISION DATE:** December 14, 2017
	ISSUE DATE: July 25, 2012
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	**SUBJECT:** Responsible Party(ies) Legal Requirements / Obligations

REPORT & DELIVERABLE REQUESTS

Alameda County Department of Environmental Health (ACDEH) Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) require submission of all reports in electronic form to the State Water Board's (SWB) GeoTracker website in accordance with California Code of Regulations, Chapter 30, Division3, Title 23 and Division 3, Title 27.

Leaking Underground Fuel Tank (LUFT) Cases

Reports and deliverable requests are 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 (RP) in conjunction with an unauthorized release from a petroleum underground storage tank (UST) system.

Site Cleanup Program (SCP) Cases

For non-petroleum UST cases, reports and deliverables requests are pursuant to California Health and Safety Code Section 101480.

ELECTRONIC SUBMITTAL OF REPORTS

A complete report submittal includes the PDF report and all associated electronic data files, including but not limited to GEO_MAP, GEO_XY, GEO_Z, GEO_BORE, GEO_WELL, and laboratory analytical data in Electronic Deliverable Format™ (EDF). Additional information on these requirements is available on the State Water Board's website (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)

- Do not upload draft reports to GeoTracker
- Rotate each page in the PDF document in the direction that will make it easiest to read on a computer monitor.

GEOTRACKER UPLOAD CERTIFICATION

Each report submittal is to include a GeoTracker Upload Summary Table with GeoTracker valid values[1] as illustrated in the example below to facilitate ACDEH review and verify compliance with GeoTracker requirements.

GeoTracker Upload Table Example

Report Title	Sample Period	PDF Report	GEO_MAPS	Sample ID	Matrix	GEO_Z	GEO_XY	GEO_BORE	GEO_WELL	EDF
2016 Subsurface Investigation Report	2016 S1	✓	✓	Effluent	SO	☐	☐	☐	☐	✓
2012 Site Assessment Work Plan	2012	✓	✓			☐	☐	☐	☐	☐
2010 GW Investigation Report	2008 Q4	✓	✓	SB-10	W	✓	☐	☐	☐	✓
				SB-10-6	SO	☐	☐	☐	☐	✓
				MW-1	WG	✓	✓	✓	✓	✓
				SW-1	W	✓	✓	✓	✓	✓

[1] GeoTracker Survey XYZ, Well Data, and Site Map Guidelines & Restrictions, CA State Water Resources Control Board, April 2005

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	**REVISION DATE:** NA
	ISSUE DATE: December 14, 2017
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	**SUBJECT:** Responsible Party(ies) Legal Requirements / Obligations

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 the State Water Board's GeoTracker website." This letter must be signed by the Responsible Party, or legally authorized representative of the Responsible Party.

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 and include the professional registration stamp, signature, and statement of professional certification. 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

For LUFT cases, RP's non-compliance with these regulations may result in ineligibility to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse the cost of cleanup. Additional information is available on the internet at: https://www.waterboards.ca.gov/water_issues/programs/ustcf/

AGENCY OVERSIGHT

Significant delays in conducting site assessment/cleanup or report submittals may result in referral of the case to the Regional Water 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.