



August 1, 2018

Ms. Erin Patch  
Posada de Colores, LP  
The Unity Council  
1900 Fruitvale Avenue, Suite A  
Oakland, CA 94601  
(sent via electronic mail to: [epatch@unitycouncil.org](mailto:epatch@unitycouncil.org))

Subject: Conditional Approval of *Draft Remediation Action Plan, Remedial Action Plan Addendum, Remedial Design and Implementation Plan, Groundwater Remedial Action Plan, Soil Import Management Plan, Construction Soil and Groundwater Management Plan, Revised Baseline Project Schedule, and Draft Land Use Covenant* for Site Cleanup Program Case No. RO0003274 and GeoTracker Global ID T10000011152, 2221 Fruitvale Ave, 2221 Fruitvale Avenue, Oakland, CA 94601, Assessor's Parcel No. 26-750-31-3

Dear Ms. Patch:

Alameda County Department of Environmental Health (ACDEH) has reviewed the case file in conjunction with the following documents prepared by West Environmental Services & Technology, Inc. (WEST) on your behalf:

- *Draft Remedial Action Plan* (Draft RAP) dated January 2018;
- *Remedial Action Plan Addendum* (RAP Addendum) dated February 2018;
- *Remedial Design and Implementation Plan* (the RDIP), dated June 2018; and
- *Groundwater Remedial Action Plan* (Groundwater RAP), dated June 2018.
- *Soil Import Management Plan* (SIMP). dated June 2018
- *Construction Soil and Groundwater Management Plan* (SGMP), dated June 2018
- *Revised Baseline Project Schedule*, dated June 12, 2018
- *Draft Land Use Covenant* (LUC), dated July 25, 2018

ACDEH understands that the site is currently an eight-story senior living apartment complex that includes landscape areas to the north and south and parking to the west. Property improvement/renovation activities are proposed to be completed in phases and will include rehabilitation of 100 apartment units and upgrades and repairs to the building exterior, building systems, and common areas.

Chlorinated solvents have been detected at the Site in soil, soil vapor, and groundwater at concentrations above the 2016 San Francisco Regional Water Quality Control Boards (Regional Water Board) Environmental Screening Levels (ESLs). Environmental investigations have been conducted at the Site in 2017 and 2018 in association with the proposed site improvement activities. Additional groundwater investigation activities have been completed which: further delineated the vertical and lateral extent of the chlorinated solvents in the subsurface; and characterized the associated risk to potential on- and off-site sensitive receptors.

The *Draft RAP* and *RAP Addendum* addresses volatile organic compounds (VOCs) in soil and soil vapor (collectively referred to as the Vapor RAP) and presents recommendations for remedial actions including: soil/source area excavation; soil vapor extraction (SVE) and, vapor mitigation engineering controls (VMECs) including a vapor mitigation system (VMS) beneath the building and/or trench dams and plugs within utility corridors. The *RDIP* presents the design and implementation details of the proposed soil excavation and SVE corrective actions and the VMECs presented in the Vapor RAP. The VMECs were designed as contingency measures and will be installed, with concurrence from ACDEH, if a vapor intrusion condition is present following completion of soil/source removal and implementation of SVE. A Verification, Operations and Maintenance Plan (VOMP) was included in the RDIP, which details the vapor monitoring for evaluating: the efficacy of the SVE system to address vapor intrusion; and the contingent installation of VMECs.

The Groundwater RAP addresses VOC contamination in groundwater and presents proposed groundwater remedial actions including injection of enhanced in-situ degradation (EISD) to stimulate in-situ biodegradation of tetrachloroethylene (PCE) and daughter products and installation of additional groundwater wells for post-remediation groundwater monitoring to evaluate the effectiveness of corrective actions.

The proposed remedial actions presented in the Vapor RAP, RDIP, and Groundwater RAP will be implemented during renovations of the existing building. Tenants living in units or in areas being renovated will be relocated, while tenants outside of the remediated or renovated areas will remain during construction. Nothing contained herein shall prohibit tenants from residing at the site during renovations. Post corrective action monitoring will be conducted to evaluate the effectiveness of the remedial measures and, if needed, installation of the VMECs, with concurrence from the ACDEH. Institutional controls (ICs) including a Land Use Covenant (LUC) and Long-Term Site Management Plan will be recorded to prohibit use of the groundwater and ensure that the integrity of the VMECs are maintained until concentrations in groundwater and soil vapor reach acceptable levels.

The revised project schedule provides details relating to the sequencing of corrective actions and site renovation activities. The schedule includes dates for construction startup, environmental remediation, and unit renovation.

The Construction SGMP describes 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.

The SIMP presents criteria required to evaluate the environmental conditions of proposed import borrow sites; and the environmental sampling and analysis required to characterize the soil to be imported from proposed import borrow sites

ACDEH is of the opinion that implementation of the proposed corrective actions will minimize risk to on- and off-site receptors from exposure to residual subsurface chlorinated solvent contamination provided the information contained in the case file is accurate and representative of currently known Site conditions. Upon completion of the site improvement project and implementation of the remedial actions presented in the Vapor RAP, RDIP, and Groundwater RAP, ACDEH will issue a completion letter (Remedial Action Completion; **RAC Directive Letter**) confirming that the approved remedial actions have been implemented in accordance with the above mentioned documents and the case will transition to a post-corrective action long-term monitoring phase. Prior to ACDEH issuance of the RAC Directive Letter regarding completion of vapor remedial actions and before a determination is made regarding installation of a sub-slab depressurization system, vapor sampling events will be conducted to confirm that indoor air concentrations are below environmental screening levels. If the remedial actions presented in the Vapor RAP are completed prior to the completion of the remedial actions presented in the Groundwater RAP, at the discretion of the County, separate RAC Directive Letters will be issued. Therefore, at this juncture, ACDEH has no objection to you proceeding with the proposed Site improvement and remedial activities presented in the Vapor RAP, RDIP, and Groundwater RAP

provided you submit the requisite *Deliverable* documents listed below and implement ACDEH approved corrective actions.

ACDEH, pursuant to the December 15, 2017 Voluntary Remedial Action Program Agreement between Posada de Colores, LP and the ACDEH, is the lead regulatory oversight agency with concurrence from the California Environmental Protection Agency's (CalEPA) Regional Water Quality Control Board-San Francisco Bay Region and the Department of Toxic Substances Control (DTSC), for the environmental investigations and cleanup actions at the subject site. ACDEH is also the Certified Unified Program Agency with jurisdiction in Oakland.

### **DELIVERABLES**

Prior to the start of renovation of property improvements and implementation of corrective actions the following documents must be submitted to ACDEH for review and approval:

1. **Revised Baseline Project Schedule** - A revised project schedule showing dates for submittal of requisite documents including at a minimum the following: SGMP Certification Form, Building Permit Plans, a copy of Final City of Oakland approved Building Permits with the VMECs (if needed) incorporated, Remedial Soil Excavation documentation, Soil Importation Documentation, Remedial Action Implementation Report for Soil Excavation, Groundwater Remediation and SVE System Installation and Startup Testing, SVE System Performance Monitoring Report, Groundwater Monitoring Report, VMECs Record Report of Construction (if installed), VMECs Operation and Maintenance Plan(if installed), Trench Dam Maintenance Plan (if installed), VMEC Post Construction Performance Monitoring Report (if installed), Institutional Controls including recordation of a Final 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 the start of activities. The Baseline Project Schedule shall be updated as necessary to reflect the current status of the project
2. **Building Permit Plans** - A copy of the building permit plan construction sets documenting compliance with the conceptual plans presented in the RAPs and RDIP. ACDEH must be notified if the project proponent or the City Building Department proposes changes to the site development and first floor building plans. 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 and the proposed corrective actions.

Prior to the start of renovation of property improvements and implementation of corrective actions and ongoing as subsurface intrusion work is conducted after the date of the last certification form by environmental professionals and contractors the following documents must be submitted to ACDEH for review:

3. **Construction Soil and Groundwater Management Plan (SGMP) Certification Form** - A copy of the Construction SGMP Certification Form signed by Posada de Colores, LP and all your environmental professionals and contractors associated with implementation of corrective actions at the Site certifying that they agree to comply with the ACDEH approved SGMP.

Prior to the start of VEMC installation and after indoor air sampling events have been conducted and ACDEH has determined if additional VMECs are needed:

4. **Final Building Permit Plans with VMECs** – If VMECs are installed, a copy of the City of Oakland approved construction drawings for site improvements incorporating the VMECs must be submitted to ACDEH for review to verify that the VMECs have been incorporated into the plans as approved by ACDEH.

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

5. **Remedial Soil Excavation Documentation** – Submittal of a soil excavation documentation for source excavation, confirmation sampling and analytical results, must be submitted prior to the start of 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 Remedial Action Completion Report of Soil Excavation and Groundwater.
6. **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 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 Remedial Action Completion Report of Soil Excavation and Groundwater Remediation.

Prior to issuance of a RAC Directive Letter the following documents must be submitted to ACDEH prior to closure for review and approval:

7. **Remedial Action Implementation Report (RAIR) for Soil Excavation, Groundwater Remediation and SVE System Installation and Startup Testing** - A comprehensive report documenting the soil, soil vapor, and groundwater remediation activities and observation 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 RAIP. The report must also include copies of all permits and must document at a minimum
  - Investigation results in accordance with the work plan in the approved Groundwater RAP. Documentation must include permits, waste disposal documentation, etc.
  - Description of soil excavation activities, including but not limited to volume of soil excavated and final clean fill importation, 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;
  - Description of groundwater remediation, startup and baseline monitoring activities including but not limited EISD application, groundwater monitoring well installation, start-up testing, 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 SVE installation, startup testing, and performance/baseline monitoring including but not limited to remedial actions summary and any changes to the remedial design or field activities; field data sheets with all observations, air monitoring results and a record of field and/or laboratory tests; field activities description, soil disposal documentation; post soil sample results; sample

locations; monitoring data, laboratory data certificates and copies of the chain-of-custody forms; summary of deviations from the RAP; and resident notification. The report will include an evaluation of the SVE system performance monitoring to determine the whether installation/operation of SSDS system will be required.; and

- Certification of compliance with the 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.
- 8. SVE System Performance Monitoring Reports** - Monitoring reports documenting SVE operation and maintenance, operational up time, optimization changes, indoor air, sub-slab, and 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 SVE system operation; and
  - Three (3) months after any material modification to the SVE system.
- 9. Post Injection Groundwater Monitoring Reports** - Groundwater monitoring documents summarizing the findings of the sampling and data collected during the monitoring event. 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.
- 10. VMEC Report of Construction** – If VMECs are installed, 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 VMECs 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** – If VMECs are installed, an O&M Plan for the vapor mitigation systems beneath the building will be included in a revised VOMP. The 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** – If trench dams and plugs are installed within the utility corridors as a VMEC, a maintenance plan for the trench dams and plugs will be included in a revised VOMP. 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.

- 11. Vapor Mitigation Engineering Controls (VMEC) Post Construction Performance Monitoring Report** – If VMECs are installed, a report documenting the installation of the VMECs, CQA observation and testing during VMEC installation, and results of the VMEC performance monitoring (soil gas, indoor air, sub-slab soil vapor, and vent riser sampling) and certification by the VMEC Design Engineer that the VMECs are functioning as designed. Performance monitoring of the VMECs must be conducted in accordance with the VOMP.
- 12. Institutional Controls (ICs)** – Recordation of institutional controls including a *Final* 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.
- 13. 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 RAIP. Additionally, an allowance for regulatory oversight must be included in the financial assurance mechanism.
- 14. 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 of the VMECs, permitted activities, maintenance and reporting requirements and schedule, and notification and documentation procedures should the VMECs be damaged. The SMP must include the VMECs, VOMP, and SGMP as standalone appendices and must be maintained at the site address by the property manager or designated representative.

Upon satisfaction of delivery and approval of the items set forth in 7 through 14 above and evidence that the exposure levels meet the San Francisco Bay Regional Water Quality Control Board acceptable standards for soil and groundwater remediation, a RAC Directive Letter will be issued.

- 15. 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.

ACDEH requests Posada upload 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 to GeoTracker. See Attachment 1 regarding electronic submittal requests to GeoTracker. Notification of, and a list of, the documents uploaded to GeoTracker can be emailed to my attention (Attention Drew York).

## TECHNICAL REPORTS/WORK SCHEDULE

Please perform the requested work and submit technical reports to ACDEH (Attention: Drew York) in accordance with Attachment 1 and 2 and the schedule below. The technical reports may be combined as appropriate. Dates will be determined based on revised baseline project schedule.

1. **Revised Baseline Project Schedule** – Date to be determined, and ongoing if changes to the schedule occur  
File to be named: RO3274\_DEV\_SCHD-yyyy-mm-dd
2. **City of Oakland Building Department Permit Plans** – Date to be Determined  
File to be named: RO3274\_DEV\_PLAN-yyyy-mm-dd
3. **Construction SGMP Certification Form** – Date to be determined and ongoing if additional subsurface work is conducted from the date of the last certification form  
File to be named: RO3274\_SGMP\_CERT-yyyy-mm-dd
4. **Final Building Permit Plans with VMECs** – Date to be determined, after indoor air sampling events have been conducted and ACDEH has determined if additional VMECs are needed  
File to be named: RO3259\_DEV\_PLAN\_FINAL-yyyy-mm-dd
5. **Soil Import Documentation** – Date to be Determined  
File to be named: RO3274\_SOIL\_IMPORT-yyyy-mm-dd
6. **Remedial Soil Excavation Documentation** – Date to be Determined  
File to be named: RO3274\_SOIL\_EXPORT-yyyy-mm-dd
7. **RAIR for Soil Excavation, Groundwater Remediation, and SVE System Installation and Startup Testing** – Date to be Determined  
File to be named: RO3274\_RAIR-yyyy-mm-dd
8. **SVE System Performance Monitoring Reports**– Date to be Determined  
File to be named: RO3274\_IR\_R-yyyy-mm-dd
9. **Groundwater Monitoring Reports**– Date to be Determined  
File to be named: RO3274\_GWM\_R-yyyy-mm-dd
10. **VMEC Report of Construction** – Date to be Determined, if VMEC is installed  
File to be named: RO3274\_VMEC\_ROC-yyyy-mm-dd
11. **VMEC Post Construction Performance Monitoring Report** – Date to be Determined, if VMEC is installed  
File to be named: RO3274\_VMS\_MON\_R-yyyy-mm-dd
  - o **Final Land Use Covenant** – Date to be Determined  
File to be named: RO3274\_FinalLUC-yyyy-mm-dd
12. **Financial Assurance Mechanism** – Date to be Determined  
File to be named: RO3274\_FAM-yyyy-mm-dd
13. **Long Term SMP** – Date to be Determined  
File to be named: RO3274\_LT\_SMP-yyyy-mm-dd

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

Thank you for your cooperation. ACDEH looks forward to working with you and your environmental consultants to advance the case toward closure. If you have any questions, please call me at (510) 639-1276 or send me an email message at [andrew.york@acgov.org](mailto:andrew.york@acgov.org)

Sincerely,



Drew J. York  
Senior Hazardous Materials Specialist

*Dilan Roe*

Dilan Roe, PE, C73703  
Chief - Land Water Division

Encl.: Attachment 1 – Responsible Party (ies) Legal Requirement/Obligations Instructions  
Attachment 2 – Electronic File Naming Conventions  
Attachment 3 – Draft Land Use Covenant

cc: Erin Patch, Posada De Colores (*Sent via E-mail to: [epatch@unitycouncil.com](mailto:epatch@unitycouncil.com)*)  
Kenneth Jones, Landis Development (*Sent via E-mail to: [kjones@landisdevelopment.com](mailto:kjones@landisdevelopment.com)*)  
Tom Graf, Graf Con (*Sent via E-mail to: [tom@grafcon.com](mailto:tom@grafcon.com)*)  
Peter Morris, WEST (*Sent via E-mail to: [peterm@westenvironmental.com](mailto:peterm@westenvironmental.com)*)  
Dilan Roe, ACDEH, Chief Land, and Water Division (*Sent via E-mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org)*)  
Drew York, ACDEH (*Sent via E-mail to: [andrew.york@acgov.org](mailto:andrew.york@acgov.org)*)  
Electronic File, GeoTracker



ATTACHMENT 1

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> December 14, 2017
	<b>ISSUE DATE:</b> July 25, 2012
	<b>PREVIOUS REVISIONS:</b> September 17, 2013, May 15, 2014, December 12, 2016
<b>SECTION:</b> ACDEH Procedures	<b>SUBJECT:</b> 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, Division 3, 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/](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<sup>1</sup> 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
<b>2016 Subsurface Investigation Report</b>	2016 S1	✓	✓	Effluent	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
<b>2012 Site Assessment Work Plan</b>	2012	✓	✓			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2010 GW Investigation Report</b>	2008 Q4	✓	✓	SB-10	W	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				SB-10-6	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				MW-1	WG	✓	✓	✓	✓	✓
				SW-1	W	✓	✓	✓	✓	✓

<sup>1</sup> GeoTracker Survey XYZ, Well Data, and Site Map Guidelines & Restrictions, CA State Water Resources Control Board, April 2005

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> NA
	<b>ISSUE DATE:</b> December 14, 2017
	<b>PREVIOUS REVISIONS:</b> September 17, 2013, May 15, 2014, December 12, 2016
<b>SECTION:</b> ACDEH Procedures	<b>SUBJECT:</b> 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/](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.

ATTACHMENT 2

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> August 1, 2017
	<b>PREVIOUS REVISIONS:</b>  July 17, 2017, November 8, 2016, December 15, 2015, December 16, 2014, June 19, 2013, June 15, 2011, March 26, 2009, April 29, 2008
	<b>ISSUE DATE:</b> June 16, 2006
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> File Names for Electronic Reports

Format: REPORT\_NAME\_R\_YYYY-MM-DD  
Ex: SWI\_R\_VOL1\_2006-05-25

<b>LOP and SCP (VRAP) INCOMING REPORTS AND LETTERS</b>	
<b>Document Name</b>	<b>Abbreviation File Name= Abbreviation + Date (yyyy- mm-dd)</b>
Abandoned Well Information/Water Supply Well Information	ABWELLINF_R
Addendum	ADEND_R (added after report name)
Additional Information Report	ADD_R
Analytical Reports (Loose data sheets not in report)	ANALYT_R
As Built Drawings (or Plans)	AS_BUILT
Case File Scanned By OFD	CASE_FILE
Cleanup and Abatement Report	CAO_R
Case Transfer Form (from CUPA)	CASE_TRNSFR_F
Conduit Study/Well Search/Sensitive Receptor/Well Survey/Preferential Pathway Study	COND_WELL_R
Corrective Action Plan (CAP)	CAP_R
Correspondence	CORRES_L
Court Injunctions	INJ_L
Development Plans (Includes Plan Set, Cross-sections, and Related Drawings)	DEV_PLAN_date
Development Schedule (Project Schedule, Gant Chart, etc.)	DEV_SCHD_date
DWR Confidential Well Logs (Report containing)	report name_R_CONFIDENTIAL_YYYY-MM-DD (Ex: SWI_R_CONFIDENTIAL_YYYY-MM-DD)
DWR Well Completion Report-Confidential (Loose well logs)	DWR_WELL_CONFIDENTIAL_YYYY-MM-DD (Date of Well Log)
ESI/DAR (Environmental Site Investigation, Data Assessment Report)	ESI_R
Excavation Report	EX_R
Extension Request Letter	EXT_RQ_L
Fact Sheet	FACT_SHT

Feasibility Study	FEASSTUD_R
Groundwater Monitoring/Quarterly Summary Report	GWM_R
Financial Assurance/Letter of Credit	FNCL_ASSRNC_LOC
Interim Remedial Action Plan	IRAP_R
Interim Remediation Results (Includes Pilot Test Reports, Vapor Mitigation Reports, Soil Reports, Free Product Removal Reports, & Dual-Phase Extraction Reports)	IR_R
Lawsuit	LAWSUIT_R
Migration Control Report	MIG_R
Miscellaneous Report/Soil Sample	MISC_R
Miscellaneous Sample Report (analytical results)	MISC_SAMP_R
Notification Letter	NOT_L
NPDES Miscellaneous Reports	NPDES_R
Operations & Maintenance Plan	OM_P
Operations & Maintenance Report	OM_R
Pay for Performance	PFP_R
Petition	PETITION_R
Phase 1 Environmental Assessment Report	PHASE1_R
Photos	PHOTO_date
Preliminary Site Assessment Report/Phase 2 (historic reports only)	PSA_R
Remedial Action Plan	RAP_R
Remedial Design & Implementation Plan	RDIP_R
Remediation Progress Report	REM_R
Request for Closure	RFC(_L or _R)
Risk Assessment Report	RISK_R
Risk Based Corrective Action	RBCA_R
List of Landowners Forms	LNDOWNR_F_DATE
SB2004 Letter of Commitment	LOC_L
Site Conceptual Model/Conceptual Site Model	SCM_R
Site Health & Safety Plan	SFTY_PLAN_R
Site Management	SITE_MANAGE_R_
Site Management Plan	SMP_R
Site Summary Report	SITE_SUM_R

Soil and Water Investigation Report (Includes soil gas/vapor reports, indoor, additional site investigation, well installation, site characterization, cross section, indoor air, additional onsite investigation, Phase II/preliminary site assessment)	SWI_R
Soil Disposal Report	SOIL_DSPL_R
Source Area Characterization	SOURCAREA_R
State Information	STATE_INFO (no date)
Status Report(monthly remediation status reports addressed to sanitary district requires no stamp/perjury)	STAT_R
Tank/Tank System Removal Report	TNK_R
Tentative Order Report	TENT_R
Unauthorized Release Form	URF_R
UST Sampling Report	UST_SAMP_R
USTCF 5 Year Review	USTCF_5YR
USTCF issued Public Notice	USTCF_PP_L
Well Construction Report (limited to water supply wells)	WELL_CST_R
Well Decommissioning Report/Letter (well destruction/abandonment)	WELL_DCM_R
Work Plan	WP_R

**LOP and SLIC  
ACEH OUTGOING LETTERS AND CASE FILE DOCUMENTATION**

<b>Document Name</b>	<b>Abbreviation File Name= Abbreviation + Date (yyyy-mm-dd)</b>
90 Day Letter	90D_L
CAP Approval	CAP_AP_L
RP Certification of Public Notice	CAP_CERT_L
CAP Public Participation Letter	CAP_PP_L
CAP Public Participation Letter to RP	CAP_PPRP_L
Certified Mail Receipt	CERT_MAIL_RECEIPT
Cleanup and Abatement Order	CAO_L
Closure Public Participation Letter	CL_PP_L
Closure Package (Letter, RACC, Summary, Deed Restriction)	CLOS_L
Correspondence	CORRES_L
Deed Restriction	DEED_L_ (Copied from CLOS_L_)
Directive Letter containing Public Notice and/or Landowner request form	DIR_PP_L
Directive Letter (Landowner form, site management requirements, well decommission scheduling prior to closure of PP, copy of PP to all RPs)	DIR_L
Enforcement	ENF_L
Enforcement Referral Letter	ENF_REF_L
Extension Approval Letter	EXT_AP_L
Extension Denial Letter	EXT_DNY_L
Fund Requests	FUND_REQ_L
Final Voluntary Remedial Action Agreement	FVRAA_date
GeoTracker info	GEOTRACK_R
Late Letter	LATE_L
List of Landowners Forms	LNDOWNR_F_DATE
Mailing List for Public Notice in Excel Format	MAIL_PP_DATE
Maps & Assessor's Parcel Information	MAPS_ASSESSOR (no date)
Meeting Agenda, Minutes, Sign in Sheet	MEETING
Miscellaneous Letter	MISC_L
New Landowner Letters	LNDOWNR_REQ_L
Notice of Responsibility	NOR_L
Notice of Violation	NOV_L
Phone Log	PHONE_LOG
Photos	PHOTO_date
Post Closure Monitoring	PCMP_L
QA/QC Checklist (confidential)	QAC_report name_date
Responsible Parties Information	RPINFO_L_DATE OF THE LETTERHEAD
Returned Mail	RTN_MAIL_date



Site Visit/Inspection Report	SITEVISIT_R
Transfer Letter	TRANS_L
UST Permit	UST_PRMT
Voluntary Remedial Action Notice to State Agencies	VRA_NOTICE
Voluntary Remedial Action Request Form from RP	VREQ_F

ATTACHMENT 3

**Recording Requested By:**

Unity Council

**When Recorded, Mail To:**

Paresh Khatri  
Alameda County Environmental Health Services  
1131 Harbor Bay Parkway  
Alameda, California 94502

DRAFT  
COVENANT AND ENVIRONMENTAL RESTRICTION  
ON PROPERTY

[2221 Fruitvale Ave. located at 2221 Fruitvale Avenue, Oakland, CA 94601

This Covenant and Environmental Restriction on Property (this "Covenant") is made as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by the Unity Council ("Covenantor") on behalf of itself and its successors and assigns, who is the Owner of record of that certain property situated at 2221 Fruitvale Ave, in the City of Oakland, County of Alameda, State of California, which is more particularly described in Exhibit A attached hereto and incorporated herein by this reference (such property hereinafter referred to as the "Burdened Property"), for the benefit of the Alameda County Environmental Health Services (the "County"), with reference to the following facts:

A. Contamination of the Burdened Property. The Burdened Property, and soil, soil vapor, and groundwater underlying the property, contains hazardous materials. Soil, soil vapor, and groundwater at the Burdened Property was contaminated from the historic operations of a dry cleaning business that operated on a portion the Burdened Property. This operation resulted in contamination of soil, soil vapor and groundwater with organic chemicals including volatile organic compounds. These chemicals constitute hazardous materials as that term is defined in Health & Safety Code Section 25260.

B. Exposure Pathways. The contaminants addressed in this Covenant are present in soil, soil vapor, and groundwater on the Burdened Property. Without the remediation, engineering controls, and administrative controls which have been implemented at the Burdened Property, exposure to these contaminants could take place via inhalation, ingestion, and dermal contact. The risk of public exposure to the contaminants has been substantially lessened by the remediation, engineering controls, and administrative controls described herein.

C. Remediation of the Hazardous Material. Corrective actions have been implemented to mitigate the risk of exposure of Occupants, maintenance workers, and construction workers to subsurface contamination at the Burdened Property: Soil excavation and soil vapor extraction was conducted in the area impacted by releases of VOCs from the former dry cleaner to remediate soil and soil vapor. Saturated soil and groundwater was treated with a chemical injection to enhance in-situ biodegradation.

D. Engineering Controls and Administrative Controls of Hazardous Materials.

1. Engineering Controls. Vapor mitigation engineering controls (VMECs) including a soil vapor extraction system (SVE) and/or a subslab depressurization system (SSDS) and/or utility trench dams/plugs have been installed at the Burdened Property for mitigation of potential vapor intrusion and migration. The SVE and SSDS systems consist of a network of extraction piping located below the slab within the footprint of the building and outside of the building, vapor extraction wells in the source area, and a blower system on the Property. The utility trench dams/plugs consist of an impermeable barrier located in utility corridors penetrating the building. The VMECs are designed to mitigate the potential for soil vapor beneath the Burdened Property to contribute to unacceptable human health risk in indoor air.

2. Administrative Controls. The Covenantor and its successors and assigns shall submit all requisite reports to the County via electronic transmittal to the State Water Board's GeoTracker website (GeoTracker Global ID: T10000011152). The Covenantor on behalf of itself and its successors and assigns accepts ongoing annual County fees for oversight and review of annual reports by the County, as provided by Health and Safety Code §101480 and maintenance of a deposit/refund account as authorized in Alameda County Ordinance Code § 6.92.040L. The Covenantor shall hire a Qualified Environmental Professional to inspect, operate, and maintain the VMECs installed at the Burdened Property for the life of the Improvements at the Burdened Property pursuant to the Verification, Operations and Maintenance Plan (VOMP) dated June 2018 and the Long-Term Site Management Plan (SMP) dated xxxx, prepared by WEST Environmental Services & Technology, Inc, which is incorporated by reference, including future amendments hereto. Any owner may propose VOMP and SMP modifications, as appropriate. Any VOMP and SMP modifications must be approved by the County. The VOMP and SMP may be found on the State Water Resources Control Board GeoTracker website [http://geotracker.waterboards.ca.gov/profile\\_report?global\\_id=T10000011152](http://geotracker.waterboards.ca.gov/profile_report?global_id=T10000011152)

E. Adjacent Land Uses and Population Potentially Affected. The Burdened Property is used for senior housing and is adjacent to commercial and residential land uses.

F. Full and voluntary disclosure to the County of the presence of hazardous materials on the Burdened Property has been made and extensive sampling of the Burdened Property has been conducted.

G. Covenantor desires and intends that in order to benefit the County, and to protect the present and future public health and safety, the Burdened Property shall be used in such a manner as to avoid potential harm to persons or property that may result from hazardous materials that may have been deposited on portions of the Burdened Property.

ARTICLE I  
GENERAL PROVISIONS

1.1 Provisions to Run with the Land. This Covenant sets forth protective provisions, covenants, conditions and restrictions (collectively referred to as "Restrictions") upon the Burdened Property.

Every portion of the Burdened Property shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed subject to the Restrictions. The restrictions set forth in Article III are reasonably necessary to protect present and future human health and safety or the environment as a result of the presence on the land of hazardous materials. Each and all of the Restrictions shall run with the land, and pass with each and every portion of the Burdened Property, and shall apply to, inure to the benefit of, and bind the respective successors in interest thereof, for the benefit of the County and all Owners and Occupants. Each and all of the Restrictions are imposed upon the entire Burdened Property unless expressly stated as applicable to a specific portion of the Burdened Property. Each and all of the Restrictions run with the land pursuant to section 1471 of the Civil Code. Each and all of the Restrictions are enforceable by the County.

1.2 Concurrence of Owners and Lessees Presumed. All purchasers, lessees, or possessors of any portion of the Burdened Property shall be deemed by their purchase, leasing, or possession of such Burdened Property, to be in accord with the foregoing and to agree for and among themselves, their heirs, successors, and assignees, and the agents, employees, and lessees of such owners, heirs, successors, and assignees, that the Restrictions as herein established must be adhered to for the benefit of the County and the Owners and Occupants of the Burdened Property and that the interest of the Owners and Occupants of the Burdened Property shall be subject to the Restrictions contained herein.

1.3 Incorporation into Deeds and Leases. Covenantor desires and covenants that the Restrictions set out herein shall be incorporated in and attached to each and all deeds and leases of any portion of the Burdened Property. Recordation of this Covenant shall be deemed binding on all successors, assigns, and lessees, regardless of whether a copy of this Covenant and Agreement has been attached to or incorporated into any given deed or lease.

1.4 Purpose. It is the purpose of this instrument to convey to the County real property rights, which will run with the land, to facilitate the remediation of past environmental contamination and to protect human health and the environment by reducing the risk of exposure to residual hazardous materials.

## ARTICLE II DEFINITIONS

2.1 County. "County" shall mean the Alameda County Environmental Health Services and shall include its successor agencies, if any.

2.2 Improvements. "Improvements" shall mean all buildings, roads, driveways, regradings, and paved parking areas, constructed or placed upon any portion of the Burdened Property.

2.3 Occupants. "Occupants" shall mean Owners and those persons entitled by ownership, leasehold, or other legal relationship to the exclusive right to use and/or occupy all or any portion of the Burdened Property.

2.4 Owner or Owners. "Owner" or "Owners" shall mean the Covenantor and/or its successors in interest, who hold title to all or any portion of the Burdened Property.

ARTICLE III  
DEVELOPMENT, USE AND CONVEYANCE OF THE BURDENED PROPERTY

3.1 Restrictions on Development and Use. Covenantor promises to restrict the use of the Burdened Property as follows:

b. All uses and development of the Burdened Property shall be consistent with any applicable County Cleanup Order or Risk Management Plan, each of which is hereby incorporated by reference including future amendments thereto. All uses and development shall preserve the integrity of any VMECs or remedial equipment, and any groundwater monitoring wells installed on the Burdened Property pursuant to the requirements of the County, unless otherwise expressly permitted in writing by the County.

c. No Owners or Occupants of the Property or any portion thereof shall drill, bore, otherwise construct, or use a well for the purpose of extracting water for any use, including, but not limited to domestic, potable, or industrial uses, unless expressly permitted in writing by the County.

d. The Owner shall notify the County of each of the following: (1) The type, cause, location and date of any disturbance to VMECs, remedial equipment, and groundwater monitoring wells installed on the Burdened Property pursuant to the requirements of the County, which could affect the ability of such VMECs, remedial equipment, and groundwater monitoring wells to perform their respective functions and (2) the type and date of repair of such disturbance. Notification to the County shall be made by registered mail within ten (10) working days of both the discovery of such disturbance and the completion of repairs;

e. The Covenantor agrees that the County, and/or any persons acting pursuant to County cleanup orders, shall have reasonable access to the Burdened Property for the purposes of inspection, surveillance, maintenance, or monitoring, as provided for in Division 7 of the Water Code.

f. No Owner or Occupant of the Burdened Property shall act in any manner that will aggravate or contribute to the existing environmental conditions of the Burdened Property. All use and development of the Burdened Property shall preserve the integrity of any capped areas.

3.2 Enforcement. Failure of an Owner or Occupant to comply with any of the restrictions, as set forth in paragraph 3.1, shall be grounds for the County, by reason of this Covenant, to have the authority to require that the Owner modify or remove any Improvements constructed in violation of that paragraph. Violation of the Covenant shall be grounds for the County to file civil actions against the Owner as provided by law.

3.3 Notice in Agreements. After the date of recordation hereof, all Owners and Occupants shall execute a written instrument which shall accompany all purchase agreements or leases relating to the property. Any such instrument shall contain the following statement:

The land described herein contains hazardous materials in soils and in the ground water under the property, and is subject to a deed restriction dated as of \_\_\_\_\_, 20\_\_, and recorded on \_\_\_\_\_, 20\_\_, in the

Official Records of \_\_\_\_\_ County, California, as Document No. \_\_\_\_\_, 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.

ARTICLE IV  
VARIANCE AND TERMINATION

4.1 Variance. Any Owner or, with the Owner's consent, any Occupant of the Burdened Property or any portion thereof may apply to the County for a written variance from the provisions of this Covenant.

4.2 Termination. Any Owner or, with the Owner's consent, any Occupant of the Burdened Property or a portion thereof may apply to the County for a termination of the Restrictions as they apply to all or any portion of the Burdened Property.

4.3 Notice to PG&E Any person applying to the County under paragraph 4.1 or 4.2 shall provide contemporaneous notice to PG&E.

4.4 Term. Unless terminated in accordance with paragraph 4.2 above, by law or otherwise, this Covenant shall continue in effect in perpetuity.

ARTICLE V  
MISCELLANEOUS

5.1 No Dedication Intended. Nothing set forth herein shall be construed to be a gift or dedication, or offer of a gift or dedication, of the Burdened Property or any portion thereof to the general public.

5.2 Notices. Whenever any person gives or serves any notice, demand, or other communication with respect to this Covenant, each such notice, demand, or other communication shall be in writing and shall be deemed effective (1) when delivered, if personally delivered to the person being served or official of a government agency being served, or (2) three (3) business days after deposit in the mail if mailed by United States mail, postage paid certified, return receipt requested:

*If To: "Covenantor"*  
Ms. Erin Patch  
The Unity Council  
1900 Fruitvale Avenue, Suite 2A  
Oakland, California 94601

*If To: "County"*  
Alameda County Department of Environmental Health  
Attention: Director

1131 Harbor Bay Parkway  
Alameda, California 94502

5.3 Partial Invalidity. If any portion of the Restrictions or terms set forth herein is determined to be invalid for any reason, the remaining portion shall remain in full force and effect as if such portion had not been included herein.

5.4 Article Headings. Headings at the beginning of each numbered article of this Covenant are solely for the convenience of the parties and are not a part of the Covenant.

5.5 Recordation. This instrument shall be executed by the Covenantor and by the Director of Environmental Health Services. This instrument shall be recorded by the Covenantor in the County of Alameda within ten (10) days of the date of execution.

5.6 References. All references to Code sections include successor provisions.

5.7 Construction. Any general rule of construction to the contrary notwithstanding, this instrument shall be liberally construed in favor of the Covenant to effect the purpose of this instrument and the policy and purpose of the Water Code. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.

IN WITNESS WHEREOF, the parties execute this Covenant as of the date set forth above.

Covenantor: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

Agency: Alameda County  
Environmental Health Services

By: \_\_\_\_\_

Title: Director \_\_\_\_\_

Date: \_\_\_\_\_



STATE OF CALIFORNIA, COUNTY OF \_\_\_\_\_

On \_\_\_\_\_, before me \_\_\_\_\_, Notary Public,  
personally appeared

\_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is /are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public in and for said  
County and State

STATE OF CALIFORNIA, COUNTY OF \_\_\_\_\_

On \_\_\_\_\_, before me \_\_\_\_\_, Notary Public,  
personally appeared

\_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is /are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
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WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public in and for said  
County and State

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

EXHIBIT B  
SOIL RESTRICTED AREA

EXHIBIT C  
SITE MANAGEMENT PLAN