



November 21, 2018

David S. Miller (Sent via E-mail to: david.miller@fmindustries.com)
FM Industries
221 Warren Ave
Fremont, CA 94539

SUBJECT: Site Management Plan and Contractor Acknowledgement for Non-Case RO0003294 and GeoTracker Non-Case Information T10000011312, Lot 6 located at 625 West Jack London Blvd., Livermore, CA 94551

Dear Mr. Miller:

Thank you for the September 2018, *Soil Management Plan*, prepared by Applied Water Resources (AWR) for the subject site and electronically submitted to the State Water Board's GeoTracker website on November 5, 2018. Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file and the subject Soil Management Plan (SMP) and concurs with the SMP as submitted.

COMMENTS – SMP IMPLEMENTATION

As you are aware, Arsenic and Nickel were detected in soil at concentrations that exceed their respective San Francisco Bay Regional Water Quality Control Board's (RWQCB) Environmental Screening Level (ESL). According to the document entitled "*Establishing Background Arsenic in Soil of the Urbanized San Francisco Bay Region*," the upper estimate of Arsenic concentrations (99th percentile) considered as background is 11 mg/kg. Since concentrations of Arsenic in soil at the site are below 11 mg/kg, ACDEH will consider the Arsenic concentrations in soil detected at the site as background.

Nickel was detected below the Residential Shallow Soil Exposure ESL of 820 mg/kg, but above the Tier 1 Construction Worker Direct Exposure ESL of 86 mg/kg. Therefore, the Nickel concentrations in soil appear to pose a potential risk to the construction workers who may come in contact with site soils, which prompted the preparation and submittal of the SMP.

As the project commences, each contractor, subcontractor, etc. must be presented with the SMP and sign the "Agreement and Acknowledgement Statement" listed as Appendix A in the SMP.

Please submit the "Agreement and Acknowledgement Statement" in a quarterly summary report during the construction of the project and submit a Final Report, which documents and summarizes the removal and disposal of any soil and Nickel mitigation measures (e.g. dust suppression, etc.) implemented during construction, within 60-day of project completion.

GEOTRACKER COMPLIANCE

A review of the State Water Resources Control Board's GeoTracker website identified that required Electronic Submittal Information (ESI), including EDF data, GEO_MAP, GEO_BORE, etc. has not been electronically transmitted. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data must be transmitted to GeoTracker. Please complete the required electronic transmittals to GeoTracker by the date specified below.

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NOTIFICATION OF FIELDWORK ACTIVITIES

Please provide ACDEH with at least three (3) business days notification prior to conducting the fieldwork (i.e. construction activities).

TECHNICAL REPORT REQUEST

Please submit the following technical reports and deliverables to the State Water Board's GeoTracker website, in accordance with the following specified naming convention and schedule, as stipulated below, and identified in the Responsible Party(ies) Legal Requirements/Obligations, which is included as Attachment 1. Additionally, please notify your caseworker by electronic mail (paresh.khatri@acgov.org) of submittal upload.

- **December 21, 2018** – GeoTracker Compliance
- **January 31, 2019** – Quarterly Site Status Report with Agreement and Acknowledgement Statement (RO0003294_SITE_SUM_R_YYYY-MM-DD).
- **April 30, 2019** – Quarterly Site Status Report with Agreement and Acknowledgement Statement (RO0003294_SITE_SUM_R_YYYY-MM-DD).
- **July 31, 2019** – Quarterly Site Status Report with Agreement and Acknowledgement Statement (RO0003294_SITE_SUM_R_YYYY-MM-DD).
- **October 31, 2019** – Quarterly Site Status Report with Agreement and Acknowledgement Statement (RO0003294_SITE_SUM_R_YYYY-MM-DD).
- **January 31, 2020** – Final Report with Agreement and Acknowledgement Statement (RO0003294_SITE_MANAGE_R_YYYY-MM-DD).

Thank you for your cooperation. Should you have any questions, please contact me at (510) 777-2478 or send me an electronic message at paresh.khatri@acgov.org.

Sincerely,

Paresh C. Khatri
Supervising Hazardous Materials Specialist
Local Oversight and Site Cleanup Program Manager

ENCLOSURES:

Attachment 1 – Responsible Party(ies) Legal Requirements/Obligations and Electronic Report Upload Instructions
Attachment 2 – Construction Soil and Groundwater Management Plan Template

DISTRIBUTION LIST:

Kendall Price, Applied Water Resources Corporation, 1024 W. Taylor St., Suite 209, San Jose, CA 95126 (Sent via electronic mail to: kprice@awrcorp.net)

Dilan Roe, ACDEH, (Sent via electronic mail to: dilan.roe@acgov.org)

Paresh Khatri, ACDEH; (Sent via electronic mail to: paresh.khatri@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, 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/)

- 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 values¹ 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
2012 Site Assessment Work Plan	2012	✓	✓			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2010 GW Investigation Report	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	✓	✓	✓	✓	✓

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.