

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
ALEX BRISCOE, Director



April 17, 2015 (Revised)

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

Mr. John Murray
John Murray Productions
1196 32nd Street, Oakland, CA 94608
(Sent via email to johnm@johnmurray.com)

Mr. Reid Settlemier
RWW Properties LLC
6114 LaSalle Avenue, #535
Oakland, CA 94611
(Sent via email to reid@rww-llc.com)

Subject: Site Management Plan and Draft Deed Restriction Request; Site Cleanup Program (SCP) Case No. RO0003142, and GeoTracker Global ID T0000006053; Adeline Foundry, 3037-3115 Adeline Street, Oakland, CA 94608

Dear Mr. Murray and Mr. Settlemier:

Alameda County Environmental Health (ACEH) has reviewed the case file including the *Remedial Action Plan*, dated March 11, 2015. The report was prepared and submitted on your behalf by ERAS Environmental Inc. (ERAS). Thank you for submitting the report. The referenced report evaluated available options and recommended, in concurrence with their client, that Institutional Controls such as a Site Management Plan (SMP) and a deed restriction (model language has previously been forwarded) be used to manage remaining soil contamination documented beneath the site in order to prevent unauthorized subsurface incursion activities (renovation, construction, utility repair, etc.) without notification, and prior approval of, the City of Oakland and ACEH in the area of documented contamination, and maintenance of surface covers (parking lot and building) in good repair.

Contamination at the site appears to be related to the former bronze foundry furnace, and includes concentrations in soil up to 540 milligrams per kilogram (mg/kg) Total Petroleum Hydrocarbons (TPH) as gasoline TPHg), 17,000 mg/kg TPH as diesel (TPHd), 20,000 mg/kg TPH motor oil (TPHmo), 8,700 – 11,000 mg/kg TPH oil range organics (TPHoro), 1,200 mg/kg copper, 650 mg/kg lead, 5.3 mg/kg naphthalene, and 31 mg/kg 2-methylnaphthalene. Trace concentrations of polychlorinated dibenzo-p-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs) were also detected, but at concentrations below regulatory concern. No detectable concentrations of polychlorinated biphenyls (PCBs), chlorinated organic compounds (HVOCs), and non-chlorinated VOCs were detected in soil at good limits of reporting. Except for the naphthalene and 2-methylnaphthalene, very limited poly-aromatic hydrocarbons (PAHs) were detected in soil at good limits of reporting. Soil contamination appears to be found down to approximately 10 to 12 feet below grade surface (bgs), whereas groundwater appears to be first encountered at a depth of 17.5 feet bgs. The surface at the site is entirely paved or overlain by buildings. It is unlikely that the full extent of contamination could be successfully removed by excavation due to the construction of the southern onsite building over a portion of the foundry related contamination.

Two groundwater samples were also collected beneath the site during site investigations and there were no detectable concentrations of TPHg, TPHd, and TPH as oil (TPHo), HVOCs, non-chlorinated VOCs including benzene, toluene, ethylbenzene, total xylenes, and naphthalene, at good limits of reporting.

Please be aware that the concentration of TPHd exceeds Human Health Direct Exposure Soil Screening Levels for a Commercial / Industrial Worker Exposure Scenario (Table K-2; 1,100 mg/kg TPHd) and the Construction / Trench Worker Exposure Scenario (Table K-3; 900 mg/kg TPHd) as identified by the San Francisco Bay Regional Water Quality Control Board (RWQCB) Environmental Screening Levels (ESLs) issued in conjunction with the *User's Guide: Derivation and Application of Environmental Screening Levels*, as revised in December 2013. Specifically, according to the RWQCB the TPHd concentration exceeds the non-cancer Hazard Quotient of 1 for this scenario.

Therefore, in order to manage both the petroleum and non-petroleum hydrocarbon contamination ACEH will require the preparation of an SMP, to be contained in the deed restriction, to address contaminants of concern should excavation or construction activities occur in areas of residual contamination. These activities require planning and implementation of appropriate health and safety procedures by the responsible party (or current property owner/developer) prior to and during excavation and construction activities.

As previously discussed, the intent of a SMP is to define health and safety protocols for future subsurface work, and includes procedures for the characterization and management of contaminated soil and / or groundwater when subsurface intrusion is necessary, such as for utility repair, building expansion, or site redevelopment. A deed restriction is required for all Site Cleanup Program (SCP) cases when contamination is left at a site, in order to document the presence of the contamination for future landowners.

Based on ACEH staff review of the case file, we request that you address the following technical comments and send us the reports described below.

TECHNICAL COMMENTS

1. Long Term Site Management Plan (SMP) and Institutional Controls (ICs) – Prior to case closure an SMP must be prepared and ICs implemented for the site to prevent inappropriate activities and use of the property, with consideration of potential risk from residual soil contamination. The SMP and ICs will provide legal and administrative controls and methods for the dissemination of information to minimize risk during property occupancy, future below ground construction and maintenance, and long-term site occupancy and use.

- a. Site Management Plan** - The SMP will be prepared as an element of long-term site management and will include a discussion of environmental conditions within the site and the mitigation elements required at the site. Prior to closure of the site, an SMP must be submitted to ACEH for review and approval. The purpose of the SMP is to provide for communication primarily with contractors who will be maintaining, repairing, or constructing at the site. The SMP must provide details regarding the location of the contamination, precautions should subsurface work be required in the area of the contamination, precautions for handling potentially impacted soil, and regulatory notification procedures. The SMP should document proposed appropriate operations and maintenance around the contamination, emergency contact information, and protocols for approval of future modifications to the site in the area of the contamination. The SMP must be maintained at the site address by the property manager or designated representative and must be recorded at the Alameda County Clerk Recorder's office. The site owner will have responsibility for implementation of the SMP.

The SMP must address on-going site inspections to be arranged by the site owner to observe and document the integrity and maintenance of the contaminant mitigation system (capping and sealing of pavements), including auditing of site maintenance records, and confirming that required onsite documentation is available (e.g. copy of the SMP). The SMP must specify actions required by the owner should any action inconsistent with the SMP be discovered during site inspections, including, but not limited to notification of ACEH, and the submittal of documentation describing actions taken to correct the situation.

- b. Land Use Covenant (LUCs), Activity Use Limitations (AULs), and Codes, Covenants, and Restrictions (CCRs)** – These documents will document legal and regulatory requirements for the site. As currently understood by ACEH the site will be comprised exclusively of commercial spaces. To minimize contact with impacted media, the recorded LUCs / AULs, and CCRs will prohibit alteration, disturbance, or removal of any component of the contamination mitigation system. Additional components of the LUCs / AULs, and CCRs will include but may not be limited to:

- i. Notification to the City of Oakland Building Department of the SMP and procedures and the potential flagging of the property such that ACEH will be notified if building permits are to be issued (to prevent impacting or damaging the mitigation system);

- ii. Prohibition of new construction activities that could encounter or breach the mitigation system without the express knowledge of ACEH and the City of Oakland Building and Public Works Departments, including for utility repair and installation;
 - iii. Lease documents that include CCRs that will serve as the primary communication tool for the site's business occupants, including fact sheets; and
 - iv. The provision to maintain inspection and monitoring records associated with the mitigation system.
2. **Well Survey** – The referenced report conducted a well survey; however, did not depict the location of the wells found within the radius. In order to quickly determine the location of the wells that were found within the radius, ACEH requests the wells be plotted on a site vicinity map. Again, please note that well construction details are confidential; however, addresses and locations are not. Please submit the results of the well survey map with the documents requested below.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with Attachment 1 and the specified file naming convention below, according to the following schedule:

- **May 29, 2015** – Site Management Plan, Draft Deed Restriction
File to be named: RO3142_SITE_MANAGE_R_yyyy-mm-dd

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>. If your email address does not appear on the cover page of this notification, ACEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark E. Detterman, P.G., C.E.G.
Senior Hazardous Materials Specialist

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

cc: Clinton Stockton, John Murray Productions, Inc, 1196 32nd Street, Oakland, CA 94608; (Sent via E-mail to: Clinton@johnmurray.com)

David Siegel, ERAS Environmental, Inc., 1533 B Street, Hayward, CA 94541 (Sent via E-mail to: dave@eras.biz)

Curtis Payton, ERAS Environmental, Inc., 1533 B Street, Hayward, CA 94541 (Sent via E-mail to: curtis@eras.biz)

Andrew Savage, ERAS Environmental, Inc., 1533 B Street, Hayward, CA 94541 (Sent via E-mail to: andrew@eras.biz)

Dilan Roe (sent via electronic mail to dilan.roe@acgov.org)

Mark Detterman, ACEH, (sent via electronic mail to mark.detterman@acgov.org)
Geotracker, Electronic File

Attachment 1

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) GeoTracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the GeoTracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in GeoTracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) 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 registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: May 15, 2014
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

REQUIREMENTS

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection.**
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- **Signature pages and perjury statements must be included and have either original or electronic signature.**
- **Do not password protect the document.** Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:

RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Submission Instructions

- 1) Obtain User Name and Password
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to deh.loptoxic@acgov.org
 - b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses**, and the **Case Numbers (RO# available in Geotracker) you will be posting for.**
- 2) Upload Files to the ftp Site
 - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
 - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to deh.loptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @acgov.org. (e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.