



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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July 27, 2016

Mr. Patrick Ellwood
Ellwood Commercial Real Estate
1345 Grand Avenue
Piedmont, CA 94610
(Sent via electronic mail to: Patrick@ellwoodcommercial.com)

Subject: Site Management Plan Approval; Site Cleanup Program Case No. RO0003175 and Geotracker Global ID T1000007707, 500 Grand Redevelopment, 500 Grand Avenue, Oakland, CA 94611

Dear Mr. Ellwood:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file including the *Site Management Plan* (SMP), and dated July 15, 2016. The report was submitted on your behalf by The Source Group (SGI) of the Apex Companies, LLC. Thank you for submitting the SMP.

The SMP was generated as the result of several meetings and discussions relative to the contamination at the site. It was generated to manage the generation of contaminated soil and groundwater at the site which will be encountered during site construction activities. ACDEH is in general agreement that the SMP is suitable to manage known contamination from historic site uses, and the potential for unexpected contingencies that can be encountered during site redevelopment.

Based on ACEH staff review of the SMP, the proposed scope of work is conditionally approved for implementation provided that the technical comments below are incorporated during the proposed work. Submittal of a revised SMP or a SMP addendum is not required unless an alternate scope of work outside that described in the work plan or these technical comments is proposed. We request that you address the following technical comments, perform the proposed work, and send us the report described below. Please provide 72-hour advance written notification to this office (electronic mail preferred to: mark.detterman@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Site Management Plan** – The referenced SMP proposes a series of actions with which ACDEH is in general agreement of undertaking; however, ACDEH requests several modifications to the approach. As the site is early in the development process, ACDEH has provided an extended submittal due date for the final excavation report below. Should additional time be required, please notify ACDEH as to the status of the case.
 - a. **Soil Analytical Suite** - The referenced SMP proposed the soil samples be analyzed for volatile organic compounds (VOCs) by EPA Method 8260B. In order to provide a comparison to historic analytical data, ACDEH requests that the analysis additionally include Total Petroleum Hydrocarbons as gasoline (TPHg) and TPH as diesel (TPHd) by standard test methods.
 - b. **Soil Confirmation Sampling** – The referenced SMP proposed the collection of two composite soil samples from the bottom of each area of excavation based on the field results of a Photoionization Detector. In order to provide a comparison to historic analytical data, ACDEH requests that two discrete soil samples be collected from the bottom of each area of excavation, and a minimum of one soil sample at the lateral extents of the excavation in order to provide documentation of the extent of removal of the contamination and that the concentrations are below concentrations used in the Human Health Risk Assessment (HHRA).

ACDEH requests the confirmation samples be biased toward worst-case concentrations in an effort to limit residual contamination above concentrations used in the HHRA.

2. **Electronic Report and Data Upload Compliance** – A review of the case file and the State's Geotracker database indicates that the site is not in compliance upload requirements. Compliance is a State requirement. In accordance with California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including Site Cleanup Programs. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites was required in GeoTracker. At present missing data and documents include, but may not be limited to: recent subsurface investigation reports, the SMP, recent analytical EDFs, GEO MAPS, and all bore logs. Because these reports and other documents are necessary for the CEQA review, and the public comment period as the site approaches closure, it is important that the documents be uploaded in a timely fashion. Please be aware that at a minimum the opening of the public comment period as the site approaches closure, as well as closure, can be delayed without their timely submittal. Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. ACDEH requests notification of, and a list of, the documents uploaded to Geotracker. Please uploaded to GeoTracker by the date specified below.
3. **CEQA Review** – In order for ACDEH to remain aware of the project progress and status, as well as to verify the accuracy of statements with respect to remaining contamination at the site in the CEQA documentation, ACDEH requests to be copied with CEQA review documents.

TECHNICAL REPORT REQUEST

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

- **December 31, 2016** – Excavation Report
File to be named: RO3175_EX_R_yyyy-mm-dd

Our online case file is available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

If you have any questions, please do not hesitate to call me at (510) 567-6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

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

cc: J. Glen Smith, The Source Group, 3478 Buskirk Avenue, Suite 100, Pleasant Hill, CA 94523; (Sent via electronic mail to: glen.smith@apexcos.com)

Bob Robitaille, The Source Group, 3478 Buskirk Avenue, Suite 100, Pleasant Hill, CA 94523; (Sent via electronic mail to: bob.robitaille@apexcos.com)

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Jonathan Redding, Esq, Wendel Rosen Black & Dean LLP, 1111 Broadway, 24th floor, Oakland, CA 94607; (Sent via electronic mail to: jredding@wendel.com)

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

Mark Detterman, ACDEH, (Sent via electronic mail to: mark.detterman@acgov.org)
Electronic File, GeoTracker

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.

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| 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.