



October 17, 2017

Ms. Bridget Galka  
Oakland Housing Authority  
1801 Harrison Street, 2<sup>nd</sup> Floor  
Oakland, CA 94612  
(Sent via electronic mail to: [bgalka@oakha.org](mailto:bgalka@oakha.org))

Subject: Conditional Work Plan Approval, Fuel Leak Case No. RO0003243 and GeoTracker Global ID T10000010370, E. 17<sup>th</sup> Street Redevelopment, 1228 – 1236 E. 17<sup>th</sup> Street, Oakland, CA 94606

Dear Ms. Galka:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file including the *Phase I Environmental Site Assessment*, dated October 24, 2016, the *Phase II Limited Soil & Soil Vapor Investigation Report*, dated December 9, 2017, and the *Work Plan for Additional Soil and Soil Vapor Investigation*, dated August 10, 2017. The reports were prepared and submitted on your behalf by Environmental Investigation Services, Inc (EIS). Thank you for submitting the reports. On August 24, 2017, EIS additionally submitted a response to an ACDEH inquiry in regards to the intent of some of the elements of the proposed investigation. This response was formalized as the *Addendum to Workplan for Additional Soil and Soil Vapor Investigation* on October 13, 2017. The Addendum proposed the addition of two additional soil bore series (C-1 to C-4 and D-1 to D-4) at the eastern end of the site to characterize shallow soil at a depth of approximately 1 foot below grade surface (bgs), and proposed the use of an XRF instrument to define the top of soil with lead concentrations below the residential Environmental Screening Level (ESL).

Based on ACDEH staff review of the recommendations, and assuming standard protocols previously used at the site are implemented, the recommended scope of work is conditionally approved for implementation provided that the technical comments below are incorporated during the proposed work. Submittal of a revised work plan or a work plan 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 (e-mail preferred to: [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org)) prior to the start of field activities.

### **TECHNICAL COMMENTS**

1. **Work Plan Modifications** – The referenced work plan proposes a series of actions with which ACDEH is in general agreement of undertaking; however, ACDEH requests modifications to the approach as listed below. Please submit a report by the date specified below.
  - a. **Additional Analysis in Soil Bores SB-15 to SB-19** – These soil bores were proposed in the referenced work plan due to the presence of an identified data gap in the understanding of lead contamination along two edges of the property in the eastern end of the site. Due to the limited organochlorine pesticide data for the site, it appears appropriate to request the addition of this analysis, in these soil bores. Depending on these results, discrete sample analysis from the A through D bore series may be appropriate as an additional step.
  - b. **Soil Vapor Wells** – Soil vapor samples SV-3 to SV-5 were proposed to assess potential soil vapor at locations further west than the previous soil vapor sampling effort. In general the locations appear reasonable; however, to ensure that soil vapor beneath the proposed elevator location is assessed, it appears appropriate to relocate SV-4 slightly to the west to the proposed location of the elevator. As discussed in the referenced work plan, the vapor samples are to be collected



communications, that have been generated for the site and that contain environmental data. Updated and current development plans are required, and are to be included as a submittal.

- b. Redevelopment Cross Sections and Residual Contamination** – In order to clearly depict any, or no, residual contamination proposed to remain at the site, ACDEH requests multiple cross sections through the entire site, depicting the specific proposed structural foundation elevations, stripped of geologic content, with soil, vapor, or other sample analytical data proposed to remain, depth controlled and located appropriately. Contaminated material proposed to be excavated does not need to be depicted in the cross section data, but is requested to be retained in tables (see below). The intent of this request is to allow quick review of site data in a graphic fashion, and to assemble support for the eventual case closure and required communications with the public during a public comment period. This is requested to include detailed cross sections through areas of environmental interest, such as the elevator sumps, other potential exposure routes including greenescapes, and soil, soil vapor, or groundwater data relative to the future foundation and walls.
- c. Data Tables** - All tables are requested to include all historic and all recently collected analytical data, and that all soil that has been removed or is proposed to be removed to accommodate foundations indicated by shading or strike out (remaining legible). If it is important for the project to distinguish between historic removed and future proposed removal, different shadings may be useful.
- d. Analytical Detection Limits** – ACDEH requests that all non-detectable analytical data be listed by the individual chemical detection limit (<x), and include highlighting or bolding of detects, or of concentrations (including non-detectable concentrations) over site identified goals (ESLs or other goals).
- e. Added Table Column** – ACDEH additionally requests the addition of a “Relative to Future Building Foundation Elevation” column in soil and vapor analytical tables. The intent of this column is to quickly indicate the depth of the sample relative to the proposed future building foundation depth. As noted above, data proposed to be excavated or otherwise removed is requested to be retained in the tables, but lined or shaded out, but in either case kept legible.
- f. Appropriate Use of ESLs** – This comment may not be of concern at the site; however, must be communicated. Please be aware that all ESLs use must reflect the future proposed foundation depth. For example, groundwater or a vapor sample at a site may have been 10 feet below grade surface (bgs) when collected, but may now be 2 feet below the foundation upon excavation, and would not meet the 10 foot separation distance groundwater ESLs assume or the 5 foot separation between a receptor and the contaminant that vapor intrusion ESLs assume.
- g. Project Schedule** – It is important to communicate to ACDEH where the project is in the entitlement, project planning, CEQA, building and planning department approval process, when construction is hoped to begin and when project proponents may need a letter from ACDEH for financing concerns. Additionally, a realistic time frame for regulatory review (60 days is standard, however, ACDEH will attempt for a faster response if able to).
- h. Gantt Chart** – In order for all parties to understand project timelines and goals, and what or what may not, possible relative to the timeline, ACDEH requests the generation and submittal of a Gantt Chart that incorporates standard regulatory review time frames. With concurrence, changes can be made to meet certain timelines. This is requested to be submitted as a separate document, concurrent with the requested work plan addendum, in order to allow for modifications to be made.
- 5. Corrective Action / Mitigation Measures** – Should corrective action or mitigation measures be required at the site, the site will require a CAP and / or a HHRA to evaluate risk with and without mitigation measures (assuming no removal of residual contamination below the future

foundation). The CAP must be approved by ACDEH and then incorporated into the building plans, which requires coordination with ACDEH, the building department, and the consultant throughout the final plan approval to ensure changes made during building department or planning review do not conflict with ACDEH approved plans. This is a consistent and continued concern at redevelopment sites. All plan changes will also require a professional signed statement from the registered professional that the changes do not affect the proposed mitigation measures. Please recognize that if mitigation measures are required, closure cannot be provided until a final confirmation sampling report is submitted and reviewed (60 days).

6. **Construction (Short-Term) Site Management Plan** - Generation of a robust Short-Term SMP to deal with known or unexpected contamination found during redevelopment, including the potential for underground storage tanks that would suggest a contact for the ACDEH CUPA program (Oakland CUPA no longer exists). The SMP must include dust management and monitoring for onsite and offsite receptors, calculations to determine dust trigger values, groundwater or storm water management, step-out contingency soil samples, and etc. As discussed in the meeting, please be aware that a large removal is essentially a Corrective Action, and a 30 day public notification may be required per state requirements (affecting the Gantt chart inputs; see below). Minor cleanup of undocumented contamination is not considered a corrective action. An example Construction SMP will be forwarded at an appropriate juncture.
7. **Land Use Covenant** – The Porter-Cologne Water Quality Act requires that any regulatory agency in California use a deed restriction / land use covenant (LUC) if contamination above goals (ESLs or other) is proposed to remain at a site. As discussed in the meeting, ACDEH understands that a LUC is acceptable to project proponents. As planned residual non-volatile lead contamination will be left in-place at the site that is above site defined goals (such as ESLs), but which will be isolated from potential receptors. A Long-Term SMP, Institutional Controls (ICs), Activity Use Limitations (AULs) and Codes, Covenants, and Restrictions (CCRs) will be required to manage the potential for receptors, principally through subsurface incursions for utility or other repairs or potential landscape maintenance, to encounter and properly manage residual contamination that is documented. Potential receptors will include maintenance, construction, and garden workers, among others that may be identified. A copy of the standard Alameda County LUC will be forwarded under separate cover.
8. **GeoTracker Compliance** – A review of the State Water Resources Control Board's (SWRCB) GeoTracker website indicates the site has not been claimed. Because this is a state requirement, ACDEH requests that the site be claimed in GeoTracker by the date identified below.

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, 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. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SLIC programs. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please claim your site and upload all future submittals to GeoTracker by the date specified below. Electronic reporting is described below on the attachments.

Additional information regarding the SWRCB's GeoTracker website may be obtained online at [http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) and [http://www.swrcb.ca.gov/ust/electronic\\_submittal/report\\_rqmts.shtml](http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml)) or by contacting the GeoTracker Help Desk at [geotracker@waterboards.ca.gov](mailto:geotracker@waterboards.ca.gov) or (866) 480-1028.

### **SUBMITTAL ACKNOWLEDGEMENT STATEMENT**

Please note that ACDEH has updated Attachment 1 with regard to report submittals to ACDEH. ACDEH will now be requiring a Submittal Acknowledgement Statement, replacing the Perjury Statement, as a cover letter signed by the Responsible Party (RP). The language for the Submittal Acknowledgement Statement is as follows:

*I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's Geotracker Website.*

Please make this change to your submittals to ACDEH.

### **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 following specified file naming convention and schedule:

- **November 10, 2017** – Claim Geotracker and Upload Reports  
Please email your caseworker with confirmation.
- **December 15, 2017** – Identification of Potential Meeting Dates  
Please email your caseworker.
- **December 22, 2017** – Site Investigation Report  
(File to be named: RO3225\_SWI\_R\_yyyy-mm-dd)

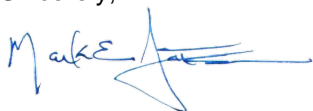
These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance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

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, ACDEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

Thank you for your cooperation. Should you have any questions or concerns regarding this correspondence or your case, please call me at (510) 567-6876 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,



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

Ms. Bridget Galka  
RO0003243  
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Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements/Obligations and  
Electronic Report Upload (ftp) Instructions

Cc: Philip McLaughlin, Environmental Investigation Services, Inc, 15951 Los Gatos Blvd, Suite 17, Los  
Altos, CA 95032; (Sent via electronic mail to: [pmclaughlin@eis1.net](mailto:pmclaughlin@eis1.net))

Peter Littman, Environmental Investigation Services, Inc, 15951 Los Gatos Blvd, Suite 17, Los  
Altos, CA 95032; (Sent via electronic mail to: [plittman@eis1.net](mailto:plittman@eis1.net))

Eric Johnson, Oakland Housing Authority, 1801 Harrison Street, 2<sup>nd</sup> Floor, Oakland, CA 94612;  
(Sent via electronic mail to: [ejohnson@oakha.org](mailto:ejohnson@oakha.org))

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

Paresh Khatri, ACDEH; (Sent via electronic mail to: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org))

Mark Detterman, ACDEH, (Sent via electronic mail to: [mark.detterman@acgov.org](mailto: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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 ([http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)) for more information on these requirements.

#### 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 ACDEH's FTP server and the SWRCB's GeoTracker website." 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 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. 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 case meet this requirement. 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

Please note that delays in investigation, late 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.



<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> December 1, 2016
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions


The Alameda County Environmental Cleanup Oversight Programs (LOP and SCP) 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](mailto: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) Open File Explorer using the Windows  key + E keyboard shortcut.
    - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
  - b) On the address bar, type in ftp://alcoftp1.acgov.org.
  - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
  - d) Click Log On.
  - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
  - f) 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](mailto: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.