



May 8, 2017

Mr. David Kasirer
WAC Enterprise FHS
c/o Western Avenue Capital Management, Inc.
8247 W. 4th Street,
Los Angeles, CA 90048, CA 94605
(Sent via E-mail to: dkasirer@westernavecap.com)

Subject: Conditional Approval for the Shoe Palace Suite Occupancy - Site Cleanup Case (SCP) No. RO0002580 and GeoTracker Global ID SL18344764, Young's Cleaners, 10700 MacArthur Boulevard, Oakland, CA 94605

Dear Mr. Kasirer:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the SCP case file for the above-referenced site, including the following documents, which were prepared by AEI Consultants, on your behalf:

- *Vapor Intrusion Mitigation Plan*, March 6, 2017 – Installation of a vapor barrier as part of tenant improvements prior to occupancy by the future Shoe Palace; evaluation of the heating, ventilation, and air conditioning (HVAC) systems for the Rainbow Apparel and future Shoe Palace suites; and performance monitoring.
- *Vapor Intrusion Mitigation Plan Addendum*, dated April 7, 2017 – HVAC System Operation and Maintenance (O&M) Plan; and the Interim Mitigation Measure Work Plan for the storeroom.
- *HVAC Evaluation Results at Rainbow Apparel Suite and Storeroom*, dated April 14, 2017 – Results of the HVAC evaluation at the Rainbow Apparel Suite and the storeroom.
- *Interim Vapor Intrusion Mitigation Plan Implementation, Revision 1*, dated April 21, 2017
- *Interim Vapor Intrusion Mitigation Plan Implementation*, dated March 23, 2017
Implementation of the Retro-Coat™ barrier installation and evaluation of the HVAC system within the future Shoe Palace tenant space; and the first round of performance monitoring results which included indoor air and soil gas results with the sub-slab depressurization system on.
- *Interim Mitigation Measures Results*, dated April 21, 2017 – Tier I interim mitigation measures implemented in the storeroom and the associated confirmation indoor air sampling which was performed in the storeroom and equipment room which houses the soil vapor extraction and treatment (SVET) and sub-slab depressurization (SSD) systems.
- *Equipment Room Mitigation Measures*, dated May 5, 2017 - Modified Tier 2 mitigation measures implemented; status of the SVET system operation; confirmation indoor air sampling results following the implementation of the Tier 2 mitigation measures (IA-2 [one location to the north in the proposed Shoe Palace suite], IA-3 [storeroom], IA-8 [equipment room], and IA-9 and IA-10 [two small rooms adjacent to the equipment room]); clarification to the HVAC balancing evaluation;

and stockpile sampling results associated with the electric and sanitary sewer trenching activities for the Shoe Palace improvements.

Based on the review of the most recent May 5, 2017 Equipment Room Mitigation Measures Report, and earlier review of the remaining mentioned reports above, ACDEH concurs with your recommendation and approve the future Shoe Palace suite for occupancy providing the documents requested below and in the Technical Report Request are addressed. Note that some of these items were referenced in the April 28, 2017 ACDEH directive letter as well:

- Prepare components of a Remedial Action Plan (RAP) including a focused site conceptual model. This will be discussed and presented during a meeting in June 2017 with ACDEH, prior to finalization. The components of the RAP will include the following at a minimum:
 - Performance indoor air monitoring program for the Shoe Palace, Rainbow Apparel, Storeroom/Equipment Room and associated areas.
 - Assessment of the effectiveness of the SVET by proposing a method to assess remedial progress. The SSD system must continue to operate during this assessment verify that the SSD is protective of indoor air. As part of this assessment, determine the extent of the soil vapor plume based on soil vapor measurements collected to date and evaluate whether installation of additional soil vapor extraction (SVE) wells in the areas of high vapor concentrations are appropriate.
 - A focused site conceptual model, including the preparation of a site plan showing all current and historical borings, soil vapor/sub-slab vapor points, monitoring wells, etc. and prepare cross-sections as appropriate.
 - Evaluation of the existing shallow and deep groundwater monitoring well network, including the verification of screened intervals for all existing wells (note that several shallow and deep wells have unverified top of screen depths). Please also assess whether the existing well network is able to define and delineate the contaminant plume in the shallow and deep intervals, respectively, and provide recommendations for additional locations, as appropriate.
- Prepare a Revised Site Management Plan (SMP) to present procedures and measures to be taken to minimize risks associated with the chemicals of concern located at the site. This is to ensure protection to human health and the environment for site workers or anyone that will have the potential to come in contact with contaminated media. The SMP will also include the current configuration of the site and other essential site features and details (slab type, thickness and age; existing soil vapor/groundwater/other monitoring wells/sumps, underground utility layout; areas of previous remedial excavations and depths, etc.)

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

Please note that ACDEH has updated its Attachment 1 with regards 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:

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"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 State Water Resources Control Board's GeoTracker website."

Note this change to your submittals to ACDEH.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACDEH ftp site (Attention: Kit Soo), and to the State Water Resources Control Board's GeoTracker website according to the following schedule and file-naming convention:

- June 23, 2017 – Revised SMP
File to be named: RO2580_REV_SMP_R_yyyy-mm-dd
- June 23, 2017 - Meeting to discuss the components of the RAP, prior to finalization. Email the draft report or meeting materials to ACDEH three days prior to meeting.
- June 30, 2017 – RAP
File to be named: RO2580_RAP_R_yyyy-mm-dd

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at kit.soo@acgov.org. Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Sincerely,

Kit Soo, California PG 8957
Senior Hazardous Materials Specialist

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

cc: John Jay, Management Agent, Jay-Phares Corporation, 107000 MacArthur Blvd., Suite 200, Oakland, CA 94605 (Sent via E-mail to: johnjay@jayphares.com)

Jonathan Kasirer, WAC Enterprise FHS, LLC, c/o Western Avenue Capital Management, Inc., 8247 W. 4th Street, Los Angeles, CA 90048 (Sent via E-mail to: jkasirer@westernavecap.com)

Joshua Kaplan, WAC Enterprise FHS, LLC, c/o Western Avenue Capital Management, Inc., 8247 W. 4th Street, Los Angeles, CA 90048 (Sent via E-mail to: jkaplan@westernavecap.com)

Trent Weise, AEI Consultants, 3880 S. Bascom Avenue, Suite 109, San Jose, CA 95124 (Sent via E-mail to: tweise@aeiconsultants.com)

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Jeremy Smith, AEI Consultants, 2500 Camino Diablo, Suite 100, Walnut Creek CA 94597 (*Sent via E-mail to: jasmith@aeiconsultants.com*)

Peter McIntyre, AEI Consultants, 2500 Camino Diablo, Suite 100, Walnut Creek CA 94597 (*Sent via E-mail to: pmcintyre@aeiconsultants.com*)

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

Paresh Khatri, ACDEH (*Sent via E-mail to: paresh.khatri@acgov.org*)

Robert Schultz, ACDEH (*Sent via E-mail to: robert.schultzi@acgov.org*)

Kit Soo, ACDEH (*Sent via E-mail to: kit.soo@acgov.org*)

GeoTracker, eFile

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/) 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.

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