ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
COLLEEN CHAWLA, Director

DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

July 26, 2018

Mr. Geoffrey Sears
Wareham Property Group
1120 Nye Street, Suite 400
San Rafael, CA 94901
(Sent via electronic mail to: GSears@warehamdevelopment.com)

Subject: Identification of Path Forward; Site Cleanup Program (SCP) Case No. RO0002742 (Global ID #T06019701198), Westinghouse Electric – Parcel 1, 5815 – 5899 Peladeau Street, and SCP Case No. RO0002743 (Global ID #TSL20235853), Westinghouse Parcel 4, 5890 Horton Street, Emeryville, CA 94608

Dear Mr. Sears:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file including the *Landscape Soil Characterization Report, Parcels 1 (EmeryStation I) and 4 (EmeryStation North),* dated May 30, 2018 (the "Report"), prepared and submitted by GHD on your behalf. Thank you for submitting the report.

The report documents the installation of twelve soil bores on Parcel 1 and eight soil bores on Parcel 4 to collect samples to characterize Polychlorinated Biphenyls (PCBs) concentrations in shallow soil at the subject sites. Concentrations of total PCBs were less than 5.9 milligrams per kilogram (mg/kg), except for one soil sample P4-6-3, collected at three feet below grade surface (bgs) which had a reported PCB concentration of 36 mg/kg. GHD concludes that with this one exception, the results of the analytical data from soil samples collected in November and December 2017 document the removal of PCB contaminated soil in the upper three feet of the site during remedial excavation and site redevelopment activities conducted in 1998 to acceptable human health risk levels.

Based on the analytical results and observations made in 2017 and 2018 of the current site conditions of the landscaped areas, GHD concludes that risk to human health and the environment from residual PCB contaminated soil can be addressed through the following actions:

1) Excavation of the area in the vicinity of soil sample P4-6-3 to a depth of four feet bgs, installation of a marker layer at the base of the excavation, backfill with clean imported soil or capping (at the option of the property owner), and offsite disposal of excavated soil to a permitted landfill.

2) Implementation of institutional controls including a Land Use Covenant and a Site Management Plan (SMP) to limit risk to human health and the environment from residual PCB contamination at the site.

ACDEH understands that the subject sites are developed with buildings and hardscape overlying residual PCB contamination in soil. GHD documents in the report that the sites are in good condition and the landscaping is maintained and shows no areas of erosion. Thus GHD concludes that with proper maintenance there are no unacceptable exposure pathways for PCBs in contaminated soil.

ACDEH disagrees with GHDs conclusions for the following reasons:

- The nature of historic uncontrolled waste disposal at the sites resulting in the presence of PCB contamination at random locations and depths;
- Inadequately documented site remediation activities conducted during site redevelopment; and
- Analytical results collected in 2017 indicating that cleanup goals may not have been achieved in all areas at these sites, as evidenced by the analytical results in soil sample P4-6-3. The detection of

36 mg/kg of PCB in this location documents the potential that additional zones of PCB contaminated soil remain at the site within landscaped areas that are not capped by building footprints or hardscaped areas.

PCB is documented to exist in at least one location in landscaped areas at concentrations exceeding the following San Francisco Bay Regional Water Quality Control Board's 2016 Environmental Screening Levels (ESLs) and Total Maximum Daily Loads (TMDLs) for assessing risk to human health and the environmental:

- 0.001 mg/kg in San Francisco Bay sediments -Total Maximum Daily Load (TMDL);
- 1.0 mg/kg for commercial human health direct exposure 2016; and
- 5.6 mg/kg for construction worker human health direct exposure.

The analytical laboratory reporting limits for the samples collected in 2017 to characterize the landscaped areas was 5.9 mg/kg. Guidelines established by the Regional Water Board indicate that PCB analytical reporting levels for non-residential soil is 0.010 mg/kg for environmental cleanup site. Thus site characterization is currently insufficient to determine risk to human health and the environment from residual PCB contaminated soil at the site.

As previously communicated to you and your consultant Mr. Fred Blickle of GHD, there appear to be several paths forward to facilitate no further action at the site. These paths have been discussed with Cheryl Prowell and Mark Johnson of the Regional Water Board as reasonable and appropriate and are summarized below:

1) Adequately characterize soil with respect to TMDL goals and human health risks by undertaking an incremental sampling program within all landscaped areas on both parcels. The depth of the samples must be sufficient to characterize soil in association with the continued use of these areas as landscaped areas, or with removal of soil and offsite disposal at a permitted landfill, if the landscaped areas are proposed to be capped with hardscape. For continued use as landscaped areas, a minimum sample depth of three feet bgs is required. Deeper sampling must be conducted in areas where large tree root balls, irrigation lines, and/or utility lines are present. These depth requirements are needed to characterize soil to the depth the landscaped areas have the potential to be brought to the surface due to churning of soil during landscape maintenance activities;

2) If data exceeds ESLs and/or TMDLs levels than either:

    a. Conduct a human health risk assessment to determine if PCB contaminated soil in the landscaped areas poses an unacceptable risk to construction and landscape workers; and/or

    b. Prepare a Corrective Action Plan with proposed remedial soil excavation and/or engineering controls such as capping landscaped areas with hardscape to reduce risks to human health and the environment.

Please note that both approaches will require recordation of a Land Use Covenant and implementation of a SMP to manage risk from exposure to PCB contaminated soil remaining at the site beneath building, hardscape, and landscaped areas.

At this juncture, ACDEH requests that you address the following technical comments and send us the documents requested below.

TECHNICAL COMMENTS

1. **Technical Communication for Path Forward –** ACDEH requests a technical submittal, by the date identified below, to support the selected path forward at the site. This can be a work plan for incremental soil sampling, or the submittal of a Corrective Action Plan (CAP) for excavation or capping of the soil in the landscaped areas on the two parcels.

TECHNICAL REPORT REQUEST

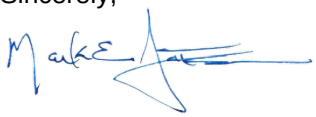
Please submit the following technical reports and deliverables to the State Water Board's Geotracker website and notify your case worker by electronic mail (mark.detterman@acgov.org), in accordance with the following specified file naming convention and schedule, as provided below, and in the Responsible Party(ies) Legal Requirements/Obligations which is included as Attachment 1. Please note ACDEH no longer accepts reports on the ftp site.

- **September 28, 2018** – Technical Submittal For Selected Path Forward
  Files to be named: RO2742 and RO2743_WP_R_yyyy-mm-dd

Online case files are available for review at the following website: http://www.acgov.org/aceh/index.htm.

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.

Sincerely,



Mark E. Detterman, PG 4799, CEG 1788
Senior Geologist
Senior Hazardous Materials Specialist

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

cc: Fred Blickle, Conestoga-Rovers & Associates, 5900 Hollis Street, Suite A, Emeryville, CA 94608; (sent via electronic mail to: FBlickle@craworld.com)

Dilan Roe, ACDEH, (Sent via electronic mail to: dilan.roe@acgov.org)
Paresh Khatri, ACDEH; (Sent via electronic mail to: paresh.khatri@acgov.org)
Mark Detterman, ACDEH, (Sent via electronic mail to: mark.detterman@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, Division3, 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 values[1] 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	☐	☐	☐	☐	✓
2012 Site Assessment Work Plan	2012	✓	✓			☐	☐	☐	☐	☐
2010 GW Investigation Report	2008 Q4	✓	✓	SB-10	W	✓	☐	☐	☐	✓
				SB-10-6	SO	☐	☐	☐	☐	✓
				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.