



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

October 10, 2012

Patrick Van Ness  
Signature Development Group, Inc.  
2201 Broadway, Suite 640  
Oakland, CA 94612

Subject: Site Cleanup Program (SCP), RO0003095 and GeoTracker Global ID T10000003613, Negherbon/Broadway Grand Redevelopment, 2301 - 2345 Broadway, 421 - 455 24<sup>th</sup> Street, 444 23<sup>rd</sup> Street, and 2320 - 2354 Valley Street, Oakland, CA 94612

Dear Mr. VanNess:

Alameda County Environmental Health (ACEH) staff has reviewed your letter dated April 26, 2012 entitled "*Submittal of Investigation Reports and Request for Closure*". We have reviewed the recommendations in your letter in conjunction with documents prepared by Erler & Kalinowski (EKI) on behalf of Signature Development Group Inc. (Signature) and historical case files for the property located within the boundaries of the Negherbon/Broadway Grand Redevelopment, including:

1. *Information and Data Summary*, dated January 31, 2012, prepared on behalf of Signature by EKI, and submitted to ACEH on February 21, 2012. This document presents a summary of key findings presented in the Phase I and Phase II reports prepared by EKI and submitted to ACEH in April 2012.
2. *Phase I Environmental Site Assessment Report (Phase I)*, dated April 20, 2012, prepared on behalf of Signature by EKI, and submitted to ACEH on April 26, 2012. The Phase I Report presents the tasks and preliminary findings of EKI's evaluation to identify conditions indicative of releases and threatened releases of hazardous substances at 2333 Broadway and 421 24<sup>th</sup> Street in Oakland, CA ("Subject Properties").
3. *Results of Phase II Soil and Groundwater Sampling (Phase II)*, dated April 20, 2012, prepared on behalf of Signature by EKI, and submitted to ACEH on April 26, 2012. The Phase II Report presents EKI's soil and groundwater investigation conducted at the "Subject Properties" to investigate the Recognized Environmental Concerns (RECs) identified by EKI in the Phase I Report.
4. *Negherbon/Broadway Grand Site Status, RO0003095 Email Correspondence*, dated September 24, 2012, from Mr. Earl James with EKI to Dilan Roe with ACEH. This email provides information requested by ACEH on Signature's Negherbon/Broadway Grand redevelopment project including a brief description of the project, schedule and site plan.
5. Case Files for Closed Fuel Leak Case RO No. 1190. These documents summarize site investigation, remedial actions and closure of the unauthorized release from the former 550-gallon waste oil underground storage tank (UST) and 1,000-gallon leaded gasoline UST located at Negherbon Auto Center located at 2345 Broadway, Oakland, CA.

Based on our review of these documents, we request that you address the technical comments, perform the requisite work, and submit technical reports to ACEH, as described in Sections I, II, and III below, respectively.

## **SECTION I – NEGHERBON/BROADWAY GRAND REDEVELOPMENT PROJECT BACKGROUND AND DOCUMENT REVIEW**

1. **Subject Properties Designation** – According to the Phase I and II Reports prepared by EKI and dated April 20<sup>th</sup>, 2012, the “*Subject Properties*” consist of two properties located at 2333 Broadway (Parcel 1) and 421 24<sup>th</sup> Street (Parcel 2). The two parcels form an L-shaped parcel situated in the northern portion of Signature’s Negherbon/Broadway Grand Redevelopment project generally bounded by 24<sup>th</sup> Street on the north, 23<sup>rd</sup> Street on the south, Valley Street to the west, and Broadway to the east. According to the Phase II Report, Parcel 1 will be developed for retail, office, and parking uses. Parcel 2 will be redeveloped for urban residential use (i.e., apartments/condominiums with no exposed soil and a ground floor parking garage. This designation of the “*Subject Properties*” is consistent with the designation provided in Signature’s March 19, 2012 letter entitled “Deposit for SLIC Case #RO0003095/Geotracker Global ID T10000003613, and April 20<sup>th</sup>, 2012 letter entitled “Submittal of Investigation Reports and Request for Closure”, dated April 20, 2012.

However, according to the Information and Data Summary document, dated January 31, 2012, the “*Subject Property*” consists of five properties with the existing addresses of 2315, 2333, 2337, 2343 (including 421 24<sup>th</sup> Street), and 2345 Broadway. This documents states that there are two Assessor Parcel Numbers (APNs) for the “*Subject Property*”: 008-0739-007 (Affects Parcel 4 Parcel Map 9872) and 008-0739-006 (Affects Parcel 3 Parcel Map 9872).

The documents discussed above present conflicting information on the “*Subject Properties*”, and the parcel designations, property addresses, and Parcel Map references provided do not correspond with information on the Alameda County Assessor’s Property Value System database. Additionally, a review of the site characterization data contained in the April 2012 Phase I and Phase II reports, indicates that contaminants have been detected in groundwater and soil on other parcels located within the city block bounded by Broadway, 23<sup>rd</sup>, Valley and 24<sup>th</sup> Streets, and therefore further calls into question the designation of “*Subject Properties*”.

2. **Signature Negherbon/Broadway Grand Redevelopment Project** – In order to gain clarification on the appropriate designation of the “*Subject Properties*” with respect to those properties where contamination has been identified within the Negherbon/Broadway Grand Redevelopment, ACEH requested additional information from EKI on the project. The requested information, transmitted to ACEH on September 24, 2012 by EKI via an email correspondence, provided the following general details on the boundaries of the proposed redevelopment project, property addresses, parcel numbers, planned land uses, and the redevelopment schedule:

- The Negherbon/Broadway Grand Redevelopment includes property located within the square block generally bounded by Broadway, 23<sup>rd</sup>, Valley and 24<sup>th</sup> Streets, and includes parcels with APNs 008-739-2, 8-739-4, 8-739-5, 8-739-6, 8-739-7.
- The project will include the rehabilitation of six existing auto showroom buildings on Broadway located at 2301, 2315/2323, 2321, 2337, 2343, and 2345 into new commercial spaces (current potential tenants include restaurant and office type uses). Rehabilitation of the first three buildings (2301, 2315/2323, and 2321 Broadway) is scheduled to begin in the fourth quarter of 2012, with the buildings being inhabited in the second quarter of 2013. Rehabilitation and inhabitation of the remaining three buildings (2337, 2343, and 2345 Broadway) is scheduled to occur in the second and fourth quarters of 2013, respectively.
- Construction of residential units will begin in the third quarter of 2013. One building at the corner of 24<sup>th</sup> and Valley (2354 Valley) will be rehabilitated into 8 loft apartments. Two buildings (421 24<sup>th</sup> Street and 444 23<sup>rd</sup> Street) will be demolished and replaced with three story 30-unit and 60-unit apartment buildings. These units are scheduled to be inhabited by the fourth quarter of 2014.

The parcel numbers provided (APNs 008-739-2, 8-739-4, 8-739-5, 8-739-6, 8-739-7) do not match the parcel numbers provided in the Phase II reports conducted on behalf of Signature by Treadwell and Rollo in 2003 and 2006 on property bounded by Broadway, 23<sup>rd</sup>, Valley and 24<sup>th</sup> Streets. Therefore, ACEH conducted a search on Alameda County's Assessor's Property Value System to reconcile the differences and identify which parcels within the Negherbon/Broadway Grand redevelopment project have been affected by chemicals released during past uses of the properties or adjacent properties. The results of our search are provided in the table below.

<b>Current APN</b>	<b>Current Property Owner</b>	<b>Former APN</b>	<b>Former Property Owner</b>	<b>Property Address</b>
8-739-2	Lepanto Properties LLC (Lepanto)	See Below	See Below	2301 Broadway
		8-666-13	Signature Broadway Grand LLC	2301 Broadway
8-739-4	Lepanto	See Below	See Below	2345 Broadway
8-739-5	Lepanto			
8-739-6	Lepanto			
8-739-7	Negherbon Lincoln Mercury (Negherbon)			
		8-666-3	Negherbon	455 24 <sup>th</sup> Street
		8-666-4	Negherbon	443 24 <sup>th</sup> Street
		8-666-5	Negherbon	421 24 <sup>th</sup> Street
		8-666-7	Negherbon	2345 Broadway
		8-666-8	Negherbon	2343 Broadway
		8-666-9	Negherbon	2337 Broadway
		8-666-10-2	Negherbon	2333 Broadway
		8-666-10-3	Negherbon	2336 Valley
		8-666-11-4	Negherbon	2320 Valley
		8-666-14-1	Negherbon	2315 Broadway
		8-666-15	Negherbon	444 23 <sup>rd</sup> Street
		8-666-18	Negherbon	Valley Street
		8-666-19-1	Negherbon	2354 Valley Street

**3. Impacts on Parcels within the Negherbon/Broadway Grand Redevelopment Project –**

Soil and groundwater impacts have been identified on four of the five parcels located within the Negherbon/Grand Broadway Redevelopment project during investigations conducted in 2003, 2006, and 2011. A summary of the impacts identified on parcels 8-739-2, 8-739-4, 8-739-5, and 8-739-7 is provided below.

Volatile Organic Compounds (VOCs) in Groundwater

Chlorinated VOCs have been detected in grab groundwater samples collected from borings advanced within the boundaries of the Negherbon/Broadway Grand Redevelopment project. The chlorinated VOCs detected include those associated with industrial solvents and their degradation products and include tetrachloroethene (PCE), trichloroethene (TCE), 1,1-dichloroethene (1,1-DCE), cis-1,2-dichloroethene (cis-1,2-DCE), and trans-1,2-dichloroethene (trans-1,2-DCE), 1,1-dichloroethane (1,1-DCA), 1,2-dichloroethane (1,2-DCA), 1,1,1-trichloroethane (1,1,1-TCA), and 1,1,2-trichloroethane (1,1,2-TCA). A summary of the data is provided in the table below.

APN	Sample ID	Date	PCE	TCE	1,1-DCE	cis-1,2-DCE	trans-1,2-DCE	1,1-DCA	1,2-DCA	1,1,1-TCA	1,1,2-TCA
8-739-2	TR-104GW	2006	<b>1.1</b>	3.5	<b>5.7</b>	<b>2.3</b>	<b>0.7</b>	39	<b>0.7</b>		<b>1.8</b>
	TR-201	2006	<b>0.9</b>	3.8	<b>6.5</b>	<b>2.2</b>	<b>0.7</b>	46	<b>0.7</b>	<b>0.5</b>	<b>2.1</b>
	TR-202	2006						0.6			
8-739-4	GW-9B	2003	<b>0.7</b>	<b>0.9</b>		<b>0.6</b>					
	TR-203	2006	<b>3.7</b>	<b>7.0</b>	7.0	<b>1.8</b>	<b>0.8</b>	<b>34</b>		<b>1.1</b>	<b>2.4</b>
8-739-5	GW-1B	2003		1.2	<b>1.4</b>	<b>1.3</b>		7.3			
	TR-205	2006	<b>1.4</b>	3.1	<b>3.6</b>	<b>1.3</b>	<b>0.6</b>	8.8		<b>0.6</b>	<b>0.5</b>
8-739-7	MW-1	07/03/1992		<b>0.8</b>	<b>2.0</b>	<b>0.60</b>		<b>2.6</b>			
	MW-1	12/30/1992		<b>1.7</b>		<b>0.50</b>		<b>1.6</b>	<b>0.53</b>		
	MW-1	03/25/1993		<b>1.7</b>	<b>1.6</b>	<b>1.5</b>		<b>5.7</b>	<b>0.69</b>	<b>2.2</b>	
	MW-1	07/26/1993		<b>1.8</b>	<b>6.8</b>	<b>2.0</b>	<b>1.0</b>	<b>8.7</b>	<b>1.1</b>		
	MW-1	09/13/1993		<b>1.0</b>	<b>2.8</b>	<b>0.93</b>	<b>0.60</b>	<b>0.93</b>	<b>&lt;0.5</b>		
	MW-1	12/03/1993		<b>1.8</b>	<b>5.1</b>	<b>1.3</b>	<b>0.91</b>	<b>5.9</b>	<b>0.67</b>		
	G-1	2011		2.81	17.7	3.22		74.1	2.0		1.81
	G-2	2011		3.01	10.3	2.1		46.8	2.56		1.1
	G-3	2011									1.9
	G-6	2011		<20	<20	<20	<20	<20			<20
	G-7	2011									6.25
	G-8	2011		13.6		1.6		42.2	0.86	0.63	2.84

Notes:  
 Concentrations are reported in micrograms per liter ( µg/L)

The italicized and bold data presented in the table above, represent data that was obtained from ACEH's review of the portions of 2003 and 2006 Phase II investigation reports prepared by Treadwell and Rollo on behalf of Signature. This data was included in appendices in the 2012 documents prepared by EKI, but not in the summary figures and tables of EKIs reports. This data indicates that a 1,1-DCA plume exists in groundwater beneath the Negherbon/Broadway Grand

redevelopment project with the highest concentrations occurring in the area of the former UST tanks located on parcel 8-739-7.

EKI concludes that the chlorinated VOCs detected in groundwater are likely the result of offsite, upgradient releases and recommends no further investigation be conducted.

Petroleum Hydrocarbons in Groundwater

Total petroleum hydrocarbons as gasoline (TPH-g), diesel (TPH-d), and motor oil (TPH-mo), and non-chlorinated VOCs typical of fuel components have also been detected in groundwater samples collected on parcels located within the boundaries of the Negherbon/Broadway Grand Redevelopment project. The fuel-related VOCs detected include methyl tert-butyl ether (MTBE), isopropylbenzene, propylbenzene, and tert, sec, and n-butylbenzene, chlorobenzene, 1,3-dichlorobenzene, and 1,4-dichlorobenzene.

APN	Sample ID	Date	TPHg	TPHd	TPHmo	MtBE	Isopropylbenzene	Propylbenzene	Tert-Butylbenzene	Sec-butylbenzene	n-Butylbenzene	Chlorobenzene	1,3-Dichlorobenzene	1,4-Dichlorobenzene
8-739-2	TR-101-GW	2006		<b>120</b>										
	TR-103-GW	2006		<b>230</b>										
	TR-104-GW	2006		<b>78</b>		0.5								
	TR-201	2006		<b>75</b>	<b>&lt;300</b>	0.5								
	TR-202	2006		<b>55</b>	<b>&lt;300</b>									
8-739-4	TR-203	2006		<b>130</b>	<b>870</b>									
8-739-5	TR-204	2006			<b>&lt;300</b>									
	TR-205	2006		<b>100</b>	<b>&lt;300</b>									
8-739-7	GW-5B	2003	4,500			1.6	<b>0.7</b>	<b>1.2</b>	<b>4.4</b>	<b>16</b>	<b>11</b>	<b>4.1</b>		
	G-1	2011	<500											
	G-2	2011	62											
	G-3	2011	1,130	1,530	840		4.39		2.22	15.5	6.85		18.8	21.4
	G-4	2011	593							2.91		1.01		
	G-5	2011	259									6.46		
	G-6	2011	35,900	10,200	2,540		51.7			44.9	81.9	<20		
	G-7	2011	1,800	613			1.65		5.19	9.66	4.15	1.22		
	G-8	2011	1,400						1.75	0.83		1.44		

Notes:  
 Concentrations are reported in µg/L

Again, the italicized and bold data presented in the table above, represent data that was obtained from ACEH's review of the portions of 2003 and 2006 Phase II investigation reports prepared by Treadwell and Rollo on behalf of Signature. This data was included in appendices in the 2012 documents prepared by EKl, but not in the summary figures and tables of EKl's reports.

Portions of the Negherbon property now designated as APN 8-739-7 is listed as a closed underground storage tank (UST) site (ACEH Fuel Leak Case No. RO0001190 and Geotracker Global ID T06001000957). According to the case files, two USTs (one 1,000 gallon leaded gasoline UST and one 550 gallon waste oil UST) were removed from the northern portion of the

parcel designated as "Parcel 2" by EKI in the 2012 documents. Detections of petroleum hydrocarbons and VOCs in confirmation samples collected from the tank excavations indicated a release had occurred. One groundwater monitoring well (MW-1) was advanced in the tank pit and groundwater monitoring was conducted from 1992 until 1993. The case was closed after four consecutive quarters of non-detects for petroleum hydrocarbons. At the time of closure low levels of chlorinated VOCs were detected in groundwater.

Limiting conditions at the site at the time of the UST removals prevented the over excavation of all impacted soil and thus there may be areas of contaminated soil remaining beneath the building and the sidewalk in the vicinity of the former tanks. However, the data presented in the table above indicates that another source of petroleum hydrocarbons likely exists at the site in the vicinity of boring G-6.

EKI concludes that there is no widespread plume of TPHg in groundwater at concentrations of concern related to the detections at GW-5B and G-6, and that no further investigations are recommended.

#### Metals in Groundwater

Lead, barium and cobalt were detected in groundwater samples collected in 2006 from borings located on APN 8-739-6. Lead was detected in unfiltered groundwater samples TR-101-GW and TR-104 at concentrations of 56 µg/L and 180 µg/L, respectively. However, lead was not detected in filtered samples TR-102-GW and TR-103-GW. Treadwell & Rollo postulate that the concentrations of lead in groundwater in the unfiltered samples was due to excessive suspended sediments in the grab groundwater samples and are not indicative of dissolved lead in groundwater.

Barium was detected in filtered groundwater samples TR-201 and TR-202 at 120 and 140 µg/L, respectively. Cobalt was detected in filtered grab groundwater sample TR-201 at 61 µg/L. Treadwell & Rollo postulate that the single detection of cobalt in groundwater may be due to localized differences in the pH of the water, causing some naturally-occurring metals to solubilize from the soil.

#### Lead Impacted Soil

Lead has been detected in soil at concentrations up to 1,210 milligrams per kilogram (mg/kg). The data indicate relatively widespread, variable lead impacts in shallow soils. EKI surmises that the lead impacts are associated with previous site grading activities and concludes that lead impacted soil will require either removal and disposal in accordance with applicable laws, or land use controls if left in place. EKI recommends development of an Environmental Management Plan (EMP) to describe the measures that should be undertaken to protect worker health and safety during subsurface projects, document findings regarding the presence/absence of impacts to soils, and the proper handling and disposal of soils.

## **SECTION II - TECHNICAL COMMENTS**

As discussed above, and in the meeting on August 2, 2012, the conclusions and recommendations presented by EKI in the Phase II Report are not supported by site data collected to date. The recommended measures to mitigate human health risks to future site occupants and visitors solely through use of EMPs, and deed restrictions to require the enforcement of the EMPs, is premature and is not supported by adequate site characterization and a Site Conceptual Model (SCM) for not only Parcels 1 and Parcel 2, but also for the other parcels located within the boundaries of the Negherbon/Broadway Grand Redevelopment where contamination has been identified. Therefore, at this juncture, we request that you perform the work requested below.

1. **Fact Sheet** – Public participation activities are required at this site. The purpose of public participation is to facilitate communication and coordination with stakeholders potentially affected by or concerned with soil and groundwater contamination and potential vapor intrusion risk associated with chlorinated solvents and other volatile organic chemicals in soil and groundwater at the site at concentrations that exceed applicable regulatory screening levels used to judge the necessity of conducting corrective actions at the site.

As part of the public participation process, you must notify potentially affected stakeholders who live or own property in the surrounding area of the site conditions through a mailing of a fact sheet. Please establish an initial mailing list of property owners and tenants who are located within 200 feet of the Negherbon/Broadway Grand Redevelopment project parcel boundaries. The mailing list should also include other stakeholders who have expressed interest in the redevelopment project, have political jurisdiction within or adjacent to the area, represent community leadership or advocacy, or need to be aware of the site conditions.

Please submit a draft distribution list and draft informational fact sheet about the site and planned investigation and characterization activities (MS Word format) for ACEH review by the date specified below.

2. **Initial Site Conceptual Model** – Please prepare a Site Conceptual Model (SCM) for this site. The SCM is an essential communication tool for all interested parties during the site characterization, remediation planning and implementation, and closure process and is used to support decisions about risk, remediation, and site reuse.

The SCM is a set of working hypotheses pertaining to all aspects of the contaminant release, including site geology, hydrogeology, release history, residual and dissolved contamination, attenuation mechanisms, pathways to nearby receptors, and likely magnitude of potential impacts to receptors. The SCM is initially used to characterize the site and identify data gaps. As the investigation proceeds and the data gaps are filled, the working hypotheses are modified, and the overall SCM is refined and strengthened until it is said to be “validated”. At this point, the focus of the SCM shifts from site characterization towards remedial technology evaluation and selection, and later remedy optimization, and forms the foundation for developing the most cost-effective corrective action plan to protect existing and potential receptors.

The SCM shall incorporate, but is not limited to, the applicable topics listed below. Please maximize the use of large-scaled maps and graphics, tables, and conceptual diagrams to illustrate key points.

- a. Regional and local (on-site and off-site) geology and hydrogeology. Include a discussion of the surface geology (e.g., soil types, soil parameters, outcrops, faulting), subsurface geology (e.g., stratigraphy, continuity, and connectivity), and hydrogeology (e.g., water-bearing zones, hydrologic parameters, impermeable strata). Please include cross sections, soil boring and monitoring well logs and locations, and copies of regional geologic maps.
- b. A description of the monitoring well network at the site for collecting soil gas and groundwater data. Include a summary table listing all wells in the monitoring network and providing construction details including date installed, screen intervals, screen length, formations screened, type of wellhead (i.e., flush-mounted or stove top), date of last well development, date of last survey and survey datum. Provide an analysis of the quality and validity of data obtained by the monitoring well network including the appropriateness of field sampling protocols and use of appropriate laboratory reporting limits. Identify submerged/dry well conditions and provide an analysis of the effects on sample bias due to dilution and ability to detect free product. Provide monitoring well construction logs.

- c. Analysis of the hydraulic flow system in the vicinity of the site. Include rose diagrams which depict groundwater gradients on groundwater elevation contour maps and update them in all future reports submitted for your site. Please address changes due to seasonal precipitation and groundwater pumping, and evaluate the potential interconnection between shallow and deep aquifers. Please include an analysis of vertical hydraulic gradients, and effects of pumping rates on hydraulic head from nearby water supply wells, if appropriate. Please depict the piezometric surface in different water bearing zones on cross sections and present hydrographs of all monitoring wells.
- d. A description of the release history, including potential source(s) of releases, potential contaminants of concern (COC) associated with each potential release, confirmed source locations, confirmed release locations, and existing delineation of release areas. Address primary leak source(s) (e.g., a tank, sump, pipeline, etc.) and secondary sources (e.g., high-concentration contaminants in low-permeability lithologic soil units that sustain groundwater or vapor plumes). Include local and regional plan view maps that illustrate the location of sources (former facilities, piping, tanks, etc.).
- e. Preferential pathway study to determine the probability of non-aqueous phase liquid (NAPL) and/or plumes (groundwater and/or soil vapor) encountering preferential pathways and conduits (geologic and anthropogenic) that can act as contaminant migration pathways to or from your site. Please evaluate historic land uses at and in the vicinity of the site and identify underground utility lines and trenches (e.g., sewers, storm drains, water, electric, gas, remediation piping, trench backfill, etc.) and wells that could act as preferential pathways within and near the site and plume area(s). Include maps and cross-sections illustrating historic groundwater elevations at the site and location and depth of all utility lines and trenches within and near the site and plume areas(s). Identify all active, inactive, standby, decommissioned (sealed with concrete), unrecorded, and abandoned (improperly decommissioned or lost) wells including monitoring, remediation, irrigation, water supply, dewatering, drainage, and cathodic protection wells within a one mile radius of the subject site. Please include copies of historical maps, such as Sanborn maps, aerial photographs, etc.
- f. Plume (soil gas and groundwater) development and dynamics including aging of source(s), phase distribution (NAPL, dissolved, vapor, residual), diving plumes, attenuation mechanisms, migration routes, magnitude of COCs and spatial and temporal changes in concentrations, and contaminant fate and transport). Please provide two-dimensional plan view maps of the source distribution and of groundwater and soil vapor plumes depicting the contaminant distribution of each COC. Please also provide cross sections depicting the vertical delineation of groundwater plumes and source distribution.
- g. Summary tables of chemical concentrations in different media (i.e., soil, groundwater, and soil vapor). Please include applicable environmental screening levels on all tables. Include graphs of contaminant concentrations versus time.
- h. Current and historic facility structures (e.g., buildings, drain systems, sewer systems, underground utilities, etc.) and physical features including topographical features (e.g., hills, gradients, surface vegetation, or pavement) and surface water features (e.g. routes of drainage ditches, links to water bodies). Please include current and historic site maps.
- i. Current and historic site operations/processes (e.g., parts cleaning, chemical storage areas, manufacturing, etc.).



- j. Other contaminant release sites in the vicinity of the site. Hydrogeologic and contaminant data from those sites may prove helpful in testing certain hypotheses for the SCM. Include a summary of work and technical findings from nearby release sites.
- k. Land uses and exposure scenarios on the facility and adjacent properties. Include beneficial resources (e.g., groundwater classification, wetlands, natural resources, etc.), resource use locations (e.g., water supply wells, surface water intakes), subpopulation types and locations (e.g., schools, hospitals, day care centers, etc.), exposure scenarios (e.g. residential, industrial, recreational, farming), and exposure pathways, and potential threat to sensitive receptors. Include an analysis of the contaminant volatilization from the subsurface to indoor/outdoor air exposure route (i.e., vapor pathway). Please include copies of Sanborn maps and aerial photographs, as appropriate.
- l. Identification and listing of specific data gaps that require further investigation during subsequent phases of work.

At this juncture, please prepare an Initial SCM, synthesizing information and analytical data collected to date, and identifying site characterization data gaps on parcels within the Negherbon/Broadway Grand Redevelopment project, by the date specified in the Section III below. An updated SCM will be required to be submitted at each key subsequent juncture of the project to support proposed site management strategies and facilitate stakeholder review and informed decision-making for all site decisions about risk, remediation, and reuse.

3. **Soil, Groundwater, and Soil Vapor Investigation Work Plan** – Please prepare a Work Plan to address ACEH's comments discussed in Section I above and in the meeting on August 2, 2012, and the data gaps identified in the Initial SCM. Please provide sufficient detail and rationale for the scope of work to allow evaluation of the reasonableness of the proposed work. We recommend that you reference the *Practical Handbook of Environmental Site Characterization and Ground-water Monitoring*, David M. Nielsen (editor), 2006, 2<sup>nd</sup> Edition, to develop and support proposed field investigation activities, or other alternative sources if current and appropriate. Please submit the Work Plan concurrently with the Initial SCM by the date specified below.

Please include a preferential pathway study, including a utility survey and well survey, in the scope of work to locate potential migration pathways and conduits (wells, utilities, pipelines, etc.) in the vicinity of the site that could spread contamination through vertical and lateral migration, as described in Section I above.

There may need to be additional phases of investigations, each building on the results of prior work, to update and/or validate the SCM. Characterizing the site in this manner will focus the scope of work to address the identified data gaps, which improves the efficiency of the work, and limits the overall costs.

4. **Baseline Environmental Project Schedule** – As discussed in our meeting with Mr. Earl James on August 2, 2012, ACEH is committed to working with the project stakeholders to achieve cleanup and development of the site. In order to facilitate this process, please submit a proposed Baseline Environmental Project Schedule (Project Schedule) that provides details of the proposed site closure strategy and the environmental work that will be required to prepare a validated SCM, gain approval of a CAP, implement and monitor remediation and mitigation measures, commence site construction, and obtain site closure. The Project Schedule should be a focused schedule that includes only site development activities that are impacted by the environmental schedule (i.e., planning review/approval process, architectural design/approval process, issuance of building permit, site demolition, grading, construction activities, issuance of occupancy permits, etc.). The Project Schedule should include, but not be limited to, the following key environmental elements and milestones as applicable:

- Preferential Pathway Study
- Soil, Groundwater, and Soil Vapor Investigations
- Initial, Updated, and Final/Validated SCMs
- Feasibility Study/Corrective Action Plan
- Remedial Actions
- Monitoring Well Installation/Decommissioning/Replacement
- Short Term Mitigation Measures Incorporated into Site Redevelopment during Remediation Phase (e.g., vapor intrusion membrane and sub-slab ventilation system, groundwater monitoring, etc.)
- Environmental Management Plans for Site Demolition and Earthwork Activities
- Public Participation Program (Fact Sheet Preparation/Distribution/Public Comment Period, Community Meetings, etc.)

Please use a critical path methodology/tool to construct a schedule with sufficient detail to support a realistic and achievable project schedule. The schedule is to include at a minimum:

- Defined work breakdown structure including summary tasks required to accomplish the project objectives and required deliverables
- Summary task decomposition into smaller more manageable components that can be scheduled, monitored, and controlled
- Sequencing of activities to identify and document relationships among the project activities using logical relationships
- Identification of critical paths, linkages, predecessor and successor activities, leads and lags, and key milestones
- Identification of entity responsible for executing work
- Estimated activity durations (ACEH review times are based on calendar days)

Please include a narrative identifying assumptions (i.e., analytical laboratory turnaround time, ACEH review time, number of review cycles, etc.), project constraints, and contingency plans. Also, include a discussion about proposed schedule compression techniques (i.e., cost and schedule tradeoffs, fast tracking, etc) to shorten the environmental project schedule without changing the project scope, in order to meet schedule constraints, imposed dates, or other site redevelopment schedule objectives.

Please include a project kick-off meeting/teleconference call as an initial activity in the breakdown of each summary task. The intent of the project kick-off meeting will be to facilitate review of the updated SCM, schedule, and scope of work prior to initiation of the next major phase of work. The baseline schedule will be required to be updated prior to the start of a new task for use in the kick-off meetings and at other key junctures as necessary in order to maintain a realistic schedule throughout the project as work progresses.

Please submit an electronic copy of the focused Baseline Project Schedule and schedule updates in portable data format (pdf) as well as a paper copy (Attn: Dilan Roe) in accordance with the dates listed in Section III below. ACEH will review the schedule and provide comment with

respect to inclusion of key elements (e.g., submittal/approval of work plans, SCM, investigation reports, CAP, public participation documents, etc.) and proposed ACEH review times.

5. **Request for Information and Electronic Submittal of Information (ESI) Compliance** – Please upload all data and documents for property located within Signature’s Negherbon/Broadway Grand Redevelopment project in accordance with the naming convention provided in Attachment 1, to the State Water Resources Control Board’s GeoTracker website and the ACEH FTP site by the date specified in Section III below.

Data and documents include, but may not be limited to:

- Complete copies of reports, in pdf format, including the signed transmittal letter and professional certification (GEO\_REPORT files) including but limited to:
  - *Phase I Environmental Site Assessment, Negherbon Auto Center, 2345 Broadway, Oakland, CA (Ninyo and Moore, March 2001)*
  - *Phase II Environmental Assessment, Negherbon Mixed-Use Project, 24<sup>th</sup> Street and West Grand Ave., Oakland, CA (Treadwell & Rollo, December 2003)*
  - *Addendum to Phase II Environmental Site Assessment, Negherbon Mixed-Use Project, 24<sup>th</sup> Street and West Grand Avenue, Oakland, CA (Treadwell & Rollo, July 2004)*
  - *Preliminary Environmental Review, Proposed Negherbon Mixed-Use Development, 461 24<sup>th</sup> Street (a.k.a. Casa Blanca Apartments), Oakland, CA (Treadwell & Rollo, April 2004)*
  - *Preliminary Update: Phase I Environmental Assessment, Proposed Negherbon Mix-Use Development (Parcel A), 2251 Broadway, Oakland, CA (Treadwell & Rollo, March 2005)*
  - *Phase I Environmental Assessment, Parcel B, Former Negherbon/Broadway Grand Property, Oakland, CA (Treadwell & Rollo, June 2006)*
  - *Second Addendum to Phase II Environmental Site Assessment, Groundwater Sampling at Parcel B, Former Negherbon/Broadway Grand Property (Formerly Negherbon Mixed-Use Project), Oakland, CA (Treadwell & Rollo, June 2006)*
  - *Phase II Environmental Assessment, 2301 Broadway (Lucky Goldfish/Friedman’s Microwave Ovens), Oakland, CA (Treadwell & Rollo, May 2006)*
- Analytical data for soil, water and vapor samples collected for the purpose of subsurface investigation or remediation (EDF files);
- Stand alone site maps displaying tank locations, streets bordering the facility, and sampling locations for all soil, water and vapor samples (GEO\_MAP files);
- Stand alone boring logs (GEO\_BORE files);

Also, please transmit all analytical laboratory results collected for the purpose of subsurface investigation or remediation in a comprehensive excel spreadsheet to ACEH via email ([dilan.roe@acgov.org](mailto:dilan.roe@acgov.org)) in order to facilitate electronic access and review of historic data.

### **SECTION III - TECHNICAL REPORT**

Please perform the requested work and submit technical reports to ACEH according to the following schedule:

- **November 2, 2012** – Draft Fact Sheet (in MS Word format) with List of Fact Sheet Recipients
- **November 2, 2012** – Baseline Environmental Project Schedule  
File to be named: PROJ\_SCH\_yyyy-mm-dd
- **November 2, 2012** – Electronic Submittal of Information
- **Date to be Determined** – Initial Site Conceptual Model  
File to be named: SCM\_R\_yyyy-mm-dd

The submittal compliance date for the Initial SCM will be finalized in a subsequent Directive Letter and will be based on the date proposed in the Baseline Environmental Project Schedule.

- **Date to be Determined** – Soil, Groundwater, and Soil Vapor Investigation Work Plan  
File to be named: WP\_R\_yyyy-mm-dd

The proposed activities in the work plan should be supported by the Initial SCM and therefore, the submittal compliance date for the Soil, Groundwater, and Soil Vapor Investigation Work Plan will be concurrent with the submittal date of the Initial SCM.

- **Date to be Determined** – Soil, Groundwater, and Soil Vapor Investigation Report  
File to be named: SWI\_R\_yyyy-mm-dd

The submittal compliance date for the Soil, Groundwater, and Soil Vapor Investigation Report will be finalized in a subsequent Directive Letter and will be based on the date proposed in the Baseline Project Schedule.

- **Date to be Determined** – Updated Site Conceptual Model  
File to be named: SCM\_R\_yyyy-mm-dd

The submittal compliance date for the Updated Site Conceptual Model will be finalized in a subsequent Directive Letter and will be based on the date proposed in the Baseline Project Schedule.

- **Date to be Determined** – Environmental Project Schedule Updates  
File to be named: PROJ\_SCH\_yyyy-mm-dd

The submittal compliance date for the Environmental Project Schedule Updates will be finalized in a subsequent Directive Letter and will be based on the date(s) proposed in the Baseline Project Schedule.

If you have any questions, please call me at (510) 567-6767 or send me an electronic mail message at [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org).

Sincerely,

Dilan Roe, PE  
Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations

Mr. Patrick VanNess  
RO0003095  
October 10, 2012, Page 13

cc: Gary Negherbon,  
Michael Ghielmetti, LePanto Properties, LLC  
Earl James, EKI (*Sent via electronic mail to [ejames@EKICONCONSULT.COM](mailto:ejames@EKICONCONSULT.COM)*)  
Donna Drogos, ACEH (*Sent via electronic mail to [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org)*)  
Dilan Roe, ACEH (*Sent via electronic mail to [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org)*)  
Electronic File, GeoTracker

## Attachment 1

### Responsible Party(ies) Legal Requirements/Obligations

#### REPORT/DATA REQUESTS

These reports/data are being requested pursuant to Division 7 of the California Water Code (Water Quality), Chapter 6.7 of Division 20 of the California Health and Safety Code (Underground Storage of Hazardous Substances), and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations (Underground Storage Tank Regulations).

#### ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (Local Oversight Program [LOP] for unauthorized releases from petroleum Underground Storage Tanks [USTs], and Site Cleanup Program [SCP] for unauthorized releases of non-petroleum hazardous substances) require submission of reports in electronic format pursuant to Chapter 3 of Division 7, Sections 13195 and 13197.5 of the California Water Code, and Chapter 30, Articles 1 and 2, Sections 3890 to 3895 of Division 3 of Title 23 of the California Code of Regulations (23 CCR). Instructions for submission of electronic documents to the ACEH FTP site are provided on the attached "Electronic Report Upload Instructions."

Submission of reports to the ACEH FTP site is in addition to requirements for electronic submittal of information (ESI) to the State Water Resources Control Board's (SWRCB) Geotracker website. In April 2001, the SWRCB adopted 23 CCR, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1 (Electronic Submission of Laboratory Data for UST Reports). Article 12 required electronic submittal of analytical laboratory data submitted in a report to a regulatory agency (effective September 1, 2001), and surveyed locations (latitude, longitude and elevation) of groundwater monitoring wells (effective January 1, 2002) in Electronic Deliverable Format (EDF) to Geotracker. Article 12 was subsequently repealed in 2004 and replaced with Article 30 (Electronic Submittal of Information) which expanded the ESI requirements to include electronic submittal of any report or data required by a regulatory agency from a cleanup site. The expanded ESI submittal requirements for petroleum UST sites subject to the requirements of 23 CCR, Division, 3, Chapter 16, Article 11, became effective December 16, 2004. All other electronic submittals required pursuant to Chapter 30 became effective January 1, 2005. Please visit the SWRCB website for more information on these requirements. ([http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](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, 7835, 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, 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> July 25, 2012
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (petroleum UST 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 [.loptoxic@acgov.org](mailto:.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 <://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 [.loptoxic@acgov.org](mailto:.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.