



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

December 10, 2015

Mr. John Murray
John Murray Productions
1196 32nd Street, Oakland, CA 94608
(Sent via email to johnm@johnmurray.com)

Mr. Reid Settlemier
RWW Properties LLC
6114 LaSalle Avenue, #535
Oakland, CA 94611
(Sent via email to reid@rww-llc.com)

Subject: Request for Vapor Mitigation System Design Documents; Site Cleanup Program (SCP) Case No. RO0003142, Adeline Foundry, 3037-3115 Adeline Street, Oakland, CA 94608

Dear Mr. Murray and Mr. Settlemier:

Alameda County Environmental Health (ACEH) has reviewed the case file including the *Report of Soil Gas and Sub Slab Gas Investigation*, dated November 23, 2015. The report was prepared and submitted on your behalf by ERAS Environmental Inc. (ERAS). Thank you for submitting the report.

The referenced report documented the installation of one soil vapor point at the location of soil bore PES-B2, at a depth of approximately 5 feet below the existing foundation, and a sub-slab vapor point inside the building. Based on the on-time sampling event, potential petroleum vapors of concern appear to be below applicable generic Environmental Screening Levels (ESLs) as promulgated by the San Francisco Bay Regional Water Quality Control Board (RWQCB) in the December 2013 document entitled *Derivation and Application of Environmental Screening Levels*. The data also indicated concentrations of oxygen ranged between 4 and 13 percent (%), carbon dioxide ranged between 6.6 and 13% (atmospheric is 0.04%) and methane ranged between <0.00024 and 9.0%. The Lower Explosive Limit [LEL; the lower percentage below which explosions are unlikely to occur at atmospheric conditions; too lean a concentration] for methane is approximately 4.4 to 5%, while the Upper Explosive Limit [UEL; the upper percentage above which there is insufficient oxygen for an explosion to occur; too rich a concentration] is approximately 15%; thus methane concentrations in the subsurface at the site represent an explosive hazard.

Based on ACEH staff review of the case file, we request that you address the following technical comments and send us the reports described below.

TECHNICAL COMMENTS

- 1. Vapor Mitigation System Design** – Due to residual soil contamination beneath a portion of the property, and potentially explosive levels of methane gas and risk of vapor intrusion to indoor air, it is prudent to install a vapor mitigation system (VMS) to minimize risk to building occupants. To mitigate the potential for explosive conditions at the site, ERAS has recommended the installation of a subsurface passive venting system along the outside edge of the southwest corner of the building in the area of PES-B2 and VP-1. To ensure other areas of elevated residual contamination at the site (such as the vicinity of soil bore B-2), it appears appropriate to extend the proposed VMS to allow it to capture additional methane generating areas with higher residual concentrations that may be capable of generating higher methane concentrations.

Please provide a VMS Basis of Design Report, including system construction plans and specifications, Construction Quality Assurance Plan (CQAP) for the installation of the system, and an Operations and Maintenance Plan. Please attach these documents as an appendix to a revised Site Management Plan (SMP) for the site (See Technical Comment 3 below).

The CQAP must specify the qualifications and experience for contractors and inspectors involved in the construction of the VMS, and provide procedures for construction monitoring and documentation, including responsibility and authority, construction inspections (i.e. smoke testing, etc.), and as-built documentation.

2. **Vapor Intrusion Mitigation System Record Report of Construction** – After the installation of the VMS, please conduct an additional round of vapor sampling, using previously approved procedures, to collect additional post-design data. Following construction of the VMS, a report must be submitted to ACEH that includes as-built drawings, copies of permits, construction monitoring and documentation, post-construction sub-slab and vent riser sampling results verifying system integrity, and other information relevant to the installation of the mitigation system.
3. **Long Term Site Management Plan and Institutional Controls (ICs)** – Prior to case closure the existing draft SMP and ICs must be revised and implemented for the site to prevent inappropriate activities and use of the property, with consideration of potential risk from existing soil vapor impacts and residual soil contamination. The SMP and ICs will provide legal and administrative controls and methods for the dissemination of information to minimize risk during future below ground construction and maintenance, and long-term site occupancy and use.
 - a. **Site Management Plan** - The existing draft SMP will require modification to include an element of long-term site management and will include a discussion of environmental conditions within the site and the mitigation elements included in the vapor mitigation system that must be maintained and protected in the future. Prior to case closure a revised SMP must be submitted to ACEH for review and approval. As before, the purpose of the SMP is to provide for communication primarily with contractors who will be constructing and or maintaining the site and the VMS. The SMP must provide details regarding the location and construction of the vapor mitigation system, precautions should subsurface work be required in the area of the vapor mitigation system, precautions for handling potentially impacted soil or groundwater, and notification procedures should the vapor mitigation system be damaged. The SMP should document proposed operations, maintenance, and monitoring of the system, emergency contact information, and protocols for approval of future modifications to the building in the areas of the vapor mitigation system. The SMP must be maintained at the site address by the property manager or designated representative and must be recorded at the Alameda County Clerk Recorder's office as a part of the Land Use Covenant (LUC; see next technical comment). The site owner will have responsibility for implementation of the SMP.

The SMP must address on-going system inspections to be arranged by the site owner to observe and document the integrity and maintenance of the mitigation system, including observation of roof turbines, auditing of building and system maintenance records, and confirming that required onsite documentation is available (e.g. copy of the SMP). The SMP must specify actions required by the owner should any action inconsistent with the SMP be discovered during site inspections, including, but not limited to notification of ACEH, and the submittal of documentation describing actions taken to correct the situation.

- b. **Land Use Covenant (LUCs), Activity Use Limitations (AULs), and Codes, Covenants, and Restrictions (CCRs)** – These documents will document legal and regulatory requirements for the site. As currently understood by ACEH the site will remain under commercial land use. To minimize contact with impacted media, the recorded LUCs / AULs, and CCRs will prohibit alteration, disturbance, or removal of any component of the VMS. Additional components of the LUCs / AULs, and CCRs will include but may not be limited to:
 - i. Notification to the City of Oakland Building Department of the vapor mitigation system and the potential flagging of the property such that ACEH will be notified if building permits are to be issued (to prevent impacting the vapor mitigation system);
 - ii. Prohibition of new construction activities that could encounter or breach the vapor mitigation system without the express knowledge of ACEH and the City of Oakland Building and Public Works Departments, including for utility repair and installation;

- iii. Lease documents that include CCRs that will serve as the primary communication tool for the site's business occupants, including fact sheets; and
- iv. The provision to maintain inspection and monitoring records associated with vapor mitigation system.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with Attachment 1 and the specified file naming convention below, according to the following schedule:

- **January 22, 2016** – Remedial Design and Implementation Plan
File to be named: RO3142_RDIP_R_yyyy-mm-dd
- **February 12, 2016** – Site Management Plan
File to be named: RO3142_SITE_MANAGE_R_yyyy-mm-dd

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

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

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

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

cc: Clinton Stockton, John Murray Productions, Inc, 1196 32nd Street, Oakland, CA 94608; (Sent via E-mail to: Clinton@johnmurray.com)

David Siegel, ERAS Environmental, Inc., 1533 B Street, Hayward, CA 94541 (Sent via E-mail to: dave@eras.biz)

Curtis Payton, ERAS Environmental, Inc., 1533 B Street, Hayward, CA 94541 (Sent via E-mail to: curtis@eras.biz)

Andrew Savage, ERAS Environmental, Inc., 1533 B Street, Hayward, CA 94541 (Sent via E-mail to: andrew@eras.biz)

Dilan Roe (sent via electronic mail to dilan.roe@acgov.org)

Mark Detterman, ACEH, (sent via electronic mail to mark.detterman@acgov.org)
Geotracker, Electronic File

Attachment 1

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

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

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) GeoTracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the GeoTracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in GeoTracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

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

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

REQUIREMENTS

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection.**
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- **Signature pages and perjury statements must be included and have either original or electronic signature.**
- **Do not password protect the document.** Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:

RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Submission Instructions

- 1) Obtain User Name and Password
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to deh.loptoxic@acgov.org
 - b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses, and the Case Numbers (RO# available in Geotracker) you will be posting for.**
- 2) Upload Files to the ftp Site
 - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
 - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to deh.loptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @acgov.org. (e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.