



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

June 17, 2015

Mr. Tom McCoy (Sent via E-mail to: [tmccoy@bbiconstruction.com](mailto:tmccoy@bbiconstruction.com))  
Brush Street Group, LLC  
1155 3<sup>rd</sup> Street, Suite 230  
Oakland, CA 94607

Subject: Case File Review for SLIC case RO0003174 and GeoTracker Global ID T10000007028, Francis Plating Building, 785 7<sup>th</sup> Street, Oakland, CA 94607

Dear Mr. McCoy:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigation, and Cleanup (SLIC) case file for the above referenced site including draft versions of the documents entitled, "*Covenant and Environmental Restriction on Property Redline Draft*," and "*Site Management Plan, 785 Seventh Street, Oakland, California*," dated February 3, 2014 (SMP). The SMP, which was prepared on your behalf by The Source Group, Inc., (SGI) presents plans to manage residual contamination remaining on APN 1-223-7 which is the eastern parcel that includes the on-site building. In correspondence dated June 4, 2015, ACEH separated the site into two cases to allow the two cases to proceed independently. The eastern parcel is under consideration for case closure with site management requirements as described in the SMP and Covenant and Environmental Restriction on Property. These site management requirements are needed to prevent exposure that may result from future construction, redevelopment, or other types of subsurface disturbance.

Based on our review of the draft SMP, we request that the SMP be revised to incorporate the technical comments below. Please submit the updated SMP no later than August 7, 2015. Upon review and approval of the SMP, ACEH will begin public participation, which is a requirement for the case closure process. In order to notify potentially affected members of the public of the potential case closure, ACEH will distribute the attached "*Invitation to Comment – Potential Case Closure*," to the addresses shown on the attached mailing list upon review and approval of the SMP. Please provide any comments you may have on the Invitation to Comment by August 7, 2015. We also request that you review the attached mailing list and provide the names and addresses of any persons, corporations, or government agencies you are aware of that may have an interest in this case. The Invitation to Comment requests that landowners or residents submit any comments or questions to ACEH regarding potential case closure. ACEH will consider all comments from the public prior to potential case closure.

#### **TECHNICAL COMMENTS**

- 1. Beginning of Section 1.2.** Please add the following statement at the beginning of Section 1.2: "Soil and groundwater at the site have not been remediated to levels that are suitable for unrestricted use. Therefore, site management procedures are necessary to minimize potential exposure to residual contamination in soil and groundwater."

2. **End of Section 1.2.** Please replace the term “deed restriction,” with “Covenant and Environmental Restriction on Property”. Please add the following sentence to the end of Section 1.2: “Restrictions on land use and site management requirements are further described in the Covenant and Environmental Restriction on Property, which has been recorded with the Alameda County Clerk Recorder’s office for parcel 1-223-7.”
  
3. **Additional Section on Cap Maintenance and Inspection.** We request that you add a section to the SMP regarding cap maintenance and inspection activities. We suggest that the section include the following subsections and elements:
  - a) Description of Cap
    - i) Types of Surfaces and Thicknesses.
  - b) Cap Maintenance and Repair
    - i) Brush Street Group LLC will designate a Project Manager who will implement this SMP and cap maintenance and repair.
    - ii) Caps will be maintained in a manner that prevents exposure to impacted soils and groundwater.
    - iii) Repairs will be made is cap is not performing in accordance with intended purpose.
    - iv) Notification of breach of cap.
  - c) Cap Inspection
    - i) Cap is to be inspected on an annual basis.
    - ii) Inspections will also be performed following unexpected events such as earthquakes.
    - iii) Inspection is to include entire capped area and to identify any cracking, pull-apart from curb and gutters, general deterioration of the surface, settlement, seepage, evidence of ponded water, displacement, erosional damage, or other signs of damage, failure, or disturbance.
  - d) Training
    - i) The Project Manager will provide training for employees or contractors who perform maintenance or repair of the cap.
    - ii) The Project Manager shall also require that workers who may encounter subsurface soils follow the procedures for subsurface activities described in this SMP.
  
4. **Additional Section on Reporting and Record Keeping.** We request that you add a section to the SMP regarding reporting and record keeping. We suggest that the section include the following subsections and elements:
  - a) Notification Requirements
    - i) Brush Street Group will notify ACEH within 30 days after change in ownership of the property.
  - b) Annual Inspection Summary Report
    - i) Annual Inspection Form
    - ii) Dates, times, and names of who conducted and reviewed inspection.
    - iii) Descriptions of actions taken during reporting period.
    - iv) Significant changes in site conditions or usage.
    - v) Other information that may relate to the cap.
    - vi) Description of actions planned in next year that may impact cap.
    - vii) Conclusions regarding cap effectiveness.
    - viii) Recommendations for cap modifications.
    - ix) Photographs depicting site conditions with captions.
  - c) Unplanned Event Report
  - d) Completion Report for Intrusive Work

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### **TECHNICAL REPORT REQUEST**

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

- **August 7, 2015** – Site Management Plan  
File to be named: SITE\_MANAGE\_R\_yyyy-mm-dd RO3174

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

Sincerely,

Jerry Wickham, California PG 3766, CEG 1177, and CHG 297  
Senior Hazardous Materials Specialist

Attachments: Invitation to Comment  
Mailing List  
Responsible Party(ies) Legal Requirements/Obligations

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Margot Lederer Prado, City of Oakland Economic Development Division, Brownfields Management, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612 (*Sent via E-mail to: [MPrado@oaklandnet.com](mailto:MPrado@oaklandnet.com)*)

Matthew Sutton, The Source Group, Inc., 3478 Buskirk Avenue, Suite100, Pleasant Hill, CA 94523 (*Sent via E-mail to: [msutton@thesourcegroup.net](mailto:msutton@thesourcegroup.net)*)

Markus Niebanck, Amicus, 580 Second Street, Suite 260, Oakland, CA 94607 (*Sent via E-mail to: [markus@amicusenv.com](mailto:markus@amicusenv.com)*)

Jerry Wickham, ACEH (*Sent via E-mail to: [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)*)  
GeoTracker, eFile



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**DRAFT**  
**INVITATION TO COMMENT – POTENTIAL CASE CLOSURE**

**FRANCIS PLATING BUILDING  
785 SEVENTH STREET  
OAKLAND, CA 94607  
SITE CLEANUP PROGRAM CASE RO0003174  
GEOTRACKER GLOBAL ID T10000007028**

**Date**

The above referenced site is a Site Cleanup Program (SCP) case that is under the regulatory oversight of Alameda County Environmental Health (ACEH) for the investigation of soil and groundwater contamination from a former plating facility. The site operated as a metal plating facility from approximately 1957 to 1998. In 1998, the property was found abandoned with chemicals and equipment remaining on site. As part of an emergency response, the U.S. Environmental Protection Agency removed the abandoned chemicals and excavated shallow soil in areas without asphalt or concrete surfaces. One building on the site which was constructed in 1970, is currently used as a fitness training facility.

This potential case closure applies only to the eastern portion of the site that includes the on-site building where site investigation activities have been completed. The western portion of the site will require further investigation and cleanup and will remain an active case. Metals and petroleum hydrocarbons were detected in soil and groundwater beneath the site. Volatile organic compounds (VOCs) were also detected in soil vapor outside of and beneath the building. Soil vapor, sub-slab vapor, and indoor air sampling was conducted for the on-site building and it appears that the VOCs in soil vapor do not pose a significant vapor intrusion risk for the current building and land use.

Residual contamination remains at the site beneath a cap consisting largely of asphalt and concrete. However, the residual contamination could potentially pose a risk if the cap is removed or altered for excavation, construction, or other purposes. ACEH is considering closure of the case with site management requirements to prevent potential future exposure. The site management requirements would not allow construction, redevelopment, or other types of subsurface disturbance without the review and approval of ACEH.

This notice is being sent to the current occupants and landowners of surrounding properties and known interested parties for this site. The public is invited to review and comment on the potential closure of the case. The entire case file can be viewed over the Internet on the ACEH website (<http://www.acgov.org/aceh/lop/ust.htm>) or the State of California Water Resources Control Board GeoTracker website (<http://geotracker.waterboards.ca.gov>). Please send written comments to Jerry Wickham at ACEH, 1131 Harbor Bay Parkway, Alameda, CA 94502; all comments will be forwarded to the responsible parties. Comments **received by XXXX, 2015** will be considered and responded to prior to a final determination on the proposed case closure.

If you have comments or questions regarding this site, please contact the ACEH caseworker, Jerry Wickham at 510-567-6791 or by email at [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org). Please refer to ACEH case RO0003174 in any correspondence.

Parcel_APN	Name	StreetAddress	Unit	City	Zip	Zip_4
1-223-4	ANO LLC	844 ALTON RD	3	MIAMI BEACH FL	33139	5506
4-5-5	BELIVEAU PROPERTIES LLC	909 7TH ST		OAKLAND CA	94607	3101
1-223-7	BRUSH STREET GROUP	1155 3RD ST	230	OAKLAND CA	94607	2617
1-223-5	DARCCK PEARL INVESTMENTS LLC	2000 BROADWAY ST	150	REDWOOD CITY CA	94063	1802
1-228-9	J L GATEWAY LLC	419 13TH ST	888	OAKLAND CA	94612	
4-5-1-10	KDF CITY TOWERS LP	1301 DOVE ST	720	NEWPORT BEACH CA	92660	2470
1-219-28-1	OCCUPANT	701 E 8TH ST		OAKLAND CA	94606	
4-5-6	OCCUPANT	623 MARKET ST		OAKLAND CA	94607	
1-228-9	OCCUPANT	900 MARKET ST		OAKLAND CA	94607	
4-5-1-10	OCCUPANT	725 MARKET ST		OAKLAND CA	94607	
1-223-1	OCCUPANT	610 MARKET ST		OAKLAND CA	94607	
1-223-4	OCCUPANT	601 BRUSH ST		OAKLAND CA	94607	
1-228-6	OCCUPANT	800 MARKET ST		OAKLAND CA	94607	
1-223-7	OCCUPANT	785 7TH ST		OAKLAND CA	94607	
1-223-1	RAWSON VIRGINIA R TR	1860 TICE CREEK DR	1353	WALNUT CREEK CA	94595	4905
1-223-6	SEVENTH STREET GROUP LLC	1155 3RD ST	230	OAKLAND CA	94607	2617
1-219-28-1	STATE OF CALIFORNIA	PO BOX 23440		OAKLAND CA	94623	0440
	Cherie McCaulou San Francsico RWQCB	1515 Clay Street, Suite 1400		OAKLAND CA	94612	

## 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/](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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> May 15, 2014
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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](mailto:deh.loptoxic@acgov.org)
  - b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses**, and the **Case Numbers (RO# available in Geotracker) you will be posting for.**
- 2) Upload Files to the ftp Site
  - a) 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](mailto:deh.loptoxic@acgov.org) notify us that you have placed a report on our ftp site.
  - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @acgov.org. (e.g., firstname.lastname@acgov.org)
  - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload) If site is a new case without an RO#, use the street address instead.
  - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.