



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

April 13, 2016

Mr. Patrick Ellwood
Ellwood Commercial Real Estate
1345 Grand Avenue
Piedmont, CA 94610
(Sent via email to Patrick@ellwoodcommercial.com)

Subject: Modified Work Plan Approval; Site Cleanup Program Case No. RO0003175 and Geotracker Global ID T1000007707, 500 Grand Redevelopment, 500 Grand Avenue, Oakland, CA 94611

Dear Mr. Ellwood:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file including the *Supplemental Investigation Work Plan*, dated April 8, 2016. The report was submitted on your behalf by The Source Group (SGI) of the Apex Companies, LLC. Thank you for submitting the work plan.

The work plan proposed the installation of 10 direct push soil bores at the site in order to investigate the extent of residual hydrocarbon, and potential tetrachlorethene (PCE), contamination, and to gather sufficient data to determine the effect of the residual contamination on the specific proposed mixed-use redevelopment at the site.

ACDEH is in general agreement with the potential areas of concern; however, based on the CRA SV-1 and CRA SV-2 bore locations, the southwestern area of potential concern may extend somewhat further to the west to the location of CRA SV-1.

Based on ACEH staff review of the work plan, the proposed scope of work is conditionally approved for implementation provided that the technical comments below are incorporated during the proposed work. Submittal of a revised work plan or a work plan addendum is not required unless an alternate scope of work outside that described in the work plan or these technical comments is proposed. We request that you address the following technical comments, perform the proposed work, and send us the report described below. Please provide 72-hour advance written notification to this office (e-mail preferred to: mark.detterman@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Work Plan Modifications** – The referenced work plan proposes a series of actions with which ACEH is in general agreement of undertaking; however, ACEH requests one modification to the approach. Please submit a report by the date specified below.
 - a. **Soil Sample Selection Protocols** – The work plan proposes to collect and retain for laboratory analysis soil samples at 4 to 4.5 and 10 to 10.5 feet below grade surface (bgs). Please ensure that any significant lithologic changes, photoionization detections, and other signs of contamination such as discoloration or odors, are additionally sampled and submitted for analysis at the laboratory. The intent is to provide sufficient flexibility in the sampling depth to collect samples at signs of contamination rather than a pre-set depth interval.
 - b. **Analytical Suite and Chemicals of Concern** – With the addition of Semi-Volatile Organic Compounds (SVOCs) by EPA 8270 at select locations, the proposed analytical suite in general appears appropriate. Due to the detection of somewhat elevated naphthalene concentrations by the previous investigation by All West at site perimeter locations (AW-SB-5, 6.5 milligrams per kilogram or mg/kg) not associated with known waste oil contamination, and due to the presence of a former waste oil underground storage tank (UST) at the site, ACDEH requests the inclusion

of SVOC analysis in the soil analytical suite. This is requested to include the location of soil bore SGI-SB-08 (proximal to the former waste oil UST location), and at multiple proposed bore locations that yield moderately elevated naphthalene concentrations in the proposed VOC analytical suite. Among this later group, this is requested to include proposed soil bore SGI-SB-01, proximal to soil bore AW-SB-5, and the additional bore or moved bore SGI-SB-10 (see below). The intent is to obtain sufficient analytical data to verify other SVOC compounds in native and fill soils are not of concern to the proposed development; in particular compounds that would affect the benzo (a) pyrene toxicity equivalent.

- c. Additional or Moved Soil Bore Location** – The historical presence of consistent elevated soil or soil vapor concentrations in the vicinity of historic bore locations CEW WS4, CRA SV-2, and CRA S-2 indicate that a contaminant hotspot was, and may potentially be, located in that perimeter location. Therefore, ACDEH requests either the addition of an additional soil bore in that location, or the movement of proposed soil bore SGI-SB-10 to that location, and the collection of soil and grab groundwater samples in accordance with sampling methodology described in the work plan (a minimum of two soil samples, and based on indications of contamination).

TECHNICAL REPORT REQUEST

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

- **June 24, 2016** – Subsurface Investigation
File to be named: RO3172_SWI_R_yyyy-mm-dd

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

If you have any questions, please do not hesitate to call me at (510) 567-6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

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

cc: J. Glen Smith, The Source Group, 3478 Buskirk Avenue, Suite 100, Pleasant Hill, CA 94523; (Sent via E-mail to: glen.smith@apexc.com)

Bob Robitaille, The Source Group, 3478 Buskirk Avenue, Suite 100, Pleasant Hill, CA 94523; (Sent via E-mail to: bob.robitaille@apexc.com)

Jonathan Redding, Esq, Wendel Rosen Black & Dean LLP, 1111 Broadway, 24th floor, Oakland, CA 94607; (Sent via E-mail to: jredding@wendel.com)

Dilan Roe, ACDEH, (Sent via electronic mail to dilan.roe@acgov.org)
Mark Detterman, ACDEH, (Sent via electronic mail to mark.detterman@acgov.org)
Electronic File, GeoTracker

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.