



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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June 3, 2016

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

Subject: Site Management Plan Request; 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 *2016 Supplemental Investigation Findings and Conclusions (including HHRA, ERA, and Current CSM)*, dated May 17, 2016. The report was submitted on your behalf by The Source Group (SGI) of the Apex Companies, LLC. Thank you for submitting the report.

A review of historic data in the case files, and recently collected data and evaluations presented in the report entitled *2016 Supplemental Investigation Finds and Conclusions*, prepared by the Source Group, Inc, and dated May 17, 2016, indicates that two areas of residual petroleum hydrocarbon contamination remain in the southern portion of the site at concentrations above San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels (ESLs). However, results of a site-specific Human Health Risk Assessment (HHRA) indicate that the Hazard Index (HI) is below the California Environmental Protection Agency and the US Environmental Protection Agency (USEPA) acceptable HI of 1.0 and the excess cancer risk is equal to the most stringent end of the USEPA acceptable excess cancer risk range of 1×10^{-6} and is acceptable for hypothetical onsite commercial/industrial receptors. Therefore, based on the HHRA, no direct exposure pathways are available for the proposed future commercial and residential receptors.

Prior to final approval of the proposed project by ACDEH, please submit a Site Management Plan (SMP) as discussed in the Technical Comments below for review and approval. Please submit the SMP by the date specified below.

TECHNICAL COMMENTS

1. Site Management Plan – The conclusions in the HHRA in the referenced report are based on recently collected data. However, historic data at the site documents the presence of higher residual concentrations of Chemicals of Potential Concern (COPC) at select locations than were evaluated. ACDEH acknowledges that natural processes will likely have reduced the historic concentrations substantially, as suggested or indicated by recent data; however, ACDEH requests the collection of excavation confirmation samples along the southern portion of the property in order to validate the concentrations used in the HHRA. The SMP must also provide procedures for the excavation of hot spots and step out confirmation sampling if the samples document higher concentrations.

The SMP must also document procedures to manage the removal of incidentally encountered residual soil and groundwater contamination if discovered during site redevelopment and should include SMP objectives, COPCs, and minimum standards for the excavation contractor's health and safety plan, including health and safety guidelines, soil and groundwater management procedures, personal protective equipment, dust control measures during excavation, offsite disposal procedures, and potential excavation dewatering procedures and management.

Please note that in accordance with the Porter-Cologne Act, if residual contamination remains at the site such that the property is not suitable for unrestricted use, a land use restriction may be necessary for the protection of public health, safety, and the environment.

- 2. Electronic Report and Data Upload Compliance** – A review of the case file and the State's Geotracker database indicates that the site is not in compliance upload requirements. Compliance is a State requirement. In accordance with California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including Site Cleanup Programs. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites was required in GeoTracker. At present missing data and documents include, but may not be limited to recent reports, recent EDFs, GEO MAPS, and all bore logs. Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. ACEH requests notification of, and a list of, the documents uploaded to Geotracker. Please uploaded to GeoTracker by the date specified below.

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:

- **July 1, 2016** – Site Management Plan
File to be named: RO3172_SMP_R_yyyy-mm-dd

Our online case file is 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.