

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

REBECCA GEBHART, Interim Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
1131 HARBOR BAY PARKWAY, SUITE 250
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

December 16, 2016

Fremont State Street Center, LLC
SummerHill Homes
c/o Ms. Denise Cunningham
3000 Executive Parkway, Suite 450
San Ramon, CA 94583
(Sent via electronic mail to:
dcunningham@shhomes.com)

City of Fremont
c/ o Mr. Clifford Nguyen
Urban Initiatives Manager
330 Capitol Avenue, Building A
P.O. Box 5006
Fremont, CA 94537
(Sent via electronic mail to: cnguyen@fremont.gov)

Subject: Approval of Vapor Mitigation Plans; Site Cleanup Program Case No. RO0003176 and Geotracker Global ID T10000007102, Fremont Plaza Shopping Center, 39155 and 39183 State Street, Fremont, CA 94538

Dear Messrs. Hopkins and Nguyen:

Alameda County Department of Environmental Health (ACDEH) has reviewed the case file in conjunction with the proposed vapor mitigation system and site development plans for the mixed use residential and retail project at the subject site presented in the following documents:

- Updated Vapor Mitigation System Design Drawings and Specifications, dated June 15, 2016, prepared by PES Environmental, Inc. (PES)
- Vapor Mitigation System, Basis of Design Report, dated March 24, 2016, prepared by PES
- Building A building permit plan set (Revision 3), prepared by KTG Y Group Inc., approved by the City of Fremont Building and Inspection Division on July 1, 2016
- On-Grade Townhomes building permit plan set (Revision 3), prepared by KTG Y Group Inc., approved by the City of Fremont Building and Inspection Division on July 1, 2016
- Trench Dam & Trench Plug Plan, prepared by Ruggeri, Jensen, Azar, approved by the City of Fremont Building and Inspection Division on November 10, 2016
- Human Health Risk Evaluation of Subsurface Data, August 12, 2016, prepared by APEX Companies, Inc.
- Addendum to Human Health Risk Evaluation of Subsurface Data, September 1, 2016, prepared by APEX Companies, Inc.
- Revised Human Health Risk Evaluation of Subsurface Data, November 7, 2016, prepared by APEX Companies, Inc.

The above reference documents present design and construction details, and an evaluation of health risks associated with residual contaminants at the site, for the:

- Vapor Mitigation Systems (VMS) beneath the slab-on-grade residential buildings (Building #'s 7, 8, 9, 10, 11 and 12) consisting of an impermeable membrane and a passive subslab venting system, and an impermeable membrane beneath the elevator pits in Podium Building A, and
- Utility Trench Dam & Plugs to prevent proposed utilities at the site from becoming preferential pathways for the migration of residual chlorinated solvent vapors beneath proposed buildings and the development as a whole.

Based on our review of the VMS and Trench Dam & Plug Plan, ACDEH approves of the VMS design and the Trench Dam & Plug Plan and concurs that the proposed designs combine the appropriate technology to mitigate potential vapor intrusion risks to future site occupants provided the VMS and Trench Dam &

Plug Plan are constructed in accordance with the design documents and the protocols provided in the Construction Quality Assurance (CQA) Plan submitted as Appendix D of the VMS Basis of Design Report.

Final approval of the installation of the vapor mitigation systems for buildings # 7 through 12, and Podium Building A is conditional upon submittal of the following documents to ACDEH for review and approval:

- VMS O&M Plan – A draft Operations and Maintenance (O&M) Plan for the vapor mitigation systems beneath the townhomes and Building A shall be submitted to ACDEH for review and comment. The plan(s) shall include at a minimum construction drawings, specifications, responsible party information, details of required O&M activities, and emergency contacts and protocols in case of system failure. Upon completion of the vapor mitigation systems construction, the plan(s) shall be finalized to incorporate As-Built documentation including redlined drawings and photo documentation of the system components.
- Trench Dam & Plug Maintenance Plan – A draft Maintenance Plan for the Trench Dam & Plug system beneath development streets shall be submitted to ACDEH for review and comment. The plan shall include at a minimum, construction drawings, specifications, responsible party information, details of any required maintenance activities, and contacts and protocols in case that utility repair requires replacement of the dams or plugs. Upon completion of trench dam and plug construction, the plan(s) shall be finalized to incorporate As-Built documentation including redlined drawings and photo documentation of the system components.
- VMS And Trench Dam & Plug Plan Record Report of Construction – A comprehensive report documenting the CQA activities and observation and findings during construction. The report must include as-built drawings and photo documentation and must include a certification by the CQA Manager and Design Engineer that the completed VMS and the Trench Dam & Plug Plan conforms to the construction plans and specifications, and the CQA plan. The report must also include copies of the Bay Area Air Quality Management District (BAAQMD) Authority to Construct and subsequent Permit to Operate for the VMS.
- Institutional controls including Deed Restrictions, Disclosures, and Covenants, Conditions and Restrictions (CC&Rs) providing legal and administrative controls and methods for dissemination of information to site users and occupants, homeowners associations, property managers and property owners to minimize risk during property development, future below-ground construction and maintenance, and long-term site use.

Submittal dates will be determined at, or subsequent to, the planned meeting in early January 2017.

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: Katia Kamangar, SummerHill Housing Group, (Sent via electronic mail to:
KKamangar@shhousinggroup.com)

Messrs. Hopkins and Nguyen
RO0003176
December 16, 2016, Page 3

Carl Michelsen, PES Environmental, Inc, 1682 Novato Blvd, Suite 100, Novato, CA 94947, (Sent via electronic mail to: CMichelsen@pesenv.com)

Tom Graf, GrafCon, P.O. Box 1105, Tiburon, CA 94920, (Sent via electronic mail to: Tom@grafcon.us)

Dilan Roe, ACDEH, (Sent via electronic mail to: dilan.roe@acgov.org)

Paresh Khatri, ACDEH; (Sent via electronic mail to: paresh.khatri@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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) for more information on these requirements.

ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website." 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 6731, 6735, and 7835) 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 licensed 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 case meet this requirement. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP 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 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) Open File Explorer using the Windows  key + E keyboard shortcut.
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) On the address bar, type in ftp://alcoftp1.acgov.org.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
 - d) Click Log On.
 - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - f) 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.