

ALAMEDA COUNTY
**HEALTH CARE SERVICES
AGENCY**

REBECCA GEBHART, Interim Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP) FOR
HAZARDOUS MATERIALS RELEASES
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November 29, 2016

Mr. Maurice Brenyah-Addow
City of Oakland
Bureau of Planning
250 Frank H. Ogawa, Suite 2114
Oakland, CA 94612
(Sent via email to: mbrenyah@oaklandnet.com)

Mr. Joseph Hernon
411 W MacArthur LLC
Los Altos, CA 94542
(Sent via electronic mail to:
joehernon@gmail.com)

Subject: Status of Project Approval; Site Cleanup Program Case No. RO0003192 and GeoTracker Global ID T10000007937, 411 MacArthur Redevelopment, 411 West MacArthur, Oakland, CA 94609

Dear Mr. Brenyah-Addow and Mr. Hernon:

Alameda County Department of Environmental Health (ACDEH) is providing regulatory oversight of the proposed redevelopment project located at 411 West MacArthur, Oakland, California. ACDEH's oversight is limited to evaluation of historic subsurface contamination at the site associated with the former fuel leak case number RO0000251 with respect to the proposed redevelopment project at the subject site. ACDEH understands that the proposed project consists of a five-story building of multifamily residential with ground floor commercial/retail and a garage with a "puzzle" parking car stacker, and a subterranean basement/ mechanical-storage room beneath the western portion of the property as presented in the three page conceptual development plans (Sheets SE.01, A1.00 and A3.01) generated by Sternberg Benjamin Architects, with a planning submittal date of July 22, 2015. The proposed redevelopment project is located on one parcel, Assessor's Parcel Number 12-945-46-1, having an address of 411 West MacArthur Boulevard. The parcel is currently developed with a surface parking lot, canopy, and one vacant service station building.

Based on the conceptual development plans provided to our office, approximately 2,000 cubic yards of soil will be excavated and disposed off-site to facilitate construction of the foundation, car stacker, and subterranean basement/ mechanical-storage room. ACDEH additionally understands that base rock will be imported to the site, but no soil will be imported. Per plan sheet A1.00, the basement level consists of 2,645 square feet of basement in the mid- to western site area along West MacArthur Avenue and a six-stall-wide Puzzle Lift Parking unit along the western property line, and one elevator and one enclosed stair case adjacent to the elevator in the southeast area of the basement. The ground floor consists of commercial/retail along Webster Street, Residential Lobby west of the commercial space, and a parking garage with Puzzle Lift Parking Spaces west of the lobby. One elevator and one enclosed stair case adjacent to the elevator, will provide access to upper floors containing the residential units.

It is the understanding of ACDEH that the processing of the proposed project at the City of Oakland Planning Department is on hold until a determination has been made by ACDEH that historic subsurface contamination at the site does not present a risk to future site occupants of the proposed building. In order to facilitate the city's processing of the project, Mr. Joseph Hernon, the project proponent, has requested that ACDEH provide a letter to the City of Oakland with information on ACDEH's approval status.

A review of historic data in the case files and recently collected data and data evaluations presented in the documents entitled *Groundwater and Soil Gas Results* provided by Gribi and Associates, dated April 19, 2016, and *Supplemental Environmental Investigation*, prepared by the Aquifer Sciences, Inc., dated June 6, 2016 indicate that two limited areas of residual petroleum hydrocarbon contamination from releases associated with

the fuel leak case remain at the site, one in the southern and one in the eastern portions 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) entitled *Revised Human Health Risk Assessment Report* prepared by Applied Remedial Services, Inc. (ARS) and dated August 26, 2016, generally indicated that indoor air total petroleum hydrocarbons as gasoline (TPHg) and benzene, toluene, ethylbenzene, and xylenes (collectively BTEX) and naphthalene inhalation risks from non-mitigated residual hydrocarbons for the proposed redevelopment are in the neighborhood of 10^{-5} to 10^{-6} for lifetime excess cancer risk and 0.6 for cumulative non-cancer risk.

Additionally, the HHRA noted the TPHg concentrations exceed the odor nuisance level and methane is present in the eastern site area at concentrations exceeding its upper explosive limit (LEL).

Residual petroleum hydrocarbon concentrations that exceed the Commercial ESLs applicable for the proposed redevelopment are present in the foundation excavation area on the eastern side of the site. Residual petroleum hydrocarbon concentrations that exceed the Residential ESLs for the proposed redevelopment are present in the basement/elevator excavation on the southern side of the site. The commercial ESL exceedances are limited to a swath of soil approximately 20 feet wide along Webster Street and residential ESL exceedances are in a localized area surrounding the elevator pit.

The HHRA indicates that chemicals of concern (mainly TPHg, benzene, and naphthalene) identified in groundwater and soil vapor beneath the site may pose a potential risk for vapor intrusion to indoor air to occupants of the building. To mitigate these risks, proposed engineering controls presented in the document entitled *Draft Conceptual Remedial Action Plan (RAP)*, dated September 12, 2016 and prepared by ARS, include a vapor mitigation system (VMS) consisting of a sub-slab depressurization system (SSDS) and a barrier system. The VMS will be installed beneath the building and will provide a route for the affected soil vapor to vent directly to the atmosphere. The VMS will reduce the potential convective effects generated by the building and retard the migration of affected soil vapor into the building. The effect of the VMS is such that the chemicals of concern in soil vapor no longer represent a potentially unacceptable risk to human health. The VMS is proposed to be installed under the planned commercial space (approximately 3,000 square feet) on the east side of the building and will include the elevator pit area. The implementation of the VMS will also address the potential for TPHg odor nuisance conditions and methane concentrations.

As presented in the RAP, a site specific Site Management Plan (SMP) will be prepared for ACDEH review and approval. The RAP will include protocols for excavation oversight, collection of confirmatory analytical samples, and manage and dispose any impacted soil. Upon completion of these activities, a Removal Action Completion Report (RACR) will be prepared and submitted to ACDEH for review and concurrence. Additionally, the RAP presents an outline for the submittal of a Basis of Design Report (BDR) which includes detailed system construction plans and specifications, including specific vapor barrier products and specifications; a Construction Quality Assurance Plan (CQAP) for installation of the VMS; and an Operation and Maintenance Plan (O&MP), to include measures to be implemented both during and after VMS installation to insure the integrity and long-term effectiveness of the VMS. The VMS BDR must be approved by ACDEH prior to beginning construction activities.

Following SMP and BDR approval, ACDEH anticipates approving the project formally and taking steps necessary to close the site to allow the proposed mixed use commercial and residential redevelopment to proceed. It is anticipated that the County's closure process will coincide with the completion of the project

provided that the City of Oakland concurs with the process (or an essentially comparable process that meets the needs and requirements of ACDEH) described in the following bullet points:

- ACDEHs closure will be to the current land use until such time as a complete RACR is submitted and approved by ACDEH.
- The City of Oakland will not issue a building foundation permit or other permit for the redevelopment of the site, other than any permits required for predevelopment or site grading activities until the RACR, SMP, and BDR has been submitted to and approved by ACDEH.
- ACDEH must be notified if the applicant or the City proposes changes to the site development and first floor building plans including but not limited to the proposed location of the elevator shafts, the internal or external staircases, or inclusion of permeable pavers in the proposed outdoor sidewalk patio. Any changes made to the referenced plans having the planning submittal date of July 22, 2015, without review by ACDEH may invalidate the conclusions of the protectiveness of the proposed redevelopment of the site with respect to the residual contamination.
- The City's approval to this "phased" permit process be documented in a written letter to ACDEH, in order to include the City's letter in the site closure process.

Our online case file is available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Thank you for your cooperation. ACDEH looks forward to working with you and your consultants to advance the case toward closure. Should you have any questions regarding this correspondence or your case, please call me at (510) 567-6764 or send an electronic mail message at keith.nowell@acgov.org.

Sincerely,

Keith Nowell, PG, CHG
Hazardous Materials Specialist

Cc: Michael Kara, Applied Remedial Services, Inc., P.O. Box 5086, Walnut Creek, CA 94596, (*Sent via electronic mail to: mmkara707@aol.com*)

James E. Gribi, Gribi Associates, 1090 Adams Street, Suite K, Benicia, CA 94510, (*Sent via electronic mail to: JGribi@gribiassociates.com*)

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