

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

March 10, 2017

Mr. Kevin Brown
Holliday Development
1201 Pine Street, Suite 151
Oakland, CA 94607

(Sent via electronic mail to: kb@hollidaydevelopment.com)

Subject: Conditional Work Plan Approval; Site Cleanup Program Case No. RO0003194; Global ID #T10000007974, 5th and Magnolia; 5th and Magnolia Streets, Oakland, CA 94607

Dear Mr. Brown:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file including the *Revised Site Investigation Work Plan*, dated September 30, 2016, and the conceptual development plan set entitled *The Union*, dated October 22, 2015. The revised work plan was submitted on your behalf by West Environmental Services and Technology (West) and the plan set was generated by David Baker Architects. Thank you for submitting them.

As previously documented, the plan set indicates that the ground floor at the proposed mixed-use redevelopment will consist of 38 parking spaces in an open air garage, service areas, an office and lobby, a separate commercial retail building, two sets of stairs, and two side by side elevators. Floors two through six are planned as residential space.

Based on ACDEH 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 ACDEH is in general agreement of undertaking; however, ACDEH requests several modifications to the approach. Otherwise, please submit a report by the date specified below.

- a. Additional Bore Location** – A number of soil bores are proposed to investigate contaminant concentrations within the planned footings for the buildings. In order to quickly assess the nature and quality of fill used to backfill the former 880 freeway support structures, it appears reasonable to request the addition of a soil bore coincident with a proposed foundation and one of the former support structures closest to Union Street. Existing soil bores have not previously investigated the nature of this material. The bore is requested to extend through the fill material and soil samples are requested to be collected to characterize the entire fill depth.

Additionally, a slight modification in the location of proposed bores B-4 and B-5 will also provide further information on the quality of backfill associated with the former freeway support structures to the east of the Union Street set, as well as the proposed foundation. These bores are again requested to extend through the depth of the fill for characterization purposes.

- b. Temporal Soil Vapor Concentrations** – Vapor samples at W-2 and W-4 contained the highest concentrations of tetrachlorethene (PCE) in the September 2015 soil vapor sampling event. In

order to assess temporal changes in vapor concentrations at known locations, it appears appropriate to request, in addition to the proposed soil vapor locations, resampling of the W-2 and W-4 locations.

- c. Additional Soil Vapor Location** – In order to address the potential for residential exposure to vapor concentrations at the proposed location of the two elevator shafts, it appears reasonable to request the installation of a vapor point at, or immediately adjacent to, proposed bore B-3. The location appears to be at least approximately 40 feet from previous vapor location W-4 which reported the highest PCE vapor concentration in September 2015.
- d. Additional Soil Analytical** – In order to characterize each proposed soil bore location with respect to potential contaminants including Total Petroleum Hydrocarbons (TPH) as gasoline, TPH as diesel (TPHd), TPH as motor oil (TPHmo), and related petroleum volatile organic compounds, benzene, ethylbenzene, toluene, and total xylenes, (BTEX), and methyl tert butyl ether (MTBE), it is appropriate to request all bores include these analytes, including bores B-3, B-7, and B-8, not currently indicated on Table 5-1. Selection of the depth interval for analysis is requested to be done based on signs of contamination (discoloration, staining, odor, PID responses, etc.) and documented in bore logs for all bores in the planned investigation report.

The intent of the additional analysis is to gather sufficient analytical data in one mobilization, and potentially preclude additional mobilizations to the site to collect the data. The data collection is anticipated to help move the site toward closure at a quicker pace.

- e. Plan Set Incorporation of Proposed Two-Foot Clean Imported Fill Soil** – A full detailed review of the plan set has not been conducted; however, in order to communicate the proposed replacement of the upper two feet of soil in landscaped areas to your contractors, please provide ACDEH with a City approved plan set with the these details incorporated.
- 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 with previous directive letters. Compliance is also a State requirement. Pursuant to 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 SLIC 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 the Phase 1 report, EDF submittals, 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 upload all submittals to GeoTracker as well as to ACEH's ftp website by the date specified below.

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

Please note that ACDEH has updated Attachment 1 with regard to report submittals to ACDEH. ACDEH will now be requiring a Submittal Acknowledgement Statement, replacing the Perjury Statement, as a cover letter signed by the Responsible Party (RP). The language for the Submittal Acknowledgement Statement is as follows:

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.

Please make this change to your submittals to ACDEH.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with Attachment 1 and the following specified file naming convention and schedule:

- **April 14, 2017** – Geotracker Compliance Uploads
Please email your case worker upon completion
- **May 19, 2017** – Site Investigation Report
File to be named: RO3194_SWI_R_YYYY-MM-DD

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.

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

If you have any questions, please 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 and Obligations and Electronic Report Upload (ftp) Instructions

cc: Peter Krasnoff, West Environmental Services & Technology, 711 Grand Avenue, Suite 220, San Rafael, CA 94901; (Sent via electronic mail to: peterk@westenvironmental.com)

Peter Morris, West Environmental Services & Technology, 711 Grand Avenue, Suite 220, San Rafael, CA 94901; (Sent via electronic mail to: peterm@westenvironmental.com)

Tom Graff, 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.