



October 26, 2016

Mr. Colby Northridge  
Oakland International Housing Partners, L.P.  
18201 Von Karman Avenue, Suite 900  
Irvine, CA 92612  
(Sent via email to: [cnorthridge@related.com](mailto:cnorthridge@related.com))

Subject: Request for Additional Actions; Site Cleanup Program Case No. RO0003202 and Geotracker Global ID T10000008353, 9400 – 9500 International Blvd, 9400 – 9500 International Blvd, Oakland, CA 94603

Dear Mr. Northridge:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file including the *Remedial Action Completion Report*, dated August 29, 2016. The report was prepared and submitted on your behalf by RPS Iris Environmental (Iris). Thank you for providing it.

The report documents the excavation and disposal of a substantial portion of the site due to the consistent detection of contaminant concentrations in perimeter samples that exceeded identified corrective action goals (Target Cleanup Level or TCL) of the Remedial Action Plan (RAP). The RAP appears to have been successful in removing a significant portion of the contamination; however, residual contamination, principally arsenic, may remain at the site above appropriate site specific goals as discussed further below. The intent of this letter is intended to identify a path forward towards closure for the site within that context.

Based on the review of the case file ACDEH requests that you address the following technical comments and send us the documents requested below.

### **TECHNICAL COMMENTS**

- 1. Target Cleanup Goals for Arsenic** – The referenced report indicated that the arsenic TCL identified for the site was based on a review of literature of similar sites in the Bay Area obtained from Duverge (*Establishing Background Arsenic In Soil of the Urbanized San Francisco Bay Region*, 2011), and selected an arsenic TCL of 21.0 milligrams per kilogram (mg/kg). Review of the tabulated literature that supplied the data (Table 4 of the report) indicates that the mean for seven sites in the Bay Area ranged between 3.6 and 11.6 mg/kg arsenic, with the majority in the 5 to 6 mg/kg range, and a simple average of the seven means calculating out at 10.6 mg/kg. The literature tabulation does not appear to support the selection of 21.0 mg/kg as a TCL for arsenic. ACDEH observes that the upper end concentrations provided in Table 4 and the average of the seven means are similar to the average arsenic concentration of 11.0 mg/kg found by Duverge as a result of her literature review for the Bay Area as a whole.

In the previous directive letter, ACDEH requested that a site specific arsenic 95% Upper Confidence Level (UCL) calculation be undertaken, using appropriate UCL programs (such as ProUCL) and using site specific arsenic analytical data collected at the site in uncontaminated native material, including potentially concurrent with the collection of excavation confirmation samples. This has not happened; and a TCL of 21.0 mg/kg for arsenic was selected.

Therefore, in order to determine an appropriate site specific arsenic TCL, ACDEH requests that a 95% UCL arsenic concentration be generated using site specific analytical data from uncontaminated native soils only. The result will help determine the need or appropriateness of a Land Use Covenant (LUC) for the site.

2. **Requested Additional Sampling Concurrent With Excavation** – In the previous directive letter, in order to confirm that very shallow soil (essentially surficial soil in the landscaped area extending to Holly Street on the east side of the project) contains acceptable concentrations of site COCs, ACDEH requested additional soil samples be collected along the proposed landscape area concurrent with the corrective action excavation. This has not happened, and it is necessary to address the concern for the potential for direct contact or inhalation exposure to unpaved soils for a potentially sensitive population to be present after site construction. Please submit a report of the sampling, using existing approved sampling protocols, by the date identified below.
3. **Electronic Report and Data Upload Compliance** – Thank you for claiming the site in Geotracker and uploading the referenced report and associated state required submittals, including EDFs, for Geotracker. A review of ACDEH's case file and the State's Geotracker database indicates that the site remains out of compliance with state requirements. 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 SCP 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, older reports, EDF submittals, GEO\_MAPS, and all bore logs.** Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. Please upload all submittals to GeoTracker by the date identified 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:

- **November 21, 2016** – Geotracker Uploads  
Please notify your case worker of uploads
- **December 19, 2016** - Excavation Report Addendum  
File to be named: RO3202\_EX\_ADDEND\_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 do not hesitate to call me at (510) 567-6876 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,

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

Mr. Colby Northridge  
RO0003202  
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Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations  
Electronic Report Upload (ftp) Instructions

cc: Lauren Brewer, Related CA, 44 Montgomery Street, #1050, San Francisco, CA 94104  
(Sent via electronic mail to: [Lauren.A.Brewer@gmail.com](mailto:Lauren.A.Brewer@gmail.com))

Nick Loizeaux, RPS Iris Environmental, 1438 Webster Street, Suite 302, Oakland, CA 94612  
(Sent via electronic mail to: [nick@irisenv.com](mailto:nick@irisenv.com))

Dilan Roe, ACDEH, (Sent via electronic mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))  
Paresh Khatri, ACDEH; (Sent via electronic mail to: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org))  
Mark Detterman, ACDEH, (Sent via electronic mail to: [mark.detterman@acgov.org](mailto: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/](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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> May 15, 2014
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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](mailto: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](mailto: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.