

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

REBBECA 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

June 29, 2017

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

Subject: Residual Arsenic Concentrations; 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) is providing regulatory oversight for the redevelopment project at the subject site. The site is being redeveloped as a slab on-grade 59-unit multi-family apartment building facing International Boulevard with ground floor community and retail spaces, a rear parking lot, a playground, storm water treatment areas, and landscaped areas. The property also includes a narrow paved alley way that projects to Holly Street on the east.

Historic uses of the site include a portion of the former Oakland San Leandro & Haywards Electric Railway (southern and southeast portions of current site) which was present between approximately 1896 and 1939, and then residential and commercial facilities on various parcels which comprise the current site between 1905 and 1946. More recently the various properties and associated parcels were used as a series of commercial and residential sites, including a large church, methadone clinic, restaurant, furniture store, a six-unit apartment building, and an unoccupied duplex.

Site investigations have documented fill material across the site with elevated lead and arsenic concentrations. Other Chemicals of Concern include Total Petroleum Hydrocarbons as motor oil (TPHmo), chlordane, and mercury all of which appeared to be associated with fill materials. The contaminated fill material is reported to have been excavated to the native soil interface across the majority of the site during site redevelopment activities.

County staff has reviewed the case file including the recently submitted *Remedial Action Completion Report Addendum #2*, dated May 26, 2017, the previously submitted *Remedial Action Completion Report* (August 29, 2016), and the *Excavation Report Addendum* (November 15, 2016). Each of these reports was prepared and submitted on your behalf by RPS IRIS Environmental (IRIS). Additionally, ACDEH also reviewed the *Review of "Determination of Ambient Arsenic Concentrations"*, (AMEC Foster Wheeler; March 9, 2017).

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. Residual Arsenic Concentrations**– Fill removal activities have been documented in the three referenced IRIS documents. The *Review of "Determination of Ambient Arsenic Concentrations"*, (AMEC Foster Wheeler; March 9, 2017) provided review comments on the statistical treatment of arsenic concentrations by IRIS in the *Excavation Report Addendum*.

The IRIS *Remedial Action Completion Report* identified 21.0 milligrams per kilogram (mg/kg) arsenic as an appropriate remedial background goal and the *Excavation Report Addendum* provided a statistical analysis to justify the finding. AMEC Foster Wheeler subsequently reviewed the statistical treatment of arsenic concentrations, and stated that the data used in the analysis was statistically a single data set. The *Remedial Action Completion Report Addendum #2*, was focused on the narrow

eastward projecting strip of land, and found a high arsenic concentration of 11.0 mg/kg, and stated that the fill in the strip was not consistent with fill removed from across the rest of the site.

The *Remedial Action Completion Report Addendum #2*, documented the collection of soil samples at five locations in the narrow eastward projecting strip of land from the subject redevelopment for the purpose of determining near-surface concentrations of arsenic and lead. Concentrations of arsenic up to 11 milligrams per kilograms (mg/kg), and of lead up to 93 mg/kg were documented.

The highest lead concentration is above the Environmental Screening Level (ESL) for lead at a residential redevelopment, as promulgated by the San Francisco Bay Regional Water Quality Control Board (RWQCB). The residential ESL for lead is 80 mg/kg.

The highest arsenic concentration is equal to the arsenic concentration that is generally considered to represent the regional background average arsenic concentration of 11 mg/kg (Duverge, *Establishing Background Arsenic in Soil of the Urbanized San Francisco Bay Region*, 2011).

Based on ACDEH review of all of the data presented in the four reports it appears that there are three data sets present at the site including, two fill data sets (larger portion of site and narrow strip), and one data set representing the interface of native soil and fill material. The material sampled at this interface is reported to be black clay (native) and black clay slough. Based on this review, a data set has not been collected that is representative of native soil uncontaminated by overlaying fill material.

The single population which is represented in the data set is a concentration mixture from the interface between typically elevated arsenic concentration fill materials and lower native soil. Thus the calculated 21 mg/kg arsenic concentration does not appear to be representative of a natural native background data set. Unless a natural background arsenic data set is collected at depth so as to exclude bias from fill material at the interface, it appears appropriate to require the use of a Land use Covenant (LUC) at the site. The use of a LUC will also be protective for other contaminants such as lead.

The LUC is intended to document the presence of elevated concentrations by providing knowledge to future property owners, and to provide warning in the event that subsurface earthworks are required below an approximate depth of 2.5 feet across the majority of the site, such as during underground utility repairs.

- 2. Land Use Covenant** – A Word format copy of the standardized County LUC will be forwarded under separate cover, and is requested to be returned in Word format, by the date identified below, with modifications for review and acceptance. Once signed and notarized by site property owners, and by the Director of ACDEH, the LUC must be recorded at the County Recorder's office and returned to my attention for incorporation into case closure documentation.

Site Management Plan – To provide control procedures for potential future subsurface earthworks, a Site Management Plan (SMP) is requested to be generated for use, and it is intended to be a part of the LUC. ACDEH requests the generation and submittal of a SMP which is to be a part of the LUC at recording. The SMP is requested to provide excavation, testing, and disposal procedures in the event of subsurface earthworks at the site, as identified above. Please submit the SMP 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:

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- **August 25, 2017** – Draft SMP
File to be named: RO3202_SMP_R_yyyy-mm-dd
- **August 25, 2017** – Draft LUC (Word format)
Please email to your case worker

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.

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

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

David Grunat, RPS Iris Environmental, 1438 Webster Street, Suite 302, Oakland, CA 94612
(Sent via electronic mail to: david.grunat@rpsgroup.com)

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.