

ALAMEDA COUNTY
**HEALTH CARE SERVICES
AGENCY**

COLLEEN CHAWLA, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
1131 HARBOR BAY PARKWAY, SUITE 133
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

October 17, 2018

Melinda Ellis Evers (*Sent via E-mail to: melinda@ellispartners.com*)

Managing Member

Jack London Square Ventures, LLC

111 Sutter Street, Suite 800

San Francisco, CA 94104

Subject: Landowner Identification for Case Closure Consideration for Site Cleanup Program Case No. RO0003242 and GeoTracker Global ID T10000010636, 245 2nd Street located at 245 2nd Street, Oakland, CA 94607

Dear Ms. Evers:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the recently submitted document entitled, "Soil and Groundwater Investigation [Report]," dated June 18, 2018 (electronically transmitted to GeoTracker on June 18, 2018), prepared by Rosso Environmental, Inc. (REI) for the subject site. REI oversaw the installation of two borings (RB-1 and RB-2) near the elevator hoistway and three additional borings (RW-1, RW-2, and RW-3), which were converted to groundwater monitoring wells to determine potential impacts from the hydraulic oil release. According to REI, a fingerprint analysis was performed to identify the hydraulic oil release in soil and groundwater. The results of the fingerprint analysis identified extractable petroleum hydrocarbons in the C20 to C40 range (resembling motor oil or hydraulic oil) and two VOCs, 2-butanone (methyl ethyl ketone [MEK]) and toluene.

Total Petroleum Hydrocarbons (TPH) as diesel (d) and motor oil (mo) were detected in 17 of the 18 soil samples submitted for laboratory analysis. Seven soil samples detected TPH-d above the Tier I Environmental Screening Level (ESL), but were flagged by the laboratory noting that the "sample exhibits chromatographic pattern which does not resemble the standard," and were absent of MEK and toluene. Groundwater sample analytical results detected concentrations of TPH-d at 260 micrograms per liter ($\mu\text{g/L}$), 150 $\mu\text{g/L}$ and 190 $\mu\text{g/L}$, collected from RW-1, RW-2 and RW-3, respectively, which exceed the Tier 1 ESL established as 100 $\mu\text{g/L}$. Each of the detectable TPH-d concentrations were flagged by the laboratory, noting that the "sample exhibits chromatographic pattern which does not resemble standard." Based on the analytical results, REI recommends no further investigation in regards to the hydraulic oil release at the site.

Based on review of the above-mentioned report, ACDEH generally concur with the REI's recommendation for no additional investigation and is considering the above referenced site for potential case closure. As you are aware a site investigation and groundwater monitoring for release has been performed at the subject property to which you are named as the primary or active responsible party.

LIST OF LANDOWNERS FORM

Pursuant to Section 25297.15 (a) of the California Health and Safety Code, ACDEH, the local agency, shall not consider cleanup or site closure proposals from the primary or active responsible party, issue a closure letter, or make a determination that no further action is required with respect to a site upon which there was an unauthorized release of hazardous substances from an underground storage tank subject to this chapter unless all current record owners of fee

title to the site of the proposed action have been notified of the proposed action by the primary or active responsible party. Although the release was not from an underground storage tank, ACDEH adheres to the intent of the above-mentioned code and ACDEH is notifying the primary or active responsible party of their requirement to certify in writing to the local agency that the notification requirement in the above-mentioned regulation has been satisfied and to provide the local agency with a complete mailing list of all record fee title owners.

To satisfy this requirement, please complete the enclosed *List of Landowners Form*, and mail it back to ACDEH by the date identified below.

SITE MANAGEMENT REQUIREMENTS

ACDEH staff has evaluated the case file and believes the case may be eligible for closure. Closure would be under a commercial land use scenario with site management requirements, as residual soil contamination remains in the soil beneath the site. Additionally, concentrations of contaminants in groundwater are documented above Tier I ESLs at the site. Therefore, ACDEH will require preparation of a Site Management Plan addressing potential contaminants of concern should excavation or construction activities occur in areas of residual contamination. These activities require planning and implementation of appropriate health and safety procedures by the responsible party (or current property owner/developer) prior to and during excavation and construction activities.

Re-evaluation of this case is required if land uses changes to any residential or other conservative land use, or any redevelopment occurs as residual contamination is documented to remain in the soil beneath the site.

This site is to be entered into the City of Oakland Permit Tracking System due to the residual contamination on site.

PUBLIC PARTICIPATION

Public participation is a requirement for the Corrective Action Plan and case closure processes. In order to notify potentially affected members of the public of the potential fuel leak case closure, *Notification of Potential Case Closure* will be distributed to addresses in the immediate vicinity. The *Notification of Potential Case Closure* requests that landowners or residents submit any comments or questions to ACDEH regarding potential case closure. ACDEH will consider all comments from the public prior to potential case closure.

Prior to distribution of the notification, please return the List of Landowner form to ensure that the current landowner is included in this process.

MONITORING WELL DESTRUCTION AND WASTE REMOVAL ACTIVITIES

After public comments have been addressed, you will be requested to destroy site monitoring wells and remove any remaining investigation, remediation, and investigation derived waste from the site.

ACDEH will request the well destruction in a separate letter following the conclusion of the public notification period.

TECHNICAL REPORT REQUEST

Please submit reports to Alameda County Environmental Health (Attention: Paresh Khatri), and upload technical reports to the State Water Resources Control Board's GeoTracker website, in accordance with the following specified file naming convention and schedule:

- **November 16, 2018** – Return of *List of Landowner Form*
- **December 14, 2018** – Site Management Plan (file name: RO0002982_SITE_MANAGE_R_yyyy-mm-dd)

Should you have any questions, please contact me at (510)777-2478 or send me an electronic mail message at paresh.khatri@acgov.org.

Ms. Evers
October 17, 2018
RO0003242, Page 3 of 4

Sincerely,

Paresh C. Khatri
Supervising Hazardous Materials Specialist
Local Oversight and Site Cleanup Program Manager

ENCLOSURES:

Attachment 1 – List of Landowners Form

Attachment 2 – Responsible Party (ies) Legal Requirements/ Obligations

DISTRIBUTION LIST:

Peter Magaddino, (Sent via E-mail to: peter@ellispartners.com)

Jon Rosso, REI (Sent via E-mail to: jrosso@rossoenv.com)

Dilan Roe, ACDEH, Chief Land, Water Division (Sent via E-mail to: dilan.roe@acgov.org)

Paresh Khatri, ACDEH (Sent via E-mail to: paresh.khatri@acgov.org)

Electronic File, GeoTracker

Attachment 1 – LIST OF LANDOWNERS FORM

County of Alameda
Department of Environmental Health
1131 Harbor Bay Parkway, Suite 133
Alameda, CA 94502-6577

CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR:

Site Name: 245 2nd Street
Address: 245 2nd Street
City, State, Zip: Oakland, CA 94607
Record ID #: RO0003242

Please fill out item 1 if there are multiple site landowners (attach an extra sheet if necessary). If you are the sole site landowner, skip item 1 and fill out item 2.

1. In accordance with Section 25297.15(a) of Chapter 6.7 of the California Health & Safety Code, I, _____ (name of primary responsible party), certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site:

Name: _____
Address: _____
City, State, Zip: _____
E-mail Address: _____

Name: _____
Address: _____
City, State, Zip: _____
E-mail Address: _____

Name: _____
Address: _____
City, State, Zip: _____
E-mail Address: _____

2. In accordance with Section 25297.15(a) of Chapter 6.7 of the California Health & Safety Code, I _____, certify that I am the sole landowner for the above site.

Sincerely,

Signature of Primary
Responsible Party

Printed Name

Date

E-mail Address

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: December 14, 2017
	ISSUE DATE: July 25, 2012
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	SUBJECT: Responsible Party(ies) Legal Requirements / Obligations

REPORT & DELIVERABLE REQUESTS

Alameda County Department of Environmental Health (ACDEH) Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) require submission of all reports in electronic form to the State Water Board's (SWB) GeoTracker website in accordance with California Code of Regulations, Chapter 30, Division 3, Title 23 and Division 3, Title 27.

Leaking Underground Fuel Tank (LUFT) Cases

Reports and deliverable requests are 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 (RP) in conjunction with an unauthorized release from a petroleum underground storage tank (UST) system.

Site Cleanup Program (SCP) Cases

For non-petroleum UST cases, reports and deliverables requests are pursuant to California Health and Safety Code Section 101480.

ELECTRONIC SUBMITTAL OF REPORTS

A complete report submittal includes the PDF report and all associated electronic data files, including but not limited to GEO_MAP, GEO_XY, GEO_Z, GEO_BORE, GEO_WELL, and laboratory analytical data in Electronic Deliverable Format™ (EDF). Additional information on these requirements is available on the State Water Board's website (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)

- Do not upload draft reports to GeoTracker
- Rotate each page in the PDF document in the direction that will make it easiest to read on a computer monitor.

GEOTRACKER UPLOAD CERTIFICATION

Each report submittal is to include a GeoTracker Upload Summary Table with GeoTracker valid values¹ as illustrated in the example below to facilitate ACDEH review and verify compliance with GeoTracker requirements.

GeoTracker Upload Table Example

Report Title	Sample Period	PDF Report	GEO_MAPS	Sample ID	Matrix	GEO_Z	GEO_XY	GEO_BORE	GEO_WELL	EDF
2016 Subsurface Investigation Report	2016 S1	✓	✓	Effluent	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
2012 Site Assessment Work Plan	2012	✓	✓			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2010 GW Investigation Report	2008 Q4	✓	✓	SB-10	W	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				SB-10-6	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				MW-1	WG	✓	✓	✓	✓	✓
				SW-1	W	✓	✓	✓	✓	✓

¹ GeoTracker Survey XYZ, Well Data, and Site Map Guidelines & Restrictions, CA State Water Resources Control Board, April 2005

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: NA
	ISSUE DATE: December 14, 2017
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	SUBJECT: Responsible Party(ies) Legal Requirements / Obligations

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 the State Water Board's GeoTracker website." This letter must be signed by the Responsible Party, or legally authorized representative of the Responsible Party.

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 and include the professional registration stamp, signature, and statement of professional certification. 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

For LUFT cases, RP's non-compliance with these regulations may result in ineligibility to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse the cost of cleanup. Additional information is available on the internet at: https://www.waterboards.ca.gov/water_issues/programs/ustcf/

AGENCY OVERSIGHT

Significant delays in conducting site assessment/cleanup or report submittals may result in referral of the case to the Regional Water 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.