



June 14, 2018

Mr. Mike Adams  
Huntleigh Development, Inc.  
101 Linden Street  
Oakland, CA 94607  
(sent via electronic mail to: [mike@huntleighdev.com](mailto:mike@huntleighdev.com))

Subject: Request for Closure Response and Request for Additional Soil Vapor Sampling for Site Cleanup Program Case No. RO0003261 and GeoTracker Global ID T10000010916, East Oakland International LLC & MRSBJ LLC, Burger King Property located at 4200 International Boulevard, Oakland, CA 94601, Assessor's Parcel No. 35-2354-1-2

Dear Mr. Adams:

Alameda County Department of Environmental Health (ACDEH) has reviewed the case file for the subject site in conjunction with the *Supplemental Site Investigation Report* (Report) dated January 26, 2018, prepared by Environmental Risk Assessors (ERA) on your behalf. The report documents results from additional site characterization activities that were conducted in November 2017 to address data gaps discussed during a meeting with ACDEH, you, and ERA on September 9, 2017 including the advancement of 3 soil borings and collection of 4 grab groundwater samples, 13 soil gas samples, and 2 sub-slab vapor pins samples. Site investigation activities were performed in accordance with a figure entitled, "*Revised Site Plan With Proposed Sampling Locations, Supplemental Site Investigation*" (Work Plan), dated November 22, 2017 and ERA's *Work Plan for a Phase II Environmental Site Assessment Data Gap Investigation*, dated July 20, 2017 (Work Plan). Field activities associated with the Report were conditionally approved in a directive letter issued by ACDEH on November 22, 2017.

ACDEH has evaluated the data and recommendations presented in the Report, in conjunction with the case files and determined the site is eligible for closure as a low risk site under the Site Cleanup Program (SCP) provided that you conduct an additional round of soil vapor sampling to evaluate seasonal variations typically encountered in the subsurface during the wet and dry seasons. Based on ACDEH staff discussions with your team, and review of the Report, you are conditionally approved for implementation of an additional soil vapor sampling event during the dry season in accordance with ERA's *Work Plan for a Phase II Environmental Site Assessment Data Gap Investigation*, dated July 20, 2017. 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 previously approved Work Plan is proposed. ACDEH requests that you perform the proposed work and submit the requested *Deliverables* to the State Water Resources Control Board's GeoTracker website. Additionally please provide at least a 72-hour advance written notification to this office (e-mail preferred to: [andrew.york@acgov.org](mailto:andrew.york@acgov.org)) prior to the start of field activities.

#### **DELIVERABLES**

Please submit the following deliverables to ACDEH in accordance with the compliance schedule provided below and the *Responsible Party (ies) Legal Requirement/Obligations Instructions* and *File Naming Conventions* which are included as Attachments 1 and 2, respectively. ACDEH requests email notification verifying the requested deliverables have been uploaded to Geotracker (e-mail preferred to [andrew.york@acgov.org](mailto:andrew.york@acgov.org)):

Prior to issuance of a No Further Action Letter the following documents must be submitted for review and approval:

1. **Soil Vapor Investigation Report** – Report documenting the requested dry season soil vapor sampling activities with tabulated analytical data results and associated figures. Samples activities must be conducted in accordance ERA's *Work Plan for a Phase II Environmental Site Assessment Data Gap Investigation*, dated July 20, 2017.
2. **Long Term Site Management Plan (SMP)** – The SMP must provide guidance for the management of land use restrictions based on environmental subsurface conditions at the Site. The SMP must provide specific detail and be written in layman's terms or in language appropriate for tenants and contractors to understand. The objectives of the SMP are as follows:
  - Communicate land use restrictions and agency reporting and notification requirements related to the environmental conditions of the property;
  - Present procedures for long-term management and maintenance of the existing hardscape, utilities, and building infrastructure to ensure that no exposure pathways are present that could pose an unacceptable risk to an and off-site receptors through modifications to the existing Site development; and
  - Communicate information to maintenance and construction workers regarding the presence and location residual subsurface contamination at the Site.

In order to facilitate preparation of the SMP document and provide a timely review, ACDEH will email you an example SMP illustrating the level of detail required. The electronic SMP will be provided under a separate ACDEH correspondence.

3. **Soil and Groundwater Management Plan (SGMP)** – A SGMP describing procedures to be followed by environmental consultants, construction contractors and workers, and other property owner representatives during any proposed property improvements including identifying safety and training requirements for construction workers, establishing procedures for assessing and managing contamination. We request that you use ACDEH's SGMP template which will be provided to you electronically.
4. **Institutional Controls (ICs)** – Recordation of institutional controls including a Land Use Covenant and Disclosure Covenants, Conditions and Restrictions (CC&Rs) providing legal and administrative controls and methods for dissemination of information to site users and occupants, property managers and property owners to minimize risk during long term site use. ACDEH will provide the LUC for your recordation under a separate correspondence.

Required for all environmental site data and reports performed at the subject site and/or submitted for ACDEH review or approval

5. **Continued GeoTracker Database Compliance** – Site data and documents are maintained in the State Water Board's GeoTracker website. The database acts as repositories for Portable Document Format (PDF) files of regulatory directives and reports and has the functionality to store electronic compliance data in Electronic Deliverable Format (EDF) including analytical laboratory data for soil, vapor, and groundwater samples, monitoring well depth-to-water measurements, and surveyed location and elevation data for sampling locations.

ACDEH requests you upload all historical environmental documents related to the subject site including but not limited the new soil, soil vapor, sub-silba vapor, and groundwater analytical data,

documents and reports, maps, and boring logs to GeoTracker. See Attachment 1 regarding electronic submittal requests to GeoTracker. Notification of, and a list of, the documents uploaded to GeoTracker can be emailed to my attention (Attention Drew York).

## TECHNICAL REPORTS/WORK SCHEDULE

Please perform the requested work and submit technical reports to ACDEH (Attention: Drew York) in accordance with Attachment 1 and 2. Dates will be determined based on baseline project schedule provided by you and your environmental consultant.

**1. Soil Vapor Investigation Report – Tuesday August 14, 2018**

File to be named: RO3261\_SWI\_R-2018-08-14

**2. Long Term SMP – Date to be Determined**

File to be named: RO3261\_LT\_SMP-yyyy-mm-dd

o **SGMP – Date to be Determined**

File to be named: RO3261\_SGMP-yyyy-mm-dd

**3. Institutional Controls (ICs) – Date to be Determined**

File to be named: RO3261\_IC-yyyy-mm-dd

o **Land Use Covenant – Date to be Determined**

File to be named: RO3261\_LUC-yyyy-mm-dd

Thank you for your cooperation. ACDEH looks forward to working with you and your environmental consultants to advance the case toward closure. If you have any questions, please call me at (510) 639-1276 or send me an email message at [andrew.york@acgov.org](mailto:andrew.york@acgov.org)

Sincerely,



Drew J. York  
Senior Hazardous Materials Specialist



Dilan Roe, PE, C73703  
Chief - Land Water Division

Encl.: Attachment 1 – Responsible Party (ies) Legal Requirement/Obligations Instructions  
Attachment 2 – Electronic File Naming Conventions

cc: Lita D. Freeman, Environmental Risk Assessors (Sent via E-mail to: [litafreeman@gmail.com](mailto:litafreeman@gmail.com))  
Jay Hagglund, Cushman & Wakefield (Sent via E-mail to: [jay.hagglund@cushwake.com](mailto:jay.hagglund@cushwake.com))  
Dilan Roe, ACDEH, Chief Land, Water Division (Sent via E-mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))  
Paresh Khatri, ACDEH (Sent via E-mail to: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org))  
Drew York, ACDEH (Sent via E-mail to: [andrew.york@acgov.org](mailto:andrew.york@acgov.org))  
Electronic File, GeoTracker

ATTACHMENT 1

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|--|--|
| <b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b> | <b>REVISION DATE:</b> December 14, 2017  |
|  | <b>ISSUE DATE:</b> July 25, 2012   |
|  | <b>PREVIOUS REVISIONS:</b> September 17, 2013, May 15, 2014, December 12, 2016 |
| <b>SECTION:</b> ACDEH Procedures   | <b>SUBJECT:</b> 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/](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 values<sup>1</sup> 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                      |
|---|---------------|------------|----------|-----------|--------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>2016 Subsurface Investigation Report</b> | 2016 S1       | ✓          | ✓        | Effluent  | SO     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓                        |
| <b>2012 Site Assessment Work Plan</b>       | 2012          | ✓          | ✓        |           |        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>2010 GW Investigation Report</b>         | 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      | ✓                        | ✓                        | ✓                        | ✓                        | ✓                        |

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

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|--|--|
| <b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b> | <b>REVISION DATE:</b> NA   |
|  | <b>ISSUE DATE:</b> December 14, 2017   |
|  | <b>PREVIOUS REVISIONS:</b> September 17, 2013, May 15, 2014, December 12, 2016 |
| <b>SECTION:</b> ACDEH Procedures   | <b>SUBJECT:</b> 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/](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.

ATTACHMENT 2

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|--|---|
| <b>Alameda County Environmental<br/>Cleanup Oversight Programs<br/>(LOP and SCP)</b> | <b>REVISION DATE:</b> August 1, 2017  |
|  | <b>PREVIOUS REVISIONS:</b><br><br>July 17, 2017, November 8, 2016, December 15, 2015, December 16, 2014, June 19, 2013, June 15, 2011, March 26, 2009, April 29, 2008 |
|  | <b>ISSUE DATE:</b> June 16, 2006  |
| <b>SECTION:</b> Miscellaneous Administrative Topics & Procedures                     | <b>SUBJECT:</b> File Names for Electronic Reports   |

Format: REPORT\_NAME\_R\_YYYY-MM-DD  
Ex: SWI\_R\_VOL1\_2006-05-25

| <b>LOP and SCP (VRAP)<br/>INCOMING REPORTS AND LETTERS</b>                          |   |
|---|---|
| <b>Document Name</b>  | <b>Abbreviation<br/>File Name= Abbreviation + Date (yyyy- mm-dd)</b>      |
| Abandoned Well Information/Water Supply Well Information                            | ABWELLINF_R   |
| Addendum  | ADEND_R (added after report name)   |
| Additional Information Report   | ADD_R   |
| Analytical Reports (Loose data sheets not in report)                                | ANALYT_R  |
| As Built Drawings (or Plans)  | AS_BUILT  |
| Case File Scanned By OFD  | CASE_FILE   |
| Cleanup and Abatement Report  | CAO_R   |
| Case Transfer Form (from CUPA)  | CASE_TRNSFR_F   |
| Conduit Study/Well Search/Sensitive Receptor/Well Survey/Preferential Pathway Study | COND_WELL_R   |
| Corrective Action Plan (CAP)  | CAP_R   |
| Correspondence  | CORRES_L  |
| Court Injunctions   | INJ_L   |
| Development Plans (Includes Plan Set, Cross-sections, and Related Drawings)         | DEV_PLAN_date   |
| Development Schedule (Project Schedule, Gant Chart, etc.)                           | DEV_SCHD_date   |
| DWR Confidential Well Logs (Report containing)                                      | report name_R_CONFIDENTIAL_YYYY-MM-DD (Ex: SWI_R_CONFIDENTIAL_YYYY-MM-DD) |
| DWR Well Completion Report-Confidential (Loose well logs)                           | DWR_WELL_CONFIDENTIAL_YYYY-MM-DD (Date of Well Log)                       |
| ESI/DAR (Environmental Site Investigation, Data Assessment Report)                  | ESI_R   |
| Excavation Report   | EX_R  |
| Extension Request Letter  | EXT_RQ_L  |
| Fact Sheet  | FACT_SHT  |



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|--|-----------------|
| Feasibility Study  | FEASSTUD_R      |
| Groundwater Monitoring/Quarterly Summary Report  | GWM_R           |
| Financial Assurance/Letter of Credit   | FNCL_ASSRNC_LOC |
| Interim Remedial Action Plan   | IRAP_R          |
| Interim Remediation Results (Includes Pilot Test Reports, Vapor Mitigation Reports, Soil Reports, Free Product Removal Reports, & Dual-Phase Extraction Reports) | IR_R            |
| Lawsuit  | LAWSUIT_R       |
| Migration Control Report   | MIG_R           |
| Miscellaneous Report/Soil Sample   | MISC_R          |
| Miscellaneous Sample Report (analytical results)   | MISC_SAMP_R     |
| Notification Letter  | NOT_L           |
| NPDES Miscellaneous Reports  | NPDES_R         |
| Operations & Maintenance Plan  | OM_P            |
| Operations & Maintenance Report  | OM_R            |
| Pay for Performance  | PFP_R           |
| Petition   | PETITION_R      |
| Phase 1 Environmental Assessment Report  | PHASE1_R        |
| Photos   | PHOTO_date      |
| Preliminary Site Assessment Report/Phase 2 (historic reports only)   | PSA_R           |
| Remedial Action Plan   | RAP_R           |
| Remedial Design & Implementation Plan  | RDIP_R          |
| Remediation Progress Report  | REM_R           |
| Request for Closure  | RFC(_L or _R)   |
| Risk Assessment Report   | RISK_R          |
| Risk Based Corrective Action   | RBCA_R          |
| List of Landowners Forms   | LNDOWNR_F_DATE  |
| SB2004 Letter of Commitment  | LOC_L           |
| Site Conceptual Model/Conceptual Site Model  | SCM_R           |
| Site Health & Safety Plan  | SFTY_PLAN_R     |
| Site Management  | SITE_MANAGE_R_  |
| Site Management Plan   | SMP_R           |
| Site Summary Report  | SITE_SUM_R      |

|  |                      |
|--|----------------------|
| Soil and Water Investigation Report (Includes soil gas/vapor reports, indoor, additional site investigation, well installation, site characterization, cross section, indoor air, additional onsite investigation, Phase II/preliminary site assessment) | SWI_R                |
| Soil Disposal Report   | SOIL_DSPL_R          |
| Source Area Characterization   | SOURCAREA_R          |
| State Information  | STATE_INFO (no date) |
| Status Report(monthly remediation status reports addressed to sanitary district requires no stamp/perjury)   | STAT_R               |
| Tank/Tank System Removal Report  | TNK_R                |
| Tentative Order Report   | TENT_R               |
| Unauthorized Release Form  | URF_R                |
| UST Sampling Report  | UST_SAMP_R           |
| USTCF 5 Year Review  | USTCF_5YR            |
| USTCF issued Public Notice   | USTCF_PP_L           |
| Well Construction Report (limited to water supply wells)   | WELL_CST_R           |
| Well Decommissioning Report/Letter (well destruction/abandonment)  | WELL_DCM_R           |
| Work Plan  | WP_R                 |

**LOP and SLIC  
ACEH OUTGOING LETTERS AND CASE FILE DOCUMENTATION**

| <b>Document Name</b>  | <b>Abbreviation<br/>File Name= Abbreviation + Date (yyyy-mm-dd)</b> |
|---|---|
| 90 Day Letter   | 90D_L   |
| CAP Approval  | CAP_AP_L  |
| RP Certification of Public Notice   | CAP_CERT_L  |
| CAP Public Participation Letter   | CAP_PP_L  |
| CAP Public Participation Letter to RP   | CAP_PPRP_L  |
| Certified Mail Receipt  | CERT_MAIL_RECEIPT   |
| Cleanup and Abatement Order   | CAO_L   |
| Closure Public Participation Letter   | CL_PP_L   |
| Closure Package (Letter, RACC, Summary, Deed Restriction)   | CLOS_L  |
| Correspondence  | CORRES_L  |
| Deed Restriction  | DEED_L_ (Copied from CLOS_L_)                                       |
| Directive Letter containing Public Notice and/or Landowner request form   | DIR_PP_L  |
| Directive Letter (Landowner form, site management requirements, well decommission scheduling prior to closure of PP, copy of PP to all RPs) | DIR_L   |
| Enforcement   | ENF_L   |
| Enforcement Referral Letter   | ENF_REF_L   |
| Extension Approval Letter   | EXT_AP_L  |
| Extension Denial Letter   | EXT_DNY_L   |
| Fund Requests   | FUND_REQ_L  |
| Final Voluntary Remedial Action Agreement   | FVRAA_date  |
| GeoTracker info   | GEOTRACK_R  |
| Late Letter   | LATE_L  |
| List of Landowners Forms  | LNDOWNR_F_DATE  |
| Mailing List for Public Notice in Excel Format  | MAIL_PP_DATE  |
| Maps & Assessor's Parcel Information  | MAPS_ASSESSOR (no date)   |
| Meeting Agenda, Minutes, Sign in Sheet  | MEETING   |
| Miscellaneous Letter  | MISC_L  |
| New Landowner Letters   | LNDOWNR_REQ_L   |
| Notice of Responsibility  | NOR_L   |
| Notice of Violation   | NOV_L   |
| Phone Log   | PHONE_LOG   |
| Photos  | PHOTO_date  |
| Post Closure Monitoring   | PCMP_L  |
| QA/QC Checklist (confidential)  | QAC_report name_date  |
| Responsible Parties Information   | RPINFO_L_DATE OF THE LETTERHEAD                                     |
| Returned Mail   | RTN_MAIL_date   |

|  |             |
|--|-------------|
| Site Visit/Inspection Report                       | SITEVISIT_R |
| Transfer Letter                                    | TRANS_L     |
| UST Permit   | UST_PRMT    |
| Voluntary Remedial Action Notice to State Agencies | VRA_NOTICE  |
| Voluntary Remedial Action Request Form from RP     | VREQ_F      |