

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  
ALAMEDA, CA 94502  
(510) 567-6700  
FAX (510) 337-9335

October 25, 2018

MidPen Housing Corp.  
c/o Apolonio Munoz  
1970 Broadway, Suite 100  
Oakland, CA 94612  
(Sent via E-mail to [amunoz@midpen-housing.org](mailto:amunoz@midpen-housing.org))

**Subject: Conditional Approval of Corrective Action Plan & Soil and Groundwater Management Plan  
Site Cleanup Program Case No. RO0003271  
GeoTracker Global ID T10000011094  
217 North N Street  
217 North N Street, Livermore, CA 94551**

Dear Mr. Munoz:

Alameda County Department of Environmental Health (ACDEH) has reviewed the case file associated with the above referenced property (the "Site"), including the following submittals (the "Submittals"):

1. *Corrective Action Plan* dated August 22, 2018 (the "CAP") prepared by PES Environmental, Inc. on behalf of MidPen Housing Corporation.
2. *Soil and Goundwater Management Plan* dated March 20, 2018 and revised on September 6, 2018 (the "SGMP") by ENGEO Incorporated (ENGEO) on behalf of Warmington Residential.

ACDEH notes that a *Corrective Action Implementation Plan* dated September 6, 2018 (the "CAIP") has been prepared and submitted by ENGEO, however, the review of the CAIP is excluded from the scope of this directive letter. ACDEH's comments on the CAIP will be provided under a separate cover.

ACDEH notes that the public participation period for the CAP was initiated on August 24, 2018. To date, ACDEH has received no public comments regarding the CAP.

Provided that the information presented in the Submittals and contained in the Case file is accurate and representative of Site conditions, ACDEH believes implementation of the corrective actions proposed in the CAP is appropriate for the minimization of risk to on- and off-site receptors associated with exposure to contaminated soil and soil vapor. Therefore, ACDEH hereby approves the CAP and SGMP with the conditions identified in Section I of this letter and provided that the technical documents requested in Section II of this letter are submitted.

ACDEH notes that specific procedures for the implementation of the CAP are provided in the CAIP which has not been reviewed or approved at this time. Therefore, at this junction the Site is hereby released for earthwork associated with general construction activities so long as (1) the earthwork does not include the exposure or removal of contaminated soil; (2) the SGMP is implemented during general construction activities; and (3) the activities do not interfere, obstruct, or otherwise limit the implementation of the CAIP. ACDEH notes that the release to conduct earthwork is not an authorization to construct foundation elements. Prior to the construction of foundation elements, the CAIP must be approved by ACDEH.

## **I. CONDITIONS OF APPROVAL**

The CAP is approved with no conditions and no further technical comment from ACDEH. The SGMP is approved for implementation under the following conditions

**1. Site Access**

The SGMP omits language granting ACDEH access to the Site for the purpose of conducting inspections to ensure compliance with the SGMP. As a condition of approval for the SGMP, ACDEH must be allowed access to the Site for the duration of redevelopment activities for the purpose of conducting inspections to ensure compliance with the SGMP.

**2. Accessibility of the SGMP**

A copy of the SGMP and the conditions of approval for the SGMP must be maintained and accessible at an on-site location for the duration of redevelopment activities.

**3. Disposal of Non-Hazardous Soil and Construction Debris**

All soil or construction debris exported from the Site must be disposed of at a licensed Class I, II, or III disposal facility. Export of soil or construction debris for re-use at off-site locations is strictly prohibited unless the materials are characterized and exported in accordance with the requirements of ACDEH's *Fill Material Characterization Guidance* dated August 1, 2018. Disposal records for non-hazardous soil and construction debris must be recorded, maintained, and reported in the final Remedial Action Completion Report with sufficient detail to allow for an audit of exported soil and construction debris to verify that exported materials were disposed of in accordance with the terms of this condition and the SGMP.

**4. Soil Importation**

Imported fill material must be characterized and documented in accordance with ACDEH's *Fill Material Characterization Guidance* dated August 1, 2018

**5. Dust Monitoring**

The SGMP omits air quality and dust monitoring sections. For the duration that contaminated soil is exposed or that earthwork involving contaminated soil is conducted, ACDEH requires air monitoring be conducted. This air monitoring must be sufficient to evaluate potential exposure to on- and off-site receptors to respirable dust particles. ACDEH requires submittal and approval of a revision to the SGMP or an addendum to the SGMP that describes dust monitoring practices that will be implemented as part of the implementation of the SGMP.

**II. DELIVERABLES AND TECHNICAL REPORTS REQUEST**

Please submit the following technical reports and deliverables to ACDEH (Attention: Jonathan Sanders ) in accordance with the compliance dates provided below and the *Responsible Party(ies) Legal Requirements/Obligations* and the *File Names for Electronic Reports* which are included as **Attachment A** and **Attachment B** respectively.

**Prior to commencement of construction activities related to earthwork** the following document must be submitted to ACDEH for review and approval:

**1. Project Schedule**  
**Compliance Date: November 26, 2018**

Please prepare a project schedule showing the following:

- A. Permitting requirements, including building authority and certificate of occupancy;

- B. Submittal dates for requisite documents;
- C. Phase of construction, including grading, utility work, foundation work, framing, roofing, mechanical, electrical, and finish; and
- D. Depictions of task dependencies (e.g. start to start, start to end, and end to end).

**2. Soil and Groundwater Management Plan Certification Form**  
**Compliance Date: November 26, 2018**

A copy of the completed *Agreement and Acknowledgement Statement* from Appendix A of the SGMP

**Prior to commencement of foundation construction and utility installation** ACDEH must have approved the CAIP and the following document must be submitted to ACDEH for review and approval:

**3. Planning Approvals and Building Permit Plan Set**  
**Compliance Date: February 28, 2019**

A copy of the building authority approved building permit plan set that incorporates the ACDEH approved vapor mitigation system design. Please note that submittal of this building permit plan set to the building authority cannot be completed until ACDEH issues approval of the CAIP.

**Prior to building occupancy**, the following documents must be submitted to ACDEH for review and approval

**4. Remedial Action Completion Report**  
**Compliance Date: October 26, 2020**

A comprehensive report documenting implementation of remedial actions at the Site. This report should discuss all remedial actions associated with the implementation of the CAP, however, does not need to include information regarding implementation of mitigation measures. This report must include, at a minimum, the following:

- A. Drawings depicting the final extents and depths of remedial excavations;
- B. Documentation of transport and disposal of hazardous and non-hazardous soil from the Site;
- C. Documentation of any imported fill materials.
- D. Photolog of remedial actions and field documentation sufficient to verify compliance with the CAP, CAIP, and SGMP.
- E. Identification of deviations or exclusions from the CAP, CAIP, or SGMP.
- F. Certification by the registered professional with responsible charge that the remedial actions completed at the Site fulfill the requirements of the CAP and a statement identifying if remediation goals have been achieved.

**5. Record Report of Construction for Engineering Controls**  
**Compliance Date: October 26, 2020**

A comprehensive report documenting installation of engineering controls that eliminate otherwise potentially complete exposure pathways as proposed in the CAP. These engineering controls include the vapor intrusion mitigation systems, trench dams. In the event that residual contamination that exceeds direct contact screening levels for residential land use is left on-site beneath hardscape, hardscape in these burdened areas will be considered an engineering control and will need to be documented as such.

Compliance with this request can be fulfilled by submittal of a single site-wide report documenting installation and performance of engineering controls for all structures. Alternatively, and at the discretion of the Responsible Party, compliance with this request can be fulfilled for individual buildings or groups of building by submittal of a report that documents installation and performance of the building or group of buildings that are planned for occupancy.

At a minimum, the record report of construction must include the following components:

- A. As built drawings of the engineering controls;
- B. Documentation of implementation of construction quality control and quality assurance measures;
- C. Photolog documenting installation of the engineering controls;
- D. Copies of field notes and observations associated with the installation of the engineering controls;
- E. Identification of any deviations, modifications, or exclusions from the ACDEH approved design;
- F. Results of performance monitoring for vapor barrier and ventilation systems. These results must include ambient air and indoor air results, ventilation system flow and emission rates, and the calculation of attenuation across the engineering control systems using Radon or another conservative tracer.
- G. A statement from the design engineer certifying that that the installed system meets or exceeds the qualitative and quantitative design objectives.

**6. Operations, Maintenance, and Monitoring Plan for Vapor Migration Engineering Controls**  
**Compliance Date: October 26, 2020**

A technical document describing routine and non-routine operations, maintenance, and monitoring procedures for the engineering control systems. The operations, maintenance, and monitoring (OM&M) plan must, at a minimum, include the following components:

- A. Maintenance schedule for system components;
- B. Monitoring schedule for engineering controls;
- C. Description of the scope and limitations of routine and non-routine OM&M. This scope must include identification of samples or field parameters that will be collected areas that will be inspected;
- D. Standard operating procedures (SOPs) and field forms that will be completed as part of routine and non-routine OM&M;
- E. A description of how system performance will be evaluated;
- F. Description of corrective actions that could be implemented if the results of OM&M identify a failure in the engineering controls and implementation criteria for these corrective actions;
- G. Termination criteria for on-going OM&M;
- H. Reporting requirements.

**7. Institutional Controls**  
**Compliance Date: October 26, 2020**

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, homeowners associations, property managers and property owners to minimize risk during property development, future below-ground construction and maintenance, and long-term site use.

**8. Financial Assurance**

**Compliance Date: October 26, 2020**

Documentation of an appropriate financial instrument to assure ACDEH of implementation and maintenance of the VMECs. The details of this financial assurance must be worked out by the project proponent and ACDEH as design, construction, and monitoring plans are finalized and approved. The financial assurance instrument must provide for sufficient funds to construct, monitor, and provide regulatory oversight costs for long-term operations and maintenance of the VMEC. Estimates of these costs must be based, in part, on the cost estimates for project implementation that are established in the CAIP. Additionally, an allowance for regulatory oversight must be included in the financial assurance mechanism.

**9. Site Management Plan**

**Compliance Date: October 26, 2020**

A non-technical document for tenants, occupants, construction workers, or any other entities which may come into contact with engineering control systems. The Site Management Plan (SMP) is intended to serve as an administrative control to ensure that engineering controls are not inadvertently damaged and that when engineering control systems are encountered, appropriate entities are notified. The SMP must include, at a minimum, the following components:

- A. An introduction that includes the purpose and objective of the SMP, identification of ACDEH as the regulatory oversight agency and identification of burdened areas;
- B. A description of the nature and location of engineering control systems and why they are necessary for the protection of human health. At a minimum, this must include photographs of system components and a description sufficient to allow for a non-technical person to identify if they have inadvertently encountered a component of an engineering control system;
- C. Identification of administrative and institutional controls implemented at the site for the protection of the engineering control systems;
- D. Protocols for conducting work that may contact engineering controls or contaminated environmental media including reporting requirements.

**III. CLOSING**

ACDEH looks forward to continuing to work with you and your consultants to advance the case toward closure. Should you have any questions regarding this correspondence or your case, please contact the primary caseworker, Jonathan Sanders who can be reached by phone at (510)567-6791 or by email at [joanthan.sanders@acgov.org](mailto:joanthan.sanders@acgov.org).

Sincerely,



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Dilan Roe, P.E. C73703  
Chief  
Land & Water Division



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Jonathan Sanders  
Senior Hazardous Materials Specialist  
Local Oversight and Site Cleanup Program

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  
ALAMEDA, CA 94502  
(510) 567-6700  
FAX (510) 337-9335

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**IV. ENCLOSURES:**

Attachment A Responsible Party(ies) Legal Requirements / Obligations

Attachment B File Names for Electronic Reports

**V. DISTRIBUTION LIST:**

Electronic File, GeoTracker

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

Jonathan Sanders, ACDEH, Senior Hazardous Materials Specialist (Sent via E-mail to: [joanthan.sanders@acgov.org](mailto:joanthan.sanders@acgov.org))

Carl Michelsen, PES, Associate Geologist (sent via E-mail to: [cmichelsen@pesenv.com](mailto:cmichelsen@pesenv.com))

David Agee, Warmington Residential, Project Manager (sent via E-mail to: [David.Agee@warmingtongroup.com](mailto:David.Agee@warmingtongroup.com))

Divya Bhargava, ENGEO, Senior Engineer (sent via E-mail to: [dbhargava@engeo.com](mailto:dbhargava@engeo.com))

**ATTACHMENT A**

**Responsible Party(ies) Legal Requirements / Obligations**

<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



<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 B**

**File Name for Electronic Reports**

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> April 4, 2018
	<b>PREVIOUS REVISIONS:</b>  April 4, 2018, 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) INCOMING REPORTS AND LETTERS</b>	
<b>Document Name</b>	<b>Abbreviation 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 Entitlement	DEV_ENTITLE
Development Plans (Includes Plan Set, Cross-sections, and Related Drawings)	DEV_PLAN
Development Schedule (Project Schedule, Gant Chart, etc.)	DEV_SCHD
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
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 Management 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
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	LNOWNR_F
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_
Acknowledgement Statement for Site Management Plan	SMP_ACK_L
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 letter)	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