

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

August 16, 2018

**Fremont State Street Center, LLC  
c/o Denise Cunningham  
Summerhill Homes  
3000 Executive Parkway, Suite 450  
San Ramon, CA 94583  
(Sent via E-mail to [dcunningham@shhomes.com](mailto:dcunningham@shhomes.com))**

**City of Fremont  
c/o Clifford Nguyen  
Urban Initiatives Manager  
330 Capital Ave, Building A  
P.O. Box 5006  
Fremont, CA 94537  
(Sent via E-mail to [cnguyen@fremont.gov](mailto:cnguyen@fremont.gov))**

Subject: **Approval for Building A Occupancy and Building A No Further Action Letter  
Site Cleanup Program (SCP) Case No. RO0003176  
Geotracker Global ID T1000007102  
Fremont Plaza Shopping Center  
and  
SCP Case No. RO0003287  
GeoTracker Global ID T10000011189  
Locale at State Street  
39155 – 39183 State Street, Fremont, CA 94538**

Dear Denise Cunningham and Clifford Nguyen:

Alameda County Department of Environmental Health (ACDEH) has reviewed the case file associated with the above referenced property (the Site), including the *Building A Vapor Mitigation System Construction Completion Report, Revision 1* dated July 27, 2018 (the "Building A Completion Report") prepared by PES Environmental, Inc.(PES) on behalf of Fremont State Center, LLC. The Building A Completion Report documents the installation of the vapor migration engineering controls (VMECs) within Building A of the subject property and the results of associated performance evaluation and construction quality control and quality assurance measures implemented as part of the installation process. Based on ACDEH's review of the case file and the Building A Completion Report, the installed VMECs appear sufficient to control unacceptable risk to potential occupants of Building A due to vapor intrusion of subsurface contaminants. With the provision that the information provided to this agency is accurate and representative of site conditions, no further remedial action or monitoring is required prior to occupancy of Building A.

Therefore, ACDEH does not object to the City of Fremont approving Building A for residential occupancy provided post-closure maintenance, monitoring, and reporting activities are conducted in accordance with the following documents:

1. *Vapor Mitigation System, Trench Dams and Trench Plugs, Operations and Maintenance Plan* dated February 28, 2018 prepared by PES;
2. *Covenant and Environmental Restriction on Property*, Locale at State Street, Fremont, California, Land Use Covenant (LUC) recorded on March 2, 2018.

This letter provides ACDEH's clearance for occupancy of Building A of the subject development only.

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, Mark Detterman who can be reached by phone at (510)567-6876 or by email at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,



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Mark Detterman, PG 4799, CEG 1788  
Senior Hazardous Materials Specialist  
Local Oversight and Site Cleanup Program



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

**I. ENCLOSURES:**

Attachment A Responsible Party(ies) Legal Requirements / Obligations

Attachment B File Names for Electronic Reports

**II. 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))

Mark Detterman, ACDEH, Senior Hazardous Materials Specialist (Sent via E-mail to: [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))

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

Carl Michelson, PES, Principal Geologist (sent via E-mail to: [CMichelsen@pesenv.com](mailto:CMichelsen@pesenv.com) )

Scott Morrison, PES, Associate Engineer (sent via E-mail to: [SMorrison@pesenv.com](mailto:SMorrison@pesenv.com) )

John Alexander, PES, Senior Engineer (sent via E-mail to: [JAlexander@pesenv.com](mailto:JAlexander@pesenv.com) )

<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.

<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