

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

COLLEEN CHAWA, 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

April 4, 2018

David S. Miller
FM Industries
221 Warren Ave
Fremont, CA 94539

SUBJECT: Site Management Plan and Contractor Acknowledgement for Non Case RO0003294 and GeoTracker Non-Case Information T10000011312, Lot 6 located at 625 West Jack London Blvd., Livermore, CA 94551

Dear Mr. Miller:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the November 16, 2017, *Phase I Environmental Site Assessment Report*, the November 29, 2017, *Shallow Soil Environmental Screening Report*, and the December 22, 2017, *Deeper Soil Environmental Screening Report*, all prepared by Applied Water Resources for the subject site and electronically submitted to the State Water Board's GeoTracker website. Environmental site assessments detailed in the reports identified elevated concentrations of metals in shallow soil collected at six to twelve inches below the ground surface and deep soil ranging from 2 to 40 feet bgs. Specifically, Arsenic and Nickel were detected in soil at maximum concentrations of 7.49 milligrams per kilogram (mg/kg) and 172 mg/kg, respectively. These concentrations are above the San Francisco Bay Regional Water Quality Control Board's (RWQCB) Environmental Screening Levels (ESLs) indicating that the site soils may pose a potential risk to human health and the environment.

Based on our review, ACDEH requests that you address the following technical comments and submit the documents and reports requested below.

TECHNICAL COMMENTS

1. As mentioned above, Arsenic and Nickel were detected in soil at concentrations that exceed their respective ESL. According to the document entitled "*Establishing Background Arsenic in Soil of the Urbanized San Francisco Bay Region*," the upper estimate of Arsenic concentrations (99th percentile) considered as background is 11 mg/kg. Since concentrations of Arsenic in soil at the site are below 11 mg/kg, ACDEH will consider the Arsenic concentrations in soil detected at the site as background.

Nickel was detected below the Residential Shallow Soil Exposure ESL of 820 mg/kg, but above the Tier 1 Construction Worker Direct Exposure ESL of 86 mg/kg. Therefore, the Nickel concentrations in soil appear to pose a potential risk to the construction workers who may come in contact with site soils. To mitigate potential exposure risk, please prepare and submit a Site Management Plan (SMP) to mitigate metals impacted soil exposure risk during construction. ADCEH has developed a standard Construction Soil and Groundwater Management Plan as an editable Microsoft Word document (attached). ACDEH requests that the plan is modified for the site and submitted to ACDEH as a Word document for any required further editing prior to finalization. Please submit the SMP the State Water Board's GeoTracker website by the date specified below.

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In addition, to ensure that the contractors and subcontractors understand the associated risks at the site prior to commencing construction activities, each contractor/subcontractor must sign a coversheet acknowledging that they have read and understand the mitigation measures detailed in the SMP. Submit the signed coversheets to ACDEH via the State Water Board's GeoTracker website, as contractors are hired. Please notify your caseworker by electronic mail (paresh.khatri@acgov.org) of submittal upload.

2. Since the metals contamination at the site poses a potential risk to during construction only, ACDEH is not opening this site as a Site Cleanup Program (SCP) case and the site will remain as "Non-case Information" on GeoTracker. However, to continue to provide regulatory oversight and review of submitted documents, ACDEH will require additional funds to your deposit/refund account. Please submit a check made payable to Alameda County Department of Environmental Health in the amount of \$2,500 and include the case number "RO0003294" and the account number "AR0359823." This deposit may or may not be sufficient to provide all necessary regulatory oversight. ACDEH will deduct actual costs incurred based on the Ordinance specified hourly rate, which is currently \$174 per hour. If these funds are insufficient, an additional deposit will be requested. Otherwise, any unused monies will be refunded to you or your designee.

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

Please note that ACDEH has updated Attachment 1 with regard to report submittals to ACDEH. ACDEH will now be requiring a Submittal Acknowledgement Statement, replacing the Perjury Statement, as a cover letter signed by the Responsible Party (RP). The language for the Submittal Acknowledgement Statement is as follows:

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.

Please make this change to your submittals to ACDEH.

TECHNICAL REPORT REQUEST

Please submit the following technical reports and deliverables to the State Water Board's GeoTracker website, in accordance with the following specified naming convention and schedule, as stipulated below, and identified in the Responsible Party(ies) Legal Requirements/Obligations, which is included as Attachment 1. Additionally, please notify your caseworker by electronic mail (paresh.khatri@acgov.org) of submittal upload.

- April 20, 2018 – Regulatory oversight fee in the amount of \$2,500.
- May 4, 2018 – Site Management Plan

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

Sincerely,

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

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Enclosure: Attachment 1 – Responsible Party(ies) Legal Requirements/Obligations and Electronic Report Upload Instructions
Attachment 2 – Construction Soil and Groundwater Management Plan Template

cc: Kendall Price, Applied Water Resources Corporation, 1024 W. Taylor St., Suite 209, San Jose, CA 95126
(*Sent via electronic mail to: kprice@awrcorp.net*)
Dilan Roe, ACDEH, (*Sent via electronic mail to: dilan.roe@acgov.org*)
Paresh Khatri, ACDEH; (*Sent via electronic mail to: paresh.khatri@acgov.org*)
Electronic File; GeoTracker

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.