

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



F

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

February 7, 2008

Mr. Michael Desso
Nestle USA, Inc.
800 North Brand Blvd.
Glendale, CA 91203

Mr. Mark Hall
Encinal 14th Street, LLC
1855 Olympic Blvd., Suite 250
Walnut Creek, CA 94596

Subject: Fuel Leak Case No. RO0000018 and Geotracker Global ID T0600100262, Carnation Dairy, 1310 14th Street, Oakland, CA 94607 – Work Plan Approval

Dear Mr. Desso and Mr. Hall:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site including the recently submitted document entitled, "Confirmation 'Water Samples for VOCs near Former USTs and Groundwater Sampling Prior to Destruction of Water Production Well, Fuel Leak Case RO000018, Geotracker Global ID T0600100262," dated January 14, 2008 (work plan). The work plan, which was prepared by AEI Consultants, proposes collection of groundwater samples from two soil borings in the area of a remedial excavation in the eastern half of the site and collection of a water sample from a water supply well. The proposed scope of work in the January 14, 2008 work plan is acceptable and may be implemented as proposed.

We understand that environmental assessment and remediation in the northwestern portion of the site is being undertaken at the direction of Nestle USA and environmental assessment and remediation in the remainder of the site is being undertaken at the direction of Encinal 14th Street LLC. We received correspondence from Nestle USA dated December 17, 2007, which outlines a general proposal for future work in the northwestern portion of the site. Several issues remain outstanding with regard to the northwestern portion of the site. We also received a work plan for the northwestern portion of the site entitled, "Workplan for Supplemental Groundwater Sampling for Polychlorinated Biphenyls (PCBs), Carnation Dairy, 1310 14th Street, Oakland, CA," dated October 31, 2007. On January 4, 2008, we received supporting documents needed to review the October 31, 2007 work plan. Comments on the proposed work in the northwestern portion of the site will be provided in future, separate correspondence.

We request that you address the following technical comments, perform the proposed work in the January 14, 2008 work plan, and send us the technical reports requested below.

TECHNICAL COMMENTS

1. **Comprehensive Site Assessment Report.** ACEH received a report entitled, "Request for Work Plan to Address Technical Comments," dated December 14, 2007 that presents

Mr. Michael Desso
Mr. Mark Hall
RO0000018
February 7, 2008
Page 2

responses to technical comments 11 through 14 in our September 28, 2007 directive letter. Technical comments 11 through 14 pertain to the areas outside the northwest portion of the site. The December 14, 2007 report also presents results from remedial excavations recently conducted in the eastern half of the site. As discussed during a January 2, 2008 meeting between ACEH and Hall Equities (representing Encinal 14th Street LLC), we requested that a more comprehensive assessment be presented for the portion of the site including historical and background site information. Please present the results of the proposed groundwater sampling in the Comprehensive Site Assessment Report requested below.

2. **Proposed Analyses.** The proposed laboratory analyses are acceptable. For clarification, please ensure that the target analyte list for EPA Method 8260B includes chlorinated solvents and fuel oxygenates and is not limited to BTEX. Please present these results in the Comprehensive Site Assessment Report requested below.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **June 5, 2008** – Comprehensive Site Assessment Report

These reports are being requested 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 in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

Mr. Michael Desso
Mr. Mark Hall
RO0000018
February 7, 2008
Page 3

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) 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 registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

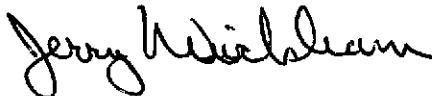
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional 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.

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,



Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

Mr. Michael Desso
Mr. Mark Hall
RO0000018
February 7, 2008
Page 4

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Kenneth Cheitlin
Hall Equities Group
1855 Olympic Blvd., Suite 250
Walnut Creek, CA 94596

Jennifer Costanza
Nestle USA, Inc.
800 North Brand Blvd.
Glendale, CA 91203

Binayak Acharya
Environmental Cost Management
52830 Quilla Road
Valencia, CA 91355

Robert Flory
AEI Consultants
2500 Camino Diablo Blvd., Suite 200
Walnut Creek, CA 94597

Donna Drogos, ACEH
Jerry Wickham, ACEH
File