

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

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ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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May 12, 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

Dear Mr. Desso and Mr. Hall:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site including the document entitled, "*Site Characterization Report, Former Carnation Facility, Oakland, CA,*" dated March 28, 2008. The site consists of a one-block area bordered by 16th Street on the north, 14th Street on the south, Poplar Street on the east, and Mandela Parkway on the west. The Site Characterization Report, which was prepared by AEI Consultants on behalf of Hall Equities for Encinal 14th Street LLC, discusses investigation and excavation results for the eastern half and southwestern quadrant of the site. Site investigation activities within the northwestern portion of the site are currently ongoing in a separate site investigation under the direction of Nestle USA.

The technical comments below discuss results presented in the Site Characterization Report only for the southwestern quadrant and eastern half of the site. The Site Characterization Report concludes that no further action is warranted with respect to the property outside of the deed restricted northwestern portion of the site where Nestle USA and their consultants are currently active. We concur that no further action is required in the southwestern quadrant of the site based on the available data, which indicate limited impact to soil and groundwater. At this time, we are not requesting further investigation or cleanup in the eastern half of the site pending sampling and decommissioning of the water supply well. If groundwater contamination is detected in the water supply well, additional investigation may be requested. We request that you complete the sampling and decommissioning of the water supply well and submit the results by July 14, 2008.

Given the progress on site investigation and cleanup in the eastern half of the site and the initiation of site characterization activities in the northwestern portion of the site, ACEH will consider separate regulatory cases for the northwestern portion of the site and the remainder of the site to potentially facilitate site reuse. In order to proceed with establishment of separate cases, please submit a written proposal that includes a description of the parcels, the rationale for the separation, and a map showing an outline of the property parcels.

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We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL COMMENTS

1. **Southwestern Quadrant of Site.** A former gasoline serve station was reported near the southwestern corner of the site. One soil boring (EB-5) was advanced in this area by Lowney Associates in 2004. Total petroleum hydrocarbons as diesel (TPHd) were detected in soil and groundwater collected from EB-9 at concentrations of 1.9 milligrams per kilogram and 58 milligrams per liter, respectively. No other fuel hydrocarbons or VOCs were detected in soil or groundwater samples from EB-9. The Site Characterization Report concludes that no further action is required in the southwestern quadrant. Based on the reported site investigation results, we concur that no further action is required in the southwestern quadrant of the site at this time.
2. **Abandoned in Place USTs.** Two abandoned in place USTs (T-4 and T-5) were removed during the latter half of 2007. Impacted soil around the tanks was excavated below the groundwater level and the excavation was dewatered several times. The excavation was expanded to include areas affected by free product and additional gasoline-contaminated soil. The Site Characterization Report concludes that no further action with regard to the two abandoned in place USTs (T4 and T5) is warranted. Based on the results of confirmation soil and groundwater samples, we concur that no further action is required at this time for the two abandoned in place USTs (T4 and T5).
3. **USTs Discovered during Building Demolition.** During demolition of the buildings in the eastern half of the site, three previously unidentified USTs were discovered. Each of the three tanks (T1, T2, and T3) were removed in 2007. Tank T1 was breached during removal of the overlying concrete slab resulting in the release of an estimated 50 gallons of fuel. Confirmation soil and groundwater samples collected after tank removal and excavation indicated that minimal soil or groundwater contamination remained in the Tank T1 area. No petroleum hydrocarbons or VOCs were detected in one soil sample collected beneath tank T2. Following tank removal and dewatering of the excavation, fuel hydrocarbons were not detected in soil samples from the excavation. Groundwater samples contained TPHg and TPHd at concentrations of 85 and 92 micrograms per liter ($\mu\text{g/L}$), respectively. The Site Characterization Report concludes that no further action with regard to the USTs T1, T2, and T3 is warranted. Based on the results of confirmation soil and groundwater samples, we concur that no further action is required at this time for USTs T1, T2, and T3.
4. **Former Water Supply Well.** A 10-inch diameter water supply well is present in the southeastern quadrant of the site in a basement vault. Sampling of this well was proposed in a work plan dated January 14, 2008. We request that you present a description of the sampling methods and results in a report by July 10, 2008. Please also identify the well decommissioning or repair activities undertaken to date and future plans for decommissioning the well. Specifically, will the former water supply well remain a potential receptor for residual groundwater contamination at the site?

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TECHNICAL REPORT REQUEST

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

- **July 14, 2008** – Results from Sampling of the Water Supply Well

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

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to 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 Instructions." 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. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all 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 monitoring wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is 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).

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

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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

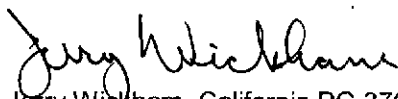
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

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

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341,
Oakland, CA 94612-2032

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

Tom Miller, Hall Equities Group, 1855 Olympic Blvd., Suite 250
Walnut Creek, CA 94596

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

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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

**Alameda County Environmental Cleanup
Oversight Programs
(LOP and SLIC)**

ISSUE DATE: July 5, 2005

REVISION DATE: December 16, 2005

PREVIOUS REVISIONS: October 31, 2005

SECTION: Miscellaneous Administrative Topics & Procedures

SUBJECT: Electronic Report Upload (ftp) Instructions

Effective **January 31, 2006**, 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.

REQUIREMENTS

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- Signature pages and perjury statements **must** be included and have either original or electronic signature.
- **Do not password protect the document**. Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted**.
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:
RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in Excel format. These are for use by assigned Caseworker only.

Submission Instructions

1) Obtain User Name and Password:

- a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to dehloptoxic@acgov.org
 - or
 - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of Alicia Lam-Finneke.
- b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses, and the Case Numbers (RO# available in Geotracker) you will be posting for**.

2) Upload Files to the ftp Site

- a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape and Firefox browsers will not open the FTP site.
- b) Click on File, then on Login As.
- c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
- d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
- e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.

3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs

- a) Send email to dehloptoxic@acgov.org notify us that you have placed a report on our ftp site.
- b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name at acgov.org. (e.g., firstname.lastname@acgov.org)
- c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload)