



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

October 6, 2010

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: Comments on Draft Fact Sheet for SLIC 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 following three documents:

1. "Draft Fact Sheet on Environmental Assessment" received August 10, 2010
2. "Draft Revised Risk Management Plan," dated September 7, 2010
3. "Covenant and Environmental Restriction on Property" received September 15, 2010.

We have provided comments below on the Draft Fact Sheet and request that you revise the Draft Fact Sheet accordingly. Following revision in accordance with the comments below, please upload an electronic version to the Alameda County ftp site for final approval and then distribute the Fact Sheet to the attached mailing list to begin the public comment period. Please note that you may delete duplicate names and addresses which appear on the list.

We have no comments on the "Draft Revised Risk Management Plan" or "Covenant and Environmental Restriction on Property," at this time. Revisions to these documents potentially could be requested in the future following the public comment period or agency review of the case closure summary and documentation.

COMMENTS ON DRAFT FACT SHEET

1. **Header.** Please revise "David J. Kears," to "Alex Briscoe" in the header.
2. **Title.** Please revise the title from "Fact Sheet on Environmental Assessment," to "Notification of Potential Case Closure for Fuel Leak Case."
3. **Site Remediation Summary.** We request that the text for this section of the public notice be revised to the following: "This Fact Sheet has been prepared to inform community members and other interested stakeholders regarding potential case closure for a fuel leak case in the northwest portion of the property located at 1310 14th Street, Oakland, California (Site). Petroleum hydrocarbons were

Mr. Michael Desso
Mr. Mark Hall
RO0000018
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detected in soil and groundwater samples collected during removal of underground storage tanks (UST) in December 1988 and January 1989. Approximately 1,200 cubic yards of contaminated soil was removed during the UST excavation. Further cleanup using product skimming, soil vapor extraction, groundwater extraction, and multi-phase extraction was conducted at the site from 1989 until 1999 when cleanup was stopped due to limited contaminant recovery by the remediation system. Following groundwater monitoring and additional site investigation activities including soil vapor sampling, a screening health risk evaluation was completed in May 2009. The screening health risk evaluation found that risks/hazards due to the residual contamination on site were within acceptable ranges for on-site commercial users of the site and off-site residents. However, the residual contamination may pose an unacceptable risk to future construction workers during intrusive construction work such as excavation. In order to prevent potential future exposure to contaminated soil and groundwater, institutional controls are proposed to control future land use and on-site activities. The institutional controls will be in the form of a Deed Restriction and Risk Management Plan (RMP).

4. **Site Background.** No changes requested.
5. **Remediation Alternative: Institutional Controls.** No changes requested.
6. **Next Steps.** No changes requested.
7. **Public Comment Period.** Please enter the month and day that the notice is sent out as the start date in the lower right hand corner. The end date should be 30 days following the start date.

TECHNICAL REPORT REQUEST

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

- **October 14, 2010** – Revised Public Notification of Potential Case Closure for Fuel Leak Case for ACEH final approval
- **October 21, 2010** – Confirmation of Distribution of Public Notification of Potential Case Closure for Fuel Leak Case

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

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Mr. Mark Hall
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Attachments: Mailing List for Public Notification of Potential Case Closure for Fuel Leak Case
Responsible Party(ies) Legal Requirements/Obligations

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341,
Oakland, CA 94612-2032 (*Sent via E-mail to: lgriffin@oaklandnet.com*)

Kenneth Cheitlin, Hall Equities Group, 1855 Olympic Blvd., Suite 250
Walnut Creek, CA 94596 (*sent via E-mail to KenC@hallequitiesgroup.com*)

Jennifer Costanza, Nestle USA, Inc., 800 North Brand Blvd.
Glendale, CA 91203 (*sent via E-mail to jennifer.costanza@us.nestle.com*)

Brent Searcy, Environmental Cost Management, 3525 Hyland Avenue, Suite 200, Costa Mesa, CA
92626 (*sent via E-mail to bsearcy@ecostmanage.com*)

Robert Flory, AEI Consultants, 2500 Camino Diablo Blvd., Suite 200
Walnut Creek, CA 94597 (*sent via E-mail to rflory@aeiconsultants.com*)

Markus Niebanck, amicus, 580 Second Street, Suite 260, Oakland CA 94607 (*Sent via E-mail to:
markus@amicusenv.com*)

Donna Drogos, ACEH (*Sent via E-mail to: donna.drogos@acgov.org*)
Jerry Wickham, ACEH
Geotracker, File

AGUILERA RAQUEL V
Parcel #: 5-371-14-2
1100 58TH AVE
OAKLAND CA 94621

ALSTAD ROGER & DEBBIE
Parcel #: 5-371-14-1
132 MORNING SUN AVE
MILL VALLEY CA 94941

BEASLEY NOLLA M &
Parcel #: 5-371-8
1430 15TH ST
OAKLAND CA 94607

BLAKE DOROTHY A TR
Parcel #: 5-393-7
1720 MARCO POLO WAY #I
BURLINGAME CA 94010

BLAKE DOROTHY A TR
Parcel #: 5-393-22
1720 MARCO POLO WAY #I
BURLINGAME CA 94010

BLAKE DOROTHY A TR
Parcel #: 5-393-6
1720 MARCO POLO WAY #I
BURLINGAME CA 94010

BLAKE DOROTHY A TR
Parcel #: 5-393-9-1
1720 MARCO POLO WAY #I
BURLINGAME CA 94010

BLAKE DOROTHY A TR
Parcel #: 5-393-8
1720 MARCO POLO WAY #I
BURLINGAME CA 94010

BLAKE DOROTHY A TR
Parcel #: 5-394-17-1
1720 MARCO POLO WAY #I
BURLINGAME CA 94010

BROOKS CRAIG & CELESTE
Parcel #: 5-371-9
5005 GOLDEN GATE AVE
OAKLAND CA 94618

CHEN XIAO Q
Parcel #: 5-371-4
2425 FARROL AVE
UNION CITY CA 94587

CITY OF OAKLAND
Parcel #: 5-389-1
250 FRANK OGAWA PLZ #4
OAKLAND CA 94612

CITY OF OAKLAND
Parcel #: 7-621-2
250 FRANK H OGAWA PLZ
OAKLAND CA 94612

CLEVELAND DARREN A
Parcel #: 5-371-19
1141 16TH ST
OAKLAND CA 94607

DEUTSCHE BANK NATIONAL
Parcel #: 5-372-18-2
7255 BAYMEADOWS WAY
JACKSONVILLE FL 32256

DRACHMA HOUSING L P
Parcel #: 5-372-17
2730 TELEGRAPH AVE
BERKELEY CA 94705

DUNN CATHERINE M
Parcel #: 5-372-7
1416 14TH ST
OAKLAND CA 94607

DUNN LAURA
Parcel #: 5-376-2-1
1527 UNION ST
OAKLAND CA 94607

ENCINAL 14TH STREET LLC
Parcel #: 5-482-1
1855 OLYMPIC BLVD #250
WALNUT CREEK CA 94596

ENCINAL 14TH STREET LLC
Parcel #: 5-482-2
1855 OLYMPIC BLVD #250
WALNUT CREEK CA 94596

FEDERAL NATIONAL
Parcel #: 5-371-17-2
1800 TAPO CANYON RD
SIMI VALLEY CA 93063

GARCIA JOSE E TR
Parcel #: 5-371-11
1510 CENTER ST
OAKLAND CA 94607

GROSSI THOMAS SR
Parcel #: 5-395-3-2
3264 BUSKIRK AVE
PLEASANT HILL CA 94523

GROSSI THOMAS SR
Parcel #: 5-395-3-3
3264 BUSKIRK AVE
PLEASANT HILL CA 94523

GUTIERREZ JUAN J &
Parcel #: 5-371-1-2
2236 OCCIDENTAL RD
HAYWARD CA 94545

GUTIERREZ JUAN J &
Parcel #: 5-371-18
2236 OCCIDENTAL RD
HAYWARD CA 94545

HARRISON RODELL
Parcel #: 5-395-15
1415 17TH ST
OAKLAND CA 94607

IVY JERRY TR
Parcel #: 5-482-3
450 FERGUSON DR
MT. VIEW CA 94043

IVY JERRY TR
Parcel #: 5-482-4
450 FERGUSON DR
MOUNTAIN VIEW CA 94043

IVY JERRY TR
Parcel #: 5-482-5
450 FERGUSON DR
MT. VIEW CA 94043

JACKSON LEONORA
Parcel #: 5-395-7
1432 16TH ST
OAKLAND CA 94607

JAMES BENJAMIN
Parcel #: 5-372-20-1
1433 CYPRESS ST
OAKLAND CA 94607

JAMES BENJAMIN JR &
Parcel #: 5-372-2-2
1419 MANDELA PKWY
OAKLAND CA 94607

JAMES KATHERINE E
Parcel #: 5-372-19
1415 15TH ST
OAKLAND CA 94607

JOHNS CARDELLA
Parcel #: 5-395-4
P.O. BOX 3264
MERCED CA 95344

JOSHI KAMAL K
Parcel #: 5-371-13
1524 CENTER ST
OAKLAND CA 94607

K & J PROPERTIES LLC
Parcel #: 5-376-9-1
2200 E CAMELBACK RD
PHOENIX AZ 85016

KARAH MOHAMED A
Parcel #: 5-395-17-1
1307 MONTE DIABLO AVE
SAN MATEO CA 94401

KEMBLE CARLA TR
Parcel #: 5-393-23-1
4475 GREEN VALLEY RD
FAIRFIELD CA 94534

KENDRICK LOVELL
Parcel #: 5-395-8
2001 E 30TH ST
OAKLAND CA 94606

LANAUX DANITA
Parcel #: 5-371-15
1433 16TH ST
OAKLAND CA 94607

LASALLE BANK NATIONAL
Parcel #: 5-371-16
4708 MERCANTILE DR N
FT. WORTH TX 76137

LAU MEILIN TR
Parcel #: 4-59-25-1
801 BATES AVE
EL CERRITO CA 94530

LN CURTIS & SONS
Parcel #: 5-397-3-2
1800 PERALTA ST
OAKLAND CA 94607

LOPEZ FEDERICO O &
Parcel #: 5-372-18-1
1423 15TH ST
OAKLAND CA 94607

NEIMAN ALBERT A
Parcel #: 5-371-12
1520 CENTER ST
OAKLAND CA 94607

PERKINS GLORIA
Parcel #: 5-371-7
1426 15TH ST
OAKLAND CA 94607

PERKINS GLORIA A TR
Parcel #: 5-371-6
1426 15TH ST
OAKLAND CA 94607

PERKINS GLORIA A TR
Parcel #: 5-371-5
1426 15TH ST
OAKLAND CA 94607

PUKATCH RICHARD N
Parcel #: 5-372-8
PO BOX 22008
OAKLAND CA 94623

REO HOMES LLC
Parcel #: 5-372-9
3220 EL CAMINO REAL
IRVINE CA 92602

REO HOMES LLC
Parcel #: 5-395-13
510 3RD ST #102
OAKLAND CA 94607

REO HOMES LLC
Parcel #: 5-395-14
510 3RD ST #102
OAKLAND CA 94607

RESIDENT
Parcel #: 5-371-1-2
1409 16TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-371-4
1412 15TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-371-6
1422 15TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-371-5
1414 15TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-371-16
1429 16TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-371-14-2
1526 CENTER ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-371-17-2
1421 16TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-372-8
1420 14TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-371-19
1411 16TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-372-2-2
1419 CYPRESS ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-372-9
1428 14TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-372-18-2
1417 15TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-376-9-1
1266 14TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-376-15-3
1522 POPLAR ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-371-9
1434 15TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-371-14-1
1532 CENTER ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-371-18
1417 16TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-372-17
1427 15TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-393-7
1380 E 17TH ST
OAKLAND CA 94606

RESIDENT
Parcel #: 5-392-13-1
1620 KIRKHAM ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-393-22
17TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-393-23-1
1701 KIRKHAM ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-395-4
1414 16TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-392-3-1
1601 POPLAR ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-389-1
1269 18TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-393-6
1374 E 17TH ST
OAKLAND CA 94606

RESIDENT
Parcel #: 5-393-9-1
1388 E 17TH ST
OAKLAND CA 94606

RESIDENT
Parcel #: 5-395-3-2
1408 16TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-395-3-3
1408 16TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-395-6
1426 16TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-393-8
1382 E 17TH ST
OAKLAND CA 94606

RESIDENT
Parcel #: 5-394-17-1
1617 KIRKHAM ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-395-17-1
1409 17TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-397-3-2
1705 CYPRESS ST
OAKLAND CA 94607

RESIDENT
Parcel #: 4-59-20-2
1312 KIRKHAM ST
OAKLAND CA 94607

RESIDENT
Parcel #: 4-59-25-1
1340 CYPRESS ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-482-3
1315 16TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-482-1
1315 16TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-482-2
1315 16TH ST
OAKLAND CA 94607

RESIDENT
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1315 16TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-482-5
1315 16TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-395-8
1440 16TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-395-13
1427 17TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 5-395-14
1421 17TH ST
OAKLAND CA 94607

RESIDENT
Parcel #: 7-621-2
CYPRESS ST
OAKLAND CA 94608

SAMUEL CRAIG & LILLIAN L
Parcel #: 5-395-6
101 TRAVALINI CT
EL SOBRANTE CA 94803

SPENCER MARC H
Parcel #: 5-372-6
1414 14TH ST
OAKLAND CA 94607

STEELE YVONNE
Parcel #: 5-395-5
1422 16TH ST
OAKLAND CA 94607

STORMOGIPSON KENNA &
Parcel #: 5-372-14
1420 CENTER ST
OAKLAND CA 94607

TADEMY VIRGINIA
Parcel #: 5-372-5
1410 14TH ST
OAKLAND CA 94607

TULARE VALLEY RAILROAD
Parcel #: 5-376-15-3
PO BOX 26421
SALT LAKE CITY UT 84126

TULLOCH LUCILLE A TR &
Parcel #: 5-392-13-1
3654 HAPPY VALLEY RD
LAFAYETTE CA 94549

Brian Beveridge
West Oakland EI Project
1747 14th Street
Oakland CA 94607

WANG RICHARD L & ROSE H
Parcel #: 4-59-20-2
151 CALLE LA MESA
MORAGA CA 94556

WU JIANGCHUN
Parcel #: 5-371-17-1
1425 16TH ST
OAKLAND CA 94607

Attachment 1
Responsible Party(ies) Legal Requirements/Obligations

REPORT REQUESTS

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/electronic_submittal/report_rqmts.shtml).

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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: July 8, 2010
	PREVIOUS REVISIONS: December 16, 2005, October 31, 2005
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

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 Teena Le Khan.
 - 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 Page on upper right side of browser, and then scroll down to Open FTP Site in Windows Explorer.
 - 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 @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) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.