

**Wickham, Jerry, Env. Health**

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**From:** Wickham, Jerry, Env. Health  
**Sent:** Wednesday, April 25, 2007 1:11 PM  
**To:** 'Jessica Moreno'  
**Cc:** Dermot O'Doherty; Olivia Jacobs  
**Subject:** RE: Fuel Leak Case No. RO0294

Jessica,

Based upon your request, the schedule for submittal of a Work Plan is extended to July 6, 2007.

Regards,  
*Jerry Wickham*  
Alameda County Environmental Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
510-567-6791 phone  
510-337-9335 fax  
[jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)

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**From:** Jessica Moreno [mailto:JMoreno@clearwatergroup.com]  
**Sent:** Tuesday, April 24, 2007 3:23 PM  
**To:** Wickham, Jerry, Env. Health  
**Cc:** Dermot O'Doherty; Olivia Jacobs  
**Subject:** Fuel Leak Case No. RO0294

Greetings Jerry,

I have been working with the 23rd Avenue Partners representative, Mr. O'Doherty, on trying to obtain building plans for the Miller Avenue site. We require the building plans to determine the appropriate number of sampling canisters and sampling duration necessary to complete the work plan requested in your letter dated February 6, 2007.

We met with Mr. O'Doherty in mid-February and since then he has conducted an extensive search of the property records and files that are available to him and has not been able to locate the specific building plans we requested. I have also asked Mr. O'Doherty if there is a specific building inspector or architectural firm that his property management company uses to produce such documents. To date I have not received a response with regards to either an inspector or firm in which he would like us to use.

With that being said, I do not believe that we will be able to meet the May 6, 2007 deadline for the submittal of the work plan for Sub slab or Indoor Air Sampling. Clearwater would like to request that an extension be granted to the submittal of said work plan. I believe we will need at least 60 days to contract with an inspector or architectural firm, have them produce the desired building plans and write the work plan. Our plan is to propose both sub slab and indoor vapor sampling in the work plan. Our client desires this project to come to a conclusion and we believe that both activities are required to completely address the potential for indoor vapor intrusion.

I do apologize for any inconvenience this may cause you and would greatly appreciate your consideration of our request.

Sincerely,  
*Jessica Moreno*  
Project Manager  
**Clearwater Group**  
229 Tewksbury Ave.

4/27/2007

**Wickham, Jerry, Env. Health**

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**To:** Jessica Moreno  
**Cc:** Dermot O'Doherty; Olivia Jacobs  
**Subject:** RE: Fuel Leak Case No. RO0294

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Regards,  
Jerry Wickham  
Alameda County Environmental Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
510-567-6791 phone  
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[jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)

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**To:** Wickham, Jerry, Env. Health  
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I do apologize for any inconvenience this may cause you and would greatly appreciate your consideration of our request.

Sincerely,  
Jessica Moreno  
Project Manager  
Clearwater Group  
229 Tewksbury Ave.  
Pt. Richmond, CA 94801  
510-590-1096

4/25/2007

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

February 6, 2007

Mr. Dermot O'Doherty  
P&D 23<sup>rd</sup> Avenue Associates  
P.O. Box 687  
Oakland, CA 94604

Subject: Fuel Leak Case No. RO0000294 and Geotracker Global ID T0600177455, 23<sup>rd</sup> Avenue Partners, 1125 Miller Avenue, Oakland, CA 94601

Dear Mr. O'Doherty:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site and the document entitled, "Soil Vapor And Soil Boring Sampling Results," dated January 11, 2007, prepared on your behalf by Clearwater Group. The "Soil Vapor And Soil Boring Sampling Results," presents the results of soil vapor and soil sampling conducted in the vicinity of a former fuel dispenser inside the building at 1125 Miller Avenue. Elevated concentrations of total petroleum hydrocarbons as diesel (TPHd) were detected in soil vapor and soil samples collected near the former fuel dispenser. Due to the elevated concentrations of TPHd in soil vapor and soil, the report proposed additional investigation consisting of delineating the horizontal extent of the hydrocarbon plume by using soil gas detection samplers. The report also recommended ambient vapor sampling within the building consisting of multiple vapor samples in both the residential and commercial areas of the building.

We concur that further evaluation of potential vapor intrusion within the adjacent occupied portion of the building is required. Therefore, we request that you submit a Work Plan by May 6, 2007 that describes the proposed soil vapor or ambient air sampling to evaluate potential vapor intrusion in the adjacent building. We do not foresee a need to conduct further investigation of the horizontal extent of contamination since both the source of contamination and potential point of exposure are known. The area of concern is the living space immediately adjacent to the former fuel dispenser where elevated concentrations of TPHd have been detected. Further investigation of the horizontal extent of contamination outside of the area of concern does not appear to be necessary. We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

**TECHNICAL COMMENTS**

1. **Subslab or Indoor Air Sampling.** In order to evaluate potential vapor intrusion within the occupied areas of the building adjacent to the former fuel dispenser, subslab or indoor air sampling is required. Subslab sampling of soil vapor is acceptable and conservative since the concentrations of TPHd and constituents detected below the slab will be significantly less than the concentrations in indoor air. If indoor air sampling is proposed, the Work Plan must describe how the sampling will address temporal and spatial variability due to such factors as

variation in airflow due to operation of the heating and vacuum system. Please present plans for subslab or indoor air sampling in the Work Plan requested below.

2. **Laboratory Analyses.** Soil vapor or indoor air samples are to be analyzed for TPHd, BTEX, and other volatile or semi-volatile diesel fuel components such as naphthalene and methylnaphthalene. Please present the proposed laboratory analyses in the Work Plan requested below.
3. **Nuisance Odors.** We concur with the recommendation to interview residents regarding nuisance odors. Please present the results in the Work Plan requested below.

### TECHNICAL REPORT REQUEST

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

- **May 6, 2007** – Work Plan

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](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 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

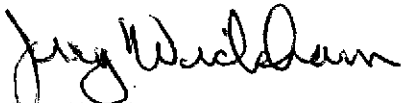
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

#### 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.

Sincerely,



Jerry Wickham  
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

Mr. Dermot O'Doherty  
February 6, 2007  
Page 4

cc: Jessica Moreno  
Clearwater Group  
229 Tewksbury Avenue  
Point Richmond, CA 94801

Sunil Ramdass  
SWRCB Cleanup Fund  
1001 I Street, 17<sup>th</sup> floor,  
Sacramento, CA 95814-2828 .

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

R0294

**Wickham, Jerry, Env. Health**

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**From:** Jessica Moreno [JMoreno@clearwatergroup.com]  
**Sent:** Wednesday, January 10, 2007 4:34 PM  
**To:** Wickham, Jerry, Env. Health  
**Subject:** FW: RO 0294

Hi Jerry,

Thank you for speaking with me in response to the e-mail below. Based on our conversation it is my understanding that right now it would be difficult for your office to provide definite guidance as to the direction this project should take. The results of the recent investigation have created uncertainty as to how to deal with the elevated concentrations of TPH-d and whether we are dealing with any long term exposure issues. Per our discussion I will go forward and make some recommendations as to what we would like to do next and then wait till you have had a chance to digest the data and respond with a directive. Part of the recommendations will include an interview with the property manager regarding any odor complaints that he may have received from the tenants. Again I appreciate you taking the time to discuss the complexities of this project and look forward to your response to the investigation report.

-Jessica

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**From:** Jessica Moreno  
**Sent:** Wed 1/10/2007 9:57 AM  
**To:** jerry.wickham@acgov.org  
**Subject:** RO 0294

Greetings Jerry,

I am finalizing the soil/soil vapor investigation report for 1125 Miller Avenue and I have attached the data tables for your reference. As you see in the tables this site is definitely more contaminated than we previously suspected and I would like to make sure we are on the same page as far as the direction this project should take. I ran a RBCA using the soil data (S8 through S11) for this site and to no surprise it failed for indoor vapor and soil exposure for both residential and commercial exposure scenarios.

My thought was that we should test the ambient air within the commercial and residential areas of the building and go from there. If there is no intrusion then maybe the site can be closed based on low risk with restrictions placed on any future development. If we detect hazardous vapor levels inside the building then some sort of engineering controls would need to be implemented while the contamination is remediate unless the engineering controls are sufficient. However the debate in my office is whether we should react in a more traditional fashion and first delineate the plume using soil vapor implants (like Gore Sorbers), investigate more areas with regards to groundwater and then come up with some sort of remediation approach for the site. In 2005/2006 I had recommended that we install groundwater monitoring wells and your response was that indoor vapor intrusion was of higher concern than impact to groundwater.

Now that the shallow soil contamination has been confirmed what are the ultimate goals for this site? I know the number one goal is to protect the folks that work and live there but like I said earlier we could go about that in a few different ways, so it would be a great help to know your thoughts on this. In no way am I asking you to make my recommendations for me, I am just trying to ensure that my recommendations are formulated based on what the County would ultimately like to see happen at this site. I appreciate your insight on this matter and look forward to your response.

Sincerely,

Jessica Moreno

Project Manager

**Clearwater Group**

229 Tewksbury Ave.

Pt. Richmond, CA 94801

510-590-1096

jmoreno@clearwatergroup.com

1/10/2007

RO 294

**Wickham, Jerry, Env. Health**

**From:** Jessica Moreno [JMoreno@clearwatergroup.com]  
**Sent:** Monday, December 04, 2006 12:53 PM  
**To:** Wickham, Jerry, Env. Health  
**Subject:** RO 294

Greetings Jerry,

I received the e-mail below from the lab analyzing the vapor samples from the recent soil vapor sampling event conducted at P&D 23rd Avenue Associates. It appears that the first vapor sample to be analyzed for TPHd/BTEX using TO-17 is saturated. According to the e-mail my analytical choices are either go for TPHd or go for BTEX. Could you please review what Heidi wrote and advise me as to which direction you prefer. If it makes a difference, TPHd was the only analyte detected in the soil sample collected at the same depth.

Thanks,

Jessica Moreno  
 Project Manager  
 Clearwater Group  
 229 Tewksbury Ave.  
 Pt. Richmond, CA 94801  
 510-590-1096  
[jmoreno@clearwatergroup.com](mailto:jmoreno@clearwatergroup.com)

Discussed w/ Jessica Moreno on 12/5/06.  
 Since can only get TPHd or BTEXs  
 will get TPHd results since ~~soil~~ soil samples  
 have not contained BTEX at any significant  
 concentrations.

**From:** Heidi Hayes [mailto:H.Hayes@airtoxics.com]  
**Sent:** Mon 12/4/2006 12:34 PM  
**To:** Jessica Moreno  
**Subject:** TO-17 Options

JTHW  
 12/5/06

Dear Jessica,

We analyzed the first TO-17 tube from workorder 0611361, labelled V1.4 1L and the concentrations on the sorbent tube saturated the mass spectrometer. Saturation occurs when the detector is overwhelmed by the concentration and is unable to accurately measure the mass. To provide an accurate concentration, samples are typically diluted and re-analyzed. However, the TO-17 analysis requires a thermal desorption step which requires the entire contents of the tube to be transferred to the GC inlet for analysis. The options available for diluting a TO-17 tube includes desorbing into a Tedlar bag and injecting a small volume back onto a tube for a "diluted" analysis. Since the compounds of concern are diesel range organics, this bag dilution option is not available. Compounds in this low volatility range do not effectively recover from a Tedlar bag. (BTEX is possible from the Tedlar bag, but the sample would need to be diluted for the diesel range VOCs.) If the other tubes are expected to be of similar or higher concentration than sample V1.4 1L, we will not be able to analyze by TO-17 and get useable results.

A alternative option is to perform a solvent desorption on the TO-17 tube, following NIOSH 1550 methodology. The contents of the tube will be transferred to a vial and extracted with Carbon Disulfide. Analysis is performed by GC/FID rather than GC/MS. This is a less sensitive technique with a reporting limit of approximately 50 ug (and 1 ug for BTEX). Estimating the mass from the first sample collected at 1L, it looks like the concentration will be well over 50 ug for the diesel range organics for the 4L sample. The BTEX will most likely be below the reporting limit.

12/5/2006



The caveats with utilizing the modified NIOSH 1550 approach for diesel and BTEX are as follows:

- 1) While we have validated desorption efficiency using the standard charcoal NIOSH 1550 tubes, we have not validated the carbotrap 300 multibed sorbent for this solvent extraction technique. We would extract and analyze a LCS on a blank carbotrap tube before proceeding with the samples to insure that recovery was acceptable. Due to the mass of the sorbent, extraction of the carbotrap 300 tube may require additional extraction solvent and raise the reporting limit from the 50 ug.
- 2) Most likely, we will not have detections of BTEX due to the lower sensitivity of the NIOSH technique. The FID detector used in NIOSH is also non-specific and prone to interferences from compounds eluting at the same retention time as BTEX.

The NIOSH approach seems like the best option to get some reportable data for your sampling event. Despite the additional extraction step and the destruction of the TO-17 tube, there will be no additional cost to you for this approach. The other option is to resample with lower sampling volumes.

Please advise on how you would like us to proceed with the remaining samples. Do not hesitate to call if you have any questions.

P.S. I misspoke on the earlier voicemail when I indicated that the RL for the diesel by NIOSH was 1 ug; it's 50 ug as described above.

Regards,  
Heidi Hayes  
Technical Director/Director of Business Development  
@ Air Toxics Ltd.  
A Woman Owned Small Business  
(916) 985-1000 ext. 1022

**CONFIDENTIALITY NOTICE:** This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. If you have received this communication in error, please contact our IS Department at its Internet address or by telephone at (916) 985-1000. Thank you.

**Wickham, Jerry, Env. Health**

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**From:** Jessica Moreno [JMoreno@clearwatergroup.com]  
**Sent:** Thursday, October 26, 2006 1:06 PM  
**To:** Wickham, Jerry, Env. Health  
**Subject:** RE: RO 0294

Thank you.

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**From:** Wickham, Jerry, Env. Health [mailto:jerry.wickham@acgov.org]  
**Sent:** Thu 10/26/2006 12:03 PM  
**To:** Jessica Moreno  
**Subject:** RE: RO 0294

Jessica,

Based upon your request, the schedule for submittal of a site assessment report is extended to January 11, 2007.

Regards,

*Jerry Wickham*

Hazardous Materials Specialist  
Alameda County Environmental Health  
1131 Harbor Bay Parkway  
Suite 250  
Alameda, CA 94502-6577  
510-567-6791 phone  
510-337-9335 Fax  
[jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)

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**From:** Jessica Moreno [mailto:JMoreno@clearwatergroup.com]  
**Sent:** Thursday, October 26, 2006 10:13 AM  
**To:** Wickham, Jerry, Env. Health  
**Subject:** RO 0294

Greetings Jerry,

Thank you for speaking with me regarding my other Oakland site this morning. I left a message for Donna, to confirm she received the report. Now regarding the Miller Avenue project.

We just received the signed cost proposal from the client yesterday. There was apparently some miscommunication between our client and the staff person covering my project while I was on maternity leave. Due to our field schedule being what it is, I was able to schedule the event for the week of November 13th pending the receipt of the appropriate permits. This means that I won't receive the analytical report till November 24th at the earliest and December 1st at the latest, which doesn't allow for much room to write the report with a December 4th deadline. Would it be possible to extend the deadline to January 4th? I would definitely appreciate any consideration you could give to this request, and apologize for any delay we may have caused.

Sincerely,  
*Jessica Moreno*  
Project Manager  
**Clearwater Group**  
229 Tewksbury Ave.

10/26/2006

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



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

August 4, 2006

Mr. Dermot O'Doherty  
P&D 23<sup>rd</sup> Avenue Associates  
P.O. Box 687  
Oakland, CA 94604

Subject: Fuel Leak Case No. [REDACTED] 1125 Miller Avenue, Oakland, CA – Work Plan Approval

Dear Mr. O'Doherty:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site and the document entitled, "Response to Agency Comments Addendum," dated July 14, 2006, prepared on your behalf by Clearwater Group. The "Response to Agency Comments Addendum," adequately addresses the technical comments regarding soil vapor sampling presented in ACEH's June 13, 2006 correspondence. Therefore, we request that you perform the proposed work and send us the reports described below.

**TECHNICAL REPORT REQUEST**

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

- **December 4, 2006** – Soil Vapor and Soil Boring Sampling 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**

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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](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)).

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#### 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.

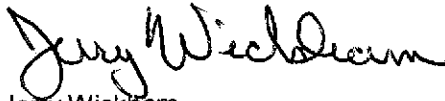
#### AGENCY OVERSIGHT

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.

Mr. Dermot O'Doherty  
August 4, 2006  
Page 3

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham  
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Jessica Chiaro-Moreno  
Clearwater Group  
229 Tewksbury Avenue  
Point Richmond, CA 94801

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

**Wickham, Jerry, Env. Health**

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**From:** Wickham, Jerry, Env. Health  
**Sent:** Wednesday, June 21, 2006 9:50 AM  
**To:** 'Jessica Moreno'  
**Subject:** RE: RO 0294

Greater detail on the SOP for purging, sampling, etc.

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**From:** Jessica Moreno [mailto:JMoreno@clearwatergroup.com]  
**Sent:** Friday, June 16, 2006 4:25 PM  
**To:** Wickham, Jerry, Env. Health  
**Subject:** RO 0294

Hi Jerry,

I received your letter approving our proposed soil boring and soil vapor event at the 1125 Miller Ave project, thank you. In your approval letter you requested that we submit a workplan addendum describing the proposed soil vapor sampling methods in greater detail. I don't mean to appear obtuse, but I am not sure how much information you would like regarding the soil vapor sampling method.

Are you asking that we acknowledge your request to collect confirmation samples using the Suma canisters on V2? Or are you asking for a comprehensive SOP for the collection of vapor samples using the sorbent tubes followed by the Suma canisters?

I figured I would nail down what it is you would like to see next, before working on the addendum.  
Sincerely,

*Jessica Moreno*  
Project Manager  
**Clearwater Group**  
229 Tewksbury Ave.  
Pt. Richmond, CA 94801  
510-590-1096  
[jmoreno@clearwatergroup.com](mailto:jmoreno@clearwatergroup.com)

**Wickham, Jerry, Env. Health**

---

**To:** Jessica Moreno**Subject:** RE: RO 0294

Jessica,

Please upload a copy of the corporation name change to the ACEH ftp site. It helps us to keep the RPs straight.  
Regards,

*Jerry Wickham*

Hazardous Materials Specialist  
Alameda County Environmental Health  
1131 Harbor Bay Parkway  
Suite 250  
Alameda, CA 94502-6577  
510-567-6791 phone  
510-337-9335 Fax  
[jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)

---

**From:** Jessica Moreno [<mailto:JMoreno@clearwatergroup.com>]**Sent:** Thursday, June 01, 2006 12:44 PM**To:** Wickham, Jerry, Env. Health**Subject:** RO 0294

Good Afternoon,

I wanted to let you know that we are waiting for the client to send us a perjury statement for the Response to Agency Comments Report that you requested in your March 24, 2005 letter. There has been a change with the contact person responsible for this project. The previous contact, Mr. Al Pelton, has retired. The new contact is Mr. Dermot O'Doherty. The RP name has also been changed from 23rd Avenue Partners to P&D 23rd Avenue Associates. I am currently working with the USTCF on updating the claimant records and will be submitting the appropriate documentation regarding the corporation name change today. I can pdf a copy of the letter and attachments for submittal to your office if desired. As for the new contact his information is as follows:

P&D 23rd Avenue Associates  
c/o: Mr. Dermot O'Doherty  
Director of Property Management  
Madison Park Financial  
Tribune Tower  
409 Thirteenth St., 8th Floor  
Oakland, CA 94612  
P.O. Box 687, Oakland, CA 94604  
phone: 510-452-2944  
fax 510-452-2973  
email [dermot@mpfcorp.com](mailto:dermot@mpfcorp.com)

Please let me know if you need a copy of the corporation name change documents in order to update the project name. Once I receive a copy of the perjury statement I will upload the report to ACEH web server.  
Sincerely,

*Jessica Moreno*  
Project Manager  
**Clearwater Group**  
229 Tewksbury Ave.  
Pt. Richmond, CA 94801

6/1/2006

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



7

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

June 13, 2006

Mr. Dermot O'Doherty  
P&D 23<sup>rd</sup> Avenue Associates  
P.O. Box 687  
Oakland, CA 94604

Subject: Fuel Leak Case No. [REDACTED] 125 Miller Avenue, Oakland, CA

Dear Mr. Pelton:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site and the document entitled, "Response to Agency Comments," dated May 31, 2006, prepared on your behalf by Clearwater Group. The "Response to Agency Comments," addresses technical comments presented in ACEH's March 24, 2006 correspondence. ACEH's March 24, 2006 correspondence requested a proposal to conduct additional work that may be required to evaluate the potential for residual product in shallow soil to create nuisance odors inside the building or pose a potential human health risk due to indoor vapor intrusion. In response to this request, the "Response to Agency Comments," proposes soil vapor sampling at three locations and three shallow soil borings in the portion of the building adjacent to the former dispenser. We concur with the proposed scope of work but request that you submit a Work Plan Addendum describing the proposed soil vapor sampling methods in greater detail.

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

**TECHNICAL COMMENTS**

1. **Soil Vapor Sampling.** Sampling onto sorbent tubes is proposed for the soil vapor samples. If sampling onto sorbent tubes is proposed for all samples, we request that duplicate soil vapor samples be collected in Suma canisters for the two soil vapor samples at proposed location V2.

**TECHNICAL REPORT REQUEST**

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

- **July 14, 2006** – Work Plan Addendum

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

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. 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](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 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.

Mr. Dermot O'Doherty  
June 13, 2006  
Page 3

**UNDERGROUND STORAGE TANK CLEANUP FUND**

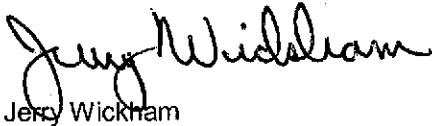
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

**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.

Sincerely,



Jerry Wickham  
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Jessica Chiaro-Moreno  
Clearwater Group  
229 Tewksbury Avenue  
Point Richmond, CA 94801

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



7

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

March 24, 2006

Mr. Allen Pelton  
23<sup>rd</sup> Avenue Partners  
P.O. Box 7509  
Oakland, CA 94601

Subject: Fuel Leak Case No. [REDACTED] 1125 Miller Avenue, Oakland, CA

Dear Mr. Pelton:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site and the report entitled, "Subsurface Investigation Results," dated February 23, 2006, prepared on your behalf by Clearwater Group. The report presents the results of soil and groundwater sampling conducted at the site on November 16, 2005. Based upon our review of these results, **ACEH requests that a Response to Agency Comments be submitted by May 31, 2006 to address the technical comments below.**

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

**TECHNICAL COMMENTS**

1. **Groundwater Monitoring Wells.** Based on the investigation results to date and site hydrogeology, the installation of a groundwater monitoring network or additional grab groundwater sampling is not required by ACEH at this time.
2. **Soil Contamination in the Area of the Former Dispenser.** In previous correspondence dated August 31, 2005, ACEH expressed concern with the potential for shallow soil contamination inside the building in the area of the former dispenser. As proposed in the "Response to Agency Comments and Workplan Addendum," dated October 12, 2005, boring S8 was advanced to a depth of four feet bgs at the former location of the fuel dispenser in order "to confirm or rule out any historic dispenser leakage." Total petroleum hydrocarbons as diesel were detected at a concentration of 92 milligrams per kilogram (mg/kg) in the soil sample collected at a depth of 3 to 4 feet below ground surface (bgs) in boring S8. However, the boring log for S8 indicates that product was observed surrounding the soil core and a strong diesel odor was observed. The observance of product around the core and a strong diesel odor does not appear to be consistent with the detection of 92 mg/kg of TPHd. Residual product in the soil would result in higher concentrations than 92 mg/kg. A soil sample collected at a depth of 3 feet bgs in boring D1, which was advanced in the area of the former dispenser in October 2000, contained 3,400 mg/kg of TPHd. Please discuss any factors that may have affected the sampling and analytical results for boring S8. In addition, please evaluate and discuss the potential for residual product in shallow soil to create nuisance odors inside the building or pose a potential human health risk due to indoor vapor

intrusion. Please propose any additional work that may be required to complete this evaluation or to remediate the shallow soil in the area of the dispenser.

### **TECHNICAL REPORT REQUEST**

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

- **May 31, 2006** – Response to Agency Comments

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**

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. 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](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)).

In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org).

### **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**

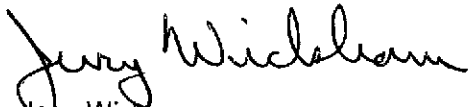
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

**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.

Sincerely,



Jerry Wickham  
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Jessica Chiaro-Moreno  
Clearwater Group  
229 Tewksbury Avenue  
Point Richmond, CA 94801

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

**Wickham, Jerry, Env. Health**

---

**To:** Jessica Chiaro  
**Subject:** RE: RO#0294

Jessica,

I have no objection to reviewing your lab data before making a decision on re-scheduling.

Regards,

*Jerry Wickham*

Hazardous Materials Specialist  
Alameda County Environmental Health  
1131 Harbor Bay Parkway  
Suite 250  
Alameda, CA 94502-6577  
510-567-6791 phone  
510-337-9335 Fax  
[jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)

---

**From:** Jessica Chiaro [[mailto:j\\_chiaro@comcast.net](mailto:j_chiaro@comcast.net)]  
**Sent:** Thursday, November 17, 2005 9:46 AM  
**To:** Wickham, Jerry, Env. Health  
**Subject:** RO#0294

Good Morning Jerry,

I wanted to update you on the soil boring event that occurred yesterday at 1125 Miller Avenue. I have attached the map with the proposed locations for your reference. We ran into some problems with borings S6 and S7.

We attempted to drill S6 five different times, with each time encountering refusal between 3 and 7 feet below ground surface. The geologist onsite said the material looks like old railroad ties or possibly the footing of an old foundation. We were only able to retrieve enough soil during the attempt that was refused at 7 feet to submit a sample for diesel analysis.

S7 was drilled successfully to 20 feet, with soil samples collected every five feet, which will be submitted for analysis. However the whole collapsed each time the driller tried to set the temporary well in order to obtain the water sample. The driller tried to a different spot in the immediate vicinity with the same out come. The geologist onsite informed me that there did not appear to be any visual indication of petroleum hydrocarbons in the soil samples collect. The vapors were screened onsite with a PID and did not produce any significant readings.

S5 was drilled successfully and we were able to obtain all of the soil samples and the water sample. Groundwater was encountered at 17 feet below ground surface. S8 was also completed successfully to 4 feet bgs.

We plan to submit all of the samples collected during the event for analysis. At this time we can wait and see what the lab reports for the soil samples collected from S7. Based on those results we would either recommend an additional subsurface investigation event using a HSA mounted drill rig to obtain water samples in both the S7 and S6 locations, or if they are ND our recommendation would be to do nothing assuming that S5 is also clean. Otherwise if you prefer we could schedule the HSA event as soon as a driller is available and re-mob to the site to complete S6 and S7. Please advise.

Sincerely,  
Clearwater Group  
Jessica Moreno  
Project Manager

11/17/2005

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

7

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

October 17, 2005

Allen Pelton  
23<sup>rd</sup> Avenue Partners  
P.O. Box 7509  
Oakland, CA 94601

Subject: Fuel Leak Case No. ~~RO0000284~~, 1125 Miller Avenue, Oakland, CA – Work Plan Approval

Dear Mr. Pelton:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site and the document entitled, "Response to Agency Comments and Work Plan Addendum," dated October 12, 2005. The Response to Agency Comments and Work Plan Addendum were prepared in response to ACEH technical comments contained in correspondence dated August 31, 2005. ACEH concurs with the Response to Agency Comments and Work Plan Addendum.

We request that you perform the proposed work, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)) prior to the start of field activities.

#### TECHNICAL REPORT REQUEST

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

- **February 28, 2006** – Soil and Groundwater Investigation 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

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) now request submission of reports in electronic form. The electronic copy is intended to replace the need for a paper copy 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 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, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). Please visit the State Water Resources Control Board for more information on these requirements ([http://www.swrcb.ca.gov/ust/cleanup/electronic\\_reporting](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 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.



Mr. Allen Pelton  
October 17, 2005  
Page 3

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham  
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: James Jacobs  
Clearwater Group  
229 Tewksbury Avenue  
Point Richmond, CA 94801

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



7

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

August 31, 2005

Allen Pelton  
23<sup>rd</sup> Avenue Partners  
P.O. Box 7509  
Oakland, CA 94601

Subject: Fuel Leak Case N [REDACTED], 1125 Miller Avenue, Oakland, CA – Work Plan Comments

Dear Mr. Pelton:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site and the work plan entitled, "Work Plan: Groundwater Monitoring Well Installation," dated January 26, 2004, prepared on your behalf by Environmental Bio-Systems, Inc. The work plan proposes a scope of work to advance three soil borings and to complete each of the borings as monitoring wells. **ACEH requests that a Response to Agency Comments and Work Plan Addendum be submitted by October 14, 2005 to address the technical comments below.**

We request that you address the following technical comments, perform the proposed work, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)) prior to the start of field activities.

**TECHNICAL COMMENTS**

1. **Scope of Work (Section 4).** The Work Plan indicates that, "the scope of work is to evaluate the extent of ground water impact by MTBE." Please confirm that the two former underground storage tanks stored diesel fuel and that MTBE has not been detected and is not suspected to be present at the site. Please provide this confirmation in the Response to Agency Comments and Work Plan Addendum requested below.
2. **Proposed Boring Locations.** Proposed boring location MW-1 is less than 10 feet from previous sampling location TW-2. We request that proposed boring location MW-1 be moved further south to a location approximately 10 feet south of TW-2. Please provide a revised Site Plan showing the proposed boring locations in the Response to Agency Comments and Work Plan Addendum requested below.
3. **Soil Samples.** ACEH requests that soils be continuously logged in each of the soil borings. Soil samples are to be collected for laboratory analyses in each soil boring at minimum five-foot intervals, beginning at a depth of 3 feet below ground surface. Soil samples are also to be collected where staining, odor, or elevated photoionization readings are detected. One soil sample is also to be collected at the soil/groundwater interface as proposed in Section 4.1.1 of the Work Plan.

4. **Groundwater Samples.** Based on the levels of petroleum hydrocarbons previously detected in groundwater at the site, monitoring wells may not be required at the site. Therefore, we request that grab groundwater samples be collected from the three proposed borings rather than installing monitoring wells in each of the borings. The grab groundwater samples are to be collected within the upper five feet of the saturated zone. Please describe the method for collection of grab groundwater samples in the Response to Agency Comments and Work Plan Addendum requested below.
  
5. **Dispenser Removal.** ACEH is concerned with the potential for shallow soil contamination within the building in the area of the dispenser. Please provide any further background information available regarding soil excavation and observed soil conditions beneath the product piping and the dispenser inside the building. This information is to be presented in the Response to Agency Comments and Work Plan Addendum requested below.

#### **TECHNICAL REPORT REQUEST**

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

- **October 14, 2005** – Response to Agency Comments and Work Plan Addendum
  
- **120 days after ACEH approval of Work Plan Addendum** – Soil and Groundwater Investigation 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**

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) now request submission of reports in electronic form. The electronic copy is intended to replace the need for a paper copy 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 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, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). Please visit the State Water Resources Control Board for more information on these requirements ([http://www.swrcb.ca.gov/ust/cleanup/electronic\\_reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)).

**PERJURY STATEMENT**

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**PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS**

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**UNDERGROUND STORAGE TANK CLEANUP FUND**

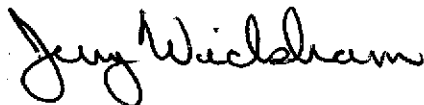
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

**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.

Sincerely,



Jerry Wickham  
Hazardous Materials Specialist

Allen Pelton  
August 31, 2005  
Page 4

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Jim Ho  
Clearwater Group  
229 Tewksbury Avenue  
Point Richmond, CA 94801

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

20294  
CVA



Arnold Schwarzenegger  
Governor

# State Water Resources Control Board

## Division of Financial Assistance

1001 I Street • Sacramento, California 95814  
P.O. Box 944212 • Sacramento, California • 94244-2120  
(916) 341-5714 • FAX (916) 341-5806 • www.swrcb.ca.gov/cwphome/ustcf



Terry Tamminen  
Secretary for  
Environmental  
Protection

DEC 10 2003

23rd Ave Partners  
P O Box 7509  
Oakland, CA 94601

Alameda County

DEC 15 2003

Environmental Health

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), CLAIM NO. 017719, FOR  
SITE ADDRESS: 1125 MILLER AVE, OAKLAND

The State Water Resources Control Board (State Board) is able to issue, pursuant to applicable regulations, the enclosed Letter of Commitment (LOC) in an amount not to exceed \$33,000. This LOC is based upon our review of the corrective action costs you reported to have incurred to date. The LOC may be modified by the State Board.

It is very important that you read the terms and conditions listed in the enclosed LOC. Claims filed with the Underground Storage Tank Cleanup Fund far exceed the funding available and it is very important that you make use of the funding that has been committed to your cleanup in a timely manner.

You are reminded that you must comply with all regulatory agency time schedules and requirements and you must obtain three bids for any required corrective action. Only corrective action costs *required* by the regulatory agency to protect human health, safety and the environment can be claimed for reimbursement. If you have any questions on of your costs, please call Sunil Ramdass, our Technical Reviewer assigned to claims in your Region, at (916) 341-5757.

The following documents needed to submit your reimbursement request are enclosed:

"Reimbursement Request Instructions" package. **Retain this package for future reimbursement requests.** These instructions must be followed when seeking reimbursement for corrective action costs incurred after January 1, 1988. Included in the instruction package are samples of completed reimbursement request forms and spreadsheets.

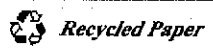
"Bid Summary Sheet" to list information on bids received which **must be completed and returned.**

"Reimbursement Request" forms which you **must use to request reimbursement of costs incurred.**

"Spreadsheet" forms which you **must use in conjunction with your reimbursement request.**

"Notice of Change of Address" form if needed.

*California Environmental Protection Agency*



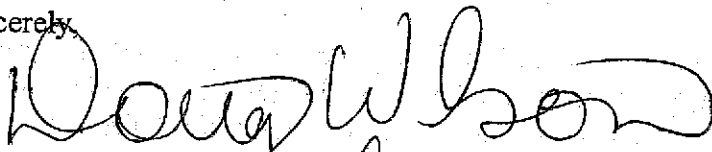
**THIS IS IMPORTANT TO YOU, PLEASE NOTE:**

**Signature(s) on the application will be the signature(s) required for all future Fund documents.**

You have 90 calendar days from the date of this letter to submit your first reimbursement request for incurred corrective action costs. **NO EXTENSIONS CAN BE GRANTED.** If you fail to do so, your LOC funds will automatically be reduced to zero (deobligated). Once this occurs, any future funds for this site are subject to availability when you submit your first reimbursement request. We continuously review the status of all active claims. You must continue to remain in compliance and submit a reimbursement request every 6 months. Failure to do so will result in the Fund taking steps to withdraw your LOC.

If you have any questions regarding the enclosed documents, please contact Toru Okamoto at (916) 341-5649.

Sincerely,



Allan V. Patton, Manager  
Underground Storage Tank Cleanup Fund

Enclosures

cc: Mr. Chuck Headlee  
RWQCB, Region 2  
1515 Clay Street, Ste. 1400  
Oakland, CA 94612

Ms. Donna Drogos  
Alameda County EHD  
1131 Harbor Bay Pkway, 2nd Fl.  
Alameda, CA 94502-6577



Winston H. Hickox

Secretary for  
Environmental  
Protection

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.  
For a list of simple ways you can reduce demand and cut your energy costs, see our website at [www.swrcb.ca.gov](http://www.swrcb.ca.gov).*

# State Water Resources Control Board

## Division of Financial Assistance

1001 I Street • Sacramento, California 95814  
P.O. Box 944212 • Sacramento, California • 94244-2120  
(916) 341-5714 ♦ FAX (916) 341-5806 ♦ [www.swrcb.ca.gov/cwphome/ustcf](http://www.swrcb.ca.gov/cwphome/ustcf)



Gray Davis  
Governor

August 12, 2003

23rd Ave Partners  
P O Box 7509  
Oakland, CA 94601

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), NOTICE OF ELIGIBILITY DETERMINATION: CLAIM NUMBER 017719; FOR SITE ADDRESS: 1125 MILLER AVE, OAKLAND

Your claim has been accepted for placement on the Priority List in Priority Class "B" with a deductible of \$5,000.

We have completed our initial review. The next step in the claim review process is to conduct a compliance review.

**Compliance Review:** Staff reviews, verifies, and processes claims based on the priority and rank within a priority class. After the Board adopts the Priority List, your claim will remain on the Priority List until your Priority Class and rank are reached. At that time, staff will conduct an extensive Compliance Review at the local regulatory agency or Regional Water Quality Control Board. During this Compliance Review, staff may request additional information needed to verify eligibility. Once the Compliance Review is completed, staff will determine if the claim is valid or must be rejected. If the claim is valid, a Letter of Commitment will be issued obligating funds toward the cleanup. If staff determine that you have not complied with regulations governing site cleanup, you have not supplied necessary information or documentation, or your claim application contains a material error, the claim will be rejected. In such event, you will be issued a Notice of Intended Removal from the Priority List, informed of the basis for the proposed removal of your claim, and provided an opportunity to correct the condition that is the basis for the proposed removal. Your claim will be barred from further participation in the Fund, if the claim application contains a material error resulting from fraud or intentional or negligent misrepresentation.

**Record keeping:** During your cleanup project you should keep complete and well organized records of all corrective action activity and payment transactions. If you are eventually issued a Letter of Commitment, you will be required to submit: (1) copies of detailed invoices for all corrective action activity performed (including subcontractor invoices), (2) copies of canceled checks used to pay for work shown on the invoices, (3) copies of technical documents (bids, narrative work description, reports), and (4) evidence that the claimant paid for the work performed (not paid by another party). These documents are necessary for reimbursement and failure to submit them could impact the amount of reimbursement made by the Fund. ***It is not necessary to submit these documents at this time; however, they will definitely be required prior to reimbursement.***

**Compliance with Corrective Action Requirements:** In order to be reimbursed for your eligible costs of cleanup incurred after December 2, 1991, you must have complied with corrective action requirements of Article 11, Chapter 16, Division 3, Title 23, California Code of Regulations. Article 11 categorized the corrective action process into **phases**. In addition, Article 11 requires the responsible party to submit an

***California Environmental Protection Agency***



*investigative workplan/Corrective Action Plan (CAP)* before performing any work. This phasing process and the workplan/CAP requirements were intended to:

1. help the responsible party undertake the necessary corrective action in a cost-effective, efficient and timely manner;
2. enable the regulatory agency to review and approve the proposed cost-effective corrective action alternative before any corrective action work was performed; and
3. ensure the Fund will only reimburse the most cost-effective corrective action alternative required by the regulatory agency to achieve the minimum cleanup necessary to protect human health, safety and the environment.

In some limited situations *interim cleanup* will be necessary to mitigate a demonstrated immediate hazard to public health, or the environment. Program regulations allow the responsible party to undertake interim remedial action after: (1) notifying the regulatory agency of the proposed action, and; (2) complying with any requirements that the regulatory agency may set. Interim remedial action should only be proposed when necessary to mitigate an immediate demonstrated hazard. ***Implementing interim remedial action does not eliminate the requirement for a CAP and an evaluation of the most cost-effective corrective action alternative.***

Three bids and Cost Preapproval: Only corrective action costs required by the regulatory agency to protect human health, safety and the environment can be claimed for reimbursement. You must comply with all regulatory agency time schedules and requirements and you must obtain three bids for any required corrective action. Unless waived in writing, you are required to obtain preapproval of costs for all future corrective action work. ***If you do not obtain three bids or a waiver of the three bid requirement, reimbursement is not assured and costs may be rejected as ineligible.***

If you have any questions, please contact me at (916) 341-5714.

Sincerely,

*Shari Knieriem*

Shari Knieriem  
Claims Review Unit  
Underground Storage Tank Cleanup Fund

cc: Ms. Donna Drogos  
Alameda County EHD  
1131 Harbor Bay Pkway, 2nd Fl.  
Alameda, CA 94502-6577

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



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

RO0000294

September 10, 2003

Mr. Allen Pelton  
23<sup>rd</sup> Avenue Partners  
P.O. Box 7509  
Oakland, CA 94601

**RE: 1125 Miller Avenue, Oakland, CA**

Dear Mr. Pelton:

Alameda County Environmental Health (ACEH) staff has reviewed Environmental Bio-Systems, Inc's October 2002 *Site Closure Report* and your request for closure of the above referenced site. Based upon our review of your site we are unable to close your case at this time. Additional work is necessary at your site to progress toward case closure. We request that you address the following technical comments below.

**TECHNICAL COMMENTS**

- The horizontal and vertical extent of soil and groundwater contamination has not been delineated.

Additionally, please be advised that this decision is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Sections 25296.40, 25297.1, and 25299.39.2 of the California Health & Safety Code. Please contact the SWRCB Underground Storage Tank Program at (916) 341-5851 for information regarding the appeal process. Petitions must be filed within 30 days from the date of this letter.

Lastly, since I am no longer working in the LOP program, your case has been assigned to Mr. Amir Gholami. He can be reached at (510) 567-6876

eva chu  
Hazardous Materials Specialist

c: Donna Drogos  
Amir Gholami

email: James Jacobs

Ro-294

**CLEARWATER**  
G R O U P  
*Environmental Services*

Alameda County

JUL 03 2003

Environmental Health

Eva Chu  
Hazardous Materials Specialist  
Alameda County Health Care Services  
Environmental Health Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

July 1, 2003

RE: Certification of Financial Responsibility  
1125 Miller Ave., Oakland, CA  
StID 1445  
USTCF Claim # 017719  
CG Project # CB018C

Dear Ms. Chu,

On behalf of my client, 23<sup>rd</sup> Avenue Partners, I am submitting a completed Certification of Financial Responsibility Form. The chosen approved method is the State Underground Storage Tank (UST) Cleanup Fund. The mechanism that is used in conjunction with the UST Cleanup Fund is a letter from the Chief Financial Officer, Mr. Allen Pelton, also enclosed. If there are any questions regarding the information supplied on the forms, please do not hesitate to contact my office at 510-307-9943 ext 236.

Sincerely,  
Clearwater Group



Jessica Chiaro  
Environmental Scientist

Enclosures



NOTE: Effective July 1, 1995, California Small Businesses and California Businesses with 500 employees or less must demonstrate at least \$5,000, exclusive of the UST Cleanup Fund, businesses with over 500 employees must demonstrate at least \$10,000. (Chap. 6.75 H&SC, Sect. 25299.32)

The Chief Financial Officer or the owner or operator must sign, under penalty of perjury, a letter worded EXACTLY as follows or you may complete this letter by filling in the blanks with appropriate information:

LETTER FROM CHIEF FINANCIAL OFFICER

I am the Chief Financial Officer for 23RD AVE. PARTNERS  
(Business name, business address, and correspondence address of owner or operator)  
P.O. Box 7509 OAKLAND, CA 94601

This letter is in support of the use of the **Underground Storage Tank Cleanup Fund** to demonstrate financial responsibility for taking corrective action and/or compensating third parties for bodily injury and property damage caused by an unauthorized release of petroleum in the amount of at least \$ 5,000 per occurrence and \$ 5,000 annual aggregate coverage.  
(Dollar Amount) (Dollar Amount)

Underground storage tanks at the following facilities are assured by this letter:  
23RD. AVE. PARTNERS, 1125 MILLER AVE. OAKLAND, CA 94601  
(Name and address of each facility for which financial responsibility is being demonstrated.)

- 1. Amount of annual aggregate coverage being assured by this letter..... \$ 5,000
- 2. Total tangible assets..... \$ 1,309,520
- 3. Total liabilities..... \$ 40,493
- 4. Tangible net worth (subtract line 3 from line 2. Line 4 must be at least 10 times line 1)..... \$ 1,269,027

I hereby certify that the wording of this letter is identical to the wording specified in subsection 2808.1(d)(1), Chapter 18, Division 3, Title 23 of the California Code of Regulations.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed at OAKLAND, CA.  
(Place of Execution)

On 6/22/03  
(Date)

Allen E. Pelton Jr.  
(Signature)

ALLEN E. PELTON JR.  
(Printed Name)

TREASURER  
(Title)

R0294 EC



# State Water Resources Control Board



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

## Division of Financial Assistance

1001 I Street • Sacramento, California 95814  
P.O. Box 944212 • Sacramento, California • 94244-2120  
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**Gray Davis**  
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.*

JUN 16 2003

23rd Ave Partners  
P O Box 7509  
Oakland, CA 94601

Alameda County  
JUN 19 2003  
Environmental Health

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), REQUEST FOR FURTHER DOCUMENTATION DURING INITIAL REVIEW: CLAIM NUMBER 017719; FOR SITE ADDRESS: 1125 MILLER AVE, OAKLAND

After reviewing your claim application to the Cleanup Fund, we find that the following additional information is needed to determine your eligibility for placement on the Priority List:

Claimant is required to have current financial responsibility documents on file. Please submit the original documents to the local regulatory agency and forward a copy to the Fund. If you have any questions regarding the requirements for financial responsibility, please contact Doug Wilson of our office at (916) 341-5745.

Page three of the claim application appears to be incomplete. The subject USTs were removed in 1998; however, the chronology has the ending date in 1993. Who was the UST owner/operator after 1993? Was the trucking company the operator at the time of removal? Please complete the chronology from 1993 to current.

Claimant did not complete the Request for Assignment for Priority Class B. Also, claimant must submit their DE-6 for the last four quarters. Please complete.

Submit a removal permit for all underground storage tanks listed in claim application.

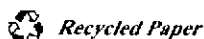
Claimant is required to provide documentation that all current and prior UST fees due on or after January 1, 1991 imposed by Section 25299.41 of the Health and Safety Code have been paid. If any of the USTs owned or operated had product placed in them on or after January 1, 1991, attach the most recent copy of the UST Fee Return Form filed with the State Board of Equalization (BOE) with proof of payment (copy of canceled check).

A copy of the permit to own or operate the UST from the local implementing agency dated between January 1, 1984 and January 1, 1990 (pursuant to Chapter 6.7 of the Health and Safety Code).

If you were not subject to the permit requirement, submit documentation to confirm this claim. Situations where the permit was not required by January 1, 1990, can include: a) you removed all USTs prior to January 1, 1990; and not replaced; b) you decommissioned all USTs pursuant to the direction of the regulatory agency prior to January 1, 1984; c) you sold the property and tanks by January 1, 1990.

If you were subject to the permit requirement but failed to comply by January 1, 1990, you can request the State Board to waive the requirement as a condition for eligibility. To request a waiver, complete the enclosed "Permit Waiver Request" form and return with any additional information requested below.

*California Environmental Protection Agency*



**NOTE:** Failure to respond to this request within thirty (30) calendar days from the date of this letter may result in an ineligibility determination of your claim.

If you have any questions, please contact me at (916) 341-5714.

Sincerely,

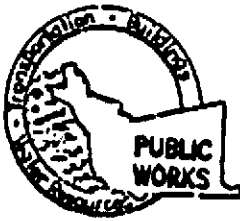


Shari Knieriem  
Claims Review Unit  
Underground Storage Tank Cleanup Fund

cc: Mr. Steve Morse  
RWQCB, Region 2  
1515 Clay Street, Ste. 1400  
Oakland, CA 94612

Ms. Donna Drogos  
Alameda County EHD  
1131 Harbor Bay Pkway, 2nd Fl.  
Alameda, CA 94502-6577





# ALAMEDA COUNTY PUBLIC WORKS AGENCY

**WATER RESOURCES SECTION**  
399 ELMHURST ST. MAYWARD CA 94541-1395  
PHONE (510) 670-6633 James Yee  
FAX (510) 782-1929

APPLICANTS: PLEASE ATTACH A SITE MAP FOR ALL DRILLING PERMIT APPLICATIONS  
DESTRUCTION OF WELLS OVER 45 FEET REQUIRES A SEPARATE PERMIT APPLICATION

## DRILLING PERMIT APPLICATION

FORM APPLICANT TO COMPLETE

FOR OFFICE USE

LOCATION OF PROJECT 1125 Miller Ave  
Oakland CA

PERMIT NUMBER \_\_\_\_\_  
WELL NUMBER \_\_\_\_\_  
APN \_\_\_\_\_

CLIENT Name Dreisbach Enterprises  
Address Po Box 2509 Phone (510) 533-6600  
City Oakland CA Zip 94601

PERMIT CONDITIONS  
Circled Permit Requirements Apply

APPLICANT Name Environmental Bio-Systems, Inc.  
Address 701 View Pk Rd Phone 415-381-5816  
City Mill Valley CA Zip 94941

### A. GENERAL

1. A permit application should be submitted so as to arrive at the ACPWA office five days prior to proposed starting date.
2. Submit to ACPWA within 60 days after completion of permitted original Department of Water Resources Well Completion Report.
3. Permit is void if project not begun within 90 days of approval date.

### B. WATER SUPPLY WELLS

1. Minimum surface seal thickness is two inches of cement grout placed by tremie.
2. Minimum seal depth is 50 feet for municipal and industrial wells or 20 feet for domestic and irrigation wells unless a lesser depth is specially approved.

### C. GROUNDWATER MONITORING WELLS INCLUDING PIEZOMETERS

1. Minimum surface seal thickness is two inches of cement grout placed by tremie.
2. Minimum seal depth for monitoring wells is the maximum depth practicable or 20 feet.

### D. GEOTECHNICAL

Backfill bore hole by tremie with cement grout or cement grout/sand mixture. Upper two-three feet replaced in kind or with compacted casing.

### E. CATHODIC

Fill hole sand zone with concrete placed by tremie.

### F. WELL DESTRUCTION

Send a map of work site. A separate permit is required for wells deeper than 45 feet.

### G. SPECIAL CONDITIONS

NOTE: One application must be submitted for each well or well destruction. Multiple borings on one application are acceptable for geotechnical and contamination investigations.

### TYPE OF PROJECT

- |                     |                            |
|---------------------|----------------------------|
| Well Construction   | Geotechnical Investigation |
| Cathodic Protection | General                    |
| Water Supply        | Contamination              |
| Monitoring          | Well Destruction           |

### PROPOSED WATER SUPPLY WELL USE:

- |              |                      |
|--------------|----------------------|
| New Domestic | Replacement Domestic |
| Municipal    | Impoundment          |
| Industrial   | Other                |

soil survey (2 borings)

### DRILLING METHOD:

- |            |            |
|------------|------------|
| Mod Rotary | Air Rotary |
| Cable      | Other      |

Direct pushing rig

DRILLER'S NAME: EAST-TEK Engineering Support Svc.

DRILLER'S LICENSE NO. 624461

### WELL PROPERTIES

Drill Hole Diameter 1/2" Maximum Depth 10 ft  
Casing Diameter 5/8" Owner's Well Number \_\_\_\_\_  
Surface Seal Depth N/A

### GEOTECHNICAL PROPERTIES

Number of Borings \_\_\_\_\_ Maximum Depth \_\_\_\_\_ ft  
Hole Diameter \_\_\_\_\_ in.

ESTIMATED STARTING DATE: 4-5-02  
ESTIMATED COMPLETION DATE: 6-5-02

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_

I hereby agree to comply with all requirements of this permit and Alameda County Ordinance No. 73-68.

APPLICANT'S SIGNATURE James A Jacobs CHG # 88 DATE 4-4-02

PLEASE PRINT NAME James A Jacobs Rev. 3-04-02



20-294

**CLEARWATER**  
G R O U P  
*Environmental Services*

Eva Chu  
Hazardous Materials Specialist  
Alameda County Health Care Services  
Environmental Health Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

December 16, 2002

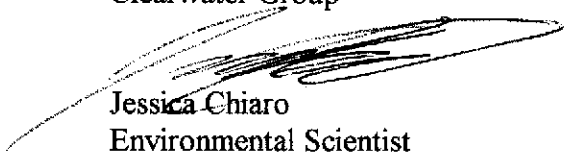
**Alameda County**  
**DEC 20 2002**  
**Environmental Health**

RE: UST Unauthorized Release Form  
1125 Miller Ave., Oakland, CA  
StID 1445  
CG Project # CB018C

Dear Ms. Chu,

On behalf of my client, Mr. Allen Pelton (23<sup>rd</sup> Avenue Partners), I am submitting a completed Underground Storage Tank Unauthorized Release/ Contamination Site Report. The report was completed with the aid of Jim Jacobs of Environmental Bio-Systems. If you have any questions regarding the information contained in the report, please do not hesitate to call my office at (510) 307-9943 ext. 236.

Sincerely,  
Clearwater Group



Jessica Chiaro  
Environmental Scientist

Cc: Mr. Allen Pelton

UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		FOR LOCAL AGENCY USE ONLY I HEREBY CERTIFY THAT I HAVE DISTRIBUTED THIS INFORMATION ACCORDING TO THE DISTRIBUTION SHOWN ON THE INSTRUCTIONS SHEET ON THE BACK PAGE OF THIS FORM.		
REPORT DATE 1/2/02		CASE #		SIGNED: _____ DATE: _____		
REPORTED BY	NAME OF INDIVIDUAL FILING REPORT James A Jacobs		PHONE (415) 381-5195		SIGNATURE James A Jacobs	
	REPRESENTING <input checked="" type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> LOCAL AGENCY <input type="checkbox"/> OTHER		COMPANY OR AGENCY NAME Environmental Bio-Systems			
ADDRESS 707 View Point Rd Mill Valley CA STATE 94941 ZIP						
RESPONSIBLE PARTY	NAME 23rd Ave Partners <input type="checkbox"/> UNKNOWN		CONTACT PERSON Al Pelton		PHONE (510) 533-6600	
	ADDRESS 2530 East Eleventh Street CITY Oakland STATE CA 94601					
SITE LOCATION	FACILITY NAME (IF APPLICABLE) Heitz Trucking, Inc		OPERATOR		PHONE ( )	
	ADDRESS 1125 Miller Ave STREET Oakland CITY Alameda COUNTY 94601 ZIP CROSS STREET E. 11th Street					
IMPLEMENTING AGENCIES	LOCAL AGENCY Alameda County Health Care Services		AGENCY NAME Eva Chu		CONTACT PERSON (510) 567-6700	
	REGIONAL BOARD San Francisco Bay		CONTACT PERSON Lori Casius		PHONE (510) 622-2300	
SUBSTANCES INVOLVED	(1) NAME Diesel		QUANTITY LOST (GALLONS) <input checked="" type="checkbox"/> UNKNOWN			
	(2)		<input type="checkbox"/> UNKNOWN			
DISCOVERY/ABATEMENT	DATE DISCOVERED 1/2/02		HOW DISCOVERED <input type="checkbox"/> INVENTORY CONTROL <input type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS <input type="checkbox"/> TANK TEST <input checked="" type="checkbox"/> TANK REMOVAL <input type="checkbox"/> OTHER			
	DATE DISCHARGE BEGAN <input checked="" type="checkbox"/> UNKNOWN		METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input type="checkbox"/> REMOVE CONTENTS <input checked="" type="checkbox"/> CLOSE TANK & REMOVE <input type="checkbox"/> REPAIR PIPING <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> CLOSE TANK & FILL IN PLACE <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> REPLACE TANK <input type="checkbox"/> OTHER			
	HAS DISCHARGE BEEN STOPPED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE 1/2/02		SOURCE OF DISCHARGE <input type="checkbox"/> TANK LEAK <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER			
SOURCE/ CAUSE	CAUSE(S) <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> SPILL <input type="checkbox"/> CORROSION <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER					
	CASE TYPE CHECK ONE ONLY <input type="checkbox"/> UNDETERMINED <input type="checkbox"/> SOIL ONLY <input checked="" type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)					
CURRENT STATUS	CHECK ONE ONLY <input type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT WORKPLAN SUBMITTED <input type="checkbox"/> POLLUTION CHARACTERIZATION <input type="checkbox"/> LEAK BEING CONFIRMED <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT UNDERWAY <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> REMEDIATION PLAN <input checked="" type="checkbox"/> CASE CLOSED (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> CLEANUP UNDERWAY					
	REMEDIAL ACTION CHECK APPROPRIATE ACTION(S) <input checked="" type="checkbox"/> EXCAVATE & DISPOSE (ED) <input type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO DEGRADATION (IT) <input type="checkbox"/> CAP SITE (CD) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input type="checkbox"/> TREATMENT AT HOOKUP (HU) <input type="checkbox"/> VENT SOIL (VS) <input type="checkbox"/> VACUUM EXTRACT (VE) <input type="checkbox"/> OTHER (OT)					
COMMENTS						

## INSTRUCTIONS

### EMERGENCY

Indicate whether emergency response personnel and equipment were involved at any time. If so, a Hazardous Material Incident Report should be filed with the State Office of Emergency Services (OES) at 2800 Meadowview Road, Sacramento, CA 95832. Copies of the OES report form may be obtained at your local underground storage tank permitting agency. Indicate whether the OES report has been filed as of the date of this report.

### LOCAL AGENCY ONLY

To avoid duplicate notification pursuant to Health and Safety code Section 25180.5, a government employee should sign and date the form in this block. A signature here does not mean that the leak has been determined to pose a significant threat to human health or safety, only that notification procedures have been followed if required.

### REPORTED BY

Enter your name, telephone number, and address. Indicate which party you represent and provide company or agency name.

### RESPONSIBLE PARTY

Enter name, telephone number, contact person, and address of the party responsible for the leak. The responsible party would normally be the tank owner.

### SITE LOCATION

Enter information regarding the tank facility. At a minimum, you must provide the facility name and full address.

### IMPLEMENTING AGENCIES

Enter names of the local agency and Regional Water Quality Control Board involved.

### SUBSTANCES INVOLVED

Enter the name and quantity lost of the hazardous substance involved. Room is provided for information on two substances if appropriate. If more than two substances leaked, list the two of most concern for cleanup.

### DISCOVERY/ABATEMENT

Provide information regarding the discovery and abatement of the leak.

### SOURCE/CAUSE

Indicate source(s) of leak. Check box(es) indicating cause of leak.

### CASE TYPE

Indicate the case type category for this leak. Check one box only. Case type is based on the most sensitive resource affected. For example, if both soil and ground water have been affected, case type will be "Ground Water". Indicate "Drinking Water" only if one or more municipal or domestic water wells have actually been affected. A "Ground Water" designation does not imply that the affected water cannot be, or is not, used for drinking water, but only that water wells have not yet been affected. It is understood that case type may change upon further investigation.

### CURRENT STATUS

Indicate the category which best describes the current status of the case. Check one box only. The response should be relative to the case type. For example, if case type is "Ground Water", then "Current Status" should refer to the status of the ground water investigation or cleanup, as opposed to that of soil. Descriptions of options follow:

No Action Taken - No action has been taken by responsible party beyond initial report of leak.

Leak Being Confirmed - Leak suspected at site, but has not been confirmed.  
Preliminary Site Assessment Workplan Submitted - workplan/proposal requested of/submitted by responsible party to determine whether ground water has been, or will be, impacted as a result of the release.  
Preliminary Site Assessment Underway - implementation of workplan.  
Pollution Characterization - responsible party is in the process of fully defining the extent of contamination in soil and ground water and assessing impacts on surface and/or ground water.  
Remediation Plan - remediation plan submitted evaluating long term remediation options. Proposal and implementation schedule for appropriate remediation options also submitted.  
Cleanup Underway - implementation of remediation plan.  
Post Cleanup Monitoring in Progress - periodic ground water or other monitoring at site, as necessary, to verify and/or evaluate effectiveness of remedial activities.  
Case Closed - regional board and local agency in concurrence that no further work is necessary at the site.

IMPORTANT: THE INFORMATION PROVIDED ON THIS FORM IS INTENDED FOR GENERAL STATISTICAL PURPOSES ONLY AND IS NOT TO BE CONSTRUED AS REPRESENTING THE OFFICIAL POSITION OF ANY GOVERNMENTAL AGENCY

### REMEDIAL ACTION

Indicate which action have been used to cleanup or remediate the leak. Descriptions of options follow:

Cap Site - install horizontal impermeable layer to reduce rainfall infiltration.  
Containment Barrier - install vertical dike to block horizontal movement of contaminant.  
Excavate and Dispose - remove contaminated soil and dispose in approved site.  
Excavate and Treat - remove contaminated soil and treat (includes spreading or land farming).  
Remove Free Product - remove floating product from water table.  
Pump and Treat Groundwater - generally employed to remove dissolved contaminants.  
Enhanced Biodegradation - use of any available technology to promote bacterial decomposition of contaminants.  
Replace Supply - provide alternative water supply to affected parties.  
Treatment at Hookup - install water treatment devices at each dwelling or other place of use.  
Vacuum Extract - use pumps or blowers to draw air through soil.  
Vent Soil - bore holes in soil to allow volatilization of contaminants.  
No Action Required - incident is minor, requiring no remedial action.

COMMENTS - Use this space to elaborate on any aspects of the incident.

SIGNATURE - Sign the form in the space provided.

### DISTRIBUTION

If the form is completed by the tank owner or his agent, retain the last copy and forward the remaining copies intact to your local tank permitting agency for distribution.

1. Original - Local Tank Permitting Agency
2. State Water Resources Control Board, Division of Clean Water Programs, Underground Storage Tank Program, P.O. Box 944212, Sacramento, CA 94244-2120
3. Regional Water Quality Control Board
4. Local Health Officer and County Board of Supervisors or their designee to receive Proposition 65 notifications.
5. Owner/responsible party.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

RO0000294

April 15, 2002

Mr. Allen Pelton  
23<sup>rd</sup> Avenue Partners  
P.O. Box 7509  
Oakland, CA 94601

**RE: Workplan Approval for 1125 Miller Avenue, Oakland, CA**

Dear Mr. Pelton:

I have completed review of Environmental Bio-Systems, Inc's March 2002 *Site Closure Workplan* prepared for the above referenced site. The workplan proposed three tasks: prepare a detail sensitive receptor survey; collect soil vapor data; and, prepare a Risk Management Plan (RMP).

Upon review of subsurface investigations conducted to date at the site, it appears that the collection of soil vapor data is not necessary. The former tanks contained diesel fuel and residual benzene in soil does not appear to be a problem at the site. However, the preparation of a detail sensitive receptor survey and a RMP is appropriate to support your recommendation for site closure.

The sensitive receptor survey should, at a minimum, determine if water supply wells (domestic or irrigation wells) are likely to be impacted by the contaminant plume, and if conduits (utility trenches, underground creeks, etc) act as preferential pathways for migration of contaminants. The RMP should, at a minimum, address the proper maintenance of a concrete cap over the area of residual soil contamination (by the former dispenser), provide notice to construction workers in the event trenching or excavation is proposed in the vicinity of residual contamination, and maintain that no domestic wells will be installed at the site.

If you have any questions, I can be reached at (510) 567-6762.

eva chu  
Hazardous Materials Specialist

email: James Jacobs

1125miller-4



# State Water Resources Control Board



Winston H. Hickox  
Secretary for  
Environmental  
Protection

Division of Clean Water Programs  
2014 T Street • Sacramento, California 95814 • (916) «TECHPHONE»  
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120  
FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/cwphome/ustcf>

Gray Davis  
Governor

September 18, 2000

Mr. Al Pelton  
23<sup>rd</sup> Avenue Partners  
P. O. Box 7509  
Oakland, CA 94601

*Handwritten notes:*  
FHS  
EC  
PO 0294

**PRE-APPROVAL OF CORRECTIVE ACTION COSTS,  
CLAIM NO. PENDING, PRE-APPROVAL NO. 1  
SITE ADDRESS: 1125 MILLER AVENUE, OAKLAND, CA**

I have reviewed your signed Acceptance of/Concur with Reasonable Costs Determination; I will place these documents in your file for future reference. I have included a copy of the "Cost Pre-Approval Request" form; please use this form in the future for requesting pre-approval of corrective action costs.

With the following provisions, the total cost pre-approved as eligible for reimbursement for completing the July 25, 2000, Environmental Bio-Systems, Inc. proposal/workplan is \$5,155.00; see the table below for a breakdown of costs.

*Be aware that this pre-approval does not constitute a decision on reimbursement: necessary (as determined by the Fund) corrective action costs for corrective action work will be eligible for reimbursement at costs consistent with those pre-approved in this letter. However, depending on what happens in the field, some costs may not actually be necessary. If the Fund agrees that they were in fact necessary, the Fund will reimburse at reasonable rates (rates consistent with those pre-approved.)*

***In an effort to expedite future reimbursement requests associated with the implementation of these pre-approved tasks, we request that the attached 'Pre-Approval Specific Reimbursement Request Spreadsheet' be completed/updated and submitted with the relevant supporting documentation.***

***In order for future costs for corrective action to be part of the expedited reimbursement processes they must be pre-approved in writing by Fund staff and must meet the requirements of Article 11, Chapter 16, Underground Storage Tank Regulations.***

**COST PRE-APPROVAL BREAKDOWN**

#	Task*	Reasonable Cost, \$	Comments/Changes
1	Prepare a Workplan for preliminary site assessment	\$260	To prepare a site assessment workplan for preliminary site assessment to drill 3 soil borings to 10 feet below ground surface (bgs).
2	Health and Safety Plan	\$100	Prepare a health and safety plan for the SA.
3	Utility Location Services	\$300	Out side services (plus markup)
4	Staff Geologist for drilling oversight (6 hours)	\$450	Site drilling, sample collection (6 soil samples & 3 GW samples).
5	Geo-Probe drill rig	\$1500	Limited site assessment drilling (approximate total drilling depth of 30 feet bgs)
6	Laboratory Analysis	\$690	Laboratory analysis of 6-soil and 3 GW samples for TPH(d), BTEX & MTBE (confirm with EPA method 8260)
7	One 55-gallon drum	\$55	Use one 55-gallon drum to store purged GW.
8	Sampling Materials	\$600	Install three pre-packed well screens and risers as permanent GW monitoring wells.
9	Project Management	\$1200	Prepare a Site Assessment Report (including figures showing the iso-concentration maps for TPH(d), BTEX, MTBE, surrounding properties, utilities and conclusions and recommendations.
	<b>TOTAL Reasonable Cost</b>	<b>\$5155</b>	

\* Task descriptions are the same as those identified in Environmental Bio-Systems, Inc. Cost Estimate

- The actual costs and scope of work performed must be consistent with the pre-approval for it to remain valid. Only the tasks/costs reflected on the above table are pre-approved at this time. The Fund will review any tasks/costs that go beyond the pre-approved amount to determine if the additional tasks and costs are necessary and reasonable. Unfortunately, if costs exceed the pre-approval amounts, Fund staff will be unable to expedite your reimbursement request associated with this pre-approval.
- The work products must be acceptable to the Regional Board.
- The Fund regulations require three bids for corrective action work unless three bids are unnecessary, unreasonable or impossible under the particular circumstances. Because the proposed costs appear reasonable, it is unnecessary to obtain three bids for the proposed corrective action efforts; the Fund's three bid requirement is waived for this scope of work only. Any future scopes of work are subject to the three bid requirement unless a waiver of the bidding requirements is received.

Mr. Al Pelton  
Claim No. Pending

-3-

September 18, 2000  
Pre-Approval Request No. 1

- If a different scope of work becomes necessary, then you must request pre-approval of costs on the new scope of work.
- Although I have referred to Environmental Bio-Systems, Inc. proposal in my pre-approval above, please be aware that you will be entering into a private contract: the State of California cannot compel you to sign any specific contract. This letter **pre-approves the costs** as presented in the proposal dated July 25, 2000 by Environmental Bio-Systems, Inc. for implementing the workplan.

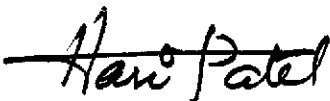
If you need assistance in procuring contractor and consultant services, don't hesitate to call me.

Please remember that it is still necessary to submit the actual costs of the work as explained in the Reimbursement Request Instructions to confirm that the costs are consistent with this pre-approval before you will be reimbursed. *Please insure that your consultant prepares their invoices to include the required break down of costs on a time and materials basis, that invoiced tasks are consistent with the original proposal, and that reasonable explanations are provided for any changes made in the scope of work or increases in the costs. When the invoices are submitted you must include copies of all:*

- *subcontractor invoices,*
- *technical reports, when available, and*
- *applicable correspondence from the Alameda County Health Care Services.*

Please call if you have any questions; I can be reached at (916) 227-7886.

Sincerely,



Hari Patel, Sanitary Engineering Associate  
Technical Review Unit  
Underground Storage Tank Cleanup Fund

Enclosure

cc: Eva Chu  
Alameda County Health Care Services  
✓ 1131 Harbor Bay Parkway, Suite 250  
Alameda, Ca 94502-6577



# State Water Resources Control Board



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

**Division of Clean Water Programs**  
2014 T Street • Sacramento, California 95814 • (916) «TECHPHONE»  
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120  
FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/cwphome/ustcf>

**Gray Davis**  
Governor

August 11, 2000

Mr. Al Pelton  
23<sup>rd</sup> Avenue Partners  
P. O. Box 7509  
Oakland, CA 94601

*[Handwritten signatures]*

00 AUG 15 PM 2:52  
PROTECTION

RO 0294

**REQUEST FOR PRE-APPROVAL OF CORRECTIVE ACTION COSTS,  
SITE ADDRESS: 1125 MILLER AVENUE, OAKLAND, CA**

I have reviewed your request, received on July 25, 2000, for pre-approval of corrective action costs; I will place these documents in your file for future reference. I have included a copy of the "Cost Pre-Approval Request" form; please use this form in the future for requesting pre-approval of corrective action costs.

Pursuant to Section 2811.4, subdivision (c), of the Cleanup Fund regulations and based upon the materials submitted, the Cleanup Fund must deny your request for pre-approval. You have failed to submit the required three bids for the tasks covered by your pre-approval request. Also the, single bid you provided for the task covered by your pre-approval request is unreasonable for the scope of work. Based on the Cleanup Fund's experience with similar sites in your area, we have determined that \$5155 is reasonable for the tasks included in your pre-approval request. The breakdown of costs associated with each task is shown in Table 1 below. Based upon the information you submitted and in the absence of additional bids, we can only pre-approve \$5155.

There are two options available to you. You must secure the requisite bids for the tasks covered by the pre-approval request, and the Cleanup Fund will evaluate the reasonableness of the costs in light of the additional bids.

Or, you may resubmit the existing bid and request pre-approval for the amounts specified in Table 1. Since the Cleanup Fund has determined that the amount specified in Table 1 is reasonable for this scope of work, the three-bid requirement is unnecessary if you concur with the Cleanup Fund's determination. The Cleanup Fund has the authority to waive the three-bid requirement as unnecessary upon your request to do so. Therefore, if your resubmitted pre-approval request only seeks pre-approval for the amount the Cleanup Fund has determined reasonable (the amount specified in Table 1) and you request waiver of the three-bid requirement as unnecessary, the Cleanup Fund will grant your request for pre-approval and waive the three bid requirement, with respect to this scope of work, as unnecessary.



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

StID 1445

May 2, 2000

Mr. Allen Pelton  
23<sup>rd</sup> Avenue Partners  
P.O.Box 7509  
Oakland, CA 94601

**RE: Work Plan Approval for 1125 Miller Avenue, Oakland, CA**

Dear Mr. Pelton:

I have completed review of Environmental BioSystems, Inc.'s February 2000 *Work Plan: Subsurface Exploration* and their April 2000 addendum to the work plan. The proposal to advance three exploratory borings around the former underground storage tank (UST) excavation and to advance one boring at the former dispenser area at the above referenced site is acceptable. Soil samples will be collected from each boring. Grab groundwater samples will be collected from the UST area. All samples will be analyzed for TPHd, BTEX, and MTBE.

Field work should commence within 60 days of the date of this letter. Please provide 72 hours notice prior to the start of field activities. If you have any questions, I can be reached at (510) 567-6762.

eva chu  
Hazardous Materials Specialist

email: Tim Babcock ([TMBatEBS@aol.com](mailto:TMBatEBS@aol.com))

**ENVIRONMENTAL BIO-SYSTEMS, INC.**

P.O. Box 7171

San Jose, California 95150-7171

**FACSIMILE COVER SHEET****DATE:** 4/14/2000 **TIME:** 2:30 P.M.**TO:** Eva Chu**OF:** Alameda County HCSA/DEIJ**FACSIMILE NUMBER:** 1(510)337-9335**FROM:** Dave Sadoff**Message:****NUMBER OF PAGES (including cover):** 2**Original to follow via:** N/A

**Private and Confidential** The sender intends to communicate the contents of this transmission only to the person to whom it is addressed. This transmission may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. If the recipient of this transmission is not the designated recipient or the employee or agent responsible for delivering this transmission to the designated recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone ((408)264-3123, collect) and promptly return the original transmission to us at the above address by mail. We will reimburse you for costs you may incur.



## Environmental Bio-Systems, Inc.

Innovative Solutions for a Better Environment

Contractor's License A-1142 687238

14 April 2000

Eva Chu  
Alameda County Health Care Services Agency  
1131 Harbor Bay Parkway, Room 250  
Alameda, CA 94502-6577

RE: 1125 Miller Avenue, Oakland

Dear Ms. Chu:

The purpose of this letter is to memorialize our recent telephone conversation regarding the referenced site. In that discussion, you conditionally approved our *Work Plan: Subsurface Exploration, 23rd Avenue partners, 1125 Miller Avenue, Oakland, California* dated 18 February 2000. You stated that you would like an additional soil sample to be collected from beneath the former dispenser location. We therefore propose to core the concrete at that location, and to collect a soil sample from soil immediately beneath the concrete pad. This sample will be analyzed for the same analytes described in our work plan.

If this meets with your satisfaction, please write an approval letter for the work plan and this addendum. That document would be required for our client's application for cost pre-approval from the California Petroleum Underground Storage Tank Cleanup Fund.

If you have any questions, please call me at my direct line (510.317.1455). Thank you for your attention to this matter.

Sincerely,

ENVIRONMENTAL BIO-SYSTEMS, INC.

  
Dave A. Sadoff  
Project Geologist, R.G., C.P.G., R.F.A.

/DAS

cc: Al Pelton, 23rd Avenue Partners

## **Chu, Eva, Public Health, EH**

---

**From:** Chu, Eva, Public Health, EH  
**Sent:** venerdì 15 ottobre 1999 16.04  
**To:** 'TMBatEBS@aol.com'  
**Subject:** RE: 1125 Miller Ave., Oakland

I don't know of any nearby sites with wells, but then, I'm not really looking. The diesel levels didn't seem too high. Maybe you could consider direct-push technology to collect soil and water samples around the former tank excavation. Pay particular attention to the west, southwest direction. And if soil and groundwater samples are insignificant, we can close the case without permanent wells. The water samples must be collected carefully, with pre-packed screens and with purging. If this sounds reasonable, send a workplan. The soil and groundwater sample with the highest diesel hit should also be analyzed for PNAs. Also check to see there are no potential conduits for lateral or vertical migration of contaminants and that there are no drinking water wells, surface water, channels, etc.

*eva chu*

Alameda Co. Environmental Health  
Phone: (510) 567-6762  
Fax: (510) 337-9335

-----  
**From:** TMBatEBS@aol.com[SMTP:TMBatEBS@aol.com]  
**Sent:** venerdì 15 ottobre 1999 15.43  
**To:** EChu@co.alameda.ca.us  
**Subject:** 1125 Miller Ave., Oakland

Hi Eva. I received the letter you sent regarding your review of our report on UST removal. I'm sure I had already seen it and had simply forgotten.

This is a postage-stamp sized lot. Do you know of any wells in the site vicinity which we could access to reduce site wells to be installed to only 2?

Thanks for your help.

Tim Babcock

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

StID 1445

July 16, 1999

Mr. Allen Pelton  
23<sup>rd</sup> Avenue Partners  
P.O.Box 7509  
Oakland, CA 94601

**RE: PSA for 1125 Miller Avenue, Oakland, CA**

Dear Mr. Pelton:

I have completed review of Environmental Bio-Systems, Inc.'s April 1999 *UST Excavation* report prepared for the above referenced site. This report documented the removal of two underground storage tanks (USTs), fuel dispenser pump, and associate product piping. Soil samples were collected from the tank excavation at a depth of approximately 9 feet. Up to 1,800 parts per million total petroleum hydrocarbons as diesel was detected in the soil samples. Benzene and MTBE were not detected above the laboratory detection limits.

At this time, additional investigations are required to delineate the extent of soil and possible groundwater contamination due to the fuel release from the former USTs. Such an investigation should be in the form of a Preliminary Site Assessment (PSA). The information gathered by the PSA will be used to determine an appropriate course of action to remediate the site, if deemed necessary. The PSA must be conducted in accordance with the RWQCB Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks, and Article 11 of Title 23, California Code of Regulations. The major elements of such an investigation are summarized in the attached Appendix A. The PSA proposal is due within 60 days of the date of this letter, or by **September 20, 1999**.

Also enclosed is an ULR which should be completed and returned within 10 days of the date of this letter. If you have any questions, I can be reached at (510) 567-6762.

eva chu  
Hazardous Materials Specialist

enclosures

1125miller-1

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

StID 1445

July 16, 1999

Mr. Allen Pelton  
23<sup>rd</sup> Avenue Partners  
P.O.Box 7509  
Oakland, CA 94601

**SUBJECT: NEW LANDOWNER NOTIFICATION AND PARTICIPATION REQUIREMENTS  
FOR 1125 MILLER AVENUE, OAKLAND CA**

This letter is to inform you of new legislative requirements pertaining to cleanup and closure of sites where an unauthorized release of hazardous substance, including petroleum, has occurred from an underground storage tank (UST). Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code requires the primary or active responsible party to notify all current record owners of fee title to the site of: 1) a site cleanup proposal, 2) a site closure proposal, 3) a local agency intention to make a determination that no further action is required, and 4) a local agency intention to issue a closure letter. Section 25297.15(b) requires the local agency to take all reasonable steps to accommodate responsible landowners' participation in the cleanup or site closure process and to consider their input and recommendations.

For purposes of implementing these sections, you have been identified as the primary or active responsible party. Please provide to this agency, within twenty calendar days of receipt of this notice, a complete mailing list of all current record owners of fee title to the site. You may use the enclosed "list of landowners" form (sample letter 2) to comply with this requirement. If the list of current record owners of fee title to the site changes, you must notify the local agency of the change within 20 calendar days from when you are notified of the change.

If you are the sole landowner, please indicate that on the landowner list form. The following notice requirements do not apply to responsible parties who are the sole landowner for the site.

In accordance with Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code, you must certify to the local agency that all current record owners of fee title to the site have been informed of the proposed action before the local agency may do any of the following:

- 1) consider a cleanup proposal (corrective action plan)
- 2) consider a site closure proposal
- 3) make a determination that no further action is required
- 4) issue a closure letter

Al Pelton  
re: 1125 Miller Ave, Oakland, CA  
July 16, 1999  
Page 2 of 2

You may use the enclosed "notice of proposed action" form (sample letter 3) to comply with this requirement. Before approving a cleanup proposal or site closure proposal, determining that no further action is required, or issuing a closure letter, the local agency will take all reasonable steps necessary to accommodate responsible landowner participation in the cleanup and site closure process and will consider all input and recommendations from any responsible landowner.

If you have any questions, I can be reached at (510) 567-6762.

eva chu  
Hazardous Materials Specialist

Attachments

c: Chuck Headlee, RWQCB

OAKLAND FIRE SERVICES AGENCY  
Transfer of Eligible Local Oversight Case

STID 1445 Date of input/By: 7/16/99

Date: 5.3.99 From: CRAFORD

Site Name: TANK REMOVAL 23<sup>rd</sup> Avenue Park next

Address: 1125 MILLER City: OAKLAND Zip: 94601

To be eligible for LOP, case must meet 3 qualifications:

- 1.  Y  N Tanks Removed? # removed? 2 Date removed: 12/2/98
- 2.  Y  N Samples received? Contamination level: 1800 ppm  
Type of test: TPHD

Contamination should be over 100 ppm TPH to qualify for LOP

- 3.  Y  N Petroleum? Circle Type (s):

Avgas leaded fuel oil      jet  
 diesel      waste oil      kerosene      solvents

FAXED TO EVA CHU @ 337-9335