

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



SCOUT
08-07-06

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 23rd Avenue Associates
P.O. Box 687
Oakland, CA 94604

Subject: Fuel Leak Case No. RO0000294, 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

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).

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.

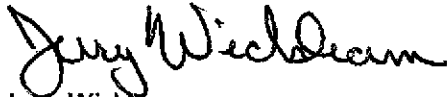
AGENCY OVERSIGHT

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. 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

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



SENT
06-14-06

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
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FAX (510) 337-9335

June 13, 2006

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

Subject: Fuel Leak Case No. RO0000294, 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 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.

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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



SCNT
03-27-06

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
23rd Avenue Partners
P.O. Box 7509
Oakland, CA 94601

Subject: Fuel Leak Case No. RO0000294, 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

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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.

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

Mr. Allen Pelton
March 24, 2006
Page 3

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

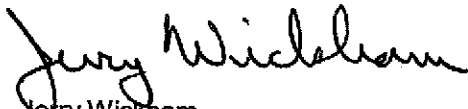
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

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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



SENT
10-17-05

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
23rd Avenue Partners
P.O. Box 7509
Oakland, CA 94601

Subject: Fuel Leak Case No. RO0000294, 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@accgov.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).

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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.

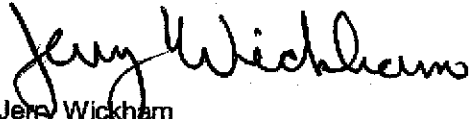
AGENCY OVERSIGHT

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.

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



9-11-03

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-8577
(510) 567-6700
FAX (510) 337-9335

RO0000294

September 10, 2003

Mr. Allen Pelton
23rd 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

A handwritten signature in black ink, appearing to read 'eva chu'.

eva chu
Hazardous Materials Specialist

c: Donna Drogos
Amir Gholami

email: James Jacobs

1125miller-5

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



04-17-02

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
23rd 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

SENT 5-2-2000

WJC

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

20294

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
23rd 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)

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0294

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
23rd 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

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0291

Stid 4403

May 18, 1999

Mr. & Ms. Kawahara
Kawahara Nursery
16550 Ashland Ave.,
San Lorenzo, CA 94580

ENVIRONMENTAL HEALTH SERVICES

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

RE: Kawahara Nursery, at 16550 Ashland Ave., San Lorenzo, CA 94580

Dear Mr. Kawahara:

I have just been informed, by Ms. Gina Hudson of Blymyer Engineering, that a report had already been sent to this office regarding the above referenced site. I have not received any document regarding the required report. As you are aware, this report was in regard to the implementation of the "workplan for Additional Site Characterization and Site Risk Classification" dated June 3, 1997. This plan called for an investigation to be performed at the above site regarding the removal of an underground storage tank (UST) and was to be implemented immediately per Amy Leech, and Brian Oliva's comments on June 6, 1997 and May 18, 1998 respectively.

In fact, I just informed Ms. Hudson that this office has not yet received the required report regarding the above referenced site. She informed me that she would be sending this office a copy of the report shortly.

Please send in a copy of this report immediately or by May 25th, 1999.

If you have any questions, or need additional time, please call me at (510) 567-6876.

Sincerely,

Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Jeanna Hudson, Blymyer Engineering, 1825 Clairmont Ave., CA 94501
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