

20307

RECEIVED
JUL 21 2007
ENVIRONMENTAL HEALTH SERVICES

07/28/07

Herb Clough
40 Deodora Drive
Atherton, Ca. 94027

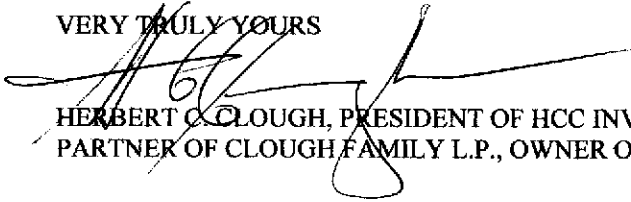
STEVEN PLUNKETT
ALAMEDA COUNTY HEALTH CARE SERVICES
1131 HARBOR BAY PKWY
ALAMEDA, CA., 94507

A COUPLE OF DAYS AGO WE DISCUSSED YOUR JUNE 20 LETTER ON THE PHONE. AS I STATED, I REVIEWED THE CITED CODE AND FIND NO REQUIREMENT THAT WE ALLOW A TEST WELL TO BE DRILLED ON OUR PROPERTY. HOWEVER, GIVEN THE SPECIFICATIONS AND ASSURANCES YOU GAVE ME, WE WILL COOPERATE MEETING YOUR NEED.

YOU STATED THAT THE WELL WOULD BE DRILLED IN ONE DAY SO THE AREA WILL BE OUT OF SERVICE ONLY ONE DAY; THE WELL WILL BE 12 " IN DIAMETER AND WILL BE CAPPED WITH A COVER WHICH IS FLUSH WITH THE PAVEMENT, AND OF SUFFICIENT WEIGHT BEARING.

YOU MUST CONTACT THE MANAGER, MARY HOOPES AT 510-533-1539, TO SCHEDULE THE DRILLING, DETERMINE THE LOCATION, AND WHATEVER ELSE SHE NEEDS

VERY TRULY YOURS



HERBERT C. CLOUGH, PRESIDENT OF HCC INVESTMENT CORP., MANAGING GENERAL PARTNER OF CLOUGH FAMILY L.P., OWNER OF THE PROPERTY TO BE USED

CC: MARY HOOPES, MGR
ADIAN ANGEL, AEI CONSULTANTS, INC, 2500CAMINO DIABLO, WALNUT CREEK, 94597

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

June 20, 2007

Mr. Herb Clough
Bay Counties Real Estate, Inc.
2648 International Blvd., Suite 800
Oakland, CA 94601

Subject: Fuel Leak Case No. RO0000307, Exxon Service Station, 1450 Fruitvale Avenue, Oakland, California

Dear Mr. Clough:

Under the direction of this office, Mr. Bill Phua is conducting an environmental investigation for a property located at 1450 Fruitvale Avenue, Oakland, CA. Groundwater contamination has been detected in monitoring wells at aforementioned location. The extent of the groundwater contamination is currently unknown. Alameda County Environmental Health is requiring Mr. Bill Phua to characterize the extent of contamination from their site. AEI Consultants, on behalf of Mr. Bill Phua, previously discussed with Ms. Mary Hoopes access to your property regarding the installation of a monitoring well at 3216 International Blvd., Oakland. It is imperative that this access agreement be completed in order to define the extent of contamination and prevent future contaminant migration.

Mr. Phua has conducted environmental investigation activities related to the release on their site, but has not been able to conduct planned environmental investigation activities downgradient of their site because no access agreement between yourself and Mr. Phua is in place. ACEH requests you complete the access agreement with Mr. Phua that (i) enables Mr. Phua to perform the necessary work and (ii) is signed by all relevant parties.

Owners of adjacent properties are generally not responsible for the cost of investigation and cleanup of contamination that migrates onto their property from an adjacent fuel leak site. However, owners of adjacent properties are expected to cooperate with the responsible party's investigation and cleanup activities to the extent that they are not experiencing undue hardship or alteration to their property.

These requests are made pursuant to Water Code Section 13267, which allows ACEH to require technical reports from persons whose activities may have an impact on water quality. You may be subject to administrative civil liability of up to \$1,000 per day pursuant to Water Code Section 13268 if you fail to respond, respond late, or submit an inadequate response.

Please contact me at (510) 383-1767 or via email at <mailto:steven.plunkett@acgov.org> with any questions regarding this case.

Sincerely,

Steven Plunkett
Hazardous Materials Specialist

Mr. Herb Clough
June 18, 2007
Page 2

cc: Mr. Bill Phua
Fruitvale Farnam Associates LLC
141 Woodland Way
Piedmont, CA 94611

Adrian Angle
AEI Consultants Inc.
2500 Camino Diablo, Suite 200
Walnut Creek, CA 94597

Donna Drogos, ACEH
Steven Plunkett, ACEH
File

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

F

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Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

June 20, 2007

Mr. Bill Phua
Fruitvale-Farnam Associates LLC
141 Woodland Way
Piedmont, CA 94611

NOTICE OF VIOLATION

Subject: Fuel Leak Case No. RO0000307, ARCO #402/Parking Lot, 1450 Fruitvale Avenue, Oakland, CA

Dear Mr. Phua:

Alameda County Environmental Health (ACEH) staff previously approved, in correspondence dated June 2006, the Work Plan for Monitoring Well Installation from March 2005. Due to access issues, ACEH received a request from AEI Consultants -on your behalf- in December 2006 to relocate three proposed groundwater monitoring wells. ACEH concurred with the proposed monitoring well locations and requested a Soil and Groundwater Investigation Report be submitted to this office by February 2007. To date we have not received the requested report.

Your Soil and Groundwater Investigation Report is now late, and your fuel leak site is out of compliance with directives from ACEH. In order for your site to return to compliance, please submit the previously requested Soil and Groundwater Investigation Report **by August 30, 2007**. This date is not an extension of your due date, reports for this site are late and your site is out of compliance. ACEH makes this request pursuant to California Health & Safety Code Section 25296.10, 23 CCR sections 2652 through 2654, and 2721 through 2728 outline the duties of a responsible party in response to a reportable unauthorized release from a petroleum UST system, and require your compliance with this request.

ACEH is concerned about the significant delays that are occurring in submitting reports for this site. Please be informed, if these delays continue we will consider referring your case to the Regional Board or other appropriate agency, including the Alameda 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.

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).

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: steven.plunkett@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

ACEH is concerned about the significant delays that are occurring in submitting reports for this site. Please be informed, if these delays continue we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible

Mr. Bill Phua
June 19, 2007
Page 3

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If you have any questions, please call me at (510) 383-1767.

Sincerely,



Steven Plunkett
Hazardous Materials Specialist

Attachment: ACEH correspondences dated June 22, 2006 and December 20, 2006

cc: Sunil Ramdass
SWRCB Cleanup Fund
1001 I Street, 17th floor,
Sacramento, CA 95814-2828

Alyce C. Sandbach
Alameda County District Attorney
1225 Fallon Street, Suite 800
Oakland, CA 94612

Donna Drogos, ACEH
Steven Plunkett, ACEH
File

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

December 20, 2006

Mr. Bill Puha
Fruitvale Farnam Associates, LLC
141 Woodland Way
Piedmont, CA 94611

Mr. Ken Phares
c/o Jay Phares Corporation
10700 Mac Arthur Blvd.
Oakland, CA 94605

Subject: Fuel Leak Case No. RO0000307, Arco #0402/Parking Lot, 1450 Fruitvale Avenue,
Oakland, CA – Work Plan Approval

Dear Mr. Puha and Phares

Alameda County Environmental Health Department (ACEH) staff have reviewed the case file and the report entitled, "Work Plan for Monitoring Well Installation", dated March 7, 2005 and prepared on your behalf by AEI Consultants. ACEH has reviewed your request to relocate three monitoring wells MW-5, MW-6 and MW-8. ACEH generally agrees with the revised monitoring well locations as presented in Figure 3, Revised Proposed Monitoring Well Locations.

We request that you address the following technical comments and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to steven.plunkett@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

- Proposed Monitoring Well Locations.** ACEH understands the difficulty with off site encroachment and access issues regarding the installation of groundwater monitoring wells. AEI has revised the location of three proposed groundwater monitoring wells and ACEH concurs with the new monitoring well locations. ACEH suggests the use of monitoring wells designed with screen intervals of 2 feet to 5 feet or less, as these wells will likely be representative of depth discrete groundwater conditions. Please present your conclusions for monitoring well construction in the SWI report requested below.
- Geotracker EDF Submittals** – A review of the case file and the State Water Resources Control Board's (SWRCB) Geotracker website indicate you have not claimed your site and that electronic copies of analytical data have not been submitted for your site. Pursuant to CCR Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the LUFT program, must be transmitted electronically to the SWRCB Geotracker website via the internet. Additionally, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude accurate to within 1-meter accuracy, using NAD 83, and transmitted electronically to the SWRCB Geotracker website. Beginning July 1, 2005, electronic submittal of a

complete copy of all reports is required in Geotracker (in PDF format). In order to remain in regulatory compliance, please upload all analytical data (collected on or after September 1, 2001), to the SWRCB's Geotracker database website in accordance with the above-cited regulation. Please perform the electronic submittals for applicable data and submit verification to this Agency by **January 15, 2007**.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Mr. Steven Plunkett), according to the following schedule:

- February 1, 2007—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

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PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

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UNDERGROUND STORAGE TANK CLEANUP FUND

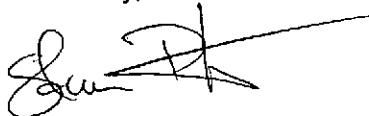
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AGENCY OVERSIGHT

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If you have any questions, please call me at (510) 383-1767.

Sincerely,



Steven Plunkett
Hazardous Materials Specialist

cc: Peter McIntyre
AEI Consultants
3210 Old Tunnel Rd.
Lafayette, CA 94549

Mr. Bill Puha
December 19, 2006
Page 4

Adrian Angle
AEI Consultants
3210 Old Tunnel Rd.
Lafayette, CA 94549

Donna Drogos, ACEH
Steven Plunkett, ACEH
File

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



F

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

December 20, 2006

Mr. Bill Puhua
Fruitvale Farnam Associates, LLC
141 Woodland Way
Piedmont, CA 94611

Mr. Ken Phares
c/o Jay Phares Corporation
10700 Mac Arthur Blvd.
Oakland, CA 94605

Subject: Fuel Leak Case No. RO0000307, Arco #0402/Parking Lot, 1450 Fruitvale Avenue, Oakland, CA – Work Plan Approval

Dear Mr. Puhua and Phares

Alameda County Environmental Health Department (ACEH) staff have reviewed the case file and the report entitled, "Work Plan for Monitoring Well Installation", dated March 7, 2005 and prepared on your behalf by AEI Consultants. ACEH has reviewed your request to relocate three monitoring wells MW-5, MW-6 and MW-8. ACEH generally agrees with the revised monitoring well locations as presented in Figure 3, Revised Proposed Monitoring Well Locations.

We request that you address the following technical comments and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to steven.plunkett@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

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PERJURY STATEMENT

Mr. Bill Puha
December 19, 2006
Page 3

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UNDERGROUND STORAGE TANK CLEANUP FUND

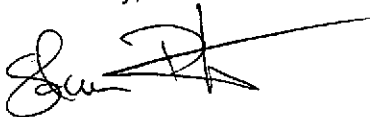
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If you have any questions, please call me at (510) 383-1767.

Sincerely,



Steven Plunkett
Hazardous Materials Specialist

cc: Peter McIntyre
AEI Consultants
3210 Old Tunnel Rd.
Lafayette, CA 94549

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December 19, 2006
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June 22, 2006

Mr. Bill Puha
Fruitvale Farnam Associates, LLC
141 Woodland Way
Piedmont, CA 94611

Mr. Ken Phares
c/o Jay Phares Corporation
10700 Mac Arthur Blvd.
Oakland, CA 94605

Mr. Paul Supple
BP West Coast Products, LLC
PO Box 6549
Moraga, CA 94549

Subject: Fuel Leak Case No. RO0000307, Arco #0402/Parking Lot, 1450 Fruitvale Avenue, Oakland, CA

Dear Mr. Phua: Phares and Supple

Alameda County Environmental Health Department (ACEH) staff has reviewed recently submitted report entitled, "Work Plan for Monitoring Well Installation", dated March 7, 2005 and prepared on your behalf by AEI Consultants. As a result of redevelopment activities at the site three onsite monitoring wells MW-1, MW-2 and MW-3 have been lost or destroyed. The former monitoring wells MW-1, MW-2 and MW-3 tested for TPHg in groundwater returned results of 3800 µg/L, 7400 µg/L and 25,000 µg/L, respectively. The residual concentrations in groundwater indicate that petroleum hydrocarbon contamination continues to be a concern at the site. ACEH generally agrees with the proposed scope of work presented in the Work Plan report. However, ACEH requests that one additional monitoring well be installed approximately midway between MW-5 and MW-6, which will help refine onsite soil and groundwater conditions.

We request that you address the following technical comments and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to steven.plunkett@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Proposed Monitoring Well Installation and Soil Sampling.** Prior to monitoring well installation, soil samples should be screened with a PID and examined for visible staining and hydrocarbon odor. ACEH request that soil samples be collected as follows. Any interval

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.

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3210 Old Tunnel Rd.
Lafayette, CA 94549

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Dear Mr. Phua: Phares and Supple

Alameda County Environmental Health Department (ACEH) staff has reviewed recently submitted report entitled, "Work Plan for Monitoring Well Installation", dated March 7, 2005 and prepared on your behalf by AEI Consultants. As a result of redevelopment activities at the site three onsite monitoring wells MW-1, MW-2 and MW-3 have been lost or destroyed. The former monitoring wells MW-1, MW-2 and MW-3 tested for TPHg in groundwater returned results of 3800 µg/L, 7400 µg/L and 25,000 µg/L, respectively. The residual concentrations in groundwater indicate that petroleum hydrocarbon contamination continues to be a concern at the site. ACEH generally agrees with the proposed scope of work presented in the Work Plan report. However, ACEH requests that one additional monitoring well be installed approximately midway between MW-5 and MW-6, which will help refine onsite soil and groundwater conditions.

We request that you address the following technical comments and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to steven.plunkett@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Proposed Monitoring Well Installation and Soil Sampling.** Prior to monitoring well installation, soil samples should be screened with a PID and examined for visible staining and hydrocarbon odor. ACEH request that soil samples be collected as follows. Any interval

where staining, odor, or elevated PID readings occur, the capillary fringe, where groundwater is first encountered and at distinct changes in lithology. If no change in lithology then at five foot intervals until a total depth is reached. Upon completion of the monitoring well installation we request that you submit all well construction details, technical specifications and well lithologic logs in the report requested below. In addition, we request that a licensed professional surveyor survey the monitoring well location. Please present the result of the monitoring well installation in the report requested below.

2. **Chemical Analysis.** ACEH concurs with the proposed chemical analyses for all soil and groundwater samples. We also request that EtOH be added to the list of constituents for laboratory analysis for both soil and groundwater.
3. **Groundwater Flow Direction.** Review of groundwater elevation data in the area indicate the hydraulic gradient for the site appears to vary between southeast, northwest and southwest as shown on the rose diagram on Figure 3 for the September 2002 monitoring event. The groundwater flow direction identified in 2002 may not be consistent with the regional hydraulic gradient in the area. Please review groundwater elevation data in the area to reflect current conditions. Please present the updated hydraulic gradient in the report requested below.
4. **Hydrogeologic cross-sections.** Please incorporate data from the proposed monitoring wells and existing soil borings data into hydrogeologic cross sections. Include an interpretive drawing of the vertical extent of soil and groundwater contamination (i.e., an interpretive drawing—not a plot of laboratory results). The report requested below is to include one cross section parallel and one cross section perpendicular to the contaminant plume axis, at a minimum. Please present the cross sections in the Soil Water Investigaton Report requested below. Each cross section should include, but not be limited to, the following:
 - a. Subsurface geologic features, depth to groundwater and man-made conduits.
 - b. Surface topography. The cross sections should be extended off-site where necessary to show significant breaks in slope.
 - c. Soil descriptions for all borings and wells along the line of section.
 - d. Screen and filter pack intervals for each monitoring well.
 - e. Sampling locations and results for soil and grab groundwater samples.
 - f. Site features such as the tank pit, dispensers, buildings etc. Where appropriate, monitoring well location and soil boring locations will be projected back to the strike of the cross section line.
5. **Quarterly Groundwater Monitoring and Sampling.** Please begin quarterly groundwater monitoring for the site once the proposed monitoring wells have been installed and developed. Water samples are to be analyzed for TPHg, BTEX, and MtBE on a quarterly basis. Results are to be presented in the quarterly monitoring reports requested below. However, after one year a determination will be made by ACEH to establish if further investigation and monitoring will be needed. Please present the result of groundwater monitoring and sampling in the reports requested below.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Mr. Steven Plunkett), according to the following schedule:

- **August 1, 2006 – Soil and Water Investigation Report**
- **January 15, 2007 – Fourth Quarter 2006 Groundwater Monitoring Report**
- **April 15, 2007 – First Quarter 2007 Groundwater Monitoring Report**
- **August 15, 2007 – Second Quarter 2007 Groundwater Monitoring Report**
- **October 15, 2007 – Third Quarter 2007 Groundwater Monitoring Report**

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

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

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

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. Bill Puha
June 22, 2006
Page 4

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) 383-1767.

Sincerely,



Steven Plunkett
Hazardous Materials Specialist

cc: Mr. Peter McIntyre
AEI Consultants
3210 Old Tunnel Rd.
Lafayette, CA 94549

Donna Drogos, ACEH
Steven Plunkett, ACEH
File ✓

R0307

ALAMEDA COUNTY ENVIRONMENTAL HEALTH DEPARTMENT
Division of Environmental Protection

1131 HARBOR BAY PARKWAY, SUITE 250
ALAMEDA, CA 94502-6577
Telephone (510) 567-6700 FAX (510) 337-9335

FACSIMILE COVER SHEET

To: RUBEN BRIONES 510-263-3004

From: DONNA DUGGON

Date: 11/19/02

Notes: RES 1450 Fruitvale Ave. FAI -

ITEMS NOT DISCUSSED TO DATE.

Drogos, Donna, Env. Health

From: Chan, Barney, Env. Health
Sent: Friday, November 15, 2002 11:50 AM
To: Drogos, Donna, Env. Health
Subject: FW: 1450 Fruitvale Ave., Oakland

Donna:

This is from the consultant for the RP. I wrote a letter okaying the redevelopment as proposed but requiring additional investigation. I copied you, Mee Ling and R. Briones.

Barney

-----Original Message-----

From: Peter McIntyre [mailto:pmcintyre@aeiconsultants.com]
Sent: Wednesday, November 13, 2002 5:55 PM
To: BChan@co.alameda.ca.us
Subject: 1450 Fruitvale Ave., Oakland

Dear Barney:

The owners of the property are requesting a written concurrence that your office has no concerns with redeveloping the property with the proposed commercial building.

After much deliberation, as an alternative to aggressively perusing case closure at this time, the owners of the property are willing to engage in the monitoring of additional appropriately placed wells (straddling the water table) surrounding the property. Such testing would confirm the presence or absence of hydrocarbons leaving the site and address the concern under "bullet #4" for you email to us. Existing wells would remain for the collection of water level measurements and periodic sampling. The questions and concerns addressed in you October 23, 2002 informal comment letter would be addressed as more information becomes available.

We thank you for the time you have spent discussing the case and look forward to your letter. Please let me know if there is anything else you need.

Peter McIntyre
Project Manager, Geologist
AEI Consultants
3210 Old Tunnel Road, Suite B
Lafayette, CA 94549
ph: 925/283-6000 ext. 104
fx: 925/283-6121
pmcintyre@aeiconsultants.com

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

November 15, 2002

Mr. Bill Phua
141 Woodland Way
Piedmont, CA 94611

Dear Mr. Phua:

Subject: Fuel Leak Case [REDACTED], Oakland, CA 94601

Alameda County Environmental Health, Local Oversight Program (LOP), has reviewed the case file for the referenced site including the *AEI July 5, 2002 Groundwater Investigation Report and the October 9, 2002 Site Summary and Risk Evaluation Report*. As you are aware, our office will require additional investigation prior to recommending site closure, however, based upon the current soil and groundwater data and the Proposed Building Footprint shown on Figures 6 & 7 in the October 9, 2002 Site Summary and Risk Evaluation Report, our office has no objection to the proposed commercial building.

Our office will continue to work with your consultant to further investigate the petroleum release at the site with the intent of obtaining site closure.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

✓ C: B. Chan, files

MeeLing Tung, ACEH

D. Drogos, ACEH

Mr. P. McIntyre, AEI Consultants, 3210 Old Tunnel Rd., Suite B, Lafayette, CA 94549

Mr. R. Briones, Supervisor Assistant, 3rd District, 1221 Oak St., Suite 536,
Oakland, CA 94612

status1450Fruitvale

From: Peter McIntyre [pmcintyre@aeiconsultants.com]
Sent: Wednesday, November 13, 2002 5:55 PM
To: BChan@co.alameda.ca.us
Subject: 1450 Fruitvale Ave., Oakland

Dear Barney:

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We thank you for the time you have spent discussing the case and look forward to your letter. Please let me know if there is anything else you need.

Peter McIntyre
Project Manager, Geologist
AEI Consultants
3210 Old Tunnel Road, Suite B
Lafayette, CA 94549
ph: 925/283-6000 ext. 104
fx: 925/283-6121
pmcintyre@aeiconsultants.com

Chan, Barney, Env. Health

R0307

From: Briones, Ruben, BOS Dist 3
Sent: Monday, November 04, 2002 10:35 AM
To: Chan, Barney, Env. Health
Subject: 1450 Fruitvale Ave.

Mr. Chan:

Our office has been contacted to assist in the development of site above. My understanding is that the city of Oakland has given approval but that the Environmental Health office has some issues. Could you briefly explain what the concerns are and what our office can do to assist in this situation. Thank you for your prompt response.

Ruben Briones
Supervisor's Assistant
Supervisor Alice Lai-Bitker, 3rd District
(510) 272-6678
fax: (510) 268-8004

1221 Oak St. Suite 536
Oakland 94612

Chan, Barney, Env. Health

From: Briones, Ruben, BOS Dist 3
Sent: Monday, November 04, 2002 10:35 AM
To: Chan, Barney, Env. Health
Subject: 1450 Fruitvale Ave.

Mr. Chan:

Our office has been contacted to assist in the development of site above. My understanding is that the city of Oakland has given approval but that the Environmental Health office has some issues. Could you briefly explain what the concerns are and what our office can do to assist in this situation. Thank you for your prompt response.

Ruben Briones
Supervisor's Assistant
Supervisor Alice Lai-Bitker, 3rd District
(510) 272-6678
fax: (510) 268-8004

3:55 p 11/07 - LPT/LSL

From: Chan, Barney, Env. Health
Sent: Wednesday, October 23, 2002 11:47 AM
To: Peter McIntyre (E-mail) — *consultant with ABI*
Subject: 1450 Fruitvale Ave., Oakland 94601

Peter:

I have reviewed your site summary and risk evaluation report and discussed it with a colleague. We have the following comments and concerns:

- for subsurface soil, you should conservatively look at all soils above the historic lowest groundwater depth at the site
- according to the East Bay Plain Study, the area within this site is of potential groundwater use unless it can be shown that the groundwater is not potable ie TDS, conductivity, yield
- in regards to your conduit study, please get from the City the depths of the utilities, particularly sanitary and storm sewers, to verify no preferential migration is occurring
- it appears that the monitoring wells at the site are not properly screened. They are screened from 15' to the bottom of the well, while gw elevations are typically 10-12' bgs. In addition, the long screen has a dilution affect. Therefore, the site may not be adequately characterized.
- A channelized culvert was identified as going down Fruitvale Ave. and boring logs identify a gravelly layer that may be associated with this former streambed.
- It appears that natural bio-remediation is not occurring within the heart of the plume.

Please comment on these items of concern.

PS I will send out a letter for 625 Hegenberger Rd.

Sincerely,

Barney Chan

Post-It™ brand fax transmittal memo 7671 # of pages ▶ 1

| | |
|---------------------------|-----------------------------|
| To <i>C. Chan</i> | From <i>B. Chan</i> |
| Co. | Co. <i>ACEH</i> |
| Dept. | Phone # <i>510-567-6765</i> |
| Fax # <i>510-835-3336</i> | Fax # |

Chan, Barney, Env. Health

Ro307

From: Chan, Barney, Env. Health
Sent: Wednesday, October 23, 2002 11:47 AM
To: Peter McIntyre (E-mail)
Subject: 1450 Fruitvale Ave., Oakland 94601

Peter:

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- for subsurface soil, you should conservatively look at all soils above the historic lowest groundwater depth at the site
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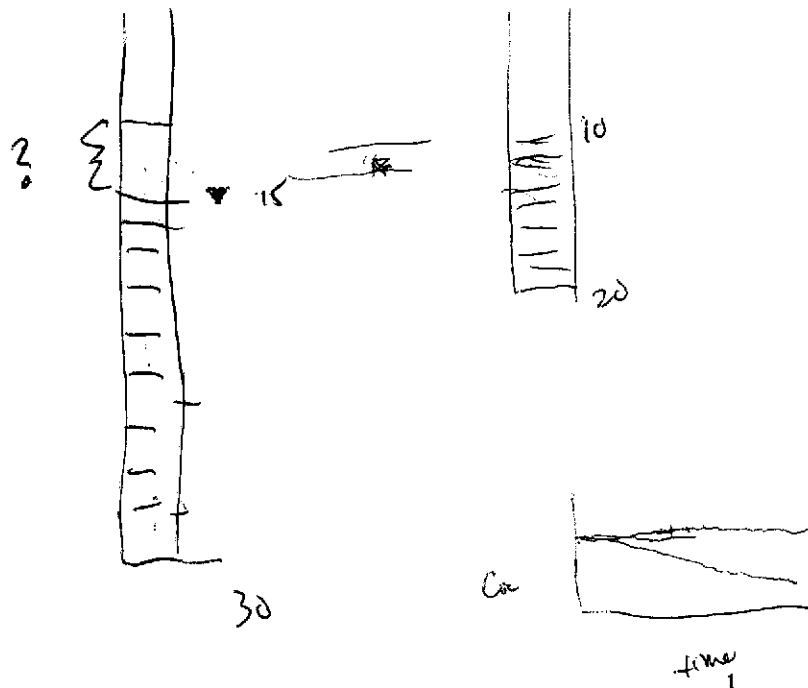
Please comment on these items of concern.

PS I will send out a letter for 625 Hegenberger Rd.

Sincerely,

Barney Chan

(7-12) low gw elevation



From: Chan, Barney, Env. Health
Sent: Wednesday, October 23, 2002 11:47 AM
To: Peter McIntyre (E-mail)
Subject: 1450 Fruitvale Ave., Oakland 94601

Peter:

I have reviewed your site summary and risk evaluation report and discussed it with a colleague. We have the following comments and concerns:

- for subsurface soil, you should conservatively look at all soils above the historic lowest groundwater depth at the site
- according to the East Bay Plain Study, the area within this site is of potential groundwater use unless it can be shown that the groundwater is not potable ie TDS, conductivity, yield
- in regards to your conduit study, please get from the City the depths of the utilities, particularly sanitary and storm sewers, to verify no preferential migration is occurring
- it appears that the monitoring wells at the site are not properly screened. They are screened from 15' to the bottom of the well, while gw elevations are typically 10-12' bgs. In addition, the long screen has a dilution affect. Therefore, the site may not be adequately characterized.
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- It appears that natural bio-remediation is not occurring within the heart of the plume.

Please comment on these items of concern.

PS I will send out a letter for 625 Hegenberger Rd.

Sincerely,

Barney Chan

- They need Soil Vapor samples
- Shorter screened wells ~ 10-15' screen interval for sw spring

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



August 9, 2002

Mr. Bill Phua
141 Woodland Way
Piedmont, CA 94611

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

Dear Mr. Phua:

Subject: Fuel Leak Case RO 0000307, 1450 Fruitvale Avenue, Oakland CA 94601

Alameda County Environmental Health, Local Oversight Program (LOP), has received and reviewed the *Groundwater Investigation Report*, dated July 5, 2002, prepared by AEI Consultants for the above referenced property. Based on these results and that of previous monitoring activities, it is apparent that, although groundwater directly beneath the former UST and dispensing system is impacted, the plume has not migrated off-site significantly in any direction.

Despite the apparent lack of groundwater receptors in the vicinity of the site, our office requests a formal risk assessment be prepared before considering this property for final case closure. This assessment should consider all potentially complete exposure pathways to both impacted soil and groundwater beneath the site for both residential and commercial scenario and be consistent with the City of Oakland and SFRWQCB guidelines. We also request that a utilities/conduit survey be performed.

Based on the information available to date, active soil and/or groundwater treatment is not being required at this time by our office and is not anticipated. Depending on the results of the risk assessment and conduit survey, it is anticipated that the case may be eligible for either monitored natural attenuation or case closure.

You may contact me at (510) 567-6765 if you have any comments or questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

cc: B. Chan, files

Mr. Peter McIntyre, AEI Consultants, 3210 Old Tunnel Road, Suite B, Lafayette, CA 94549
Messrs. John Jay and Ken Phares, Jay-Phares Corp., 10700 MacArthur Blvd., Suite 200,
Oakland, CA 94605

Comfort1450Fruitvale



AEI CONSULTANTS
 3210 Old Tunnel Road, Suite B
 Lafayette, CA 94549
 PHONE: (800) 801-3224
 (925) 283-6000 ex. 104
 FAX: (925) 283-6121

Date: 8/5/02 Hard Copy Sent? Y N

To: Mr. Barney Chan
 ACHCSA

Phone: 510 567-6765
Fax: 510 ~~337-9335~~ 337-9335

From: Peter McIntyre

Pages: 2, including this cover page

Subject: 1450 Fruitvale, Oakland

Dear Barney:

Following is a draft comfort letter prepared by AEI and Mr. Phua, in relation to the fuel release. This has been sent to you via EMAIL in MS Word format, for ease of editing if you need.

Please review and comment. IF you have any significant changes, please let me know so that you and I and Mr. Phua can discuss.

Thanks again for your time on this project.

(On Alameda County Health Care Services Agency letter head)

Mr. Bill Phua
141 Woodland Way
Piedmont, CA 94611

RE: ^K Fuel Lead Case RO 0000307
1450 Fruitvale Avenue, Oakland CA 94601

Dear Mr. Phua:

Our office has received and reviewed the *Groundwater Investigation Report*, dated July 5, 2002, prepared by AEI Consultants for the above referenced property. Based on the results of that ~~project~~ and previous monitoring activities, it is apparent that, although groundwater directly beneath the former UST and dispensing system is impacted, the plume has not migrated significantly in any direction. ~~off~~ *offsite*

Despite the apparent lack of groundwater receptors in the vicinity of the site, our office will be requiring that a formal risk assessment be performed before considering this property for final case closure. This assessment should consider all potentially complete exposure pathways to both impacted soil and groundwater beneath the site, *and be consistent with City of Oakland and SPARC guidelines. We also request a protected pathway/ utilities survey be performed*

Based on the information available to date, active soil and/or groundwater treatment is not being required at this time by our office and is not anticipated. Depending on the results of the risk assessment, it is anticipated that the case may be eligible for either monitored natural attenuation or ~~immediate~~ case closure.

Sincerely,

(B. Chan)

cc: Mr. Peter McIntyre
AEI Consultants
3210 Old Tunnel Road, Suite B
Lafayette, CA 94549

Chan, Barney, Env. Health

From: Chan, Barney, Env. Health
Sent: Tuesday, July 30, 2002 12:27 PM
To: 'PMcIntyre@aeiconsultants.com'
Subject: 1450 Fruitvale Ave., Oakland 94601

Peter:

I wanted to respond to your July 24, 2002 letter. In respect to the development of the site as proposed, our office does not have any objections to proceeding with the development. Do you have any specific language? Which agency would require our comment or input? In respect to your other item, we will be requiring a formal risk assessment in accordance with the Oakland RBCA and the Water Board's comments to the Oakland RBCA. This should include verification that the Oakland RBCA can be used (check sheet) and an evaluation of TPHg per the Water Board guidance. We would also like a utilities survey performed. In regards to monitoring, please make sure MTBE, TAME, ETBE, DIPE, EDB and EDC are run in groundwater at least once. This info may be available if a full 8260 was run during your last monitoring event. Call or e mail me with comments.

Sincerely,
Barney Chan
510-567-6765



AEI CONSULTANTS
3210 Old Tunnel Road, Suite B
Lafayette, CA 94549
PHONE: (800) 801-3224
(925) 283-6000
FAX: (925) 283-6121

Date: 7/17/02

Hard Copy Sent? Y N

To: **Barney Chan**

ACHCSA

Phone: 510 567-6765

Fax: 510 337-9432

6419

From: **Peter McIntyre**

Pages: 2, including this cover page

Subject:

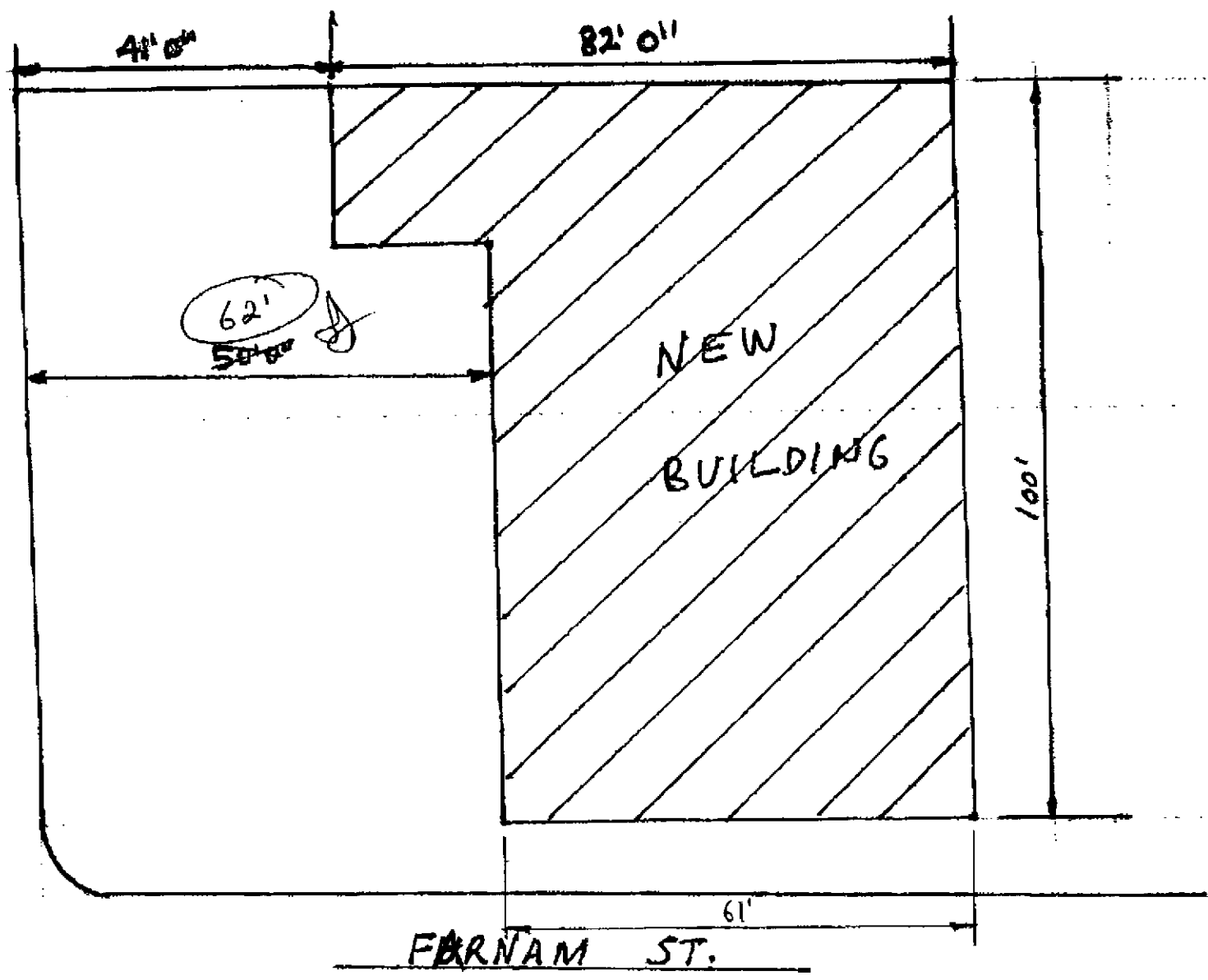
1450 Fruitvale Avenue

FYI - from Bill Phua

Requested from P McIntyre:

- over lay of new hld & site maps - include mws, iso conc map for soil & GW*
- estimate RBSC using ASTM RBCA & defaults*
- look at TPH conc also, consider nuisance conc. 5000pph?*

FRUITVALE AVE.



SITE PLAN FOR NEW BUILDING 1450 FRUITVALE
 DRN: BILL PHUA 7/15/02

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

May 13, 2002
RO0000307

Fruitvale-Farnum Associates, LLP
Attn: Mr. Bill Phua
141 Woodland Way
Piedmont, CA 94611

Re: Fuel Leak Case RO0000307, 1450 Fruitvale Ave., Oakland CA 94601

Alameda County Environmental Health, Local Oversight Program (LOP), has received and reviewed the May 8, 2002 Workplan-Further Site Investigation for the referenced site prepared by AEI Consultants. This work plan responds to our office's request for additional investigation as discussed in an earlier meeting with Mr. Jay and AEI consultant, Mr. Peter McIntyre. It appears some changes have been made to that which was proposed during this meeting. Specifically, though more borings are proposed than originally, no permanent wells are proposed. We assume that the results of this investigation will be used to determine the appropriate locations of permanent wells.

Our office approves this work plan with the condition that two additional borings be installed in the assumed down-gradient direction of two known source areas, near MW-3 and GP-5. These two borings should be installed midway between MW-3 and proposed boring AEI-17 and midway between former boring GP-5 and proposed boring AEI-18. The same sampling and analysis proposed for the other borings should apply to these.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

✓ C: B. Chan, files

Mr. P. McIntyre, AEI Consultants, 3210 Old Tunnel Rd., Suite B, Lafayette,
CA, 94549-4157

Mr. John Jay, 10700 Foothill Blvd., Suite 200, Oakland CA 94605

Wpap1450Fruitvale

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

May 2, 2002
RO0000307

Fruitvale-Farnum Associates, LLP
Attn: Mr. Bill Phua
141 Woodland Way
Piedmont, CA 94611

Re: Fuel Leak Case RO0000307, 1450 Fruitvale Ave., Oakland CA 94601

Alameda County Environmental Health, Local Oversight Program, (LOP), has recently reviewed the case files up to the April 15, 2002 Groundwater Monitoring Report, for the referenced site. Recent monitoring results are consistent with past, elevated gasoline and BTEX (benzene, toluene, ethyl benzene and xylenes) remain in groundwater beneath the site, the highest concentrations being found in MW-3, near the former dispenser island. However, depth to groundwater and gradient was significantly different to past results.

As you may be aware, our office met with Mr. John Jay and Mr. Peter McIntyre of AEI Consultants on 3/19/02. We discussed requirements for further investigation, site development and eventual site closure. The following technical items were discussed:

- A revised work plan including additional on-site borings and off-site monitoring wells was to be provided.
- Groundwater monitoring should continue on a quarterly schedule.
- After sufficient groundwater sampling has occurred, a human health risk assessment would be performed. Based upon these results, it would be determined if site development could occur concurrent with site investigation.

Please submit your revised work plan to address these items within 30 days or no later than June 3, 2002. You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C. B. Chan, files

Mr. P. McIntyre, AEI Consultants, 3210 Old Tunnel Rd., Suite B, Lafayette,
CA, 94549-4157

Mr. John Jay, 10700 Foothill Blvd., Suite 200, Oakland CA 94605

Wprq1450Fruitvale

Requirements for closure:

- o No sources
 - o Adequate delineation
 - o No sensitive receptors or preferential pathway
 - No HIT ECO RISK
 - o Stable plume / plume not migrating
-

Fruitvale Farmer Assoc. a California LTD. Liability

Hoy Liang Phua, Lung Li Kee

Rathyrn & Edward Yuen

Prop owners.

Issue new NOR

- 3/19/02 - J. Jay - representing prop owners
- Meg & John Jay & Peter Mc Intyre of ABI + Bham
- Plans for development of address a 1 story Commercial building (landscaper/restaurant) occupying the entire property including former building. Amendable to perimeter wells
- o will need additional borings/mw points radially from MW-3 to delineate plume. Should monitor several times.
- Perform Risk Assessment & install perimeter wells.
- Monitor at least 1 year before considering closure

January 14, 2002

Barney Chan
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502

JAN 17 2002

Subject: Workplan
1450 Fruitvale Avenue
Oakland, California
AEI Project No. 4627

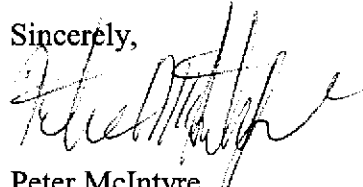
#6419

Dear Mr. Chan:

Enclosed is the workplan prepared by AEI for the requested groundwater investigation at the above referenced property. AEI was given authorization today to submit this plan to your office.

Please call me at (925) 283-6000 if you have any questions.

Sincerely,



Peter McIntyre
Project Geologist



AEI CONSULTANTS
3210 Old Tunnel Road, Suite B
Lafayette, CA 94549
PHONE: (800) 801-3224
(925) 283-6000
FAX: (925) 283-6121

Date: 10/18/01

Hard Copy Sent? Y N

To: Mr. Barney Chan
ACHCSA
Phone: 510 567-6765
Fax: 510 337-9335

From: Peter McIntyre

Pages: 2, including this cover page

Subject: 1450 Fruitvale Ave., Oakland

Mr. Chan:

Following is a well survey request form for the DWR to release well reports. The form requires your authorization. Please complete and fax back to me.

A handwritten signature in black ink, appearing to read 'Peter McIntyre', is written over a horizontal dotted line.

State of California
Department of Water Resources
Central District
3251 S Street
Sacramento, CA 95816-7017

**WELL DRILLER'S REPORTS
INSPECTION REQUEST AND AGREEMENT**

Project: Groundwater Investigation (Chem leak)
Location: 1450 Fruitvale Avenue, Oakland
County: Alameda Contract Number: 4627

Request is made pursuant to Section 13751 of the California Water Code for permission to inspect or copy Water Well Driller's Reports which are on file in your office.

In accordance with the requirements of Section 13752 of the Water Code, it is stipulated and agreed that such reports, or any copy or copies made thereof, will not be made available for inspection by the public but will be used solely by this governmental agency for making studies. If copies are made or taken, each copy will be stamped "CONFIDENTIAL" or "FOR OFFICIAL USE ONLY" and will be kept in a restricted file, access to which is limited to the staff of this governmental agency or to its contracted agents. Any copies furnished to contracted agents must be returned to the Department of Water Resources, Central District upon completion of work by the contracted agent.

No information contained in these reports can be disseminated or published without the written permission of the owner of the well.

AEI Consultants
Contracted Agent

Alameda County Health
Governmental Agency

3210 Old Tunnel Rd., Ste B
Address

1131 Harbor Bay Pky #250
Address

Lafayette, CA 94549
City, State, & Zip Code

Alameda CA 94502
City, State, & Zip Code

By Peter McIntyre
Officer

By _____
Officer

Project Manager
Title

Title

925 944-2899
Telephone

Telephone

10/19/01
Date

Date

(For Departmental information: _____ copies sent _____)

| | | | | | |
|-------------------|---------------------|---------|----------|------------|---|
| Post-it® Fax Note | 7671 | Date | 10/18/01 | # of pages | 1 |
| To | C. Headlee | From | B. CHANN | | |
| Co./Dept. | SPRWQB | Co. | ACEH | | |
| Phone # | | Phone # | 567-6765 | | |
| Fax # | 266-1380 | Fax # | | | |

622-2460

| COM No. | REMOTE STATION | START TIME | DURATION | PAGES | RESULT | USER ID | REMARKS |
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AEI CONSULTANTS

PAGE 02

State of California
 Department of Water Resources
 Central District
 3251 S Street
 Sacramento, CA 95818-7017

**WELL DRILLER'S REPORTS
 INSPECTION REQUEST AND AGREEMENT**

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In accordance with the requirements of Section 13752 of the Water Code, it is stipulated and agreed that such reports, or any copy or copies made thereof, will not be made available for inspection by the public but will be used solely by this governmental agency for making studies. If copies are made or taken, each copy will be stamped "CONFIDENTIAL" or "FOR OFFICIAL USE ONLY" and will be kept in a restricted file, access to which is limited to the staff of this governmental agency or to its contracted agents. Any copies furnished to contracted agents must be returned to the Department of Water Resources, Central District upon completion of work by the contracted agent.

No information contained in these reports can be disseminated or published without the written permission of the owner of the well.

AEI Consultants
 Contracted Agent
3210 Old Tunnel Rd., Ste B
 Address
Lafayette, CA 94549
 City, State, & Zip Code
 By Peter McIntyre
 Officer

Alameda County Health
 Governmental Agency
1131 Harbor Bay Pky #250
 Address
Alameda CA 94502
 City, State, & Zip Code

By _____
 Officer

Protect Alameda...

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

September 17, 2001
StID 6419/RO0000307

Messrs. John Jay and Ken Phares
Jay-Phares Corporation
10700 MacArthur Blvd., Suite 200
Oakland CA 94605

Re: 1450 Fruitvale Ave., Oakland CA 94601

Dear Messrs. Jay and Phares:

Our office has received and reviewed the September 10, 2001 Quarterly Groundwater Monitoring Report for the referenced site prepared by AEI Consultants. As stated in this report, elevated levels of petroleum hydrocarbons (gasoline and BTEX) remain in groundwater beneath the site. Such elevated concentrations require that additional subsurface investigation be performed to better define the limits of the contaminant plume. A subsurface investigation work plan should be submitted as part of the site conceptual model (SCM). The SCM should include a utility and sensitive receptor survey. It should also identify the potential exposure pathways, which should be evaluated in a future risk assessment. Based upon the exposure pathways identified, specific clean-up levels can be identified. It is likely that petroleum hydrocarbon levels like that found in monitoring well MW-3 will require some type of remediation.

Please submit a site conceptual model including a utility and sensitive receptor survey, an evaluation of potential complete exposure pathways and a work plan for further (off) site characterization to our office **within 60 days or no later than November 19, 2001.**

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. P. McIntyre, AEI Consultants, 3210 Old Tunnel Rd., Suite B, Lafayette, CA 94549-4157

SCM1450Fruitvale

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

May 11, 2001
StID # 6419

Messrs. John Jay and Ken Phares
Jay-Phares Corporation
10700 MacArthur Blvd., Suite 200
Oakland CA 94605

Re: 1450 Fruitvale Ave., Oakland CA 94601

Dear Messrs. Jay and Phares:

Our office has received and reviewed the May 4, 2001 Quarterly Groundwater Monitoring Report for the above referenced site as prepared by AEI Consultants. Groundwater concentrations remain consistent and elevated in MW-3. Our office concurs with AEI's conclusion that monitoring should continue and an attempt made to determine the extent of the groundwater contaminant plume. Be aware that prior to site closure consideration, you may be required to delineate the contaminant plume, perform some type of remediation and/or confirm the absence of human health risk.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

✓ C: B. Chan, files

P. McIntyre, AEI Consultants, 3210 Old Tunnel Rd., Suite B, Lafayette, CA 94549-4157

1-1450FruitvaleAve

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

December 5, 2000
StID # 6419

Messrs. John Jay and Ken Phares
Jay-Phares Corporation
10700 Foothill Blvd., Suite 200
Oakland, CA 94605

**Re: Monitoring Well Installation and Sampling Report, 1450 Fruitvale Ave.,
Oakland 94601**

Dear Gentleman:

Our office has received and reviewed the November 22, 2000 Monitoring Well Installation and Sampling Report for the above referenced site prepared by your consultant, AEI Consultants. As you are aware, to further the investigation at this former gasoline station, three groundwater monitoring wells were installed to determine the magnitude of petroleum contamination and allow for groundwater concentration trend analysis.

As stated in the report, the most significant impacted area appears to be near the former pump island in the northern part of the property. A release along the former piping run was also confirmed. These facts were suspected from the prior subsurface investigations. The absence of MTBE (methyl tertiary-butyl ether) and the low levels of BTEX (benzene, toluene, ethyl benzene and xylenes) indicate an older release has occurred, that is likely in some stage of natural bio-remediation. Typically, these releases show signs of stabilization or decreasing concentration trends over time. Our office concurs with the recommendation to initiate quarterly groundwater monitoring.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

✓ C: B. Chan, files

Mr. P. McIntyre, AEI Consultants, 3210 Old Tunnel Rd., Suite B, Lafayette, CA 94549-4157

Mon1450Fruitvale

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

October 11, 2000
StID # 6419

Fruitvale-Farnam Associates, LLC
c/o Mr. John Jay and Mr. Ken Phares
10700 Macarthur Boulevard, Suite 200
Oakland, CA 94605-5260

Subject: 1450 Fruitvale Avenue, Oakland, CA 94601

Dear Mr. Jay and Mr. Phares:

This letter has been written at your request to convey the current status of the above referenced site. Three soil and groundwater investigations to date (7/98, 5/99 and 8/99) have revealed elevated concentrations of TPH as gasoline and benzene in the soil and groundwater. Up to 210 mg/kg (ppm) and 20,000 µg/l (ppb) TPH as gasoline has been exhibited in soil and groundwater, respectively. Benzene has been detected in a grab groundwater sample up to 1,000 µg/l.

These concentrations, though elevated, will not require active groundwater remediation at this time. It is my understanding that the requested installation of three groundwater monitoring wells has just occurred. Actual groundwater samples from monitoring wells will bring a better understanding of groundwater quality. If the dissolved hydrocarbon plume can be shown to be stable and localized beneath the site, the site will be eligible for case closure and "no further action" status. Several quarterly monitoring events and a health risk evaluation will also be required.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

✓ C: B. Chan, files

barney1

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

July 27, 2000
StID # 6419

Messrs. John Jay and Ken Phares
Jay Phares Corporation
10700 MacArthur Blvd., Suite 200
Oakland CA 94605

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

Re: Monitoring Well Installation Plan for 1450 Fruitvale Ave., Oakland CA 94601

Dear Messrs. Jay and Phares:

Our office has received and reviewed the July 17, 2000 AEI Consultants work plan for the installation of three monitoring wells at the above site. We have reviewed the prior soil and groundwater analytical results along with figure provided indicating the wall of the proposed future building. It is with these things in mind that I offer comment on the proposed locations of the three monitoring wells.

As AEI has noted, it appears that there have been at least two areas of gasoline release, one near the former dispenser island and one near the southern end of the former piping run. There has not been significant release identified in soil or groundwater within the former underground tank pit, however, the groundwater sample taken near the former tank pit was on the extreme southern edge. It is possible that groundwater from this boring, GP-4, may not be truly representative of groundwater. To estimate the potential groundwater impact beneath the proposed new building and also beneath the existing neighboring building, I recommend placing MW-3 within 10' of boring GP-8, in a southerly direction. In addition, please consider placing MW-1 closer to the former tank pit and the edge of the proposed building. This will better estimate groundwater concentrations beneath future sensitive receptors, the occupants of the proposed building. I have enclosed a figure indicating these suggested adjusted monitoring well locations.

Based on pass analytical results, you may omit the analysis of total lead and MTBE in soil samples from the well borings. These compounds should, however, be run during the first groundwater sampling event since soil contamination does not always correlate with equivalent groundwater contamination.

Please contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

Enclosure

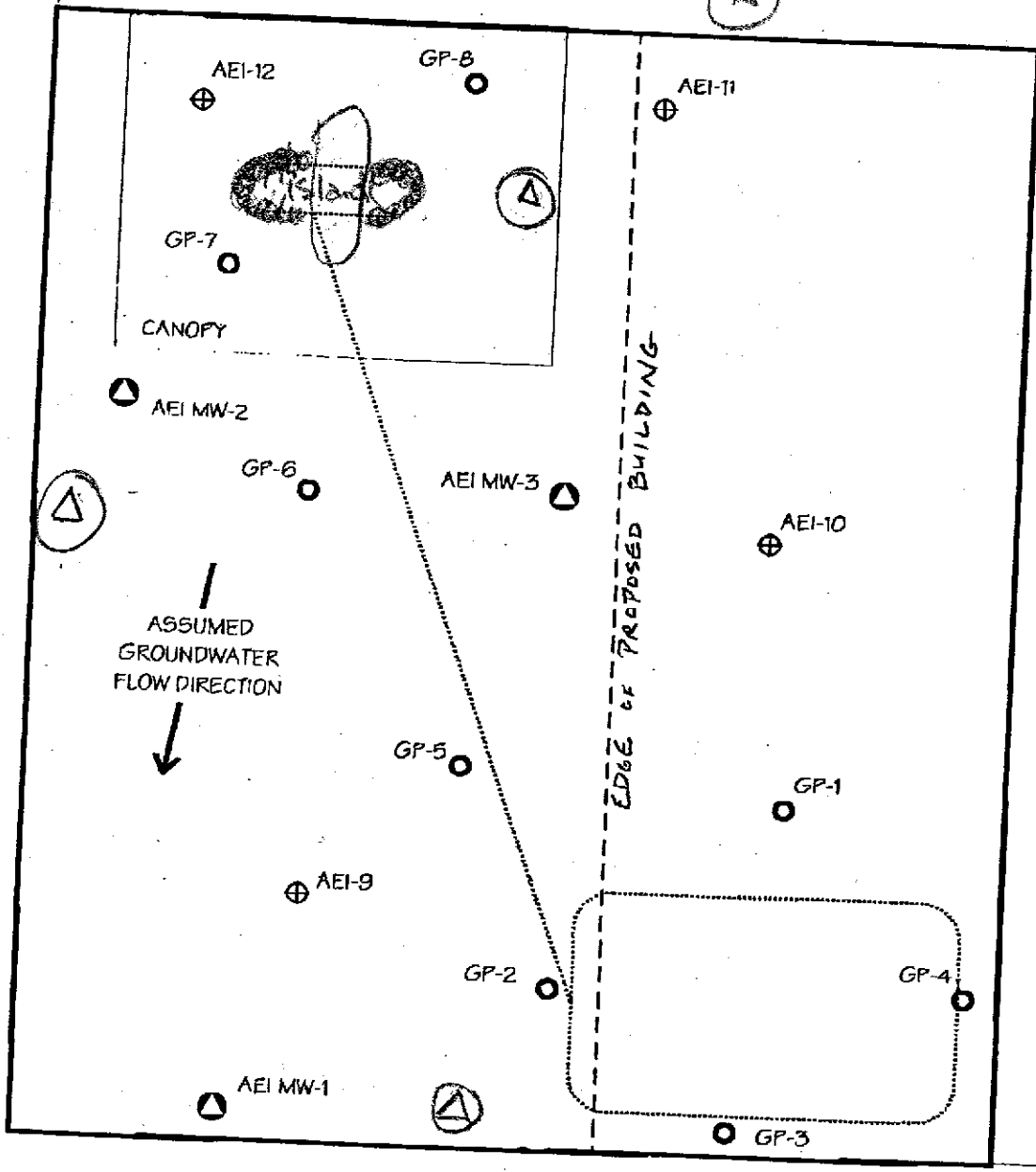
B. Chan, files
Mr. P. McIntyre, AEI Consultants, 3210 Old Tunnel Rd., Suite B, Lafayette, CA 94549-4157
Mwap1450Fruitvale

Preferred MW locations

FRUITVALE AVENUE

SIDEWALK

BUILDING



BUILDING

EDGE OF PROPOSED BUILDING

ASSUMED GROUNDWATER FLOW DIRECTION

SIDEWALK

FARNAM STREET

KEY

- ⊕ BORING LOCATIONS PERFORMED BY AEI AUGUST 24, 1999
- APPROXIMATE LOCATIONS OF SAMPLING PERFORMED BY GLENFOS; JULY, 1998
- △ WELL LOCATIONS PROPOSED BY AEI

SCALE: 1" = 10'



AEI CONSULTANTS
3210 OLD TUNNEL RD, SUITE B, LAFAYETTE, CA

PROPOSED WELL LOCATIONS

1450 FRUITVALE AVENUE
OAKLAND, CALIFORNIA

FIGURE 4



AEI CONSULTANTS
 3210 Old Tunnel Road, Suite B
 Lafayette, CA 94549-4157
 PHONE: (800) 801-3224
 (925) 283-6000
 FAX: (925) 283-6121

Date: 7/13/00

Hard Copy Sent? Y N

To: Barney Chan
 ACHCSA
Phone: 510.567.6765
Fax: 510.337.9335

(C)

From: Nick Walchuk (for Peter McIntyre)

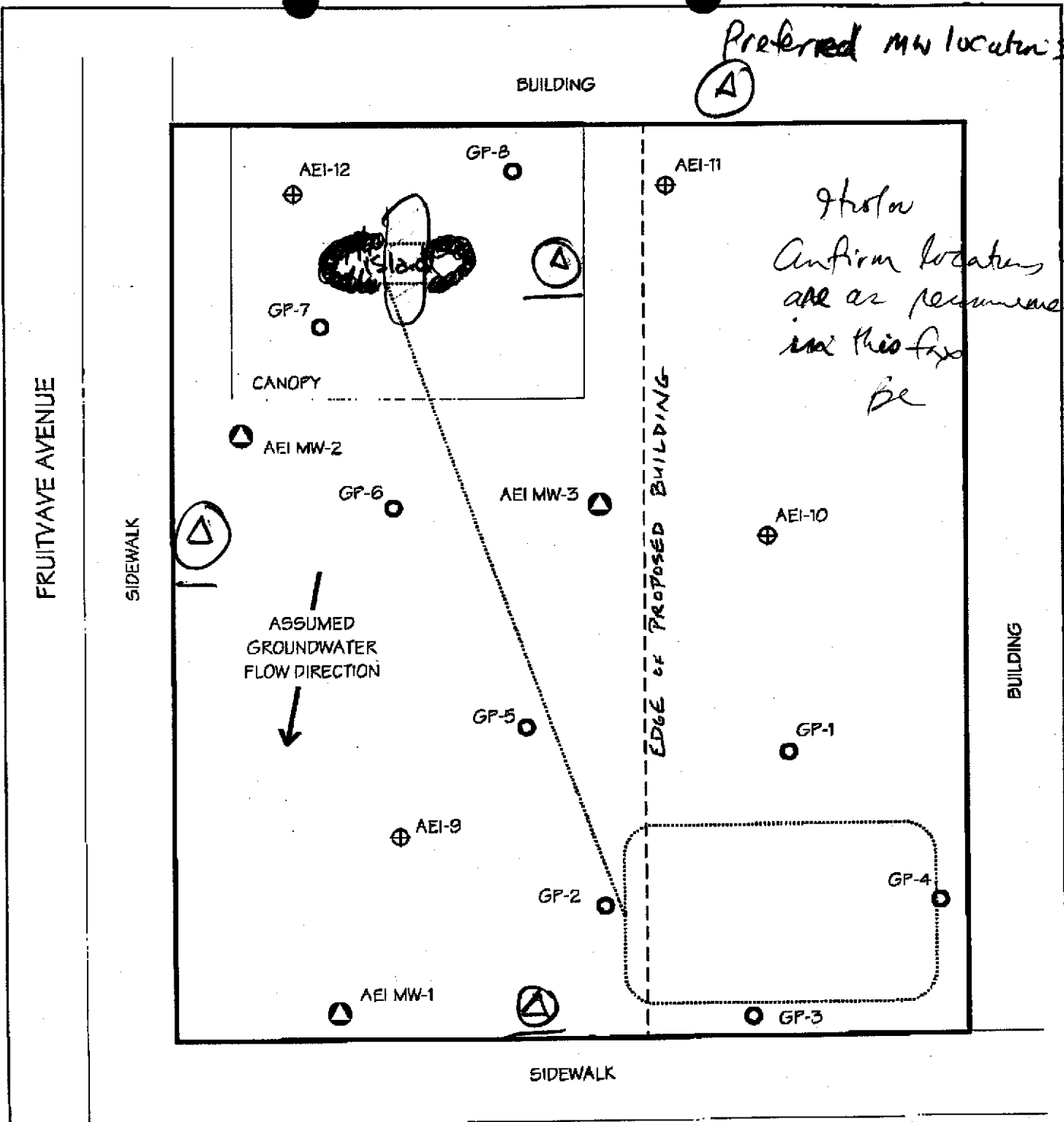
Pages: 2, including this cover page

Subject:

Site plan for proposed well locations at Fruitvale Ave site.

Peter will be back in the office next week. Please check your email for the letter you discussed with Peter yesterday afternoon.


Thanks!



KEY

- ⊕ BORING LOCATIONS PERFORMED BY AEI AUGUST 24, 1999
- APPROXIMATE LOCATIONS OF SAMPLING PERFORMED BY GLENFOS; JULY, 1998
- △ WELL LOCATIONS PROPOSED BY AEI

SCALE: 1" = 10'



AEI CONSULTANTS
3210 OLD TUNNEL RD, SUITE B, LAFAYETTE, CA

PROPOSED WELL LOCATIONS

| | |
|--|-----------------|
| 1450 FRUITVALE AVENUE OAKLAND, CALIFORNIA | FIGURE 4 |
|--|-----------------|

(1) Fidel Casillas (part is Parking Lot)
Part is Landmark # (5806)

(2) Bld on Former Channon (West side) (Closed)
across from City of Ashland site
multi-storied housing, on part of site.



AEI CONSULTANTS
 901 Moraga Road, Suite C
 Lafayette, CA 94549-4567
 PHONE: (800) 801-3224
 (925) 283-6000
 FAX: (925) 283-6121

Date: 11/4/99

Hard Copy Sent? Y N

To: **Barney Chan**
ACHCSA

Phone: 510 567-6765

Fax: 510 337-9335

From: **Peter McIntyre**

Pages: 2, including this cover page

Subject:

Mr. Chan – Following is a copy of the draft of a letter regarding the property at 1450 Fruitvale Avenue in Oakland. I have also e-mailed this to you in Word format.

Thank you for your time

Peter McIntyre

(On Alameda County Health Care Services Agency letter head)

Messrs. John Jay & Ken Phares
Jay-Phares Corporation
10700 MacArthur Boulevard, Suite 200
Oakland, CA 94605

RE: 1450 Fuitvale Avenue, Oakland CA 94561

Dear Messrs. Jay and Phares

Our office has received the October 11, 1999 Phase II Subsurface Investigation report prepared by AEI Consultants for the above referenced site. The report describes the results of soil and groundwater samples collected from four borings at the property. Also reviewed was the Glenfos, Inc. report describing the results of soil and groundwater collection from eight additional borings performed at the site.

These investigations have revealed impacted groundwater with up to 20,000 $\mu\text{g/L}$ of TPH as gasoline, 1,000 $\mu\text{g/L}$ of benzene, and 19 $\mu\text{g/L}$ of toluene. At this point insufficient data is available for this site to qualify for case closure. Further investigation in the form of groundwater monitoring wells would provide groundwater flow direction data as well as groundwater quality data over time. Following several episodes of groundwater monitoring and sampling, if the hydrocarbon plume appears to be stable, the site may be eligible for closure based on Regional Board Guidelines for Low Risk Petroleum Release Sites. Based on the data available at this time, it is unlikely that active remediation, such as a groundwater pump-and-treat system, will be necessary at this site.

(Closing paragraph)

Sincerely,

(B. Chan)

ENVIRONMENTAL
PROTECTION
99 OCT 25 PM 4:42

October 12, 1999

Barney Chan
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502

Subject: Phase II Subsurface Investigation
1450 Fruitvale Avenue
Oakland, California
AEI Project No. 3397

10/12/99

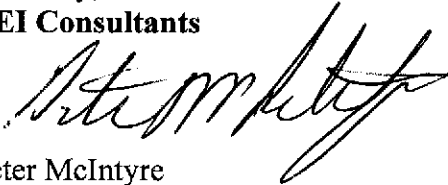
#6419

Dear Mr. Chan:

Enclosed is a copy of the Phase II Subsurface Investigation report prepared for this property. Appended is a copy of the Glenfos report from which the previous analytical data was obtained.

Please contact me at (925) 283-6000 if you have any questions.

Sincerely,
AEI Consultants



Peter McIntyre
Project Geologist

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



July 16, 1999
StID # 6419

ENVIRONMENTAL HEALTH SERVICES

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

Messrs. John Jay & Ken Phares
Jay Phares Corporation
10700 MacArthur Blvd., Suite 200
Oakland, CA 94605

Re: 1450 Fruitvale Ave., Oakland CA 94601

Dear Messrs. Jay and Phares:

Our office has been provided a copy of the **June 11, 1999 Subsurface Investigation** report on the referenced site prepared by All Environmental, Inc. An additional investigation report performed by Glenfos, Inc. was included in this report. The Glenfos report describes the results of soil and groundwater samples collected from eight borings. Within these borings, considerable gasoline and BTEX (benzene, toluene, ethylbenzene and xylenes) was found in two of the groundwater samples. Because of these results, this site is believed to have experienced a release from the underground tanks at this site. This site has been transferred to the Local Oversight Program (LOP) to allow our office to provide regulatory oversight. A Notice of Responsibility (NOR) letter has been sent to inform you of this action. In addition, All Environmental has completed on your behalf an Unauthorized Release (Leak) Report.

The All Environmental report attempted to verify that all underground tanks on this site had been removed. Three excavation pits were dug and soil and groundwater sampled. The pit locations were in areas where former gasoline and waste oil tanks were once believed to have been. Assuming that the locations of these samples represent the former underground tank locations, it appears that fuel release in these areas is minimal. In order to verify the locations of the former underground tank system, please provide a site map showing these items. The Glenfos, Inc. report states that a site map was included in Appendix B of their report, however, it was not included in the All Environmental report.

Because of the results of the Glenfos report, further information regarding the extent and degree of petroleum contamination will be required. The site cannot be recommended for closure at this time. You are requested to submit a work plan for additional site investigation. Please submit this plan to our office **within 45 days or by September 1, 1999.**

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan

Hazardous Materials Specialist

C: B. Chan, files

Mr. P. MacIntyre, All Environmental, 901 Moraga Rd., Suite C, Lafayette, CA 94549

Wprq1450

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)

July 15, 1999

STID #6419

Messrs. John Jay and Ken Phares
Jay-Phares Corporation
10700 MacArthur Blvd., Suite 200
Oakland CA 94605

RE: 1450 Fruitvale Ave., Oakland CA 94601

LANDOWNER NOTIFICATION AND PARTICIPATION REQUIREMENTS

Dear Messrs. Jay and Phares:

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 (20) 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) as a template 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.



July 14, 1999

Mr. Barney Chan
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502

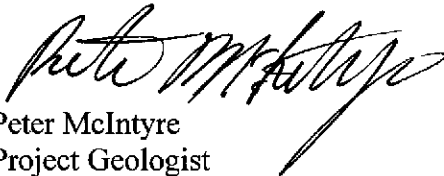
Subject: Workplan
1450 Fruitvale Avenue
Oakland, California
AEI Project No. 3334

Dear Mr. Chan:

Enclosed is the workplan prepared for the underground storage tank case at the above referenced property. The scope of work was designed to confirm the results of the previous investigation and further assess the extent and magnitude of impacted soil and groundwater.

Please contact me at (925) 283-6000 if you have any questions regarding this site.

Sincerely,
ALL ENVIRONMENTAL, INC.


Peter McIntyre
Project Geologist

99 JUL 27 PM 3:33
ENVIRONMENTAL
PROTECTION

LANDOWNER NOTIFICATION

Re: 1450 Fruitvale Ave., Oakland CA 94601

July 15, 1999

Page 2 of 2

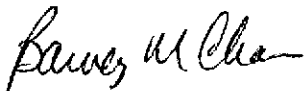
In accordance with Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code, you must certify to the local agency that all current record owners of fee title to the site have been informed of the proposed action before the local agency may do any of the following:

- 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

You may use the enclosed "notice of proposed action" form (sample letter 3) as a template 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.

Please call me at (510) 567-6765 should you have any questions about the content of this letter.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

Attachments

cc: Chuck Headlee, RWQCB



July 7, 1999

Barney Chan
 Alameda County Health Care Services Agency
 1131 Harbor Bay Parkway, Suite 250
 Alameda, CA 94502

Subject: Unauthorized Release
 1450 Fruitvale Avenue
 Oakland, California
 AEI Project No. 3334

Dear Mr. Chan:

Enclosed is the completed unauthorized release form for the above referenced site. A subsurface investigation was first performed at the site on July 9, 1998. This investigation revealed impacted soil with up to 190 mg/kg TPH as gasoline and 0.34 mg/kg benzene. Groundwater sample analysis revealed TPH as gasoline up to 20 ^{mg} ~~µg~~/L and benzene up to 1000 µg/L. No records of any tank removal activities are available. In June 1999, AEI was contracted to remove the tanks on the property, however the former tank location was excavated and no tanks were found. Sample analysis at the excavation limits revealed no significant concentrations of gasoline related petroleum hydrocarbons.

The owner of the property, The Jay-Phares Corporation, has retained AEI to outline a scope of work to monitor the quality of groundwater beneath the site. The motivation for this work is related to a financial institution's requirement of environmental compliance at the site to be loaned on.

Please contact me at (925) 283-6000 if you have any questions.

Sincerely,
ALL ENVIRONMENTAL, INC.

Peter McIntyre
 Project Geologist

99 JUL -8 PM 4:31
 ENVIRONMENTAL
 PROTECTION

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

EMERGENCY YES NO HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? YES NO

FOR LOCAL AGENCY USE ONLY
 I HEREBY CERTIFY THAT I HAVE DISTRIBUTED THIS INFORMATION ACCORDING TO THE DISTRIBUTION SHOWN ON THE INSTRUCTION SHEET ON THE BACK PAGE OF THIS FORM.

REPORT DATE: 07/01/99 CASE #

SIGNED: *Barney Chan* DATE: 7-9-99

REPORTED BY
 NAME OF INDIVIDUAL FILING REPORT: Peter McIntyre PHONE: (925) 283-6000 SIGNATURE: *Peter McIntyre*
 REPRESENTING: OWNER/OPERATOR REGIONAL BOARD COMPANY OR AGENCY NAME: All Environmental, Inc.
 LOCAL AGENCY OTHER
 ADDRESS: 901 Moraga Road, Suite C, Lafayette CA 94549

RESPONSIBLE PARTY
 NAME: Jay-Phares Corp. UNKNOWN CONTACT PERSON: John Jay - Ken Phares PHONE: (510) 562-9500
 ADDRESS: 10700 MacArthur Blvd, Suite 200 Oakland CA 94605

SITE LOCATION
 FACILITY NAME (IF APPLICABLE): OPERATOR: PHONE: ()
 ADDRESS: 1450 Fruitvale Avenue Oakland Alameda 94601
 CROSS STREET: Farnam

IMPLEMENTING AGENCIES
 LOCAL AGENCY: Alameda County Health Care Services Barney Chan PHONE: (510) 567-6765
 REGIONAL BOARD: San Francisco Bay RWOCB PHONE: (510) 622-2300

SUBSTANCES INVOLVED
 (1) NAME: Gasoline QUANTITY LOST (GALLONS): UNKNOWN
 (2) UNKNOWN

DISCOVERY/ABATEMENT
 DATE DISCOVERED: 07/09/99 HOW DISCOVERED: INVENTORY CONTROL SUBSURFACE MONITORING TANK TEST TANK REMOVAL OTHER: Subsurface Investigation
 DATE DISCHARGE BEGAN: UNKNOWN METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY):
 REMOVE CONTENTS CLOSE TANK & REMOVE REPAIR PIPING
 REPAIR TANK CLOSE TANK & FILL IN PLACE CHANGE PROCEDURE
 REPLACE TANK OTHER
 HAS DISCHARGE BEEN STOPPED? YES NO IF YES, DATE: _____

SOURCE/CAUSE
 SOURCE OF DISCHARGE: TANK LEAK UNKNOWN PIPING LEAK OTHER
 CAUSE(S): OVERFILL RUPTURE/FAILURE SPILL CORROSION UNKNOWN OTHER

CASE TYPE
 CHECK ONE ONLY: UNDETERMINED SOIL ONLY GROUNDWATER DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)

CURRENT STATUS
 CHECK ONE ONLY:
 NO ACTION TAKEN PRELIMINARY SITE ASSESSMENT WORKPLAN SUBMITTED POLLUTION CHARACTERIZATION
 LEAK BEING CONFIRMED PRELIMINARY SITE ASSESSMENT UNDERWAY POST CLEANUP MONITORING IN PROGRESS
 REMEDIATION PLAN CASE CLOSED (CLEANUP COMPLETED OR UNNECESSARY) CLEANUP UNDERWAY

REMEDIAL ACTION
 CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS):
 CAP SITE (CD) EXCAVATE & DISPOSE (ED) REMOVE FREE PRODUCT (FP) ENHANCED BIO DEGRADATION (IT)
 CONTAINMENT BARRIER (CB) EXCAVATE & TREAT (ET) PUMP & TREAT GROUNDWATER (GT) REPLACE SUPPLY (RS)
 VACUUM EXTRACT (VE) NO ACTION REQUIRED (NA) TREATMENT AT HOOKUP (HU) VENT SOIL (VS)
 OTHER (OT): _____

COMMENTS
 Tank removal date unknown

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 2400 Mendocino 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 25189.5, 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. As 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. Name as 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.

TYPE/CAUSE

Indicate source(s) of leak. Check boxes indicating cause of leak.

LEAK TYPE

Indicate the cause of the leak. Check one box only. Circle type in based on the least sensitive medium affected. For example, if both soil and ground water have been affected, circle type will be "Ground Water". Indicate "Drinking Water" only if use or use potential of water source which has been 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 drilled. It is understood that cause type may change as further investigation.

LEAK DATES

Indicate the date the leak first occurred and the date of the discovery. Check the box on the date the leak was first discovered. For cleanup, the date of the "Ground Water" when "Drinking Water" should refer to the date of the first discovery of the leak as opposed to the date of the first discovery of the leak.

Indicate the date the leak was first discovered and the date of the discovery.

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 contamination.
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.
Deep and Treat Groundwater - generally employed to remove dissolved contaminants.
Enhanced Biodegradation - use of any available technology to promote bacterial decomposition of contaminants.
Reliance Supply - provide alternative water supply to affected parties.
Treatment at Header - 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 leak 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 95894-2120
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.

Transfer of Eligible Local Oversight Case

Prop. Owner

Jay-Anves Corp.
10700 MacArthur Blvd. Suite 200
Oakland CA 94605

STID 6419 Date of Input/By: 7/15/99 GPM

Date: 7/8/99 From: B. Chan

Site Name: Former Richfield Oil Parking Lot

Address: 1450 Fruitvale Ave City: Oakland Zip: 94601

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

1. Y N Tanks Removed? # of removed? ? Date removed: ?
2. Y N Samples received? Contamination level: _____ ppm 20 mg/l gas/water
Type of test _____ 190 ppm gas / soil
Contamination should be over 100 ppm TPH to qualify for LOP
3. Y N Petroleum? Circle Type(s):
 - Avgas
 - leaded
 - unleaded
 - fuel oil
 - jet
 - diesel
 - waste oil
 - kerosene
 - solvents

Procedure to follow should your site meet all the above qualifications:

1.
 - a. _____ Close the deposit refund case.
 - b. _____ Account for ALL time you have spent on the case.
 - c. _____ Turn In account sheet to Leslie.
If there are funds still remaining it is still better to transfer the case to LOP as the rate for LOP allows more overhead. DO NOT attempt to continue to oversee the site simply because there are funds remaining!

Remaining DepRef \$'s: _____

DepRef Case Closed with Candyce/Leslie? Y N (If no, explain why below.)

2. Submit the completed A and B permit application forms to NORMA.
3. Give the entire case to the proper LOP staff.