



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

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



Arnold Schwarzenegger
Governor

Ro 396

January 7, 2008

Tomorrow Development Co. Inc.
Attn: Ted Dang
1305 Franklin, Suite 500
Oakland, CA 94612

RECEIVED

JAN 11 2008

ENVIRONMENTAL HEALTH SERVICES

Dear Mr. Dang,

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), ORPHAN SITE CLEANUP ACCOUNT (OSCA) PROGRAM, **CLEANUP GRANT AGREEMENT** 06-048-550-1; FOR OSCA APPLICATION: B0025; OSCA SITE ADDRESS: 2457 EAST 27TH STREET, OAKLAND, CA

The State Water Resources Control Board (SWRCB) is able to issue, pursuant to applicable statutes and State Board Resolution 2006-0019, the enclosed OSCA **Cleanup** Grant Agreement - No.06-048-550-1 for 2457 East 27th Street, Oakland, CA in an amount not to exceed \$189,541.00. The Grant dollar amount is based upon our review and approval of the scope of work and budget in your Grant Agreement to perform response actions. The dollar amount of the Grant may be modified by the SWRCB. Grantee may submit invoices for response actions identified and performed since January 1, 2005 in the **Cleanup** Grant Agreement.

Enclosed are documents needed to prepare and submit reimbursement requests:

OSCA Reimbursement Request (RR) Instructions and Checklist

Grantee must follow the RR Instructions when seeking reimbursement for OSCA response action costs. A RR Checklist is provided to help grantees submit complete RR packages.

OSCA RR Forms

Use the enclosed forms to request reimbursement of costs incurred. The OSCA Grantee representative must sign all RR forms. Grantees may request additional RR forms at any time.

OSCA Grant Invoice Spreadsheet

Grantee must complete the OSCA Grant Invoice Spreadsheet by listing all invoices submitted with an RR.

California Environmental Protection Agency



OSCA Grant Program Line Item Invoice Worksheet

Grantee must complete OSCA Grant Program Line Item Invoice Worksheet for each line item (Task/Phase). ***Reimbursement Requests will not be processed unless this worksheet is completed and part of the invoice package.***

OSCA staff will continuously review the status of your claim. If grantee does not move forward with **cleanup** within six months from the date of this letter, the grant funds may be disencumbered.

During the term of this agreement, the Grantee shall submit by the 15th of the month following the quarterly reporting period (March, July, September, December), a written quarterly progress report to Grant Manager, Pat Preslar.

If you have any questions regarding the enclosed documents, please contact Pat Preslar at 341-5756.

Sincerely,



Pat Preslar
Grant Manager
Orphan Site Cleanup Account
Special Programs Unit

cc: ✓ Jerry Wickham
Alameda County EH
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577

Wickham, Jerry, Env. Health

From: Ryan Meyer [ryanmeyer@ceresassociates.com]
Sent: Tuesday, December 18, 2007 8:59 PM
To: Wickham, Jerry, Env. Health
Subject: 2547 East 27th Street, Oakland, California

Jerry:

I received your letter regarding approval of the work plan and we will comply with the changes you have requested.

I wanted to clear up two things though:

First, the work plan was submitted on November 9, 2007 around 4:00 pm to the FTP server. The quarterly monitoring report was uploaded (I believe) on November 12, 2007.

Second, groundwater monitoring has included results for both the current and former sampling events. I realized that the table was left out of the most recent quarterly monitoring report, so I uploaded it again just a minute ago. We have always given the whole story and not just that particular quarter.

Thanks

Ryan

--

Ryan Meyer
Senior Project Manager
Ceres Associates
132 E Street, Suite 310
Davis, CA 95616

(530) 554-1417 direct
(530) 792-7168 fax
(530) 320-4074 cell

ryanmeyer@ceresassociates.com
<http://www.ceresassociates.com>
<http://environmentalconsultant.blogspot.com>

****IMPORTANT NOTICE:** This message is intended only for the addressee and may contain confidential, privileged information. If you are not the intended recipient, you may not use, copy or disclose any information contained in the message. If you have received this message in error, please notify the sender by reply e-mail and delete the message. ******

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 7, 2007

Mr. Ted Dang
Tomorrow Development Co., Inc.
1305 Franklin Street, #500
Oakland, CA 94612

Mr. John Thorpe
21790 Hesperian Blvd.
Hayward, CA 94541-7003

Subject: Fuel Leak Case No. RO0000396 and Geotracker Global ID T0600102124, Former Service Station, 2547 East 27th Street, Oakland, CA 94601

Dear Mr. Dang and Mr. Thorpe:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site, including the recently submitted report entitled, "Work Plan for Soil Vapor Sampling and Backfill Soil Sampling: Former Gas Station, 2547 East 27th Street, Oakland, California," dated November 7, 2007 (received by ACEH on November 13, 2007). The Work Plan proposes soil vapor sampling at six locations and soil sampling of imported fill at four locations. The proposed sampling may be implemented provided that the technical comments below are addressed during the proposed field investigation. Submittal of a revised Work Plan is not required unless an alternate scope of work outside that described in the Work Plan and technical comments below is proposed.

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 Locations.** We request that the proposed soil vapor sampling locations be revised as shown on the attached Revised Figure 5 to locate more of the soil vapor sampling locations outside the imported fill and within areas of potential residual contamination within the proposed living areas of the residences. The living areas of the residences were shown on a preliminary layout of the residences dated provided on June 20, 2007 by Mr. Ted Dang and included in appendices to your August 31, 2007 Revised Soil Excavation Report. As shown on Attachment 1 – Revised Figure 5, we also request that proposed soil vapor sampling location SV-01 be moved to the north end of the excavation along East 27th street where residual contamination was left in place. Please present the results in the Soil Vapor and Fill Material Sampling Report requested below.

2. **Sampling of Imported Fill.** The proposed scope of work for sampling imported fill appears excessive. As described in the Information Advisory on Clean Imported Fill Material from the California Department of Toxic Substances Control (DTSC), the recommended analyses for fill derived from a source near a quarry are heavy metals, asbestos, and pH. As previously discussed in our October 4, 2007 correspondence, no analyses are required for the lower three feet of backfill consisting of quarry fines supplied by Curtner Quarry. Therefore, we request that proposed borings BF-1 and BF-2 be advanced at the locations shown on Attachment 1 –Revised Figure 2 and analyzed for cadmium, chromium, lead, nickel, and zinc using EPA Method 6010, asbestos using PLM methods, and pH. Proposed borings BF-03 and BF-03 are not required. Please present the results in the Soil Vapor and Fill Material Sampling Report requested below.
3. **Groundwater Monitoring.** Groundwater monitoring is to be discontinued at the site pending the results of fourth quarter 2007 groundwater sampling. We note that previous groundwater sampling reports have only reported groundwater sampling results for the current sampling event. In the Quarterly Monitoring Report for Fourth Quarter 2007, please present a table that shows the historic analytical results for the chemicals of concern for each well.

TECHNICAL REPORT REQUEST

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

- **February 10, 2008** – Quarterly Monitoring Report for Fourth Quarter 2007
- **March 7, 2008** – Soil Vapor and Fill Material 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

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

Ted Dang
John Thorpe
RO0000396
December 7, 2007
Page 3

cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements ([http://www.swrcb.ca.gov/ust/cleanup/electronic reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

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

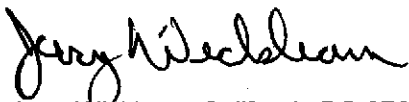
AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Ted Dang
John Thorpe
RO0000396
December 7, 2007
Page 4

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,



Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Hazardous Materials Specialist

Attachment 1 – Revised Figure 5

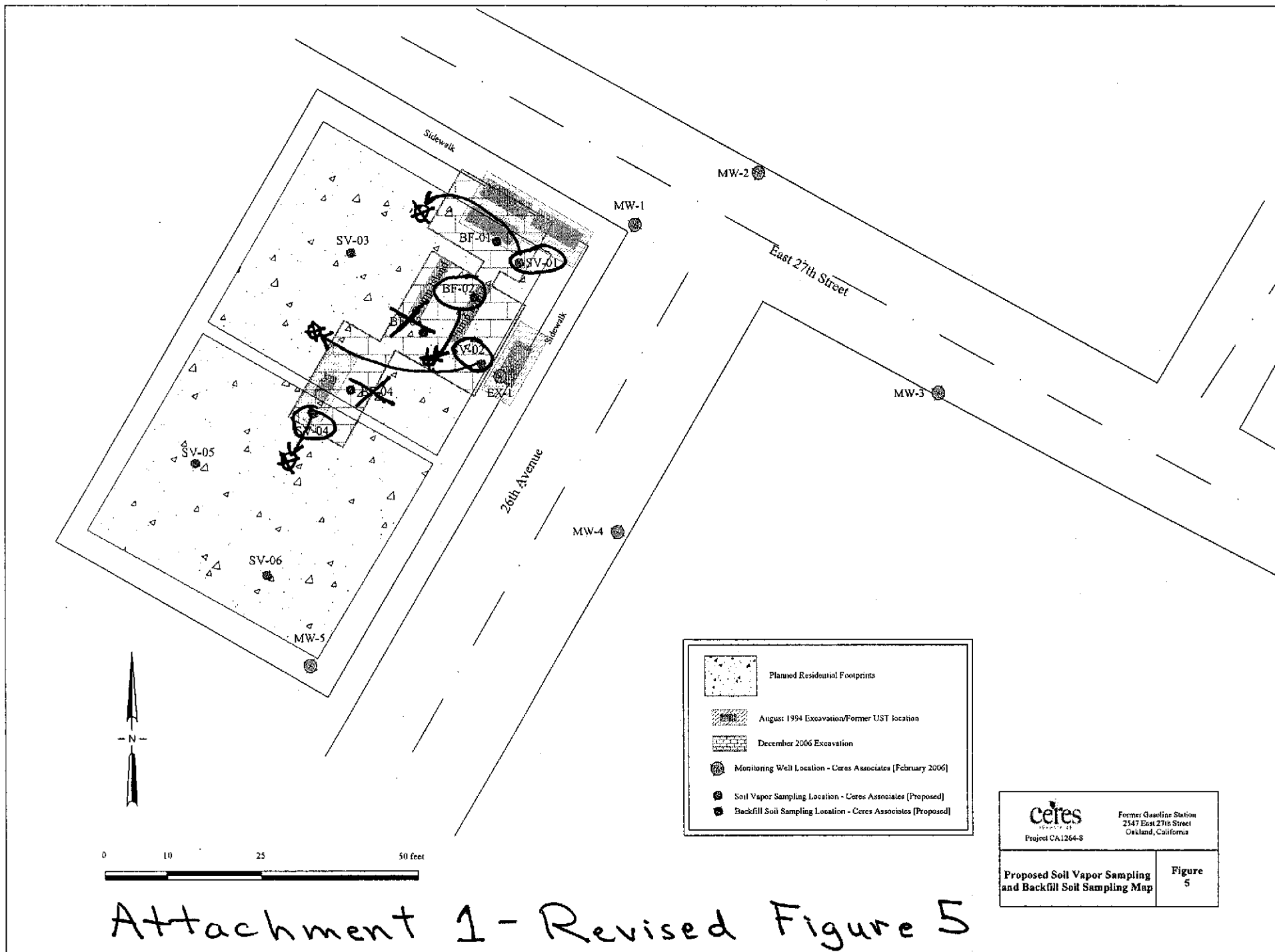
Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Ryan Meyer
Ceres Associates
424 First Street
Benicia, CA 94510

Kimberly Brandt
Ceres Associates
424 First Street
Benicia, CA 94510

Pat Preslar
State Water Resources Control Board
Division of Financial Assistance
P.O. Box 944212
Sacramento, CA 94244-2120

Donna Drogos, ACEH
Jerry Wickham, ACEH
File



| | |
|--|---|
| | Former Gasoline Station 2547 East 27th Street Oakland, California |
| | Project CA1264-S |
| Proposed Soil Vapor Sampling and Backfill Soil Sampling Map | Figure 5 |

Attachment 1 - Revised Figure 5

R0396



132 E Street, Suite 310
Davis, California 95616
(530) 554-1005

December 3, 2007
Project: CA1264

Alameda County

DEC 14 2007

Margot Lederer-Prado
City of Oakland
One Frank H. Ogawa Plaza
Oakland, California 94612

Environmental Health

RE: Tomorrow Development site: 2547 East 27th Street, Oakland, California ("Property")

Dear Ms. Lederer-Prado:

Ceres Associates has been contracted by Tomorrow Development to assist in the assessment and remediation of the above referenced Property.

The Property has been the subject of several assessments including those for soil and groundwater sampling, ongoing groundwater monitoring, and a sensitive site receptor survey. Further, Ceres Associates supervised the removal of approximately 500 cubic yards of petroleum impacted soils from the Property in late 2006.

Additional assessment has been required at the site by the local oversight agency – the Alameda County Health Care Services Agency (ACHCSA). The ACHCSA has requested that additional soil vapor sampling and backfilled soil sampling occur on the Property. This requirement is in addition to an on-going requirement to conduct quarterly groundwater sampling of monitoring wells installed both on and off the Property. These reports are available at the Geotracker website (<http://geotracker.swrcb.ca.gov>).

Ceres Associates anticipates that the soil vapor sampling will confirm that remediation on-site along with natural attenuation processes have reduced on-site subsurface contamination to concentrations that are not expected to pose a significant threat to the human and/or natural environment. It is expected that residential development will be able to proceed at some point in 2008, with the likely requirement of on-going groundwater monitoring to ensure that subsurface impacts are reducing over time and not migrating further from the Property.

If you have any questions regarding this project, please don't hesitate to contact me at (530) 554-1417 or via email at ryanmeyer@ceresassociates.com.

Sincerely,
Ceres Associates

Ryan Meyer
Senior Project Manager

Wickham, Jerry, Env. Health

To: Ryan Meyer
Subject: RE: Work Plan for Soil Vapor Sampling

Ryan,

A work plan for soil vapor sampling was received on November 13th. I will review the work plan and provide comments within 30 days of receipt, no later than December 13, 2007.

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

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

From: Ryan Meyer [mailto:ryanmeyer@ceresassociates.com]
Sent: Thursday, November 29, 2007 4:05 PM
To: Wickham, Jerry, Env. Health
Subject: Work Plan for Soil Vapor Sampling

Jerry:

I wanted to follow up with you on the work plan for soil vapor sampling that we submitted a few weeks ago. I want to get TEG scheduled to do the sampling as soon as possible, but want to make sure that the scope of the work plan was sufficient.

Thanks for your time

Ryan

--
Ryan Meyer
Project Manager
Ceres Associates
424 First Street
Benicia, CA 94510

(707) 748-3170
(707) 748-3171 fax
(530) 320-4074 cell

ryanmeyer@ceresassociates.com
<http://www.ceresassociates.com>
<http://environmentalconsultant.blogspot.com>

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Wickham, Jerry, Env. Health

From: Pat PRESLAR [PPreslar@waterboards.ca.gov]
Sent: Tuesday, October 23, 2007 10:40 AM
To: ryanmeyer@ceresassociates.com
Cc: Wickham, Jerry, Env. Health
Subject: OSCA GRANT B0025 SITE 2547 E. 27TH STREET OAKLAND

Good morning Ryan.

I received a copy of the October 4, 2007 letter to you from Jerry Wickham of Alameda County and see that the requested workplan is not due until November 9.

We are currently encumbering our final appropriation OSCA funds. If additional funds will be needed for directed remediation costs at the B0025 site, I need to receive a scope of work and budget adding the additional work/cost to amend the current grant, by November 1. Any funds that we don't earmark for our current grantees (such as this one) by that date, will be granted to our new applicants. They also will have a very short window to get us the budget and scope of work. But we have to have all funds encumbered by the end of the calendar year. It is going to make for some "best estimates".

Jerry, I would also like to hear back from you on this.

Thanks
Pat

Pat Preslar
DFA
(916) 341-5756
Fax (916) 341-5806

PLEASE NOTE: My e-mail address has been changed to ppreslar@waterboards.ca.gov.

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

October 4, 2007

Mr. Ted Dang
Tomorrow Development Co., Inc.
1305 Franklin Street, #500
Oakland, CA 94612

Mr. John Thorpe
21790 Hesperian Blvd.
Hayward, CA 94541-7003

Subject: Fuel Leak Case No. RO0000396 and Geotracker Global ID T0600102124, Former Service Station, 2547 East 27th Street, Oakland, CA 94601.

Dear Mr. Dang and Mr. Thorpe:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site, including the reports entitled, "Revised Soil Excavation Report," dated August 31, 2007 (received by ACEH on September 4, 2007) and "Quarterly Groundwater Monitoring, Second Quarter 2007," dated July 7, 2007. The Revised Soil Excavation Report presents the results from soil excavation, confirmation soil sampling, and soil disposal activities conducted between November 2006 and January 22, 2007. The report was revised from a previous February 13, 2007 version in order to address technical deficiencies, collect missing data, and correct omissions in reporting.

Approximately 396 tons of contaminated soil was excavated and removed from the property. The excavations were reported to extend to depths of 9.5 feet bgs. Residual soil contamination with concentrations of total petroleum hydrocarbons (TPH) as gasoline that exceeded the target cleanup goal of 100 milligrams per kilogram were left in place along the north and west walls of excavation area 1. The Revised Soil Excavation Report indicated that the excavation could not be extended laterally in these areas due to site constraints.

Due to the residual contamination left in place, ineffectiveness of screening during excavation and resulting uncertainties regarding confirmation soil samples as discussed in technical comment 6, detection of benzene at an elevated concentration in soil during tank removal, and the locations of planned residences, we request that you conduct soil vapor sampling to confirm the apparent results of soil and groundwater sampling at the site. We request that you **submit a Work Plan for soil vapor sampling as requested in technical comment 9 by November 9, 2007.**

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

TECHNICAL COMMENTS

- 1. Extent of Excavations on Figures 5 and 6.** Although we have previously commented on inconsistencies in the locations of the former August 1994 soil excavations on Ceres Associates maps, we note that the "Extent of Former Soil Excavation," shown on Figures 5 and 6 of the Revised Soil Excavation Report and Figure 2 of the Quarterly Groundwater Monitoring, Second Quarter 2007 (shows a green pattern on the figure with no label or note in the legend) are not consistent with the extent of excavation shown in the Kleinfelder investigation report dated August 22, 2002 and the Aqua Science Engineers report on the tank removal report dated September 15, 1994. However, Figure 2 of the Revised Soil Excavation Report by Ceres Associates shows the previous UST locations in the same locations as Kleinfelder investigation report dated August 22, 2002 and the Aqua Science Engineers report on the tank removal report dated September 15, 1994. The locations of the former USTs and former excavations must be shown accurately and consistently on site figures. In future reports, please show the extent of the recent excavation conducted between November 2006 and January 22, 2007, an accurate location of the previous USTs and dispensers, and an accurate extent of the 1994 soil excavation to be consistent with the Excavation Area shown in the Kleinfelder investigation report dated August 22, 2002 and the Aqua Science Engineers report on the tank removal report dated September 15, 1994.
- 2. Recommendations on Page 4.** The subsection that describes "Recommendations," from the Aqua Science Engineers 1994 report (3rd paragraph, page 4) requires some editing if this section is to be used in future reports.
- 3. Soil Excavation and Confirmation Sampling.** The second paragraph on page 11 of the Ceres Associates, "Revised Soil Excavation Report," which discusses ACEH requests regarding the excavations, does not accurately represent comments and directives in ACEH correspondence. The item shown in quotes is taken out of context and is actually not from ACEH correspondence dated May 18, 2006 as indicated but instead is from ACEH correspondence dated August 4, 2006. In previous correspondence, ACEH has requested that contaminated backfill and residual soil contamination in the surrounding areas be removed as the first remedial action for the site; our requests have not been limited to removal of contaminated backfill.
- 4. Depth of Excavation.** We note that the depth of excavation is reported as 9.5 feet bgs in each of the excavation areas on page 12 of the Revised Soil Excavation Report dated August 31, 2007. The depth of excavation was previously reported as 8.5 to 9 feet bgs in the Soil Excavation Report dated February 13, 2007. In the Soil Vapor Work Plan requested below, please confirm that the depth of excavation was 9.5 feet bgs.
- 5. Imported Fill.** The Revised Soil Excavation Report indicates that the lower three feet of backfill consisted of quarry fines supplied by Curtner Quarry. The use of the quarry fines as base rock is acceptable and no further documentation is required. The upper portion of fill is described as, "clean fill soil from undeveloped land." Please provide further information regarding the upper backfill to ensure that the material is appropriate for residential land use. Guidance from the California Department of Toxic Substances Control (DTSC) is provided as Attachment A.

6. **Confirmation Soil Samples.** As shown on Table 7 of the Revised Soil Excavation Report, all confirmation soil samples were uniformly collected at a depth of 9 feet bgs. Soil screening during excavation does not appear to have been effective and was apparently not used to identify contaminated soil. Although the confirmation soil samples submitted for laboratory analyses contained up to 600 milligrams per kilogram of TPH as gasoline, the PID readings for all confirmation soil samples were zero. All PID readings appear to have been zero during excavation except two readings from the bottom of Excavation I. Due to the fact that screening was not effective and all confirmation soil samples were collected at a uniform depth, it is uncertain as to whether the confirmation soil samples were collected from optimal locations and depths to define the extent of contamination. The additional soil samples collected in borings CS-1 through CS-10 provide additional data outside the excavations at depths of 5 and 10 feet bgs. However, we note that screening of soil samples in these borings also did not appear to be effective and was not used to select soil samples for laboratory analyses. For borings CS-1, CS-4, and CS-5, the highest PID readings were from soil samples collected at 2.5 feet bgs. However, soil samples from depths of 5 and 10 feet bgs in these borings were submitted for laboratory analyses.
7. **Tables.** Tables 8 and 10 are missing numerous data points. As an example, only one sample on Table 10 has a value for TPHg even though all 13 samples were analyzed for TPHg. Please correct these tables in future documents.
8. **Soil Manifests.** The Non-Hazardous Waste Manifests in the Appendix labeled, "Other Documents" has a notation for "TPH and Metals Impacted Soils," in the Special Handling Instructions. The Revised Soil Excavation Report does not discuss elevated concentrations of metals in soils. In the Soil Vapor Sampling Work Plan requested below, please clarify the reason for the notation regarding metals impacts to soils on the soil manifests and present any metals data in addition to the composite stockpile sample data on page 13 that may indicate elevated concentrations of metals in the soil that was disposed off site.
9. **Soil Vapor Sampling.** Based on the residual contamination left in place, uncertainties regarding the confirmation soil samples as discussed in technical comment 6, detection of benzene at an elevated concentration in soil during tank removal, and the outline of residential development, we request that you conduct soil vapor sampling to confirm the apparent results of soil and groundwater sampling at the site. Soil vapor samples are to be collected from two locations within the footprints of each of the two planned residences. Please refer to the January 28, 2003 DTSC/RWQCB-LAR *Advisory – Active Soil Gas Investigations* and the December 15, 2004 DTSC *Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air* to help plan the soil vapor investigation. Please present your plans for soil vapor sampling in the Soil Vapor Sampling Work Plan requested below.
10. **Groundwater Monitoring.** We concur with the proposal to continue quarterly groundwater monitoring using each of the five existing monitoring wells. The groundwater samples are to be analyzed for TPH as gasoline, BTEX, and MTBE using EPA Method SW8021B/8015C and TPH as diesel using EPA Method 8015. Based on the results from groundwater sampling conducted in April 2007, continued analyses for chlorinated hydrocarbons, EDB and

Ted Dang
John Thorpe
RO0000396
October 4, 2007
Page 4

EDC, and fuel oxygenates (TAME, ETBE, DIPE, and TBE) is not required. Please present results from quarterly groundwater sampling in the Quarterly Groundwater Monitoring Reports requested below.

- 11. Groundwater Elevation Map.** Groundwater elevations must be posted for each well on Groundwater Elevation Maps. Showing only contours on Figure 3 of the Quarterly Groundwater Monitoring, Second Quarter 2007 without posting data is not acceptable. Figure 3 shows a closed depression surrounding well MW-4, which requires that groundwater is being extracted or leaking into utilities in this area. In the Quarterly Monitoring Report for Third Quarter 2007, please discuss your basis for concluding that there is a groundwater depression in the area of well MW-4.

TECHNICAL REPORT REQUEST

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

- **November 9, 2007** – Soil Vapor Sampling Work Plan
- **November 10, 2007** – Quarterly Monitoring Report for Third Quarter 2007
- **February 10, 2008** – Quarterly Monitoring Report for Fourth Quarter 2007

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.

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Ted Dang
John Thorpe
RO0000396
October 4, 2007
Page 5

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.

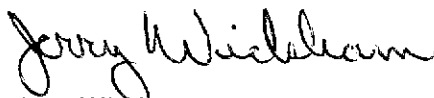
AGENCY OVERSIGHT

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.

Ted Dang
John Thorpe
RO0000396
October 4, 2007
Page 6

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

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Attachment: Information Advisory, Clean Imported Fill Material, DTSC

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Ryan Meyer
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Donna Drogos, ACEH
Jerry Wickham, ACEH
File

Information Advisory Clean Imported Fill Material



October 2001

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

It is DTSC's mission to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality, by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.

State of California



California
Environmental
Protection Agency



Executive Summary

This fact sheet has been prepared to ensure that inappropriate fill material is not introduced onto sensitive land use properties under the oversight of the DTSC or applicable regulatory authorities. Sensitive land use properties include those that contain facilities such as hospitals, homes, day care centers, and schools. This document only focuses on human health concerns and ecological issues are not addressed.

It identifies those types of land use activities that may be appropriate when determining whether a site may be used as a fill material source area. It also provides guidelines for the appropriate types of analyses that should be performed relative to the former land use, and for the number of samples that should be collected and analyzed based on the estimated volume of fill material that will need to be used. The information provided in this fact sheet is not regulatory in nature, rather is to be used as a guide, and in most situations the final decision as to the acceptability of fill material for a sensitive land use property is made on a case-by-case basis by the appropriate regulatory agency.

Introduction

The use of imported fill material has recently come under scrutiny because of the instances where contaminated soil has been brought onto an otherwise clean site. However, there are currently no established standards in the statutes or regulations that address environmental requirements for imported fill material. Therefore, the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) has prepared this fact sheet to identify procedures that can be used to minimize the possibility of introducing contaminated soil onto a site that requires imported fill material. Such sites include those that are undergoing site remediation, corrective action, and closure activities overseen by DTSC or the appropriate regulatory agency. These procedures may also apply to construction projects that will result in sensitive land uses. The intent of this fact sheet is to protect people who live on or otherwise use a sensitive land use property. By using this fact sheet as a guide, the reader will minimize the chance of introducing fill material that may result in potential risk to human health or the environment at some future time.

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

Overview

Both natural and manmade fill materials are used for a variety of purposes. Fill material properties are commonly controlled to meet the necessary site specific engineering specifications. Because most sites requiring fill material are located in or near urban areas, the fill materials are often obtained from construction projects that generate an excess of soil, and from demolition debris (asphalt, broken concrete, etc.). However, materials from those types of sites may or may not be appropriate, depending on the proposed use of the fill, and the quality of the assessment and/or mitigation measures, if necessary. Therefore, unless material from construction projects can be demonstrated to be free of contami-

nation and/or appropriate for the proposed use, the use of that material as fill should be avoided.

Selecting Fill Material

In general, the fill source area should be located in nonindustrial areas, and not from sites undergoing an environmental cleanup. Nonindustrial sites include those that were previously undeveloped, or used solely for residential or agricultural purposes. If the source is from an agricultural area, care should be taken to insure that the fill does not include former agricultural waste process byproducts such as manure or other decomposed organic material. Undesirable sources of fill material include industrial and/or commercial sites where hazardous ma-

Potential Contaminants Based on the Fill Source Area

Fill Source:

Target Compounds

Land near to an existing freeway

Lead (EPA methods 6010B or 7471A), PAHs (EPA method 8310)

Land near a mining area or rock quarry

Heavy Metals (EPA methods 6010B and 7471A), asbestos (polarized light microscopy), pH

Agricultural land

Pesticides (Organochlorine Pesticides: EPA method 8081A or 8080A; Organophosphorus Pesticides: EPA method 8141A; Chlorinated Herbicides: EPA method 8151A), heavy metals (EPA methods 6010B and 7471A)

Residential/acceptable commercial land

VOCs (EPA method 8021 or 8260B, as appropriate and combined with collection by EPA Method 5035), semi-VOCs (EPA method 8270C), TPH (modified EPA method 8015), PCBs (EPA method 8082 or 8080A), heavy metals including lead (EPA methods 6010B and 7471A), asbestos (OSHA Method ID-191)

**The recommended analyses should be performed in accordance with USEPA SW-846 methods (1996). Other possible analyses include Hexavalent Chromium: EPA method 7199*

Recommended Fill Material Sampling Schedule

| Area of Individual Borrow Area | Sampling Requirements |
|--|---|
| 2 acres or less | Minimum of 4 samples |
| 2 to 4 acres | Minimum of 1 sample every 1/2 acre |
| 4 to 10 acres | Minimum of 8 samples |
| Greater than 10 acres | Minimum of 8 locations with 4 subsamples per location |
| Volume of Borrow Area Stockpile | Samples per Volume |
| Up to 1,000 cubic yards | 1 sample per 250 cubic yards |
| 1,000 to 5,000 cubic yards | 4 samples for first 1000 cubic yards + 1 sample per each additional 500 cubic yards |
| Greater than 5,000 cubic yards | 12 samples for first 5,000 cubic yards + 1 sample per each additional 1,000 cubic yards |

materials were used, handled or stored as part of the business operations, or unpaved parking areas where petroleum hydrocarbons could have been spilled or leaked into the soil. Undesirable commercial sites include former gasoline service stations, retail strip malls that contained dry cleaners or photographic processing facilities, paint stores, auto repair and/or painting facilities. Undesirable industrial facilities include metal processing shops, manufacturing facilities, aerospace facilities, oil refineries, waste treatment plants, etc. Alternatives to using fill from construction sites include the use of fill material obtained from a commercial supplier of fill material or from soil pits in rural or suburban areas. However, care should be taken to ensure that those materials are also uncontaminated.

Documentation and Analysis

In order to minimize the potential of introducing contaminated fill material onto a site, it is necessary

to verify through documentation that the fill source is appropriate and/or to have the fill material analyzed for potential contaminants based on the location and history of the source area. Fill documentation should include detailed information on the previous use of the land from where the fill is taken, whether an environmental site assessment was performed and its findings, and the results of any testing performed. It is recommended that any such documentation should be signed by an appropriately licensed (CA-registered) individual. If such documentation is not available or is inadequate, samples of the fill material should be chemically analyzed. Analysis of the fill material should be based on the source of the fill and knowledge of the prior land use.

Detectable amounts of compounds of concern within the fill material should be evaluated for risk in accordance with the DTSC Preliminary Endangerment Assessment (PEA) Guidance Manual. If

metal analyses are performed, only those metals (CAM 17 / Title 22) to which risk levels have been assigned need to be evaluated. At present, the DTSC is working to establish California Screening Levels (CSL) to determine whether some compounds of concern pose a risk. Until such time as these CSL values are established, DTSC recommends that the DTSC PEA Guidance Manual or an equivalent process be referenced. This guidance may include the Regional Water Quality Control Board's (RWQCB) guidelines for reuse of non-hazardous petroleum hydrocarbon contaminated soil as applied to Total Petroleum Hydrocarbons (TPH) only. The RWQCB guidelines should not be used for volatile organic compounds (VOCs) or semi-volatile organic compounds (SVOCS). In addition, a standard laboratory data package, including a summary of the QA/QC (Quality Assurance/Quality Control) sample results should also accompany all analytical reports.

When possible, representative samples should be collected at the borrow area while the potential fill material is still in place, and analyzed prior to removal from the borrow area. In addition to performing the appropriate analyses of the fill material, an appropriate number of samples should also be determined based on the approximate volume or area of soil to be used as fill material. The table above can be used as a guide to determine the number of samples needed to adequately characterize the fill material when sampled at the borrow site.

Alternative Sampling

A Phase I or PEA may be conducted prior to sampling to determine whether the borrow area may have been impacted by previous activities on the property. After the property has been evaluated, any sampling that may be required can be determined during a meeting with DTSC or appropriate regulatory agency. However, if it is not possible to analyze the fill material at the borrow area or determine that it is appropriate for use via a Phase I or PEA, it is recommended that one (1) sample per truckload be collected and analyzed for all com-

pounds of concern to ensure that the imported soil is uncontaminated and acceptable. (See chart on Potential Contaminants Based on the Fill Source Area for appropriate analyses). This sampling frequency may be modified upon consultation with the DTSC or appropriate regulatory agency if all of the fill material is derived from a common borrow area. However, fill material that is not characterized at the borrow area will need to be stockpiled either on or off-site until the analyses have been completed. In addition, should contaminants exceeding acceptance criteria be identified in the stockpiled fill material, that material will be deemed unacceptable and new fill material will need to be obtained, sampled and analyzed. Therefore, the DTSC recommends that all sampling and analyses should be completed prior to delivery to the site to ensure the soil is free of contamination, and to eliminate unnecessary transportation charges for unacceptable fill material.

Composite sampling for fill material characterization may or may not be appropriate, depending on quality and homogeneity of source/borrow area, and compounds of concern. Compositing samples for volatile and semivolatile constituents is not acceptable. Composite sampling for heavy metals, pesticides, herbicides or PAH's from unanalyzed stockpiled soil is also unacceptable, unless it is stockpiled at the borrow area and originates from the same source area. In addition, if samples are composited, they should be from the same soil layer, and not from different soil layers.

When very large volumes of fill material are anticipated, or when larger areas are being considered as borrow areas, the DTSC recommends that a Phase I or PEA be conducted on the area to ensure that the borrow area has not been impacted by previous activities on the property. After the property has been evaluated, any sampling that may be required can be determined during a meeting with the DTSC.

For further information, call Richard Coffman, Ph.D., R.G., at (818) 551-2175.

Wickham, Jerry, Env. Health

To: Ryan Meyer
Subject: RE: 2547 East 27th Street, Oakland

Ryan,

Your 8/31/2007 report was received.

Jerry Wickham
Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
510-567-6791 phone
510-337-9335 fax
jerry.wickham@acgov.org

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

From: Ryan Meyer [mailto:ryanmeyer@ceresassociates.com]
Sent: Monday, September 24, 2007 12:53 PM
To: Wickham, Jerry, Env. Health
Subject: 2547 East 27th Street, Oakland

Mr Wickham:

I wanted to make sure that you received the Revised Report you requested and that it met with your approval.

Thank you for your time and help,

Ryan

--
Ryan Meyer
Project Manager
Ceres Associates
424 First Street
Benicia, CA 94510

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(707) 748-3171 fax
(530) 320-4074 cell

ryanmeyer@ceresassociates.com
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Wickham, Jerry, Env. Health

To: Ryan Meyer
Subject: RE: Extension for Revised Excavation Report

Ryan,

We provide specific language for perjury statements from responsible parties but there is no standard language regarding the professionals signing the report. Just be sure to identify the role of each person signing the report. The professional geologist or engineer must stamp the report.

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

-----Original Message-----
From: Ryan Meyer [mailto:ryanmeyer@ceresassociates.com]
Sent: Wednesday, August 29, 2007 1:06 PM
To: Wickham, Jerry, Env. Health
Subject: Re: Extension for Revised Excavation Report

Jerry:

Quick question. My geologist is asking me a question that I can't answer:

What language does ACHCSA want to see in terms of a professional statement regarding the Geologist who supervised/signs the report?

Thanks

Ryan Meyer

PS We're right on schedule to submit the revised report to you on Friday

--
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Wickham, Jerry, Env. Health

To: Ryan Meyer
Cc: TWD113@aol.com; Pat PRESLAR
Subject: RE: Extension for Revised Excavation Report

Ryan,

Based upon your request, the schedule for submittal of a Revised Soil Excavation Report for case R0396 is extended to August 31, 2007.

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

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

From: Ryan Meyer [mailto:ryanmeyer@ceresassociates.com]
Sent: Friday, August 03, 2007 10:45 AM
To: Wickham, Jerry, Env. Health
Subject: Re: Extension for Revised Excavation Report

Jerry,

I know we don't really deserve another extension, given that our prior reports have been lackluster, and I apologize for that.

We are trying to make this report the best report you've ever seen. We've developed new figures, are drawing new tables, and are ensuring that you are nothing short of pleased when you get the report.

That said, my geologist is asking for more time. Can we push the report submission to the end of August??

Again, I thank you for your patience, and I hope that we are able to really provide you with an exceptional report.

Thanks

Ryan

Wickham, Jerry, Env. Health wrote:

> Ryan,
>
> Based upon your request, the schedule for submittal of a Revised Soil
> Excavation Report for case R00396 is extended to August 9, 2007.
>
> Regards,
> Jerry Wickham
> Alameda County Environmental Health
> 1131 Harbor Bay Parkway
> Alameda, CA 94502-6577
> 510-567-6791 phone
> 510-337-9335 fax
> jerry.wickham@acgov.org

> -----Original Message-----

> From: Ryan Meyer [mailto:ryanmeyer@ceresassociates.com]
> Sent: Monday, July 16, 2007 11:38 AM

> To: Wickham, Jerry, Env. Health
> Subject: Extension for Revised Excavation Report
>
> Jerry:
>
> I was wondering if you would be ok with a time extension (2 weeks) for
> the Revised Soil Excavation Report in Oakland (2547 East 27th Street,
> Oakland). We are trying to get the report in a more readable and more
> understandable format.
>
> Would that be alright?
>
> Ryan Meyer
>
> --
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Wickham, Jerry, Env. Health

To: ryanmeyer@ceresassociates.com
Cc: Pat PRESLAR
Subject: RE: Extension for Revised Excavation Report

Ryan,

Based upon your request, the schedule for submittal of a Revised Soil Excavation Report for case R00396 is extended to August 9, 2007.

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

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

From: Ryan Meyer [mailto:ryanmeyer@ceresassociates.com]
Sent: Monday, July 16, 2007 11:38 AM
To: Wickham, Jerry, Env. Health
Subject: Extension for Revised Excavation Report

Jerry:

I was wondering if you would be ok with a time extension (2 weeks) for the Revised Soil Excavation Report in Oakland (2547 East 27th Street, Oakland). We are trying to get the report in a more readable and more understandable format.

Would that be alright?

Ryan Meyer

--
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Wickham, Jerry, Env. Health

To: ryanmeyer@ceresassociates.com
Subject: RE: 2547 East 27th Street: Lab Question

Analysis for 1,4 dioxane by Method 8260 is acceptable.

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

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

From: Ryan Meyer [mailto:ryanmeyer@ceresassociates.com]
Sent: Tuesday, June 26, 2007 11:06 AM
To: Wickham, Jerry, Env. Health
Subject: 2547 East 27th Street: Lab Question

Jerry:

We conducted the confirmation sampling you requested yesterday, but upon delivery to the laboratory I ran into a problem.

You requested that 1,4 dioxane be analyzed by 8270M; however, McCampbell Analytical doesn't analyze 1,4 dioxane by 8270M (they don't have that capability apparently), but they do analyze it via 8260.

Would it be ok if we have them analyze 1,4 dioxane by 8260?

A quick reply would be great so that we stay within the allowable hold time for analysis

Thanks

Ryan

--
Ryan Meyer
Project Manager
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424 First Street
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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



F

ENVIRONMENTAL HEALTH SERVICES
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April 26, 2007

Mr. Ted Dang
Tomorrow Development Co., Inc.
1305 Franklin Street, #500
Oakland, CA 94612

Mr. John Thorpe
21790 Hesperian Blvd.
Hayward, CA 94541-7003

Subject: Fuel Leak Case No. RO0000396 and Geotracker Global ID T0600102124, Former Service Station, 2547 East 27th Street, Oakland, CA 94601

Dear Mr. Dang and Mr. Thorpe:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site, including the reports entitled, "Quarterly Groundwater Monitoring and Deeper Groundwater Sampling," dated October 27, 2006 and "Soil Excavation Report," dated February 13, 2007 and received by ACEH on April 3, 2007. The Soil Excavation Report presents the results from soil excavation, confirmation soil sampling, and soil disposal activities conducted between November 2006 and January 22, 2007. Approximately 200 cubic yards of contaminated soil was excavated and removed from the property. The excavations were reported to extend to depths of 8.5 to 9 feet bgs. Residual soil contamination with concentrations of total petroleum hydrocarbons (TPH) as gasoline that exceeded the target cleanup goal of 100 milligrams per kilogram were left in place along the north and west walls of excavation area 1. The Soil Excavation Report indicated that the excavation could not be extended laterally in these areas due to site constraints. The extent of residual contamination left in place at the base of the excavation was not documented although the collection of confirmation soil samples from the bottom of each excavation was proposed in the revised Interim Corrective Action Plan dated June 28, 2006.

Due to the omissions in reporting and the required revisions, we are rejecting the Soil Excavation Report dated February 13, 2007. In order to address these technical deficiencies and omissions, we request that you address each of the technical comments below and prepare a Revised Soil Excavation Report. Additional soil sampling will be required to address omissions in the confirmation soil sampling. The additional soil sampling results are to be incorporated into the Revised Soil Excavation Report.

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

TECHNICAL COMMENTS

- 1. Extent of Excavation Northeast of Area 1 (Toward East 27th Street).** The Excavation Map shows the "Extent of Former Soil Excavation," extending northeast to the edge of the sidewalk along East 27th Street. However, the revised Interim CAP as well as the Kleinfelder investigation report dated August 22, 2002 and the Aqua Science Engineers report on the tank removal report dated September 15, 1994 show the excavation extending across the sidewalk to East 27th Street. Two of the former tanks are shown in locations beneath the sidewalk along East 27th Street. In Attachment 1 – Revised Soil Excavation Map to ACEH's correspondence dated August 4, 2006, we requested that the Area 1 excavation be extended northeast to East 27th Street. However, Area 1 as shown on the Excavation Map, stops at the sidewalk along East 27th Street. Confirmation soil sample I-9-N, collected from the northeast wall of the Area 1 excavation, had the highest concentration of TPH as gasoline (600 mg/kg) and TPH as diesel (420 mg/kg). Both of these concentrations exceeded the respective target cleanup goals. Due to the apparent limited extent of the residual soil contamination, low potential for exposure, and site constraints, we are not requesting that soil beneath the sidewalk along East 27th Street be excavated at this time. In the Revised Soil Excavation Report requested below, please correct the extent of the 1994 soil excavation to be consistent with the Excavation Area shown in the Kleinfelder investigation report dated August 22, 2002 and the Aqua Science Engineers report on the tank removal report dated September 15, 1994.
- 2. Extent of Excavation Northwest of Area 1 (Parallel to East 27th Street).** Confirmation soil sample I-9-W, collected from the northwest wall of the Area 1 excavation, had the highest concentration of TPH as gasoline (600 mg/kg) and TPH as diesel (420 mg/kg). Both of these concentrations exceeded the respective target cleanup goals. The Excavation Report indicates that, "The area of sample I-9-W could not feasibly be excavated further because it is adjacent to the public sidewalk of East 27th Street, and would have caused undermining." It is not clear why the excavation could not be continued to the northwest from the existing excavation in a direction that is parallel to the sidewalk. Please clarify why the excavation could not be continued to the northwest in the Revised Soil Excavation Report requested below. It should also be noted that in our technical comments dated August 4, 2006, we specifically stated, "For any excavation sidewalls where these parameters cannot be achieved due to the presence of surface structures or utilities, ACEH is to be notified and additional confirmation sampling will be required to document the extent of contamination left in place beneath the utility or structure." ACEH was not notified of the excavation and no additional confirmation samples were collected from this area.
- 3. Observations of Contamination and Depth of Sidewall Samples.** As requested in our August 4, 2006 correspondence, sidewall samples were to be collected, "from the depth interval where the highest PID readings, odor, or visual contamination was observed during excavation." We could not find any identification in the Excavation Report of the depth at which the confirmation soil samples were collected nor could we find any discussion or presentation of screening results or observations during excavation. Please address these issues in the Revised Soil Excavation Report requested below.
- 4. Confirmation Soil Samples from Bottom of Each Excavation.** The revised Interim CAP dated June 28, 2006 proposed that one confirmation soil sample would be collected from

each sidewall and two confirmation soil samples would be collected from the bottom of each excavation. No soil samples were apparently collected and analyzed from the base of the excavations, which were apparently limited to approximately 9.0 feet bgs to prevent excessive groundwater intrusion. These confirmation samples were necessary to document the residual contamination left in place that could act as a long-term source of groundwater contamination. Additional investigation could potentially be required due to the lack of these data.

5. **Laboratory Analyses for Confirmation Soil Samples.** In the technical comments on the revised CAP (see attached August 4, 2006 correspondence), we concurred with the proposal to analyze soil samples in the area of the former fuel tanks (Excavation Areas 1 and 2) for TPHg, TPHd, and BTEX. We requested that confirmation soil samples collected in the waste oil excavation (Excavation Area 3) be analyzed for TPHg by EPA Method 8015 or 8260, TPHd by EPA Method 8015, TPHm by EPA Method 8015, oil & grease by EPA Method 9070, BTEX by EPA Method 8260, chlorinated hydrocarbons by EPA Method 8260, 1,4 dioxane by EPA Method 8270M, EDB and EDC by EPA Method 8260, fuel oxygenates (MTBE, TAME, ETBE, DIPE, TBE, and ethanol) by EPA Method 8260, metals (cadmium, chromium, lead, nickel, and zinc) by ICAP or AA, PCBs, and PNAs. The four confirmation soil samples collected from the sidewall of Excavation Area 3 were apparently analyzed only for TPHg, TPHd, and BTEX. Please note that the above requested analytes are minimum verification analyses for waste oil tanks. In order to address this gap in the confirmation soil sampling, we request that you advance four shallow borings outside each sidewall of former Excavation Area 3 to collect confirmation soil samples and analyze the samples for the appropriate analytes described above. The soil borings are to be advanced to the depth at which the maximum contamination was observed during excavation in Area 3 in order to collect the confirmation soil samples. Please present the rationale for the depth of the confirmation sampling in Area 3 in the Revised Soil Excavation Report requested below. Please document the depth of the soil samples collected in a table and text as well as a boring log that includes a description of the soil types encountered along with screening results.
6. **Former Monitoring Wells EB-1 through EB-3.** The Ceres Associates report entitled, "Soil and Groundwater Sampling Report," and dated January 28, 2005 presents water levels apparently measured in monitoring wells EB-1 through EB-3. These monitoring wells were located within the three excavation areas. However, the Soil Excavation Report indicates that evidence of the wells was not observed during the excavation process. In the Revised Soil Excavation Report requested below, please indicate whether these wells were properly decommissioned.
7. **Deeper Soil Boring SB-25.** The Revised CAP proposed that one soil boring be advanced to a depth of 40 feet bgs to investigate the vertical extent of contamination. Soil boring SB25 was advanced to a depth of 27.5 feet bgs in September 2006. The boring could not be extended deeper due to refusal at 27.5 feet bgs. The soil boring log for SB25 does not record sample intervals for soil or groundwater sampling or screening results. It appears that no soil samples were collected for analysis and no screening results are presented or discussed. We could not locate analytical results for soil boring SB25 in the appendix of laboratory analytical results in the October 27, 2006 Quarterly Monitoring Report or the Soil Excavation Report. Discussion of Boring SB-25 is limited to one paragraph in the text of the

Excavation Report. Please provide proper documentation of the sampling and analytical results for boring SB25 in the Revised Soil Excavation Report requested below.

8. **Stockpile Soil Sample Results.** No discussion or documentation of stockpile soil sampling is presented in the Excavation Report. Please describe the sampling and properly document the results of stockpile soil sampling in the Revised Soil Excavation Report requested below.
9. **Development Plans for Site.** Please clarify whether planned future property will be residential or commercial use. In the Revised Soil Excavation Report requested below, please show the outline of the planned building(s) on the Excavation Map (figure number not specified in report).
10. **Conclusions and Recommendations.** Please revise the Conclusions and Recommendations section of the Soil Excavation Report in accordance with the technical comments above. In addition, please review the text for clarity and technical editing. Examples of statements that require revision include the second sentence in the fourth paragraph of the Risk Analysis and the second sentence in the second paragraph of the Property Re-Use section.
11. **Groundwater Monitoring.** We concur with the proposal to conduct quarterly groundwater monitoring using each of the five existing monitoring wells. The analytical methods used during the August 2006 groundwater sampling event are generally acceptable. However, we note that the analytical method for volatile hydrocarbons as gasoline with BTEX and MTBE is EPA Method SW8021B/8015C but is incorrectly referenced in the text of the October 27, 2006 Quarterly Monitoring Report as EPA Method 8020. In addition to the analyses for TPHg, TPHd, and BTEX, we request that the groundwater samples be analyzed for chlorinated hydrocarbons by EPA Method 8260, EDB and EDC by EPA Method 8260, and fuel oxygenates (MTBE, TAME, ETBE, DIPE, and TBE) during the next groundwater sampling event. Sampling for these additional analytes may be discontinued if the additional analytes are not detected or are detected at concentrations that are not significant. Please present groundwater monitoring results in the Quarterly Groundwater Monitoring Reports requested below.
12. **Geotracker EDF Submittals.** A review of the Geotracker Website indicates that analytical data from the 2006 site investigation and August 2006 groundwater sampling have been submitted but submittal of the required survey data for monitoring wells and complete copies of reports have not been submitted. In addition, the most recent confirmation sampling analytical results and Excavation Report have not been submitted to Geotracker. 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 system 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 to sub-meter accuracy, using NAD 83, and transmitted electronically to the SWRCB GeoTracker system via the internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports is also required in Geotracker (in PDF format). Please upload all required items in accordance with the above-cited regulation.

TECHNICAL REPORT REQUEST

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

- **July 26, 2007** – Revised Soil Excavation Report
- **August 10, 2007** – Quarterly Monitoring Report for Second Quarter 2007
- **November 10, 2007** – Quarterly Monitoring Report for Third Quarter 2007

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 letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

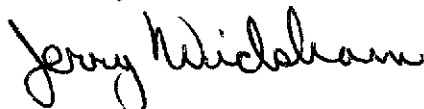
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

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

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Attachment: August 4, 2006 ACEH Correspondence

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

Ted Dang
John Thorpe
April 26, 2007
Page 7

cc: Ryan Meyer
Ceres Associates
424 First Street
Benicia, CA 94510

Ken Durand
Ceres Associates
424 First Street
Benicia, CA 94510

Pat Preslar
State Water Resources Control Board
Division of Financial Assistance
P.O. Box 944212
Sacramento, CA 94244-2120

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

Wickham, Jerry, Env. Health

From: Wickham, Jerry, Env. Health
Sent: Friday, March 09, 2007 1:36 PM
To: 'Pat PRESLAR'
Subject: RE: OSCA SITE B0025 2547 EAST 27TH ST., OAKLAND

I have not received a report on the soil removal yet. The report was due in December. I understand the removal was completed but the report has not been submitted.

Jerry Wickham
Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
510-567-6791 phone
510-337-9335 fax
jerry.wickham@acgov.org

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

From: Pat PRESLAR [mailto:PPreslar@waterboards.ca.gov]
Sent: Wednesday, March 07, 2007 9:29 AM
To: Wickham, Jerry, Env. Health
Subject: OSCA SITE B0025 2547 EAST 27TH ST., OAKLAND

Good morning. I'm checking on the status of the cleanup at the above site. I understand from the consultant that with some quartely monitoring we'll know if the cleanup is complete. Is that correct?

Thanks
Pat

Pat Preslar
DFA
(916) 341-5756
Fax (916) 341-5806
PLEASE NOTE: My e-mail address has been changed to ppreslar@waterboards.ca.gov.

Wickham, Jerry, Env. Health

From: Wickham, Jerry, Env. Health
Sent: Tuesday, January 30, 2007 2:34 PM
To: 'ryanmeyer@ceresassociates.com'
Subject: RE: 2547 East 27th Street, Oakland

Ryan,

I will look for your report in 2 weeks or so.

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

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

From: Ryan Meyer [mailto:ryanmeyer@ceresassociates.com]
Sent: Monday, January 29, 2007 10:54 AM
To: Wickham, Jerry, Env. Health
Subject: 2547 East 27th Street, Oakland

Jerry:

I was just talking to Ted Dang about the East 27th Street site. He mentioned that you had called him and that you were upset at not being notified about the fieldwork.

I'm really sorry that you weren't aware of our work. I was under the impression that my staff had notified you of the removal work done in late Nov/ early Dec. I was not in the office for all of that period as my two twin girls were born in early December. Further complicating that was that our Senior Project Manager and Geologist who has been supervising the project left the company. We have a new geologist, but that is still not an excuse, I should have called you myself to see how things were going. I'm sorry.

As for the work, we have completed the on-site removal and backfill. The stockpiled soil was removed and taken to the landfill last week. We are doing the quarterly sampling this Wednesday. I expect a report of our findings ready in 2 weeks time, followed closely by the next quarterly monitoring report.

Again, my apologies for not ensuring that you were aware of our field work. I took a thousand pictures, so I'll burn those to a CD and send them to you.

Thanks

Ryan Meyer
Northern California Environmental Manager Ceres Associates
424 First Street
Benicia, CA 94510
ryanmeyer@ceresassociates.com
(916) 485-2110 or (707) 748-3170
(707) 748-3171 fax
(530) 320-4074 cell



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

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



Arnold Schwarzenegger
Governor

November 17, 2006

Tomorrow Development Co., Inc.
Attn: Mr. Ted Dang
1305 Franklin, Suite 500
Oakland, CA 94612

Alameda County
NOV 21 2006
Environmental Health

Dear Mr. Dang:

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), ORPHAN SITE CLEANUP ACCOUNT (OSCA) PROGRAM, CLEANUP GRANT AGREEMENT, NUMBER 06-048-550-0; FOR OSCA APPLICATION: B0025; OSCA SITE ADDRESS: 2547 EAST 27TH STREET, OAKLAND, CA

The State Water Resources Control Board (SWRCB) is able to issue, pursuant to applicable statutes and State Board Resolution 2006-0019, the enclosed OSCA Cleanup Grant Agreement - No. 06-048-550-0, for 2547 East 27th Street, Oakland, CA, in an amount not to exceed \$119,200.00. The Grant dollar amount is based upon our review and approval of the scope of work and budget in your Grant Agreement to perform response actions. The dollar amount of the Grant may be modified by the SWRCB. Grantee may submit invoices for response actions identified and performed since January 1, 2005 in the Cleanup Grant Agreement.

Enclosed are documents needed to prepare and submit reimbursement requests:

OSCA Reimbursement Request (RR) Instructions and Checklist

Grantee must follow the RR Instructions when seeking reimbursement for OSCA response action costs. A RR Checklist is provided to help grantees submit complete RR packages.

OSCA RR Forms

Use the enclosed forms to request reimbursement of costs incurred. The OSCA Grantee representative must sign all RR forms. Grantees may request additional RR forms at any time.

OSCA Grant Invoice Spreadsheet

Grantee must complete the OSCA Grant Invoice Spreadsheet by listing all invoices submitted with an RR.

California Environmental Protection Agency



November 17, 2006

2006 NOV 21 PM 5:4

OSCA staff will continuously review the status of your claim. If grantee does not move forward with assessment within six months from the date of this letter, the grant funds may be disencumbered.

During the term of this agreement, the Grantee shall submit by the 15th of the month following the quarterly reporting period (March, July, September, December), a written quarterly progress report to Grant Manager, Pat Preslar.

If you have any questions regarding the enclosed documents, please contact Pat Preslar at 341-5756.

Sincerely,

ORIGINAL SIGNED BY

Pat Preslar
Grant Manager
Orphan Site Cleanup Account
Special Programs Unit

Enclosures

cc: Jerry Wickham (w/o enclosures)
Alameda County EH
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Division of Financial Assistance

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



Arnold Schwarzenegger
Governor

November 3, 2006

Tomorrow Development Co., Inc.
Attn: Mr. Ted Dang
1305 Franklin, Suite 500
Oakland, CA 94612

Dear Mr. Dang:

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), ORPHAN SITE CLEANUP ACCOUNT (OSCA) PROGRAM, ASSESSMENT GRANT AGREEMENT NUMBER 05-364-550-1; FOR OSCA APPLICATION: B0025; OSCA SITE ADDRESS: 2547 EAST 27TH STREET, OAKLAND, CA

The State Water Resources Control Board (SWRCB) is able to issue, pursuant to applicable statutes and State Board Resolution 2006-0019, the enclosed OSCA Assessment Grant Agreement - No. 05-364-550-1, for 2547 East 27th Street, Oakland, CA, in an amount not to exceed \$111,989.00. The Grant dollar amount is based upon our review and approval of the scope of work and budget in your Grant Agreement to perform response actions. The dollar amount of the Grant may be modified by the SWRCB. Grantee may submit invoices for response actions identified and performed since January 1, 2005 in the Assessment Grant Agreement.

Enclosed are documents needed to prepare and submit reimbursement requests:

OSCA Reimbursement Request (RR) Instructions and Checklist

Grantee must follow the RR Instructions when seeking reimbursement for OSCA response action costs. A RR Checklist is provided to help grantees submit complete RR packages.

OSCA RR Forms

Use the enclosed forms to request reimbursement of costs incurred. The OSCA Grantee representative must sign all RR forms. Grantees may request additional RR forms at any time.

OSCA Grant Invoice Spreadsheet

Grantee must complete the OSCA Grant Invoice Spreadsheet by listing all invoices submitted with an RR.

Alameda County
NOV 07 2006
Environmental Health

November 3, 2006

OSCA staff will continuously review the status of your claim. If grantee does not move forward with assessment within six months from the date of this letter, the grant funds may be disencumbered.

During the term of this agreement, the Grantee shall submit by the 15th of the month following the quarterly reporting period (March, July, September, December), a written quarterly progress report to Grant Manager, Pat Preslar.

If you have any questions regarding the enclosed documents, please contact Pat Preslar at 341-5756.

Sincerely,



Pat Preslar
Grant Manager
Orphan Site Cleanup Account
Special Programs Unit

Enclosures

cc: ~~Jerry Wickham~~ (w/o enclosures)
Alameda County EH
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

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(916) 341-5760 FAX (916) 341-5806 • www.waterboards.ca.gov/cwphome/ustcf

Arnold Schwarzenegger
Governor

OCT 12 2006

Ted Dang
1305 Franklin, Suite 500
Oakland, CA 94612

ORPHAN SITE CLEANUP ACCOUNT, AMENDED GRANT DOCUMENTS, FOR SITE
ADDRESS: 2547 EAST 27TH STREET, OAKLAND, CA
GRANT NUMBER 05-364-550-1
FOR OSCA FILE NO. B0025

Enclosed are four (4) copies of the Amended OSCA Assessment Grant Agreement for your site located at 2547 East 27th Street, Oakland, California. Review the Grant Agreements and verify that all information is correct. If you have any questions or have found errors in the Grant Agreements, please notify me immediately. Sign all four copies (on page two) of the Grant Agreements and mail all four **original signed** copies to my attention at:

2006 OCT 13 PM 2:16

State Water Resources Control Board
Division of Financial Assistance
Special Programs Unit
P.O. Box 944212
Sacramento, CA 94244-2120

Once the copies of the signed Grant Agreements are received, I will forward them to the Division of Administrative Services Unit to be executed. An original signed executed copy of your Grant Agreement will be mailed to you within several weeks. Upon receipt of your executed Grant Agreement, you can make a request for payment for eligible costs incurred at the subject site pursuant to the terms of the Grant Agreement.

If there are any additional questions, please telephone me at (916) 341-5756

Sincerely,

Pat Preslar
Orphan Site Cleanup Account
Special Programs Unit

Enclosures

cc: Jerry Wickham (w/o enclosures)

Alameda County
9006
OCT 13 2006
Environmental Health

California Environmental Protection Agency



Wickham, Jerry, Env. Health

From: Wickham, Jerry, Env. Health
Sent: Thursday, September 07, 2006 9:07 AM
To: 'Pat PRESLAR'
Subject: RE: OSCA SITE 2547 East 27th ST. Oakland

Pat,
They need to implement the proposed work in the Revised CAP so they should have a budget for excavation and one boring to 40 feet. I have not been notified of anything different.

Regards,
Jerry Wickham
Hazardous Materials Specialist
Alameda County Environmental Health
1131 Harbor Bay Parkway
Suite 250
Alameda, CA 94502-6577
510-567-6791 phone
510-337-9335 Fax
jerry.wickham@acgov.org

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

From: Pat PRESLAR [mailto:PPreslar@waterboards.ca.gov]
Sent: Thursday, September 07, 2006 8:26 AM
To: Wickham, Jerry, Env. Health
Subject: OSCA SITE 2547 East 27th ST. Oakland

Just checking up on these guys.
Did they agree to go ahead with the revised CAP in your August 4 letter? (If so, I'll find out why they haven't submitted a budget.)

Thanks
Pat

Pat Preslar
DFA
(916) 341-5756
Fax (916) 341-5806
PLEASE NOTE: My e-mail address has been changed to ppreslar@waterboards.ca.gov.

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

August 4, 2006

Mr. Ted Dang
Tomorrow Development Co., Inc.
1305 Franklin Street, #500
Oakland, CA 94612

Mr. John Thorpe
21790 Hesperian Blvd.
Hayward, CA 94541-7003

Subject: Fuel Leak Case No. RO0000396, Former Service Station, 2547 East 27th Street, Oakland, CA

Dear Mr. Dang and Mr. Thorpe:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site, including the documents entitled, "Soil and Groundwater Sampling Monitoring Well Installations," (revised Investigation Report) dated July, 2006 and received by ACEH on July 20, 2006, and "Interim Corrective Action Plan (revised)," (Interim CAP) dated June 28, 2006 and received by ACEH on July 20, 2006. The Investigation Report and Interim CAP were revised in response to ACEH correspondence dated May 18, 2006. The revised Investigation Report presents the results from soil and groundwater sampling conducted at 14 soil borings on and off the site. The Interim CAP proposes excavation of contaminated soil in the areas of the former tank pits and sampling of one soil boring to a depth of approximately 40 feet bgs. We generally concur with the proposed scope of work provided that the additional activities described in the technical comments below are incorporated during field activities. Therefore, the CAP is conditionally approved provided that the technical comments below are incorporated. If you do not plan to incorporate the technical comments below, you must submit a response to comments and obtain ACEH approval before implementing the CAP.

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

TECHNICAL COMMENTS

1. **Risk Assessment.** The conclusion presented in the Risk Assessment that the concentrations of target analytes do not exceed screening levels and that soil contamination at site is minimal and limited does not appear to be accurate. The maximum concentrations shown on the table in the Risk Assessment, upon which the conclusions appear to be based, do not include results from the 1994 tank removal or borings EB-1 through EB-3. Therefore, the maximum concentrations shown on the table significantly underestimate the maximum

sampling (e-mail preferred to jerry.wickham@accgov.org) in order for ACEH to observe conditions in the sidewall and direct any additional confirmation soil sampling required. Please present the results in the Soil Excavation and Soil Boring Report requested below.

4. **Laboratory Analyses for Confirmation Soil Samples.** We concur with the proposal to analyze soil samples in the area of the former fuel tanks (areas around EB1 and EB2) for TPHg, TPHd, and BTEX. Confirmation soil samples in the waste oil excavation (area around EB3) are to be analyzed for TPHg by EPA Method 8015 or 8260, TPHd by EPA Method 8015 or 8260, TPHm by EPA Method 8015, oil & grease by EPA Method 9070, BTEX by EPA Method 8260, chlorinated hydrocarbons by EPA Method 8260, 1,4 dioxane by EPA Method 8270M, EDB and EDC by EPA Method 8260, fuel oxygenates (MTBE, TAME, ETBE, DIPE, TBE, and ethanol) by EPA Method 8260, metals (cadmium, chromium, lead, nickel, and zinc) by ICAP or AA, PCBs, and PNAs. Please present the results in the Soil Excavation and Soil Boring Report requested below.
5. **Groundwater Concentration Figures.** For all future figures showing the distribution of concentrations, the results for each sampling location are to be posted on the figure. Displaying only contours of concentrations is not acceptable.
6. **Groundwater Monitoring.** We concur with the proposal to conduct quarterly groundwater monitoring using each of the five existing monitoring wells. Please present the sampling results in the quarterly monitoring reports requested below.
7. **Geotracker EDF Submittals.** A review of the Geotracker Website indicates that analytical data from the 2006 site investigation have been submitted but submittal of the required survey data for monitoring wells and complete copies of reports have not been submitted. 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 system 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 to sub-meter accuracy, using NAD 83, and transmitted electronically to the SWRCB GeoTracker system via the internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports is also required in Geotracker (in PDF format). Please upload all required items in accordance with the above-cited regulation by **September 8, 2006**.

Ted Dang
John Thorpe
August 4, 2006
Page 5

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

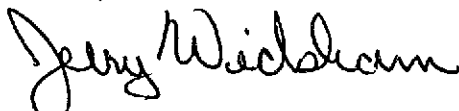
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

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

Sincerely,



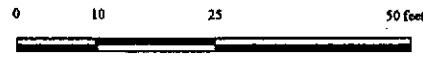
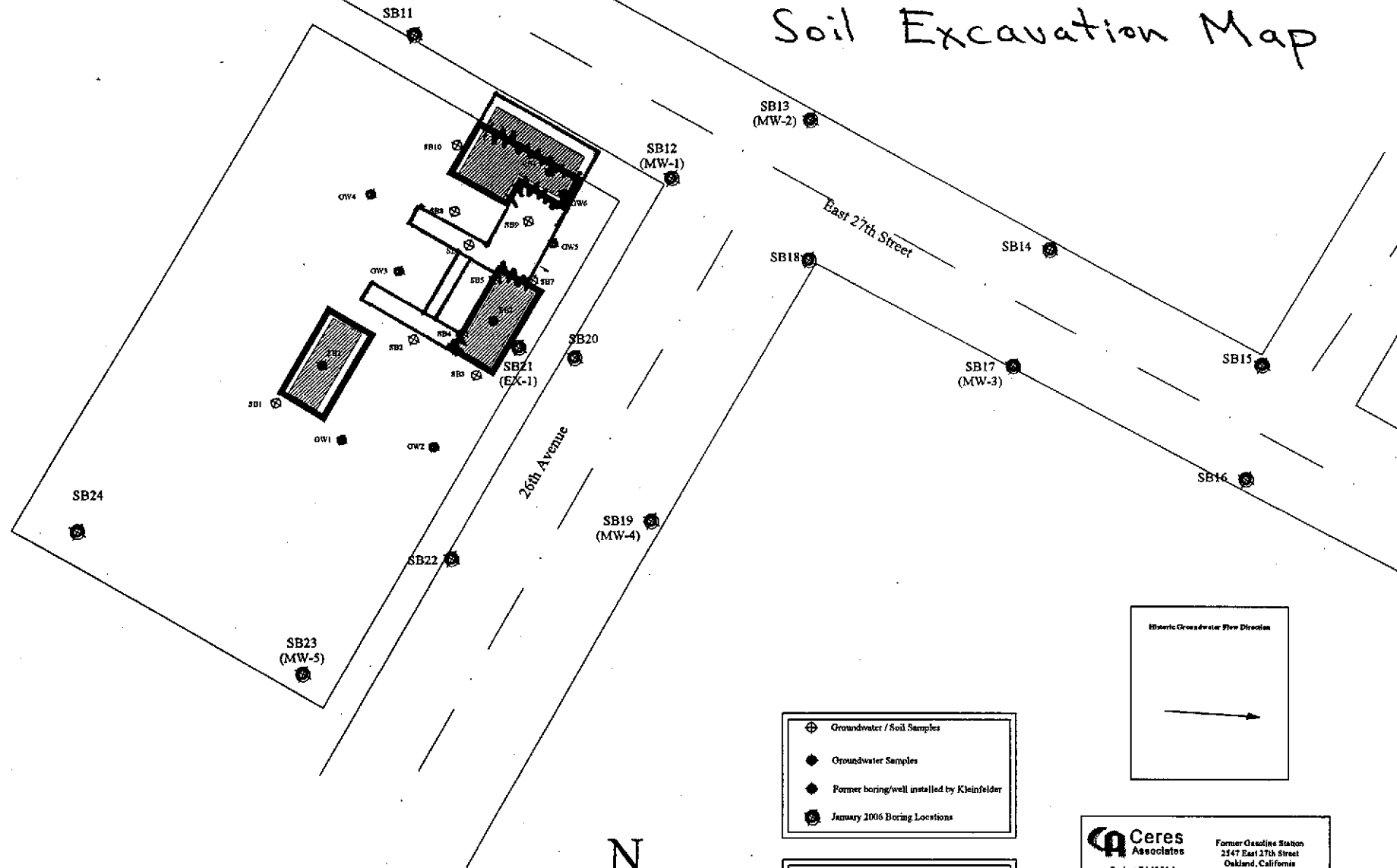
Jerry Wickham
Hazardous Materials Specialist

Attachment 1: Revised Soil Excavation Map

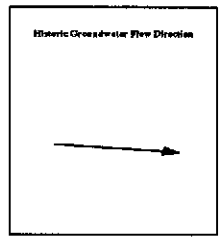
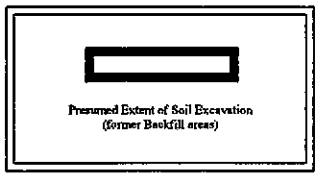
Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Ryan Meyer
Ceres Associates
424 First Street
Benicia, CA 94510

Attachment 1 - Revised Soil Excavation Map



- ⊕ Groundwater / Soil Samples
- Groundwater Samples
- ◆ Former boring/well installed by Kleinfelder
- ⊙ January 2006 Boring Locations



| | |
|---|---------------------|
| <p>Ceres Associates Former Gasoline Station 2347 East 27th Street Oakland, California Project CA1164-J</p> | Soil Excavation Map |
| | Figure |

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



7

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

August 4, 2006

Mr. Ted Dang
Tomorrow Development Co., Inc.
1305 Franklin Street, #500
Oakland, CA 94612

Mr. John Thorpe
21790 Hesperian Blvd.
Hayward, CA 94541-7003

Subject: Fuel Leak Case No. [REDACTED], Former Service Station, 2547 East 27th Street,
Oakland, CA

Dear Mr. Dang and Mr. Thorpe:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site, including the documents entitled, "Soil and Groundwater Sampling Monitoring Well Installations," (revised Investigation Report) dated July, 2006 and received by ACEH on July 20, 2006, and "Interim Corrective Action Plan (revised)," (Interim CAP) dated June 28, 2006 and received by ACEH on July 20, 2006. The Investigation Report and Interim CAP were revised in response to ACEH correspondence dated May 18, 2006. The revised Investigation Report presents the results from soil and groundwater sampling conducted at 14 soil borings on and off the site. The Interim CAP proposes excavation of contaminated soil in the areas of the former tank pits and sampling of one soil boring to a depth of approximately 40 feet bgs. We generally concur with the proposed scope of work provided that the additional activities described in the technical comments below are incorporated during field activities. Therefore, the CAP is conditionally approved provided that the technical comments below are incorporated. If you do not plan to incorporate the technical comments below, you must submit a response to comments and obtain ACEH approval before implementing the CAP.

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

TECHNICAL COMMENTS

1. **Risk Assessment.** The conclusion presented in the Risk Assessment that the concentrations of target analytes do not exceed screening levels and that soil contamination at site is minimal and limited does not appear to be accurate. The maximum concentrations shown on the table in the Risk Assessment, upon which the conclusions appear to be based, do not include results from the 1994 tank removal or borings EB-1 through EB-3. Therefore, the maximum concentrations shown on the table significantly underestimate the maximum

concentrations of fuel hydrocarbons in soil remaining on the site. During the tank removal, eight soil samples were collected from the tank pit excavations and two composite soil samples were collected from the stockpiled soil. The maximum concentrations of TPHg and benzene detected in soil samples collected from the sidewalls of the tank pit excavations, were 930 and 2.2 mg/kg, respectively, both of which significantly exceed their respective screening levels. The two soil samples from the stockpiles contained 750 to 860 mg/kg of TPHg, and <0.005 to 0.36 mg/kg of benzene, respectively. The stockpiled soil represents a large volume of soil with TPHg and benzene concentrations that exceed screening levels, was placed back in the excavations, and remains on site. In borings EB-1 and EB-2, advanced in 2002, TPHg was detected at concentrations of 1,200 to 1,800 mg/kg, which significantly exceeds the maximum TPHg concentration of 32 mg/kg and the screening levels shown in the Risk Assessment. Based on these results, a large volume of soil that exceeds applicable screening levels remains on the site and requires remediation.

2. **Extent of Proposed Excavation.** The extent of presumed excavation shown on the "Soil Excavation Map," needs to be expanded to address the areas of known contamination and limitations of the scope of the 1994 tank removal. The purpose of the excavations is to remove residual contamination that poses a long-term potential for exposure and will be a long-term source of groundwater contamination. A revised Soil Excavation Map is included as Attachment 1. The revised extent of excavation on Attachment 1 includes an expanded area to the north beneath the sidewalk along East 27th Street, where contaminated soils were backfilled and the area around boring SB9, where a concentration of 750,000 micrograms per liter ($\mu\text{g/L}$) of TPHd was detected in groundwater. A concentration of 750,000 $\mu\text{g/L}$ of TPHd exceeds the solubility of TPHd in water and likely represents the presence of free product in the area sampling location SB9. Only two shallow soil samples were collected from the area of the former dispensers, which is not sufficient to evaluate whether the former dispensers and product piping were sources of residual soil and groundwater contamination. Therefore, trenches have been added in the area of former dispensers and likely areas of product piping. If soil contamination is observed along the trenches, the excavation is to be expanded beyond the trenches to remove the observed contamination. Please present the results in the Soil Excavation and Soil Boring Report requested below.
3. **Confirmation Soil Samples.** The revised CAP currently proposes that one confirmation soil sample will be collected from each sidewall and two confirmation soil samples will be collected from the bottom of each excavation. We request that confirmation soil samples be collected no greater than 15 feet apart along each sidewall. Therefore, any sidewall that is 0 to 15 feet in length would require one sidewall sample, any sidewall that is 15 to 30 feet in length would require two sidewall samples, and any sidewall that is 30 to 45 feet in length would require three sidewall samples. Sidewall confirmation samples are to be collected from the depth interval where the highest PID readings, odor, or visual contamination was observed during excavation. ACEH may direct additional confirmation soil sampling based upon observations in the field during or following excavation. We concur with the proposal to extend the excavations until PID readings are less than one ppm and analytical results from confirmation soil samples are less than residential Environmental Screening Levels. For any excavation sidewalls where these parameters cannot be achieved due to the presence of surface structures or utilities, ACEH is to be notified and additional confirmation sampling will be required to document the extent of contamination left in place beneath the utility or structure. Please provide a minimum of 48 hours advance notification of confirmation soil

sampling (e-mail preferred to jerry.wickham@acgov.org) in order for ACEH to observe conditions in the sidewall and direct any additional confirmation soil sampling required. Please present the results in the Soil Excavation and Soil Boring Report requested below.

4. **Laboratory Analyses for Confirmation Soil Samples.** We concur with the proposal to analyze soil samples in the area of the former fuel tanks (areas around EB1 and EB2) for TPHg, TPHd, and BTEX. Confirmation soil samples in the waste oil excavation (area around EB3) are to be analyzed for TPHg by EPA Method 8015 or 8260, TPHd by EPA Method 8015 or 8260, TPHm by EPA Method 8015, oil & grease by EPA Method 9070, BTEX by EPA Method 8260, chlorinated hydrocarbons by EPA Method 8260, 1,4 dioxane by EPA Method 8270M, EDB and EDC by EPA Method 8260, fuel oxygenates (MTBE, TAME, ETBE, DIPE, TBE, and ethanol) by EPA Method 8260, metals (cadmium, chromium, lead, nickel, and zinc) by ICAP or AA, PCBs, and PNAs. Please present the results in the Soil Excavation and Soil Boring Report requested below.
5. **Groundwater Concentration Figures.** For all future figures showing the distribution of concentrations, the results for each sampling location are to be posted on the figure. Displaying only contours of concentrations is not acceptable.
6. **Groundwater Monitoring.** We concur with the proposal to conduct quarterly groundwater monitoring using each of the five existing monitoring wells. Please present the sampling results in the quarterly monitoring reports requested below.
7. **Geotracker EDF Submittals.** A review of the Geotracker Website indicates that analytical data from the 2006 site investigation have been submitted but submittal of the required survey data for monitoring wells and complete copies of reports have not been submitted. 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 system 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 to sub-meter accuracy, using NAD 83, and transmitted electronically to the SWRCB GeoTracker system via the internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports is also required in Geotracker (in PDF format). Please upload all required items in accordance with the above-cited regulation by **September 8, 2006**.

TECHNICAL REPORT REQUEST

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

- **November 15, 2006** – Quarterly Monitoring Report for Third Quarter 2006
- **December 8, 2006** – Soil Excavation and Soil Boring Report
- **February 15, 2007** – Quarterly Monitoring Report for Fourth Quarter 2006

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.

Ted Dang
John Thorpe
August 4, 2006
Page 5

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND


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

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

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

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Attachment 1: Revised Soil Excavation Map

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Ryan Meyer
Ceres Associates
424 First Street
Benicia, CA 94510

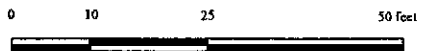
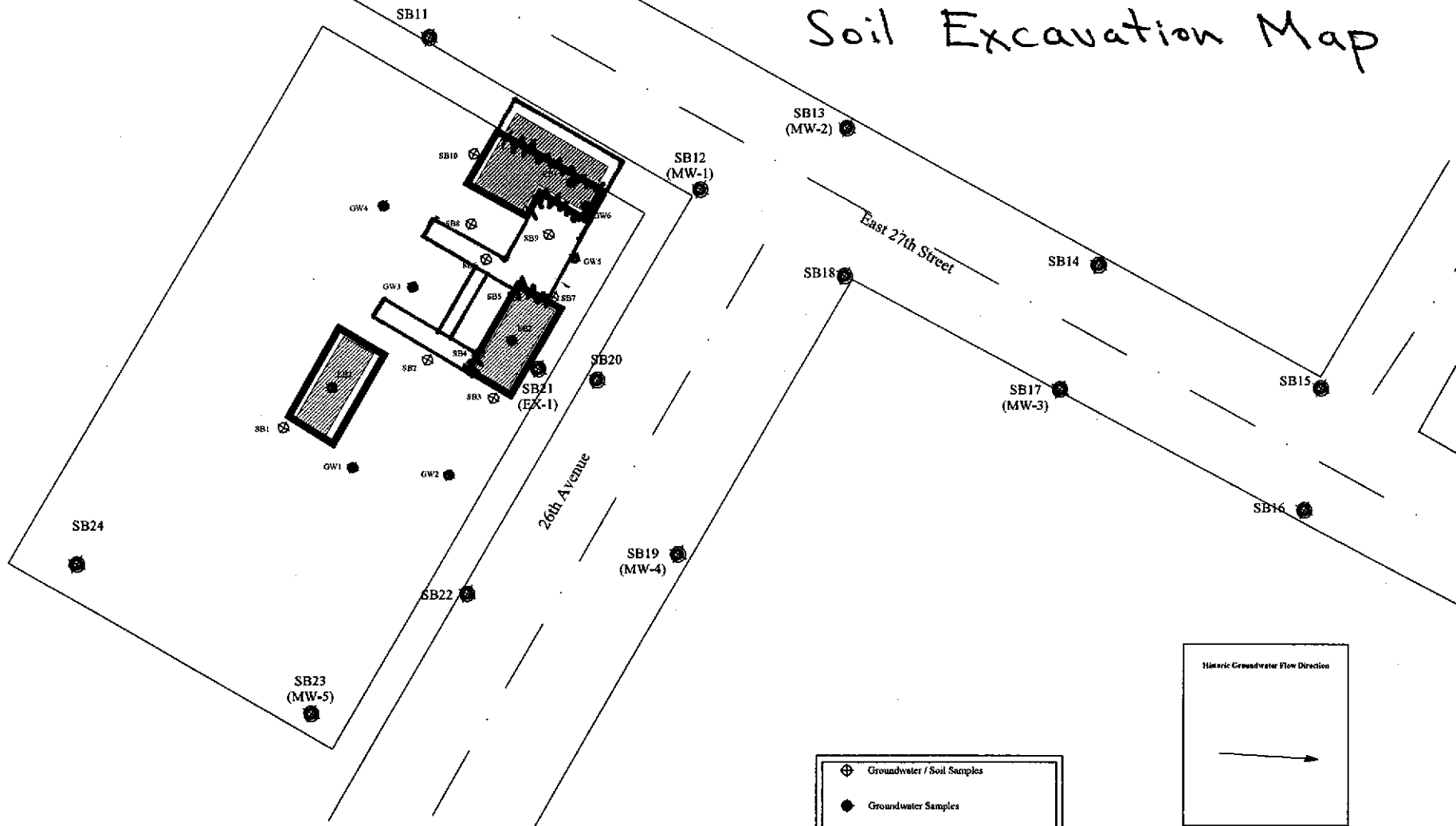
Ted Dang
John Thorpe
August 4, 2006
Page 6

Ken Durand
Ceres Associates
424 First Street
Benicia, CA 94510

Pat Preslar
State Water Resources Control Board
Division of Financial Assistance
P.O. Box 944212
Sacramento, CA 94244-2120

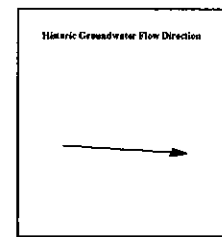
Donna Drogos, ACEH
Jerry Wickham, ACEH
File

Attachment 1 - Revised Soil Excavation Map



- Groundwater / Soil Samples
- Groundwater Samples
- Former boring/well installed by Kleinfelder
- January 2006 Boring Locations

Presumed Extent of Soil Excavation
(includes Backfill areas)



| | |
|--|---------------------|
| <p>Ceres Associates Former Gasoline Station 2547 East 27th Street Oakland, California Project CA.1264-J</p> | Soil Excavation Map |
| | Figure |

Wickham, Jerry, Env. Health

From: Pat PRESLAR [PPreslar@waterboards.ca.gov]
Sent: Wednesday, July 12, 2006 1:39 PM
To: Wickham, Jerry, Env. Health
Subject: RE: OSCA SITE B0025

Again, thanks for your help on this.

Pat

>>> "Wickham, Jerry, Env. Health" <jerry.wickham@acgov.org> 07/12/06
>>> 1:37 PM >>>
Pat,

I noticed an error in my email. The report due date is July 19 rather than July 9. Will keep you posted.

Jerry

-----Original Message-----
From: Pat PRESLAR [mailto:PPreslar@waterboards.ca.gov]
Sent: Wednesday, July 12, 2006 1:33 PM
To: Wickham, Jerry, Env. Health
Subject: RE: OSCA SITE B0025

Thanks Jerry. Please keep me posted on this site. I'll do likewise.

Pat

Pat Preslar
DFA
(916) 341-5756
Fax (916) 341-5806
PLEASE NOTE: My e-mail address has been changed to ppreslar@waterboards.ca.gov.

>>> "Wickham, Jerry, Env. Health" <jerry.wickham@acgov.org> 07/12/06
>>> 1:11 PM >>>
Pat,

The consultant has a due date of July 9, 2006 to submit a revised CAP. It has not been submitted yet.

Regards,
Jerry Wickham
Hazardous Materials Specialist
Alameda County Environmental Health
1131 Harbor Bay Parkway
Suite 250
Alameda, CA 94502-6577
510-567-6791 phone
510-337-9335 Fax
jerry.wickham@acgov.org

-----Original Message-----
From: Pat PRESLAR [mailto:PPreslar@waterboards.ca.gov]
Sent: Wednesday, July 12, 2006 1:08 PM
To: Wickham, Jerry, Env. Health
Subject: OSCA SITE B0025

I wanted to keep you up to date on this one. I received the first payment request from Ted Dang for the OSCA site at 2547 East 27th Street in Oakland. He failed to include any invoices with his request, so I cannot process it at this time. He did include

copies of the cancelled checks, for the full amount of the grant. I left him a message requesting the invoices. I had included only past assessment costs in the budget for this grant because you had many concerns about the proposal they submitted.. The consultant was to get in touch with you for approval of any further assessment work. Then we could amend the grant if needed. Have you heard from them at all?

Thanks
Pat

Pat Preslar
DFA
(916) 341-5756
Fax (916) 341-5806
PLEASE NOTE: My e-mail address has been changed to
ppreslar@waterboards.ca.gov.

R0396



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

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

Arnold Schwarzenegger
Governor

July 6, 2006

Tomorrow Development Co., Inc.
Attn: Mr. Ted Dang
1305 Franklin, Suite 500
Oakland, CA 94612

Dear Mr. Dang:

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), ORPHAN SITE CLEANUP ACCOUNT (OSCA) PROGRAM, ASSESSMENT GRANT AGREEMENT NUMBER 05-364-550-0; FOR OSCA APPLICATION: B0025; OSCA SITE ADDRESS: 2547 EAST 27TH STREET, OAKLAND, CA

The State Water Resources Control Board (SWRCB) is able to issue, pursuant to applicable statutes and State Board Resolution 2006-0019, the enclosed OSCA Assessment Grant Agreement - No. 05-364-550-0, for 2547 East 27th Street, Oakland, CA, in an amount not to exceed \$79,699.00. The Grant dollar amount is based upon our review and approval of the scope of work and budget in your Grant Agreement to perform response actions. The dollar amount of the Grant may be modified by the SWRCB. Grantee may submit invoices for response actions identified and performed since January 1, 2005 in the Assessment Grant Agreement.

Enclosed are documents needed to prepare and submit reimbursement requests:

OSCA Reimbursement Request (RR) Instructions and Checklist

Grantee must follow the RR Instructions when seeking reimbursement for OSCA response action costs. A RR Checklist is provided to help grantees submit complete RR packages.

OSCA RR Forms

Use the enclosed forms to request reimbursement of costs incurred. The OSCA Grantee representative must sign all RR forms. Grantees may request additional RR forms at any time.

OSCA Grant Invoice Spreadsheet

Grantee must complete the OSCA Grant Invoice Spreadsheet by listing all invoices submitted with an RR.


July 6, 2006

OSCA staff will continuously review the status of your claim. If grantee does not move forward with assessment within six months from the date of this letter, the grant funds may be disencumbered.

During the term of this agreement, the Grantee shall submit by the 15th of the month following the quarterly reporting period (March, July, September, December), a written quarterly progress report to Grant Manager, Pat Preslar.

If you have any questions regarding the enclosed documents, please contact Pat Preslar at 341-5756.

Sincerely,



Pat Preslar
Grant Manager
Orphan Site Cleanup Account
Special Programs Unit

Enclosures

cc: Jerry Wickham (w/o enclosures)
Alameda County EH
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board



Division of Financial Assistance

1001 I Street • Sacramento, California 95814
P.O. Box 944212 • Sacramento, California • 94244-2120
(916) 341-5760 FAX (916) 341-5806 • www.waterboards.ca.gov/cphome/ustc

Alameda County
JUN 12 2006
Environmental Health

Arnold Schwarzenegger
Governor

JUN 8 2006

Ted Dang
1305 Franklin, Suite 500
Oakland, CA 94612

ORPHAN SITE CLEANUP ACCOUNT, GRANT DOCUMENTS
FOR OSCA FILE NO. B0025 FOR SITE ADDRESS: 2547 EAST 27TH STREET,
OAKLAND, CA

Enclosed are four (4) copies of the final OSCA assessment Grant Agreement for your site located at 2547 East 27th Street, Oakland, California. Review the Grant Agreements and verify that all information is correct. If you have any questions or have found errors in the Grant Agreements, please notify me immediately. Sign all four copies (on page two) of the Grant Agreements and mail all four **original signed** copies to my attention at:

State Water Resources Control Board
Division of Financial Assistance
Special Programs Unit
P.O. Box 944212
Sacramento, CA 94244-2120

Once the copies of the signed Grant Agreements are received, I will forward them to the Division of Administrative Services Unit to be executed. An original signed executed copy of your Grant Agreement will be mailed to you within several weeks. Upon receipt of your executed Grant Agreement, you can make a request for payment for eligible costs incurred at the subject site pursuant to the terms of the Grant Agreement.

If there are any additional questions, please telephone me at (916) 341-5756

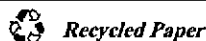
Sincerely,

Pat Preslar
Orphan Site Cleanup Account
Special Programs Unit

Enclosures

cc: Jerry Wickham (w/o enclosures)

California Environmental Protection Agency



ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



7

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

May 18, 2006

Mr. Ted Dang
Tomorrow Development Co., Inc.
1305 Franklin Street, #500
Oakland, CA 94612

Mr. John Thorpe
21790 Hesperian Blvd.
Hayward, CA 94541-7003

Subject: Fuel Leak Case No. [REDACTED] Former Service Station, 2547 East 27th Street,
Oakland, CA

Dear Mr. Dang and Mr. Thorpe:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site, including the documents entitled, "Soil and Groundwater Sampling Monitoring Well Installations," (Investigation Report) dated February 28, 2006 and received by ACEH on May 9, 2006, "Interim Corrective Action Plan," (Interim CAP) dated April 10, 2006 and received by ACEH on May 9, 2006, and "Well Survey," dated May 15, 2006 and received by ACEH on May 17, 2006. The Interim Corrective Action Plan was submitted more than 2.5 months beyond the scheduled due date of February 15, 2006. Please submit requested reports more promptly in the future.

The Investigation Report presents the results from soil and groundwater sampling conducted at 14 soil borings on and off the site. Because the report is incomplete and due to the issues discussed in the technical comments below, the report entitled, "Soil and Groundwater Sampling Monitoring Well Installations," dated February 28, 2006 must be revised, signed, and resubmitted. We request that a revised report that addresses the technical comments below be prepared and submitted **by July 19, 2006**. This Revised Investigation Report may be submitted separately or combined with a Revised Interim CAP.

The "Interim Corrective Action Plan," proposes a 72-hour pumping test, soil vapor sampling, and advancing an additional 8 soil borings to collect soil and grab groundwater samples. We request that the Interim CAP be revised to incorporate the technical comments below. Therefore, please revise, sign, and submit the Revised Interim CAP **by July 19, 2006**.

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

TECHNICAL COMMENTS ON INVESTIGATION REPORT DATED FEBRUARY 28, 2006

1. **Boring Logs.** The preparation of boring logs is a standard industry practice to describe the soil types, document the sampling intervals, present field screening results, document static

and first-encountered groundwater, and provide overall documentation of encountered conditions during soil boring advancement. A total of 14 soil borings were advanced at the site as part of the investigation described in the Investigation Report. No soil boring logs were presented in the Investigation Report nor were soil boring logs presented in the previous report entitled, "Soil and Groundwater Sampling Report," dated January 28, 2005. Ceres Associates has now advanced 24 soil borings on site and off site but not presented any boring logs. Page 1 of the report refers to an Appendix – Soil Logs but soil borings logs are not included in the report or listed in the table of contents. The lack of boring logs is not acceptable. ACEH's October 3, 2005 technical comments (attached) on the Work Plan for this investigation stated that soils must be continuously sampled and logged and that boring logs must be presented. Presentation of soil boring logs is particularly relevant for this investigation since observed soil conditions and field screening results were apparently used to make decisions regarding selection of samples for laboratory analysis. Please present soil boring logs in the Revised Investigation Report or describe in the revised report why no soil boring logs can be presented.

2. **Well Completion Diagrams.** The preparation of well completion diagrams is also a standard industry practice to document well construction details. Although the method of well construction was described in general in the report, no well completion diagrams were presented for the five monitoring wells completed at the site. Please present well completion diagrams or describe in the revised report why no well completion diagrams can be presented.
3. **Monitoring Well MW-2.** The report states that well MW-2 was extended only to eight feet bgs due to auger refusal. Numerous borings have been advanced at the site without difficulty; therefore, it is not clear why a monitoring well would be installed in a boring (SB-13) that only reached eight feet bgs. In Section 2.0 of the report, the total depth of boring SB-13 is listed as 15 feet bgs. These facts cannot be checked due to the lack of boring logs or well completion diagrams. Please discuss this discrepancy and the reason for installing well MW-2 in a shallow borehole in the Revised Investigation Report requested below.
4. **Vertical Extent of Contamination.** In our October 3, 2005 correspondence (attached), we requested that soil boring SB-20 be extended to a depth of 40 feet bgs to characterize the stratigraphy of the site and to collect depth-discrete groundwater samples. Boring SB-20 appears to have been advanced only to a depth of 15 feet bgs and no borings appear to have been extended to a depth of more than 20 feet bgs. Please provide the reasons that no borings were extended to define the vertical extent of contamination and provide plans in the Revised Investigation Report requested below to advance one soil boring to a depth of 40 feet bgs as previously requested.
5. **Laboratory Analytical Methods.** The report indicates that the soil and groundwater samples were analyzed using EPA Methods 8015, 8020, and 8260. Please note that EPA method 8020 was not used. Please correct the references to analytical methods in the Revised Investigation Report requested below.
6. **Full Scan VOC Laboratory Analyses.** Soil and groundwater samples were analyzed for full scan volatile organic compounds (VOCs) using EPA Method 8260B. A full scan for VOCs was not proposed in the Work Plan and not requested by ACEH. Our October 3, 2005

technical comments requested that groundwater samples from proposed borings SB-19, SB-20, SB-21, SB-22, and SB-23 be analyzed for chlorinated hydrocarbons, which would require a full scan for VOCs, but did not request this for soil samples or the remaining groundwater samples. Therefore, it is not clear why the additional expense for a full scan of VOCs was incurred. Please discuss in the Revised Investigation Report requested below, the reason for this change in analytical methods.

7. **Contouring.** The contours represented on Figures 3 through 5 are not useful for data interpretation. The contouring is not consistent with known conditions at the site and present a misleading interpretation of contaminant distribution. One example is the depiction on Figure 5 of greater than 2,000 micrograms per liter ($\mu\text{g/L}$) of TPHro between sampling locations SB23 and SB24 even though the results for SB-23 and SB-24 were both not detected, no other data points are nearby, and no suspected sources are located in the vicinity of SB-23 and SB-24. A second example on Figure 5 is the depiction of greater than 3,000 $\mu\text{g/L}$ of TPHro extending off-site to the northwest, upgradient of the former tank pit and boring location EB3. Please revise Figures 3 through 5 by posting the concentration data and only show contours when they accurately show the likely distribution of contamination. Previous results are also to be posted on the figures using different symbols for each investigation.
8. **ESLs on Tables 1 and 2.** The Environmental Screening Levels (ESLs) shown on Tables 1 and 2 do not appear to be correct. For several chemicals, the same ESLs are listed for soil and groundwater on Tables 1 and 2. Please correct the ESLs in the Revised Investigation Report requested below.
9. **Signatures.** The signature blocks of the Site Investigation Report were blank. Please assure that the Revised Investigation Report meets the Professional Certification requirements discussed later in this correspondence.
10. **Groundwater Monitoring.** Please present the results from the initial sampling of the monitoring wells in the Revised Investigation Report. The wells are to be sampled quarterly in the future and the groundwater samples analyzed for TPH as gasoline, TPH as diesel, TPH as motor oil, and BTEX. Please present the sampling results in the quarterly monitoring reports requested below.

TECHNICAL COMMENTS ON INTERIM CORRECTIVE ACTION PLAN DATED APRIL 10, 2006

11. **Supporting Data Tables or Figures.** The Interim CAP does not include any tables or figures to support the text. Tables and figures must be included as necessary in the Revised Interim CAP to support the conclusions and proposed actions presented.
12. **Soil Contamination in Tank Pit Excavations.** During tank removals in 1994, areas of soil contamination were observed (visual and odor observations) beneath USTs and product piping. Analytical results for soils indicated that the soil contained up to 930 milligrams per kilogram (mg/kg) of total petroleum hydrocarbons as gasoline (TPHg) and up to 2.2 mg/kg of benzene. The ESL (San Francisco Bay Regional Water Quality Control Board, February 2005) for benzene in shallow soil 0.18 mg/kg . The stockpiled soil that was removed from the

tank pit excavation contained up to 860 mg/kg of TPHg and 0.36 mg/kg of benzene. The stockpiled soil was used as "temporary" backfill in the tank pit excavations due to stability concerns for nearby structures. The tank removal report (Aqua Science Engineers, September 15, 1994) indicated that removal of the contaminated backfill was required and recommended overexcavation of residual contaminated soil. Overexcavation of the contaminated backfill material and residual soil contamination is required as the first cleanup action at the site. Please include plans to remove the contaminated backfill and surrounding residual soil contamination in the Revised Interim CAP requested below.

13. **Proposed Groundwater Extraction.** We do not concur with the proposal to conduct a pilot test for groundwater extraction. It is not clear that groundwater pump and treat will be necessary at this site. Removal of contaminated backfill and surrounding residual soil contamination is required before considering groundwater extraction. The petroleum hydrocarbons that have been detected at elevated concentrations in groundwater within and downgradient from the site are primarily in the motor oil and hydraulic oil range. Groundwater pump and treat is not likely to be effective in cleanup of low solubility, high carbon range hydrocarbons. The report states that, "Given the relatively high concentrations of benzene and petroleum hydrocarbons and the relatively small area of impact, removal of these compounds should be attempted to reduce the likelihood of off-site migration." Review of the February 28, 2006 Investigation Report indicates that benzene was not detected in any of the groundwater samples collected. In addition, it is not clear why groundwater pump and treat would be proposed for a "relatively small area of impact" prior to removal of contaminated backfill and residual contamination in the area of the tank pits and piping. Please remove groundwater pump and treat from the Revised Interim CAP.
14. **Soil Vapor Sampling.** We do not concur with soil vapor sampling prior to removal of the contaminated backfill and residual contamination in the area of the tank pits and piping. In addition, it is not clear that soil vapor sampling would be required following removal of the soil sources. The Interim CAP cites, "the relatively high concentrations of BTEX compounds in the groundwater beneath the property," but does not present any tables or comparisons to ESLs to support this statement. The ESL for evaluation of potential vapor intrusion concerns for benzene in groundwater is 540 µg/L under the most conservative high permeability soil and residential land use scenario. The highest concentration of benzene detected in groundwater at the site was 140 µg/L at sample location SB-9, which contained elevated concentrations of TPHg and TPHd indicative of free phase product. The maximum concentrations of toluene, ethylbenzene, and xylenes detected in groundwater at the site are also well below ESLs for evaluation of vapor intrusion. Please remove soil vapor sampling from the Revised Interim CAP requested below.
15. **Proposed Additional Soil Borings in Area of Well EX-1.** The Interim CAP proposes to advance eight soil borings in the vicinity of well EX-1. The tank removal and previous sampling have confirmed that soil contamination is present in the area of the former tank pits. Removal of contaminated backfill and residual contamination in the area of the tank pits and piping is required rather than additional soil borings in this area. Please remove the proposed additional soil borings in the vicinity of well EX-1 from the Revised Interim CAP with the exception of one soil boring to define the vertical extent of contamination as discussed in technical comment 4 above.

- 16. Signatures.** The signature blocks of the Site Investigation Report were blank. Please assure that the Revised Site Investigation Report meets the Professional Certification requirements discussed later in this correspondence.
- 17. Geotracker Submittals.** Our October 3, 2005 correspondence requested that data and reports be submitted to the SWRCB's Geotracker database by November 8, 2005 in accordance with the cited regulations. Review of the Geotracker website for this case indicates that no data or reports have been submitted to date. In order for your site to be in regulatory compliance, it is necessary for you to upload all required analytical data and reports to the Geotracker website **by June 30, 2006.**

TECHNICAL REPORT REQUEST

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

- **July 19, 2006** – Revised Investigation Report and Revised Interim CAP
- **November 15, 2006** – Quarterly Monitoring Report for Third Quarter 2006

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).

Ted Dang
John Thorpe
May 18, 2006
Page 6

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

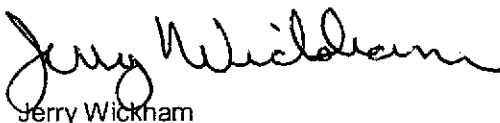
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

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

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Ted Dang
John Thorpe
May 18, 2006
Page 7

Attachment: ACEH Correspondence Dated October 3, 2005

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Ryan Meyer
Ceres Associates
424 First Street
Benicia, CA 94510

Ken Durand
Ceres Associates
424 First Street
Benicia, CA 94510

Pat Preslar
State Water Resources Control Board
Division of Financial Assistance
P.O. Box 944212
Sacramento, CA 94244-2120

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

Wickham, Jerry, Env. Health

From: Ryan Meyer [ryanmeyer@ceresassociates.com]
Sent: Friday, May 05, 2006 1:52 PM
To: Wickham, Jerry, Env. Health
Subject: Status 2547 East 27th Street, Oakland

Attachments: ryanmeyer.vcf



ryanmeyer.vcf (415
B)

Jerry-

We had some trouble acquiring a log in code for report uploading (apparently that person left earlier this year). But now we have the code and want to get our reports uploaded for your review.

I understand the OSCA has called inquiring about our proposal to conduct groundwater pump and treat. You expressed a concern because of potential free phase product. I wanted to let you know that during the February sampling and the Monitoring Well Development no free product was observed. In fact soil concentrations of target analytes were quite low (as was observed in previous sampling by us). Groundwater contaminants are still present and are off-site, which is why we want to get the pump and treat started.

We would like to start the remediation system now by conducting a pilot test and starting the operation of the system to act as an interim remediation activity until the Risk Assessment is completed and alternatives have been analyzed. We don't want the contamination to continue migrating.

Look for our reports soon. Please call me with questions

Ryan Meyer
Project Manager
Ceres Associates

Wickham, Jerry, Env. Health

From: Wickham, Jerry, Env. Health
Sent: Wednesday, May 03, 2006 3:45 PM
To: 'Pat PRESLAR'
Subject: RE: Re: OSCA ASSESSMENT GRANT for 2547 East 27th St, Oakland, Ca.

Pat,

The last communication appears to be an email message dated March 1, 2006 indicating that a Remedial Action Plan would be submitted shortly.

Regards,
Jerry Wickham
Hazardous Materials Specialist
Alameda County Environmental Health
1131 Harbor Bay Parkway
Suite 250
Alameda, CA 94502-6577
510-567-6791 phone
510-337-9335 Fax
jerry.wickham@acgov.org

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

From: Pat PRESLAR [mailto:PPreslar@waterboards.ca.gov]
Sent: Wednesday, May 03, 2006 1:09 PM
To: Wickham, Jerry, Env. Health
Subject: RE: Re: OSCA ASSESSMENT GRANT for 2547 East 27th St, Oakland, Ca.

Thanks. If there is a possibility that they would have to deal with the source of the free product, they really should include that in this request then as a contingency. Have they contacted you?
Again thanks.

Pat

>>> "Wickham, Jerry, Env. Health" <jerry.wickham@acgov.org> 05/03/06
>>> 9:58 AM >>>
Pat,

I don't have any comments at this point on the proposed site assessment scope of work. With regard to the proposed pump and treat remediation, there may be some technical concerns with regard to the effectiveness of pump and treat. The concentrations of TPH previously detected in several groundwater samples are highly elevated and may be indicative of free phase product in a limited area of the site. It is possible we would ask that the source of the free product be dealt with before implementing pump and treat.

Regards,
Jerry Wickham
Hazardous Materials Specialist
Alameda County Environmental Health
1131 Harbor Bay Parkway
Suite 250
Alameda, CA 94502-6577
510-567-6791 phone
510-337-9335 Fax
jerry.wickham@acgov.org

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

From: Pat PRESLAR [mailto:PPreslar@waterboards.ca.gov]
Sent: Friday, April 21, 2006 9:47 AM
To: Wickham, Jerry, Env. Health

Subject: Fwd: Re: OSCA ASSESSMENT GRANT for 2547 East 27th St Oakland, Ca.

I'm forwarding the docs sent to me for OSCA B0025. Please review and advise.

As I mentioned earlier, we want to make sure they provide for an expanded scope of work if required.

They should also include any eligible costs for from January 1, 2005.

We had asked for the grant agreement paperwork by May 1. They did submit quickly, which is good. I just want to make sure they are including all costs they can or may be able to recover in their assessment grant and that you approve.

Thanks again.

Pat

Pat Preslar

DFA

(916) 341-5756

Fax (916) 341-5806

PLEASE NOTE: My e-mail address has been changed to ppreslar@waterboards.ca.gov.



State Water Resources Control Board

R0396



Division of Financial Assistance

1001 I Street • Sacramento, California 95814
P.O. Box 944212 • Sacramento, California • 94244-2120
(916) 341-5661 • FAX (916) 341-5806 • www.waterboards.ca.gov/cwphome/ustcf

Alan C. Lloyd, Ph.D.
Agency Secretary

Arnold Schwarzenegger
Governor

March 30, 2006

Tomorrow Development Co., Inc.
Attn: Ted Dang
11305 Franklin, Suite 500
Oakland, CA 94612

Alameda County
APR 07 2006
Environmental Health

Dear Mr. Dang:

ORPHAN SITE CLEANUP ACCOUNT, PRE- ASSESSMENT GRANT AGREEMENT
PAPERWORK

FOR FILE NUMBER: **B0025**

FOR **2547 EAST 27TH STREET, OAKLAND:**

I have enclosed the following pre- assessment grant agreement paperwork for your site located at 2547 East 27th Street, Oakland. These pre grant documents were also e-mailed to you so you could begin to prepare the necessary paperwork to process your grant.

1. Assessment Grant Agreement Procedures and Process
2. Assessment Grant Agreement
3. Exhibit A - Scope of Work
4. Exhibit B - Invoicing and Budget Detail
5. Exhibit C - State Water Board General Conditions
6. Exhibit D - Grant Program Terms and Conditions

When preparing the Scope of Work (SOW), provide a brief background of the response work that has been conducted to date at the site. A sample SOW and budget are included for guidance in the above exhibits, identified as Exhibit A and B. Your SOW must include all work to complete a site assessment up to a corrective action plan, if required. The SOW requires a brief and quantified description of the tasks that will be performed. In the budget, include for each task the total amount, a breakdown of the estimated numbers of hours, the job classification and hourly rate of personnel performing the task, and subcontractor charges.

If you have incurred eligible assessment response action costs since January 1, 2005, identify the response action work conducted according to the sample in Exhibit A. Likewise, provide the costs incurred for this work in Exhibit B according to the sample in Exhibit B.

You will not be required to submit bids for work conducted under an assessment grant. The budget will be negotiated between you and State Water Board Staff. You will be expected to work closely with your lead regulatory agency in obtaining the required approvals to conduct

Tomorrow Development, Inc.
Mr. Ted Dang

-2-

March 30, 2006

response actions at the site. OSCA encourages expeditious site assessments and supports work plans that provide for an expanded scope of work if required.

Review, complete and submit pre grant documents, Exhibit A and Exhibit B to me within thirty (30) calendar days via e-mail ppreslar@waterboards.ca.gov or on a diskette. Grant agreements will be effective once an agreement can be negotiated and the signed grant agreement is executed.

If you have any questions, please contact me at (916) 341-5756.

NOTE: Once you demonstrate that a corrective action plan is complete and approved by your lead regulatory agency, OSCA program staff will send pre-cleanup grant agreement paperwork (subject to availability of funds.) You will not be required to submit a new application.

Sincerely,

Pat Preslar

Pat Preslar
Special Programs Unit

cc: Jerry Wickham
Alameda County EH
1131 Harbor Bay Pkway, 2nd Fl.
Alameda. CA 94502-6577

Orphan Site Cleanup Account (OSCA) Assessment Grant Agreement Procedures and Process

The following information provides the procedures and process by which the State Water Resources Control Board (State Water Board) will enter into and manage OSCA assessment grant agreements with OSCA eligible applicants.

- 1) OSCA program staff mails/e-mails pre-assessment grant agreement paperwork to eligible applicant (grantee).
- 2) Grantee reviews pre-assessment grant agreement paperwork including exhibits and prepares a scope of work and estimated budget for the response work proposed up to and including a corrective plan if required.

The scope of work should include a brief and quantified description of the tasks that will be performed. In the budget, include for each task the total amount, a breakdown of the estimated numbers of hours, the job classification and hourly rate of personnel performing the task, and subcontractor charges and any other information reasonably required by the State Water Board to finalize the scope of work and budget.

Sample of a proposed scope of work and budget are provided in the pre-assessment grant agreement, Exhibits A and B.

NOTE: Grantee is advised of the following: The dollar amount granted in the assessment grant agreement will be determined to be sufficient to complete all work necessary up to and including a corrective action plan. *All response work must be directed pursuant to OSCA Emergency Regulations Section 2814.25, Grant Conditions and Limitations.*

- 3) Grantee submits the scope of work and estimated budget to OSCA Program staff in an electronic format or diskette (if possible).
- 4) State Water Board staff reviews the work proposal and estimated budget and determines whether the proposal is acceptable or budget negotiations are required. If negotiations are required, grantee will be contacted.
- 5) OSCA Program staff finalizes grant agreement paperwork and forwards grant agreement to grantee for signature.
- 6) Upon receipt of signed grant agreement from grantee, OSCA Program staff will forward the grant agreement for final processing to State Water Board, Division of Administrative Services.

Environmental Health

APR 07 2006

Alameda County

- 7) Grant Agreement is processed and executed by the State Water Board' Diviison of Administrative Unit. Grantee is a sent a copy of the executed grant agreement grant payment request forms. Applicant can began submitting grant payment requests pursuant to the executed grant agreement. (Refer to Invoicing Requirements, Exhibit B).
- 8) Upon receipt of grant payment request, OSCA Program staff will review and process payment. Any concerns regarding the grant payment request will be brought to the attention of the grantee. All approved grant payment requests are forwarded to the State Water Board's Division of Administrative Unit for payment processing
- 9) If a grantee cannot provide proof of payment to the primary consultant/contractor, for response invoices determined eligible, the State Water Board will issue the reimbursement check to both the grantee and the primary consultant/contractor pursuant to Exhibit D of the grant agreement.



Alan C. Lloyd, Ph.D.
Agency Secretary

State Water Resources Control Board

Division of Financial Assistance

1001 I Street • Sacramento, California 95814
P.O. Box 944212 • Sacramento, California • 94244-2120
(916) 341-5661 • FAX (916) 341-5806 • www.waterboards.ca.gov/cwphome/ustcf



Arnold Schwarzenegger
Governor

R0396

March 10, 2006

Tomorrow Development Co., Inc.
Attn: Ted Dang
1305 Franklin, Suite 500
Oakland, CA 94612

Dear Mr Dang:

ORPHAN SITE CLEANUP ACCOUNT, NOTICE OF ELIGIBILITY DETERMINATION:
FILE NUMBER B0025; FOR SITE ADDRESS: 2547 EAST 27TH STREET, OAKLAND, CA.

Application Acceptance

Your application for the site located at 2547 East 27th Street, Oakland, CA has been determined eligible and staff will include it on the proposed Initial Orphan Site Cleanup Account Priority List, which is subject to State Water Resources Control Board (State Water Board) adoption. Placement of your application on the Initial Priority List does not constitute a commitment to pay eligible costs claimed. That commitment occurs only when the applicant and the State Water Board enter into a grant agreement. During the grant-negotiation process, the State Water Board will consider the eligibility of costs of response actions in accordance with applicable OSCA regulations.

We anticipate the State Water Board adopting the initial OSCA Priority List in April 2006.

Record keeping:

During your cleanup project you should keep complete and well-organized records of all response action work invoices, technical reports, regulatory directives and payment transactions. Once a grant agreement has been executed between you and the State Water Board, you will be required to follow grant agreement instructions when requesting reimbursement of response costs under the grant agreement.

Reimbursement invoice packages for assessment grants and cleanup grants where the response work is not conducted in accordance with Article 6.5 (Performance Based Contracts) of Chapter 6.75 of the Health & Safety Code include: copies of detailed invoices for all response work activity performed (including subcontractor invoices), with description and date of work performed, name or initials, job classification, hourly rate, number of hours charged, and the cost

California Environmental Protection Agency



of the work performed. These documents are necessary for reimbursement review and failure to submit them could impact the amount of reimbursement made by the OSCA program.

Reimbursement invoice packages for cleanup grants where the response work is conducted in accordance with Article 6.5 (Performance Based Contracts) of Chapter 6.75 of the Health & Safety Code include: copy of an invoice identifying the remediation milestone attained and the amount due according to the payment schedule, letter from the regulatory agency overseeing the response actions that verifies that the remediation milestone has been attained, and a report detailing the attainment of a remediation milestone in accordance with article 6.5 of chapter 6.75 of the California Health and Safety Code and. Failure to submit these documents will result in a deficient invoice package and payment will not be made.

Pre Grant Paperwork:

Pre Grant Agreement paperwork will be sent to you in the next several weeks to begin the grant agreement process.

You may request reimbursement for eligible response costs prior to the date of the grant agreement, but only for costs incurred after January 1, 2005. You may submit requests for reimbursements on an on-going basis provided the request is for \$5,000 or more.

NOTE: The issuance of grant monies is subject to availability of funds.

If you have any questions, please contact me at (916) 341-5760/5756

Sincerely,



Pat Preslar
Special Programs Unit

cc: ~~Jerry~~ Wickham
Alameda County EH
113 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577

2006 MAR 17

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF WATER RESOURCES

CENTRAL DISTRICT
3251 S Street
Sacramento, CA 95816
(916) 227-7632
(916) 227-7600(Fax)

NORTHERN DISTRICT
2440 Main Street
Red Bluff, CA 96080
(530) 529-7300
(530) 529-7322 (Fax)

SAN JOAQUIN DISTRICT
3374 East Shields Avenue
Fresno, CA 93726
(559) 230-3300
(559) 230-3301 (Fax)

SOUTHERN DISTRICT
770 Fairmont Avenue
Glendale, CA 91203
(818) 543-4600
(818) 543-4604 (Fax)

WELL COMPLETION REPORT RELEASE AGREEMENT--AGENCY
(Government and Regulatory Agencies and their Authorized Agents)

Project/Contract No. RO0000396 Alameda County

Township, Range, and Section T1/R3 and T2/R3 2,500ft Radius

(Must include entire study area and a map that shows the area of interest.)

Under California Water Code Section 13752, the agency named below requests permission from Department of Water Resources to inspect or copy, or for our authorized agent named below to inspect or copy, Well Completion Reports filed pursuant to Section 13751 to (check one):

Make a study, or,

Perform an environmental cleanup study associated with an unauthorized release of a contaminant within a distance of 2 miles.

In accordance with Section 13752, information obtained from these reports shall be kept confidential and shall not be disseminated, published, or made available for inspection by the public without written authorization from the owner(s) of the well(s). The information shall be used only for the purpose of conducting the study. Copies obtained shall be stamped **CONFIDENTIAL** and shall be kept in a restricted file accessible only to agency staff or the authorized agent.

Ceres Associates (Ryan Meyer)

Authorized Agent
424 First Street

Address
Benicia, CA 94510

City, State, and Zip Code
Signature Ryan Meyer

Title Project Manager

Telephone (707) 748-3170

Fax (707) 748-3171

Date 2-28-06

E-mail ryanmeyer@ceresassociates.com

Alameda County Environmental Health Services

Government or Regulatory Agency
1131 Harbor Bay Parkway, Suite 250

Address
Alameda, CA 94502-6577

City, State, and Zip Code
Signature Jerry Wickham

Title Jerry Wickham,

Telephone (510) 567-6700

Fax (510) 337-9335

Date 2-28-06

E-mail jerry.wickham@acgov.org

6 June 2001

R0396



State Water Resources Control Board



Division of Financial Assistance

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

Alan C. Lloyd, Ph.D.
Agency Secretary

Alameda County

(916) 341-5661 • FAX (916) 341-5806 • www.waterboards.ca.gov/cwphome/water

Arnold Schwarzenegger
Governor

RECEIVED

FEB 08 2006

FEB 07 2006

Environmental Health

ENVIRONMENTAL HEALTH SERVICES

Tomorrow Development Co. Inc.
1305 Franklin, Suite 500
Oakland, CA 94612

ORPHAN SITE CLEANUP ACCOUNT, REQUEST FOR FURTHER DOCUMENTATION FOR APPLICATION NUMBER: B0025, FOR SITE ADDRESS: 2547 EAST 27TH STREET, OAKLAND

After reviewing your grant application to the Orphan Site Cleanup Account (OSCA) for the site located at 2547 East 27th Street, Oakland, we find that the following additional information is needed to determine your eligibility for placement on the OSCA Priority List:

Site Map: Submit a map drawn to scale that shows all underground storage tank locations, a north arrow and distances relative to nearest public roads and which identifies locations of all USTs and other known or potential sources of contamination.

Unauthorized Release of Petroleum from a UST: Provide a copy of the Unauthorized Leak Report submitted. Submit regulatory documentation of the confirmation of the unauthorized release of petroleum from a UST that is subject of this application and a regulatory directive requiring a responsible party to initiate response actions. Also provide concurrence from the Regulatory Agency that petroleum from USTs is the principal source of the contamination at the site.

Technical Reports/Workplans: Submit all copies of technical reports and workplans associated with the UST removal, detection, investigation and remediation efforts associated with the unauthorized release that is the subject of this application. If applicable, submit quarterly ground water monitoring reports for the last 12 months and provide summary data for quarterly ground water monitoring reports prior to the last twelve months.

Property Ownership: Submit evidence of property ownership: Applicant must become an equitable or legal property owner to receive payment pursuant to a cleanup grant, unless the applicant is a public agency. Documentation of equity ownership includes a purchase agreement for the site.

Responsible Party Worksheet: Responsible Party Worksheet must be submitted if a responsible party can be located and the responsible party completes the Worksheet. (Refer to Appendix B) Applicant must demonstrate that an attempt was made to notice John Thorpe (listed as former property owner on the application), to meet the financial responsible party requirement. If the applicant receives no response or if the Responsible Party is unwilling to complete the

FEB 13 2006

worksheet, document steps taken to verify Responsible Party, such as no response to certified mail

Smart Growth: Submit county, city or local community plans, proposals or letters of intent/consideration to demonstrate that the project has the potential to result in development of affordable housing or infill development.

Applicant Data Record: Submit a completed Applicant Data Record, Standard State Form 204, (Refer to Appendix A).

PRIORITY LIST

Only complete and eligible applications will be placed on the OSCA Priority List. We anticipate adopting the first OSCA Priority List under State Water Board Resolution in April 2006. Your application will need to be on the adopted OSCA Priority List for grant funding.

It is imperative that all requested documents be received by March 1, 2006 in order for staff to determine whether your project will be placed on the first OSCA Priority List

If you have any questions, please contact me at (916) 341-5756.

Sincerely,



Pat Preslar
Special Programs Unit

cc: Jerry Wickham
Alameda County EH
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577

R0396



State Water Resources Control Board



Division of Financial Assistance

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

(916) 341-5745 FAX (916) 341-5806 • www.waterboards.ca.gov/cwphome/ustcf

Alan C. Lloyd, Ph.D.
Agency Secretary

Arnold Schwarzenegger
Governor

January 17, 2006

Jerry Wickham
Alameda County Environmental Health
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577

Alameda County
JAN 23 2006
Environmental Health

**NOTIFICATION OF RECEIPT OF ORPHAN SITE CLEANUP ACCOUNT APPLICATION,
FILE NUMBER: B0025 FOR SITE ADDRESS: 2547 EAST 27TH STREET, OAKLAND, CA**

The State Water Resources Control Board (State Water Board), Division of Financial Assistance has received an application for the Orphan Site Cleanup Account (OSCA) from the Tomorrow Development Co., Inc. for 2547 East 27th Street, Oakland. This application has been assigned file number B0025. Please provide this number when making any inquiries regarding this application.

The applicant has identified Alameda County Environmental Health as the Lead Regulatory Agency to oversee the cleanup of contaminated soil and groundwater from leaking underground storage tanks at the subject site. As the identified Lead Regulatory Agency, you will receive copies of all correspondence sent to the applicant from the OSCA Program.

During our review process, OSCA Program staff will contact you either by telephone or an e-mail questionnaire to verify applicant information. Once the application review is complete, the applicant will receive either an acceptance or rejection letter. Accepted applications will be placed on the OSCA Priority List in accordance with Section 2814.29 of the OSCA Emergency Regulations, Title 23, Division 3, Chapter 18, Article 7 of the California Code of Regulations.

The OSCA program was created to encourage the cleanup of "brownfield" petroleum underground storage tank contaminated sites where there is no financially responsible party. These sites represent a special problem because they prevent and delay community redevelopment. Due to statutory time limitations the State Water Board will encourage expeditious site assessment and cleanup of approved OSCA projects. Your assistance is requested to help move OSCA funded projects forward toward site cleanup. OSCA Program staff looks forward to working with you on the above project.

California Environmental Protection Agency



Jerry Wickham
Alameda County Environmental Health

-2-

If you have questions, please contact me at (916) 341-5760.

Sincerely,



Judy Reid
Special Programs Unit



State Water Resources Control Board



Alan C. Lloyd, Ph.D.
Agency Secretary

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

Arnold Schwarzenegger
Governor

TOMORROW DEVELOPMENT CO, INC. January 4, 2006
1305 FRANKLIN ST #500
OAKLAND, CA 94612

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), STAFF DECISION TO REJECT CLAIM: CLAIM NUMBER 018582; FOR SITE ADDRESS: 2547 27TH ST E, OAKLAND

Your claim has been found to be ineligible for placement on the Priority List for the following reason:

Authority

Sections cited are found in the Petroleum Underground Storage Tank Cleanup Fund Regulations, Title 23, Division 3, Chapter 18, of the California Code of Regulations.

Section 25299.21. of the Health and Safety Code (H&SC) which reads in part:

“Owner” means the owner of an underground storage tank containing petroleum...”

Section 2810.1(a) of the Petroleum Underground Storage Tank Cleanup Fund Regulations reads in part:

“Only a current of former owner or operator of an underground storage tank...may file a claim against the Fund.”

Background

According to the information submitted with the claim application the site was a former gas station/auto repair garage. Some time in 1994, the subject USTs were removed. There is no information submitted with the claim application regarding the removal of the USTs. In 2001, claimant acquired the subject property absent the USTs.

Discussion

Claimant acquired the subject property absent the subject USTs. When the basic UST law was adopted in 1984, only a current or former owner or operator of the UST was eligible to file a claim against the Fund.

Prior to your acquisition in 2001, the subject USTs were removed. Since you never owned or operated the subject USTs, you are not eligible to file a claim against the Fund.

Decision

Based on the above, this claim is ineligible for participation in the Fund because claimant never owned or operated the subject USTs pursuant to Section 25299.21. of the H&SC.

NOTE: The sections cited are found in the Petroleum Underground Storage Tank Cleanup Fund Regulations, Title 23, Division 3, Chapter 18, of the California Code of Regulations, or Petroleum Underground Storage Tank Cleanup Fund Statutes, California Health and Safety Code (H&SC), Division 20, Chapter 6.75.

If you disagree with this Staff Decision, you may appeal to the Division Chief pursuant to Section 2814.1 of the Petroleum Underground Storage Tank Cleanup Fund Regulations. If you would like review of the decision by the Fund Manager, please submit your request along with any additional documentation to:

Ronald M. Duff, Fund Manager, Claim #018582
Underground Storage Tank Cleanup Fund
State Water Resources Control Board
Division of Financial Assistance
P.O. Box 944212
Sacramento, CA 94244-2120

A request to the Fund Manager must include, at a minimum: (1) a statement describing how the claimant is damaged by the prior Staff Decision; (2) a description of the remedy or outcome desired; and (3) an explanation of why the claimant believes the Staff Decision is erroneous, inappropriate or improper.

If you do not request a review by the Fund Manager within thirty (30) calendar days from the date of this letter, the Staff Decision will then become final and conclusive.

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

Sincerely,

Shari Knieriem
Shari Knieriem
Claims Review Unit
Underground Storage Tank Cleanup Fund

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

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

October 3, 2005

Mr. Ted Dang
Tomorrow Development Co., Inc.
1305 Franklin Street, #500
Oakland, CA 94612

John Thorpe
21790 Hesperian Blvd.
Hayward, CA 94541-7003

Subject: Fuel Leak Case No. RO0000396, Former Service Station, 2547 East 27th Street, Oakland, CA – Work Plan Approval

Dear Mr. Dang:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site and the document entitled, "Workplan, 2547 East 27th Street, Oakland, California," dated August 5, 2005 and prepared on your behalf by Ceres Associates. The work plan proposes to advance 14 soil borings and convert 6 of the borings into monitoring wells.

ACEH concurs with the proposed scope of work provided the technical comments included below are addressed. We request that you address the following technical comments, perform the proposed work, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to jerry.wickham@accgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Proposed Boring Locations.** The proposed boring locations are acceptable.
2. **Soil Boring Logs.** No soil boring logs were presented in the report entitled, "Soil and Groundwater Sampling Report," dated January 28, 2005 for the 10 soil borings completed on site in January 2005. Soil samples were collected in these 10 soil borings at fixed depths of 5 and 10 feet below ground surface (bgs). However, since no boring logs are presented, the vertical extent of contaminated soil and soil type are not known. If soil boring logs were prepared for these 10 soil borings but not presented, please present the boring logs in the Corrective Action Plan requested below. For the proposed 14 soil borings, the soils must be continuously sampled and logged. Please see technical comment 2 below regarding soil samples to be submitted for laboratory analyses. Boring logs for the proposed borings must be presented in the Corrective Action Plan requested below.
3. **Laboratory Analyses of Soil Samples.** The Work Plan indicates that two samples of undisturbed soil nearest the highest PID readings will be submitted for analysis and the

others will be held for further analysis if necessary. ACEH concurs with this approach provided that the following conditions are met:

- ACEH requests that soil samples be submitted for analyses for all depth intervals where staining, odor, or elevated PID readings are observed. If staining, odor, or elevated PID readings are observed over an interval of several feet, a sufficient number of soil samples from this interval should be submitted for laboratory analyses to characterize the fuel hydrocarbon concentrations within this interval. In addition, one soil sample collected approximately two feet below the interval of observed staining, odor, or elevated PID readings should be submitted for laboratory analysis.
- One soil sample collected from the capillary fringe is to be submitted for laboratory analyses from each soil boring.

Please present these results in the Corrective Action Plan requested below.

4. **Vertical Extent of Soil and Groundwater Sampling.** A coarse-grained soil layer was noted at the bottom of each of the three soil boring logs for the site. The deepest soil sample collected at the site was collected approximately 19 feet bgs. ACEH requests that proposed boring SB-20 be extended to a depth of 40 feet bgs to characterize the stratigraphy of the site. Soils are to be continuously sampled and logged as discussed in technical comments 2 and 3 above. Please collect one groundwater sample approximately 5 feet below first encountered groundwater in proposed boring SB-20. Please use the soil boring log for boring SB-20 to target coarse-grained layers below the water table for depth-discrete groundwater sampling. The depth-discrete groundwater samples are to be collected in a boring(s) adjacent to proposed boring SB-20 using techniques that will prevent cross-contamination of separate water-bearing zones and contamination of the depth-discrete groundwater sample by contaminated groundwater from a shallower interval. Please present these results in the Corrective Action Plan requested below.
5. **Laboratory Analyses.** ACEH concurs with the proposed analyses for soil and groundwater samples but requests that ethylene dibromide and 1,2-dichloroethane be included as additional analytes for all samples. In addition, we request that chlorinated hydrocarbons be included as analytes for groundwater samples from proposed borings SB-19, SB-20, SB-21, SB-22, and SB-23. Please present these results in the Corrective Action Plan requested below.
6. **Well Survey.** We request that you locate all wells (monitoring and production wells; active, inactive, standby, decommissioned, abandoned and dewatering, drainage and cathodic protection wells) within 2,000 ft of the subject site. We recommend that you obtain well information from both Alameda County Public Works Agency and the State of California Department of Water Resources, at a minimum. Submittal of maps showing the location of all wells identified in your study, and the use of tables to report the data collected as part of your survey are required. Please present your results in the Corrective Action Plan requested below.
7. **Utilities and Other Preferential Pathways.** The potential for utility lines and trenches (including sewers, storm drains, pipelines, and trench backfill within the vicinity of the site to act as preferential pathways for contaminant movement is to be evaluated. The depth of utilities is to be compared to current and potential future groundwater elevations to assess

whether utilities are likely or potential preferential pathways for contaminant movement. The locations and depths for utilities located within proximity to the site are to be plotted on a site map. Any sensitive receptors in the vicinity of the site are to be identified and their locations plotted on a map of the site vicinity. Please present these results in the Corrective Action Plan requested below.

8. **Remedial Action.** Elevated concentrations of fuel hydrocarbons have been detected in soils and groundwater on site. Free product was described in one of the three soil boring logs for the site. Please include plans for site cleanup in the Corrective Action Plan requested below.
9. **Geotracker EDF Submittals.** 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 system 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 to sub-meter accuracy, using NAD 83, and transmitted electronically to the SWRCB GeoTracker system via the internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports is also required in Geotracker (in PDF format). 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 by **November 8, 2005**.

TECHNICAL REPORT REQUEST

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

- **February 15, 2006** – Corrective Action Plan

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

ELECTRONIC SUBMITTAL OF REPORTS

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).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND


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

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

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

Sincerely,


Jerry Wickham

Ted Dang
October 3, 2005
Page 5

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Ryan Meyer
Ceres Associates
424 First Street
Benicia, CA 94510

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director

October 4, 2002



ENVIRONMENTAL HEALTH SERVICES

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

Mr. Ted Dang
Tomorrow Development Co., Inc.
1305 Franklin St. #500
Oakland, CA 94612

Dear Mr. Dang:

Subject: Fuel Leak Site No. RO0000396, 2547 E. 27th St., Oakland, CA 94601

Alameda County Environmental Health, Local Oversight Program (LOP), has received and reviewed the Phase One Environmental Site Assessment and Report of Limited Soil and Groundwater Assessment submitted to our office. We request that you address the following technical comments and submit the technical reports requested below.

Technical Comments

1. Please provide the well construction diagrams for the three wells installed at this site.
2. The depth to water in the wells, as pointed out by Kleinfelder, do not allow for groundwater gradient determination. Additional well(s) must be installed to obtain reliable data for gradient determination.
3. The soil within the former gasoline tanks has not been adequately characterized and its concentrations exceed applicable threshold limits. Our office recommends this soil be re-excavated and properly disposed.
4. The soil sample from within the former waste oil tank should be run for semi-volatiles (EPA Method 8270) and the metals, cadmium, chromium, lead, nickel and zinc.
5. The extent of the soil and groundwater contamination must be defined. One approach suggested by Kleinfelder, the advancement of borings in a gridlike pattern, would be an acceptable approach.
6. Groundwater monitoring should continue from the installed wells on a quarterly schedule.

Technical Report Request

Please submit the following technical reports to our office according to the following schedule:

- November 8, 2002- Groundwater Monitoring Report and work plan for soil disposition, soil and groundwater contamination delineation and soil re-sampling.
- February 8, 2003- Groundwater Monitoring Report and well installation work plan.

These reports are requested pursuant to the Section 13267 of the California Water Code.

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

Sincerely,

A handwritten signature in cursive script that reads "Barney M. Chan".

Barney M. Chan
Hazardous Materials Specialist

✓ C: B. Chan, files

Ms. Alyce Sandbach, Alameda County District Attorney's Office

2reprq2547E27th

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 24, 2002

Mr. Ted Dang
Tomorrow Development Co., Inc.
1305 Franklin St. #500
Oakland, CA 94612

Dear Mr. Dang:

Subject: Fuel Leak Case RO0000396, 2547 E. 27th St., Oakland, CA 94601

Alameda County Environmental Health, Local Oversight Program (LOP), has received your September 17, 2002 correspondence and the attached copies of reports in reference to the subject site. Please be advised, these reports are not acceptable in their submitted form. All reports must be submitted as complete, signed documents by certified or registered professionals in their appropriate field. You may refer to the California Business and Professional Code Sections 6735, 7835 and 7835.1. In addition, we recommend that all work plans for this site be submitted to our office for review and concurrence prior to performance if such work is for the purpose of obtaining "site closure" or approval for development.

Technical Report Request

Please submit the entire signed reports along with a cover letter from yourself to our office within 10 working days or no later than October 7, 2002. You should also anticipate commencing groundwater monitoring on a quarterly basis or as directed by our office.

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

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Ms. Alyce Sandbach, Alameda County District Attorney's Office
D. Drogos, ACEH

Reprq2547E27th

ROZ

Tomorrow Development Co, Inc.
1305 FRANKLIN ST #500
OAKLAND, CA 94612
(510)832-5195 X 222

Alameda County
SEP 20 2002
Environmental Health

September 17, 2002

Barney Chan
County of Alameda
Environmental Health Services Dept
1131 Harbor Bay Parkway, 2nd Fl.
Alameda, Ca. 94502

RE: 2547 East 27th St, Oakland

We recently purchased the above referenced property at a County of Alameda tax default sale. We would like to build two single family residences on this site. Many years ago this site was used as a gas station; the tanks have been removed. Two environmental reports have been completed. The last report prepared by Kleinfelder identified detectable levels of hydrocarbons, particularly along the northeast corner of the lot. Monitoring wells have been installed and we expect future tests to confirm concentrations at below applicable criteria.

Our tentative plans for development call for new structures on a concrete slab. The soil covered by these structures are not contaminated. Kleinfelder has suggested that we do numerous additional borings to determine the full extent of the low levels of contamination. The costs of the additional borings, testing, and remediation would cost more than the value of the land. We would like your guidance as to how to close the environmental file on this site in the most appropriate manner.

This property has been a blight in the neighborhood for many years. The value is and continues to be negatively impacted by the environmental concerns. We would hope for a solution that would allow us to produce affordable housing at a reasonable cost.

Please review the attached documents and let me know when we could meet with you to discuss the project in more detail.

Very truly yours,



Ted W. Dang

John M. Thorpe

Attorney at Law
21790 Hesperian Blvd.,
Hayward, CA 94541

(510) 783-3440 Office

Fax (510) 782-3082

May 25, 2001

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

Attention: Barney M. Chan

Re: 2547 East 27th Street,
Oakland, CA

Dear Mr. Chan:

I wrote Aqua Science Engineers on April 9, 2001, and sent you a copy thereof. The Post Office has belatedly returned the item, marking it "moved, no forwarding address". Do you have a current address for Aqua Science Engineers? Inasmuch as they had previously worked and reported on the subject property, I thought the simplest thing would be to utilize their services again.

If you do not have a current address, or, if they are no longer in business (I could not locate a telephone number for them), then, I should appreciate your advice as to other companies that are available who do the same sort of work.

Very truly yours,


John M. Thorpe

JMT:pn

4848

John M. Thorpe

Attorney at Law
21790 Hesperian Blvd.,
Hayward, CA 94541

(510) 783-3440 Office

Fax (510) 782-3082

April 9, 2001

Aqua Science Engineers, Inc.,
2411 Old Crow Canyon Rd., #4
San Ramon, CA 94583

APR 13 2001

Gentlemen:

On September 14, 1994, you reported relative to various soil samples taken at 2547 East 27th St., Oakland, California. Attached to your report is a site plan. The site plan showed the location of the samples which were largely along East 27th Street (four locations), and one location just off the side walk opposite what was then the pump island.

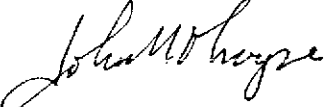
We desire to determine whether or not further monitoring need be done, or whether any contamination has dissipated through time.

We would want the soils to be sampled in essentially the same locations as previously done.

Please give us a bid for the work.

Please determine from Mr. Barney Chan of the A.C.H.C.S.A. as to the appropriate tests he wishes performed.

Very truly yours,


John M. Thorpe

JMT:pn
CC: Barney Chan
CC: Alameda County District Attorney

EMISSION UPDATED 3/31/01

Press [ESC] for the menu

UNDERGROUND STORAGE TANK CLEANUP SITE

-LOP:A-TRemov:--SLIC:--

| | | |
|-----------------------------------|--------------------|----------------------------|
| SITE ID: 4848 | SOURCE OF FUNDS: F | SUBSTANCE : 8006619 |
| SITE NAME: Former Service Station | | DATE REPORTED : 10/31/1994 |
| SITE ADDRESS: 2547 E 27th St | | DATE CONFIRMED: 10/31/1994 |
| CITY: Oakland | ZIP CODE: 94601 | MULTIPLE RPs : N |

CASE TYPE: U CONTRACT STAT: 2 PRIORITY: 2B2 DATE ER: -0-

| | |
|-----------------------|-------------------------------|
| RP SEARCH : S | DATE END: -0- |
| PRELIM ASSESSMENT : - | DATE BEGIN: -0- DATE END: -0- |
| REMEDIAL INVEST : - | DATE BEGIN: -0- DATE END: -0- |
| REMEDIAL ACTION : - | DATE BEGIN: -0- DATE END: -0- |
| POST REMED MONITOR: - | DATE BEGIN: -0- DATE END: -0- |

| | |
|---------------------------|---|
| ENFORCEMENT TYPE: 3 | DATE ENFORCEMENT ACTION TAKEN: 07/25/1996 |
| LUFT CATEGORY: 2 | CASE CLOSED: - DATE CASE CLOSED: -0- |
| DT EXC START : 08/30/1994 | REMEDIAL ACTIONS TAKEN: NA |

PgDn for Screen #2

[ESC] Done [F2] Clear field [Shift-F2] Clear to end [Shift-F10] More
 Form: SITE Table: SITE Field: Source Page: 1

STID: 4848

UNDERGROUND STORAGE TANK CLEANUP SITE - SCREEN #2

IN-HOUSE MANAGEMENT:

| | |
|------------------------------|-----------------------|
| RISK ASSESSMENT : -0- | LOC-CleanUp Fund? -0- |
| DATE LAST CORSP : 02/03/1998 | INSPECTOR INIT: BC |

CONTACT/RESPONSIBLE PARTY INFORMATION:

| | |
|--------------------------------------|-----------------|
| RP #1: CONTACT: Mr. John Thorpe | RP COST: \$0.00 |
| RP COMPANY NAME: -0- | Ph: -0- |
| ADDRESS: 21790 Hesperian Blvd | |
| CITY/ST/ZIP: Hayward, C A 94541-7003 | |

COMMENT: MTBE has not yet been run. The tank removal occurred in 1994. We are still waiting for owner to comply with initial ssi. He has been referred to the DAs for enforcement.

PgUp For Screen #1;PgDn For More RP'S

[ESC] Done [F2] Clear field [Shift-F2] Clear to end [Shift-F10] More
 Form: SITE Table: SITE Field: FlagDate Page: 2

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

February 20, 2001
StID # 4848

Mr. John Thorpe
21790 Hesperian Blvd.
Hayward CA 94541

Re: Request for Technical Reports for 2547 E. 27th St., Oakland CA 94601

Dear Mr. Thorpe:

In response to your request for technical reports for the above referenced site, please make a written request to review the files for this site. You may make that request to the attention of Ms. Earlene Ali. She will contact you to set up an appointment at which time you may copy any and all records in the file. You can also fax your request to our office @ (510) 337-9335.

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. M.O'Connor, Alameda County District Attorney's Office
Filerq2547E27

#4848

John M. Thorpe

Attorney at Law
21790 Hesperian Blvd.,
Hayward, CA 94541

(510) 783-3440 Office

Fax (510) 782-3082

February 9, 2001

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

Attention: Barney M. Chan

Re: 2547 East 27th Street,
Oakland, CA

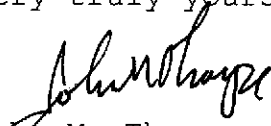
Dear Mr. Chan:

Mr. O'Connor of the District Attorney's office advises that your office would be in possession of a copy of the report, which identifies the areas of 1994 indication of petroleum hydrocarbon release.

We would appreciate being furnished with a copy of the report, and in particular, any map or diagram identifying the area of such release.

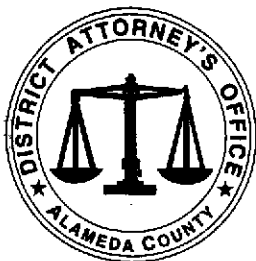
Thank you in advance for your courtesy.

Very truly yours,



John M. Thorpe

JMT:pn
CC: Michael O'Connor
Alameda County
District Attorney's Office



Alameda County
District Attorney's Office
Thomas J. Orloff, District Attorney

4848

January 29, 2001

Mr. John M. Thorpe
21690 Hesperian Blvd.
Hayward, CA 94541

Re: 2547 E. 27th Street, Oakland, CA 94601

Dear Mr. Thorpe:


This Office is in receipt of your November 22, 2000 letter. You have indicated a concern about implementing a corrective plan if there is no evidence of contamination or if soil sampling has not been done.

According to county records, the above mentioned property had four, 500 gallon gasoline tanks and one, approximately, 100 gallon waste oil tank removed under your tank closure plan. Eight soil samples were taken beneath the ends of the tanks. Petroleum concentrations were detected in the samples up to 390 parts per million (ppm) total petroleum hydrocarbons as gasoline (TPHg), 2.2, 2.2, 2.7, 3.3 ppm BTEX (benzene, toluene, ethyl benzene and xylenes) respectively, and 170 ppm oil and grease. Additionally, about 100 cubic yards of soil was excavated during the tank removals and the soil was reused to back fill the tank's pits because of side safety concerns. Two, four point composite samples were taken from this excavated soil. Up to 860 ppm total petroleum hydrocarbons as gasoline and 0.36, 0.72, 1.9, 2.1 ppm BTEX were detected in these soil samples.

Since contamination has been detected, California Health and Safety Code Section 25299.37 requires that you take corrective actions. Please institute the corrective action plan outlined by Barney Chan, Alameda Health Care Services Agency. If corrective action has not begun after 60 days, this Office will consider taking enforcement action.

Very truly yours,

THOMAS J. ORLOFF
District Attorney

By: 
Micheal O'Connor
Deputy District Attorney

TJO:MOC:bal

cc: Barney Chan
Environmental Health Services
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

R0396

John M. Thorpe

Attorney at Law
21790 Hesperian Blvd.,
Hayward, CA 94541

(510) 783-3440 Office

Fax (510) 782-3082

December 18, 2000

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

Dear Mr. Chan:

Thank you very much for your letter of December 6, 2000. The only reference that I have located in the various reports, including the Aqua Science Engineer Tank Removal Report, is that a smell of gasoline occurred. If this is the only evidence, then it may well be that the problem has disapated by now. In any event, this is why I propose that some soil testing be done to determine the presence or absence of hydrocarbons, and, if present, to quantify them. It also would seem appropriate to locate the area or areas concerned.

What I am trying to do, is determine whether or not there are hydrocarbons present on the site, and if so, where, and to make some reasonable effort to quantify the hydrocarbons, if they are present.

Please advise me if you have any comments.

Very truly yours,



John M. Thorpe

JMT:pn
CC: Michael O'Connor
Deputy District Attorney
Alameda County

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 6, 2000
StID # 4848

Mr. John Thorpe
21790 Hesperian Blvd.
Hayward, CA 94541

Re: 2547 E. 27th St. Property, Oakland CA 94601

Dear Mr. Thorpe:

This letter serves to respond to your November 22, 2000 letter to Mr. O'Connor of the District Attorney's Office where you clarified the actions you have taken to initiate the requested environmental investigation at the above referenced site.

Our office has the following comments and observations:

- As you have stated, the City of Oakland's investigation of the site consisted of an above ground investigation, which, unfortunately, will not assist in this investigation.
- You appear to be requesting information on an assessment, which indicates the presence of hazardous materials at this site. Please be informed that the information contained in the original Aqua Science Engineer Tank Removal Report (9/15/94) is all the information the County has. In this report there is sufficient evidence that a petroleum hydrocarbon release has occurred, which will need further investigation.
- Our office has not spoken with any consultants regarding this site. It is unclear whether you have received any proposals for the installation of wells, however, our office has not received anything of the sort.
- Lastly, our office is certainly hopeful that a buyer can be found to complete the required investigation. Prior to negotiations, a prudent buyer would want to have a reasonable estimate of remediation costs. To do this, our office is willing to meet with consultants to discuss and/or entertain remediation and investigation options.

Please contact me at (510) 567-6765 should you have any comments or questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

✓ C: B. Chan, files
Mr. M. O'Connor, Alameda County District Attorney Office

Comment2547E27

John M. Thorpe

Attorney at Law
21790 Hesperian Blvd.,
Hayward, CA 94541

(510) 783-3440 Office

Fax (510) 782-3082

November 22, 2000

Alameda County
Office of the District Attorney
7677 Oakport Street, Suite 650
Oakland, CA 94621

Attention: Michael O'Connor,
Deputy District Attorney

Re: Thorpe-2547 E. 27th Street, Oakland, California

Dear Mr. O'Connor:

Thank you for your letter of November 20, 2000. I believe that there is a misunderstanding. I have been attempting to determine, firstly, if there has been an assessment which finds the presence of hazardous materials in or on the ground.

It seems to me before one installs wells to monitor hazardous materials, it should be determined if there is, in fact, a sufficient presence of hazardous materials to merit the installation of wells, as well as the location of the hazardous materials.

I have written to the City of Oakland, and determined that their environmental assessments did not include a determination of the presence of hazardous material in the ground. Their monitoring process consisted of the determination of asbestos in the building, and hazardous materials on the surface. These materials have been removed. In the course of their explorations, they did not discover any hazardous petroleum products, other than as contained in elderly containers, which were removed.

I have attempted to secure bids from four different firms to do an assessment of the ground to determine if there is sufficient presence of hazardous material to merit further monitoring. They have returned proposals for the installation of wells, apparently after speaking with Barney Chan.

By copy of this letter to Barney Chan, I would solicit his advice

00 NOV 27 PM 3:02
ENVIRONMENTAL
PROTECTION

as to whether he knows of any prior assessment showing the presence of hazardous material in the ground, and if so, if he would be kind enough to give me a copy of this document.

Lastly, I am in extremely straitened financial circumstances. I believe that the preliminary report on the property reveals this. I do not have the funds to engage in substantial monitoring studies.

I do have a party who is willing to purchase the property and is willing to expend a substantial amount of funding either to do the monitoring, or such other work as might be necessary. In order to conclude such a transaction, we first need to have an definition of the problem! I might point out that this is the second time that a proposed buyer has indicated a willingness to do the "clean-up", if it can be defined!

Thank you in advance for your courtesy.

Very truly yours,

John M. Thorpe

JMT:pn
CC: Barney Chan



Alameda County
District Attorney's Office
Thomas J. Orloff, District Attorney

4848

November 20, 2000

Mr. John M. Thorpe
Attorney at Law
21790 Hesperian Blvd.
Hayward, CA 94621

Re: 2547 E. 27th Street, Oakland, CA


Dear Mr. Thorpe:

This Office is in receipt of your November 6, 2000 letter. We have interpreted your letter as a request for an extension to complete the bidding process for installing three groundwater monitoring wells. We are also aware that you are attempting to sell the property to a third party who might be in a better position to remediate any possible contamination on the property mentioned above.

This Office will allow an extension until January 15, 2001, at which time this Office will determine if enforcement actions need to take place.

Very truly yours,

THOMAS J. ORLOFF
District Attorney

By: 
Micheal O'Connor
Deputy District Attorney

TJO:MOC:bal

cc: Barrey Chan
Environmental Health Services
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

4848

John M. Thorpe

Attorney at Law
21790 Hesperian Blvd.,
Hayward, CA 94541

(510) 783-3440 Office

Fax (510) 782-3082

November 6, 2000

Mr. Michael O'Connor
Alameda County
District Attorney's Office
7677 Oakport St., Suite 650
Oakland, CA 94621

Re: 2547 E. 27th St.,
Oakland, CA (Thorpe)

Dear Mr. O'Connor:

Please be advised that, contrary to the letter of November 1, 2000 of the Alameda County Health Care Services Agency (Barney Chan), action has been underway on this matter.

ENVIRONMENTAL
PROTECTION

00 NOV -7 PM 4:04

1. A request was made of the City of Oakland, and we were unable to determine any response. However, it has been hoped that the property can be sold (for \$1.00) and an offer has been received from Affiliated Brokers, where they would be responsible for the Haz Mat circumstance. These same people purchased a lot across the street in order to build a four-plex, and wish to do the same on this property. A preliminary report has been obtained from Fidelity National Title Company in this regard. A copy of the preliminary report is enclosed with this letter, and a copy is being sent with a copy of this letter to Mr. Barney Chan.
2. Four requests for bids have been sent to obtain an assessment of the property.
3. The issue is that no determination has apparently been made that, in fact, the property is polluted to the extent that any remediation work needs to be done. Accordingly, it would appear necessary to make an assessment to determine what degree of contamination, if any, exists.
4. Although four requests for bids have been sent out, only one response has been received so far.

Very truly yours,



John M. Thorpe

JMT:pn
CC: Barney Chan

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 1, 2000
StID # 4848

Mr. Micheal O'Conner
Alameda County District Attorney's Office
7677 Oakport St., Suite 650
Oakland CA 94621

Re: Environmental Investigation at 2547 E. 27th St., Oakland CA 94601

Dear Mr. O'Conner:

I would like to update you on the current status of the referenced site. Your office issued an August 8, 2000 letter to follow-up the August 7, 2000 meeting held at the District Attorney's Office. At this meeting were Mr. Bob Chambers, Mr. Joe Vogel, the property owner, Mr. John Thorpe, his attorney Mr. Gregory Lyons and myself. Due to financial hardship, your office allowed Mr. Thorpe to do the following:

- Request copies of any environmental work done by the City of Oakland and determine the extent of any liens placed on the property and
- Contact the former consultant, Aqua Science, (or any other) to obtain a bid for the installation of three monitoring wells.

Mr. Thorpe was given 60 days (early October) to accomplish these tasks. To date, our office has not been provided any of the requested reports.

To familiarize you, the history of the site is briefly the following:

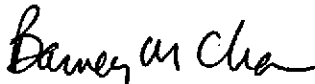
The site is located at the northwest intersection of E. 27th St. and 26th Ave. in Oakland in a mixed commercial/residential setting, with residential homes located immediately next to the site.

- Four gasoline tanks and one waste oil tank were removed from the site in August 1994. The tanks were located on the property boundaries along E. 27th St. and 26th Ave. Moderate levels of gasoline and BTEX were detected in samples collected along E. 27th St. Samples from the stockpile soil were similarly contaminated with petroleum hydrocarbons at moderate levels. Because the former tanks were located next to the street and near a utility pole, the spoils were immediately returned to the tank pits pending their future remediation or disposal.
- Essentially no further work has been done in behalf of the property owner since this time due to financial difficulties. The owner has not even been able to give the property to the City of Oakland who has some interest in it. The City may have performed a Phase I or Phase II investigation of the site during their scoping stage, hence the task was noted to contact the City for any information on the site.

Please let me know how to proceed from here. You may contact me at (510) 567-6765.

Mr. M. O'Conner
Re: 2547 E. 27th St., Oakland 94601
StID # 4848
November 1, 2000
Page 2.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

✓ C: B. Chan, files

Mr. J. Thorpe, 21790 Hesperian Blvd., Hayward CA 94541

Mr. Gregory Lyons, Attorney at Law, 1999 Harrison St., Suite 1650, Oakland CA 94612

Mr. J. Vogel, Alameda County District Attorney Office

stat2547E27



Fidelity National Title Company

3626 35th Avenue • Oakland, CA 94619
(510) 482-2236 • FAX (510) 482-1131

PRELIMINARY REPORT

ESCROW OFFICER: Jo Chann
TITLE OFFICER: Laura Youles

ORDER NO.: 711716

TO: Affiliated Brokers
3630 35th Avenue
Oakland,, CA 94619

LOAN NO.:

ATTN: Hal

SHORT TERM RATE: No

PROPERTY ADDRESS: 2547 East 27th Street, Oakland, California

EFFECTIVE DATE: September 29, 2000, 07:30 A.M.

The form of Policy or Policies of title insurance contemplated by this report is:

American Land Title Association Homeowner's Policy of Title For a One-To-Four Family Residence (10/17/98)
American Land Title Association Loan Policy (10-17-92) with A.L.T.A. Form 1 Coverage

1. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:
A Fee
2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:
John M. Thorpe and Paulette M. Thorpe, his wife
3. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF OAKLAND, IN THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "ONE" ATTACHED HERETO AND MADE A PART HEREOF

RR\rr 10/31/2000

EXHIBIT "ONE"

Beginning at the point of intersection of the Southwestern line of East 17th Street, formerly Huff Avenue, with the Northwestern line of 26th Avenue, formerly Shuey Avenue, as said Avenues are shown on the Map hereinafter referred to; and running thence Northwesterly along said line of East 27th Street 60.00 feet; thence Southwesterly parallel with said line of 26th Avenue 89.00 feet; thence Southeasterly parallel with said line of East 27th Street, 60.00 feet to the Northwestern line of 26th Avenue; and thence Northeasterly along said last named line 89.00 feet to the point of beginning.

Being a portion of Lot 1, as said lot is shown on the "Map of a portion of Shuey Estate, Brooklynn Township, surveyed December 1883, filed March 24, 1884 in Book 7 of Maps, at Page 63, in the Office of the County Recorder of Alameda County".

Assessor's Parcel No: 026-0785-008-00

AT THE DATE HEREOF, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. **Property taxes**, including any personal property taxes and any assessments collected with taxes, for the fiscal year 2000-2001, Assessor's Parcel Number 026-0785-008-00.

Code Area Number: 17-001
 1st Installment: \$27,739.86 Open
 2nd Installment: \$27,739.86 Open
 Land: \$16,998.00
 Improvements: \$0.00
 Exemption: \$
 Personal Property: \$

The lien of the assessment shown below, which assessment is or will be collected with, and included in, the property taxes shown above.

Assessment: City Code enforcement
 Amount: \$54,922.98

2. **Said property has been declared tax defaulted** for non-payment of delinquent taxes for the fiscal year 1990-1991.

APN: 026-0785-008
 Default No.: 440041
 Default Date: July 1, 2000

Amounts to redeem for the above stated fiscal year (and subsequent years, if any) are:

Amount: \$27,277.39
 By: October 1, 2000
 Amount: \$27,536.40
 By: November 1, 2000

3. **The lien of supplemental taxes**, if any, assessed pursuant to the provisions of Chapter 3.5 (Commencing with Section 75) of the Revenue and Taxation code of the State of California.

4. **An abstract of judgment** for the amount shown below and any other amounts due:

Amount: \$27,968.69
 Debtor: John M. Thorpe
 Creditor: The National Collection Agency, Inc.
 Date Entered: July 2, 1992
 County: Alameda
 Court: Municipal Court
 Case No.: 438271-9
 Returned to:
 Name: Fred Keeperman
 Address: 899 Ellis Street
 San Francisco, CA 94109-7807
 Recorded: August 5, 1992, Instrument No. 92-254268, of Official Records

5. **An abstract of judgment** for the amount shown below and any other amounts due:

Amount: \$63,882.39
 Debtor: John M. Thorpe
 Creditor: Wells Fargo Bank
 Date Entered: August 24, 1992
 County: Alameda
 Court: Superior Court
 Case No.: 690645-2
 Returned to:
 Name: Sidney Berenstein
 Address: P.O.Box 3947
 Walnut Creek , CA 94598
 Recorded: September 17, 1992, Instrument No. 92-302541, of Official Records ✓

6. **A tax lien** for the amount shown and any other amounts due, in favor of the State of California.

Amount: \$385.63
 Filed by: State of California
 Taxpayer: John M. Thorpe, Shoreline Associates
 Certificate No.: W931482090
 Recorded: June 22, 1993, Instrument No. 93-222427, of Official Records

7. **An abstract of judgment** for the amount shown below and any other amounts due: ;

Amount: \$24,072.41
 Debtor: John M. Thorpe
 Creditor: Xerox Corporation
 Date Entered: October 7, 1993
 County: Alameda
 Court: Superior
 Case No.: H/ 165464-0
 Returned to:
 Name: Rose A. Spector
 Address: 201 Spear Street, 10th Floor
 San Francisco , CA 94105
 Recorded: December 7, 1993, Instrument No. 93-427409, of Official Records ✓

8. **An abstract of judgment** for the amount shown below and any other amounts due:

Amount: \$195,204.00
 Debtor: John M. Thorpe and Shorelands Corporation
 Creditor: William J. Alich and Norma J. Alich
 Date Entered: July 14, 1995
 County: Alameda
 Court: Superior
 Case No.: h/ 160522-2
 Returned to:
 Name: Neil R. Bardack
 Address: 333 Bush Street, Suite 1800
 San Francisco , CA 94104
 Recorded: August 11, 1995, Instrument No. 95-179964, of Official Records

In connection herewith a Statement of Decision in regard of said case No. H160522-2, recorded 12/05/95, Series No. 95-282303 and a Judgement was recorded December 5, 1995, Series No. 95-282304 ✓

9. **Notice of Power to sell tax defaulted property for non-payment of delinquent taxes for the fiscal year 1989-1990,**
- Default No.: 440041
 Original Amount: \$578.66
 Recorded: June 4, 1996, Instrument No. 96-52580, of Official Records
- Amounts to redeem for the above stated fiscal year (and subsequent years, if any) are:
- Amount: \$0.00
 By: None Shown
10. Priority Lien and Special Assessment in the amount of \$ 425.00 plus interest, recorded March 14, 1996, Series No. 96-63317
11. Priority Lien and Special Assessment in the amount of \$20,000.00 plus interest, recorded September 16, 1996, Series No. 96-234378.
12. Declaration of Public Nuisance by City of Oakland, recorded August 5, 1997, Series No. 97-195638.
13. Priority Lien and Special Assessment in the amount of \$ 640.00 plus interest, recorded November 26, 1996, Series No. 300412.
14. Declaration of Public Nuisance by City of Oakland, recorded August 5, 1997, Series No. 97-195638.
15. Priority Lien and Special Assessment in the amount of \$ 1,635.00 plus interest, recorded September 25, 1997, Series No. 97-246202.
16. **An abstract of judgment for the amount shown below and any other amounts due:**
- Amount: \$1,261.90
 Debtor: John M. Thorpe
 Creditor: Fern & Ferns, a General Partnership
 Date Entered: April 4, 1994
 County: Alameda
 Court: Municipal
 Case No.: 74934
 Returned to:
 Name: Barry W. Ferns
 Address: 2300 Clayton Street Rd, Suite 1290
 Concord, CA 94520
 Recorded: October 27, 1997, Instrument No. 97-283551, of Official Records
17. Priority Lien and Special Assessment in the amount of \$ 2,320.00 plus interest, recorded March 26, 1998, Series No. 98-102465.
18. Priority Lien and Special Assessment in the amount of \$ 852.00 plus interest, recorded March 4, 1999, Series No. 99-92399.
19. Priority Lien and Special Assessment in the amount of \$ 3,937.50 plus interest, recorded April 6, 1999, Series No. 99-143089.

20. Priority Lien and Special Assessment in the amount of \$ 3,150.00 plus interest, recorded October 6, 1999, Series No. 99-379677.
21. Priority Lien and Special Assessment in the amount of \$ 325.00 plus interest, recorded 10/27/99, Series No. 99-400375.
22. Priority Lien and Special Assessment in the amount of \$ 1,005.00 plus interest, recorded 10/27/99. Series No. 99-400592.
23. Priority Lien and Special Assessment in the amount of \$ 47,775.00 plus interest, recorded 03/14/2000, Series No. 2000/ 75503.
24. Priority Lien and Special Assessment in the amount of \$ 26,105.33 plus interest, recorded 08/30/2000, Series No. 2000/ 261805.

END OF ITEMS

Note 1. There are NO deeds affecting said land, recorded within twenty-four (24) months of the date of this report.

Note 2. The following cities impose a property transfer tax for each \$1,000.00 or fractional part based on full value, as follows:

| | | |
|-------------|---|---------|
| San Leandro | : | \$6.00 |
| Oakland | : | \$15.00 |
| Albany | : | \$8.50 |
| Alameda | : | \$5.40 |
| Piedmont | : | \$13.00 |
| Berkeley | : | \$15.00 |
| Hayward | : | \$4.50 |

Note 3. None of the items shown in this report will cause the Company to decline to attach CLTA Endorsement Form 100 to an Extended Coverage Loan Policy, when issued.

Note 4. **Your application** for title insurance was placed by reference to a street address only. Based on our records, we believe that the description in this report covers the parcel that you requested.

To prevent errors and to be certain that the proper parcel of land will appear on the documents and on the policy of title insurance, we require written approval of the legal description in this report be sent to this Company, signed by the parties to the transaction.

Note 5. The name(s) of the buyer(s) furnished with this application for Title Insurance is/are:

Dorcia Anderson

If these names are incorrect, incomplete or misspelled, please notify the Company.

- Note 6.** Section 12413.1, California Insurance Code became effective January 1, 1990. This legislation deals with the disbursement of funds deposited with any title entity acting in an escrow or subescrow capacity. The law requires that all funds be deposited and collected by the title entity's escrow and/or subescrow account prior to disbursement of any funds. Some methods of funding may subject funds to a holding period which must expire before any funds may be disbursed. In order to avoid any such delays, all fundings should be done through wire transfer, certified check or checks drawn on California financial institutions.
- Note 7.** The charge where an order is cancelled after the issuance of the report of title, will be that amount which in the opinion of the Company is proper compensation for the services rendered or the purpose for which the report is used, but in no event shall said charge be less than the minimum amount required under Section 12404.1 of the Insurance Code of the State of California. If the report cannot be cancelled "no fee" pursuant to the provisions of said Insurance Code, then the minimum cancellation fee shall be that permitted by law.
- Note 8.** California Revenue and Taxation Code Section 18668, effective January 1, 1991, requires that the buyer in all sales of California Real Estate, wherein the Seller shows an out of State Address, withhold 3-1/3% of the total sales price as California State Income Tax, subject to the various provisions of the law as therein contained.

EXHIBIT A
AMERICAN LAND TITLE ASSOCIATION
RESIDENTIAL TITLE INSURANCE POLICY (6-1-87) EXCLUSIONS

In addition to the Exclusions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:
 - land use
 - improvements on the land
 - land division
 - environmental protectionThis exclusion does not apply to violations or the enforcement of these matters which appear in the public records at policy date.
2. The right to take the land by condemning it, unless:
 - a notice of exercising the right appears in the public records on the Policy Date
 - the taking happened prior to the Policy Date and is binding on you if you bought the land without knowledge of the taking

3. Title Risks:

- that are created, allowed, or agreed to by you
 - that are known to you, but not to us, on the Policy Date - unless they appeared in the public records
 - that result in no loss to you
 - that first affect your title after the Policy Date - this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks
4. Failure to pay value for your title.
 5. Lack of a right:
 - to any land outside the area specifically described and referred to in Item 3 of Schedule A or
 - in streets, alleys, or waterways that touch your landThis exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

SCHEDULE B
EXCEPTIONS

In addition to the Exclusions, you are not insured against loss, costs, attorneys' fees, and the expenses resulting from:

1. Any rights, interests, or claims of parties in possession of the land not shown by the public records.
2. Any assessments or liens not shown by the public records. This does not limit the lien coverage in Item 8 of Covered Title Risks.

3. Any facts about the land which a correct survey would disclose and which are not shown by the public records. This does not limit the forced removal coverage in Item 12 of Covered Title Risks.
4. Any water rights or claims or title to water in or under the land, whether or not shown by the public records.

CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not insure against loss or damage, costs, attorneys' fees or expenses which arise by reason of:

- a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- c) Any eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
- d) Any acts, liens, encumbrances, adverse claims, or other matters:

- (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
 5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
 6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

SCHEDULE B, PART I
EXCEPTIONS FROM COVERAGE

The policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that may result in taxes or assessments on real property or by the public records. Proceedings by a public agency or by such agency or by the public records.
2. Easements, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.

PART 1

3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.



Alameda County
District Attorney's Office
Thomas J. Orloff, District Attorney

August 8, 2000

Gregory S. Lyons
Attorney at Law
1999 Harrison Street, Suite 1650
Oakland, CA 94612

Re: Violations of State Underground Storage Tank Laws at
2547 E. 27th Street, Oakland, CA 94601

Dear Mr. Lyons:

Pursuant to our meeting on August 7th, 2000, this office agreed to allow Mr. John Thorpe additional time to accomplish the following:

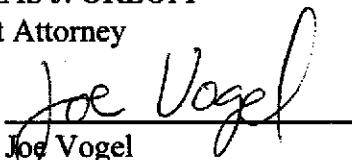
- 1) Request copies of any environmental work done by the City of Oakland and determine the extent of any liens placed on the property.
- 2) Contact Agua Science to request a bid for the installation of three Groundwater monitoring wells.

We believe the above should be accomplished within 60 days, which would allow us to revisit this issue in early October 2000. It should be noted that bankruptcy does not absolve Mr. Thorpe from liability (Midlantic National Bank v. New Jersey Department of Environmental Protection, 474 U.S. 494, 106 S. Ct. 755) and Mr. Thorpe's property may be distinguished from the Livermore Radiation Laboratory proceeding in that the extent of contamination must be determined before allowing natural attenuation.

Very truly yours,

THOMAS J. ORLOFF
District Attorney

By:


Joe Vogel
Law Clerk

TJO:JV:bal

cc: Barney Chan

00 AUG 10 PM 3:03

ENVIRONMENTAL
PROTECTION

3-29-00

To: Bob Chambers

from: Barney Chan

Subject: John Thorpe Property - 2547 E 27th St
Oak 94601

Sorry I didn't get back to you earlier regarding this matter. I read the letter from Mr. Thorpe's attorney. I'm willing to appear at the meeting he offered to attend with Mr. Thorpe. I just wonder what we can expect from him if he acknowledges he still has some liability according to the H+S Code and Title 23. Let me know when the meeting is scheduled.

Barney

4848

**ALAMEDA COUNTY
DISTRICT ATTORNEY'S OFFICE
CONSUMER & ENVIRONMENTAL PROTECTION DIVISION**

7677 Oakport Street, Suite 400
Oakland, CA 94621



**FACSIMILE
TRANSMITTAL**

TO: 337-9335
(Fax Phone Number)

DATE: 3-15-00

NAME: BARRY CHAN

AGENCY: _____

FROM:

NAME: Bob Chambers, S.D.D.A.

SPECIAL INSTRUCTIONS/COMMENTS: _____

NUMBER OF PAGES (Including Cover Sheet) 3

**IF YOU DO NOT RECEIVE ALL PAGES OR HAVE ANY PROBLEMS WITH THIS FAX
PLEASE TELEPHONE (510) 569-9281
FAX (510) 569-0505**

GREGORY S. LYONS

ATTORNEY AT LAW

1999 HARRISON ST STE 1650

OAKLAND CA 94612

(510) 834-5020

FAX (510) 839-8305

March 14, 2000

VIA FAX (510) 569-0505 AND MAIL

Alameda County District Attorney's Office
Consumer and Environmental Protection Division
Robert F. Chambers, Senior Deputy District Attorney
Airport Corporate Centre
7677 Oakport St Ste 400
Oakland CA 94621

Re: John M. Thorpe, 2547 E 27th St, Oakland

Dear Mr. Chambers:

I have been representing Mr. Thorpe regarding the property at 2547 E 27th St, Oakland CA for more than two years. The underground storage tanks previously at the property had been utilized by a prior owner, Mr. Marcel de la Braindais, who in conjunction with Signal Oil Company operated a gas station prior to Mr. Thorpe's ownership. The property has never been operated as a gas station, nor have the tanks been utilized, during Mr. Thorpe's ownership.

In response to inquiry by the Environmental Health Division, Alameda County Dept. of Public Health, these underground storage tanks were removed by Iconco on August 30 and 31, 1994. By letter from Barney Chan dated October 21, 1994, the statement was made that, even though the tanks were removed, that "the potential of contaminated soils exists." In conjunction with Mr. Chan's requirements, Aqua Science submitted a work plan in August 1995. At that time, the City of Oakland asserted a series of claims having to do with the zoning laws and the condition of the property.

On January 29, 1996 Mr. Thorpe wrote both the County and the City, pointing out that the Livermore Radiation Laboratory prevailed on January 11, 1996 in a claim against the EPA, to the general effect that Livermore Radiation Laboratory had been relieved from further compliance with Clean Water act requirements, because EPA hazardous material clean-up laws were derived from the Clean Water Act, and they did not apply to storage tanks where water wells were not within 400 feet, or where underground aquifers were not present, i.e. where water supplies were not threatened.

March 14, 2000
Robert F. Chambers
Page 2.

Mr. Thorpe, due to entirely unrelated activities, was compelled to seek protection of the Bankruptcy Code, and on August 26, 1998 I filed a voluntary chapter 7 petition on his behalf. He received his chapter 7 discharge on December 13, 1998, and the case has since been closed. The various claims of the public agencies were scheduled in the case.

Mr. Thorpe, in recognition of his financial inability to deal with the property (and his financial obligations having been discharged), attempted to donate the property to the City of Oakland, which refused. He thereafter agreed to donate the property to Victory Outreach Church. Victory Outreach Church had several meetings with the City of Oakland, some of which I attended. The City declined to permit various proposed uses for the property, and the City has since demolished the structure.

Since the City of Oakland had physically excluded Mr. Thorpe from the property, and initiated demolition procedure, and given his bankruptcy, it was evident that monitoring wells could not have been installed. Therefore Mr. Thorpe knows of no law which is being violated relative to underground storage tanks. This lack of knowledge, and further given his physical exclusion and financial inability, precludes any willful violation.

However, because we would like to see this matter concluded, Mr. Thorpe and I would be happy to attend any meeting which you may arrange to confirm that no underground storage tank laws are being violated.

Sincerely,

Gregory S. Lyons

Gregory S. Lyons
GSL/db



Alameda County
District Attorney's Office
Thomas J. Orloff, District Attorney

#4848
ENVIRONMENTAL
PROTECTION
00 FEB 30 PM 3:33

February 28, 2000

VIA MAIL

Gregory S. Lyons
Attorney at Law
1999 Harrison Street, Suite 1650
Oakland, CA 94612

Re: Violations of State Underground Storage Tanks Laws at 2547 E 27th Street, Oakland

Dear Mr. Lyons:

On November 17, 1999, a letter was sent to you and your clients, John and Paulette Thorpe, identifying the past and continuing violations of the Underground Storage Tank Laws of the state of California at 2457 East 27th Street, Oakland, California. We invited you to discuss the matter prior to the commencement of an enforcement action by this office.

On December 16, 1999, this office received a letter from you stating that you would substantively respond in writing to the environmental issues raised in our November 17, 1999 letter. Yet, you have postponed your response three different times. On December 23, 1999, you stated your response would be delayed until January 10, 2000, on January 12, 2000, you stated a response would be provided by January 20, 2000, and on February 14, 2000, you stated your response would be received within one week. In each letter, you mention that it is Mr. Thorpe's belief that no cause exists against him. To date, we have not received any form of explanation or evidence from you to support that statement.

It is now time for this matter to be resolved. Unless we receive a response from you on or before March 13, 2000, we will proceed without your input.

Very truly yours,

THOMAS J. ORLOFF
District Attorney

By:

Robert F. Chambers
Senior Deputy District Attorney

cc: Barney M. Chan, Environmental Health Services



Alameda County
District Attorney's Office
Thomas J. Orloff, District Attorney

#4848

November 17, 1999

John and Paulette Thorpe
c/o John M. Thorpe, Attorney at Law
21790 Hesperian Blvd.
Hayward, CA 94541

Re: Violations of State Underground Storage Tank Laws at 2547 East 27th Street, Oakland

Dear Mr. And Mrs. Thorpe:


As you are aware, over the past several years a variety of violations of the state's Underground Storage Tank Laws (Chapter 6.7 of the California Health and Safety Code, sections 25280 *et seq.*) have occurred and are continuing at 2547 East 27th Street, Oakland.

The Environmental Health Division of the Alameda County Department of Public Health has referred the case to this office for prosecution. Based on what has been presented to us, we intend to pursue an enforcement action against you as the property owners of record for this site, despite allegations to the contrary.

If you or your legal representatives wish to discuss the matter prior to the commencement of the action, please contact Jill Duerig in this office (510 569-9281) before December 15, 1999. If there is no contact, we shall proceed without your input.

Very truly yours,

THOMAS J. ORLOFF
District Attorney

By: 
Robert F. Chambers
Senior Deputy District Attorney

cc: Barney M. Chan

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)

September 22, 1999
StID #4848

Ms. Jill Duerig
Alameda County District Attorney Office
7677 Oakport St., Suite 400
Oakland CA 94621

Re: Subsurface Environmental Investigation for 2547 E. 27th St., Oakland CA 94601

Dear Ms. Duerig:

This letter is to inform you of a site, which I am requesting assistance in order to obtain compliance with underground tank investigation requirements. Enclosed, please find a site summary prepared for the pre-enforcement hearing held at our offices on September 4, 1996. Ms. Jennifer Krebs was present representing the District Attorney Office. As a result of the hearing, Mr. Thorpe, the property owner, was requested to provide additional information. I have included a copy of the September 26, 1996 response letter. During the pre-enforcement hearing, Mr. Thorpe made it clear that he did not have the funds to continue the investigation and had little interest in the property. According to item 3 in his September 26 letter, William J. and Norma J. Alich claim title to all real property in Mr. Thorpe's name. Thus, these individuals may have some interest or liability in the investigation of this site.

Since the pre-enforcement hearing, our office has not been contacted by Mr. Thorpe. In a February 3, 1998 letter, I informed Mr. Thorpe that our office was considering requesting that this site be considered a candidate for the EAR (Emergency, Abandoned, Recalcitrant) account. Unfortunately, our application was too late for the Water Board to consider.

At this time, I would welcome your recommendation as to how to proceed. I believe that a hearing at the District Attorney Office may prove motivational to Mr. Thorpe, who is an attorney himself.

Please contact me at (510) 567-6765 for any comments or questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

enclosures

c: **B. Chan, files**

Mr. J. Thorpe, 21790 Hesperian Blvd., Hayward, CA 94541

DAassist2547

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

1131 Harbor Bay Pkwy
 Alameda CA 94502
 510/567-6700

Hazardous Materials Inspection Form

II, III

Site ID # _____ Site Name FORMER SERVICE STN Today's Date 2/5/98
 Site Address 2547 227th St
 City Oak Zip 94601 Phone _____

____ MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

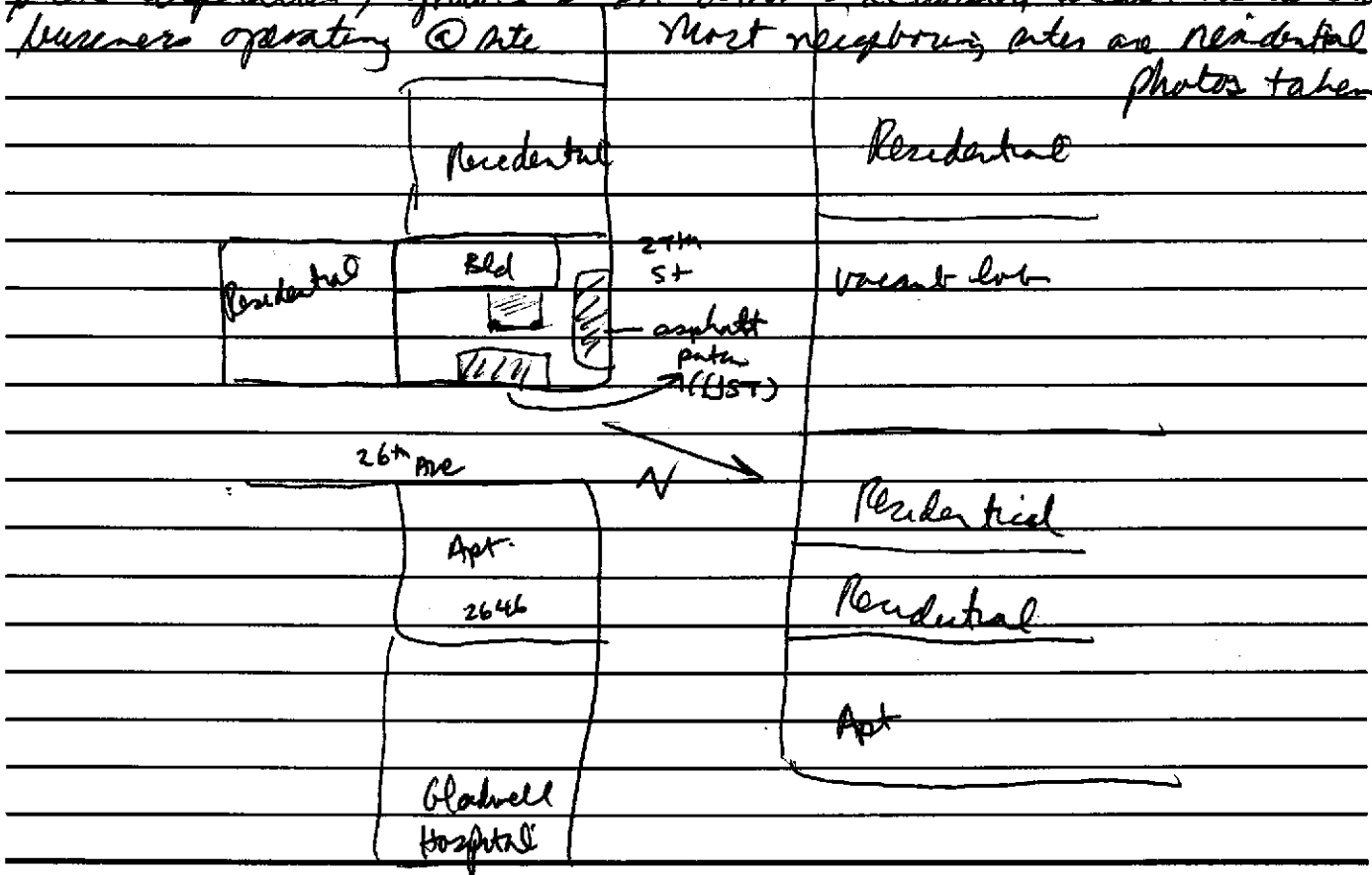
Inspection Categories:

____ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
 ____ II. Hazardous Materials Business Plan, Acutely Hazardous Materials
 ____ III. Under ground Storage Tanks

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments:

Onsite to see current site conditions: UST areas have been asphalted, gravel is in other excavated areas. No current business operating @ site. Most neighboring sites are residential photos taken



Contact _____
 Title _____
 Signature _____

Inspector B. Chan
 Signature BChan

II, III

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

February 3, 1998
StID # 4848

Mr. John M. Thorpe, Atty. At Law
21790 Hesperian Blvd.
Hayward CA 94541

**RE: Subsurface Investigation at 2547 E. 27th St., Oakland CA
94601**

Dear Mr. Thorpe:

Due to the lack of activity in investigating the petroleum release at the above referenced site, our office is considering requesting that this site be considered a candidate for the **Emergency, Abandoned, Recalcitrant (EAR) Account**.

Chapter 6.75 of the Health and Safety Code authorizes the State Water Board to provide funding for local agencies, such as ours, for initiating direct cleanup of petroleum UST sites requiring corrective action to protect human health, safety and the environment.

Please be aware that the State Water Board is required to recover costs. Once the EAR Account is accessed, you will not be eligible to participate in the UST Cleanup Fund. In addition, your ownership of this property after remediation will be in jeopardy.

Please contact our office in writing **within 10 days or by February 16, 1998** should you want to avoid this proposed action.

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

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

c: B. Chan, files
EAR-2547

John M. Thorpe
Attorney at Law
21790 Hesperian Blvd.,
Hayward, CA 94541
Phone: (510) 783-3440

November 5, 1996

ENVIRONMENTAL
PROTECTION
96 NOV -7 PM 1:56

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

Attention: Barney M. Chan

Dear Mr. Chan:

We have received your letter of October 31, 1996.

We will respond to your request to provide a time table as soon as we hear back from Aqua Science Engineers. That will also permit us to complete Item #2 of your letter. As to other potentially responsible parties, the real property was purchased from a Mr. Delabriandais of Oakland, California. His son, Marcel Delabriandais, is the only relative of his of whom I am aware. He is a resident of Casa Sandoval, located at 1200 Russell Way, in Hayward, California, telephone, (510) 727-1700.

The original partner in the partnership was William R. Fletcher, deceased. Mr. Fletcher left no relatives.

I do not have a copy of the purchase contract for the property. The property was purchased many years ago.

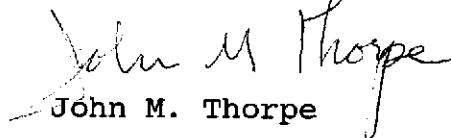
We believe that we have expended sufficient funds for appropriate purposes, to qualify for the deductible amounts.

I have obtained "Successful Corrective Action: A Tank Owners Guide", "Petroleum Underground Storage Tank Clean-up Fund Regulations", "Petroleum Underground Storage Tank Financial Responsibility Guide", and "Petroleum Underground Storage Tank Clean-up Fund Claim Application Package", all published by the State Water Resources Control Board. My understanding of the reimbursement circumstance is pursuant to these booklets.

I should appreciate an explanation of your Item #4. Other than their recordation of an Abstract of Judgment, to claim title, I

do not know what "due diligence" to which you refer.
Please advise.

Very truly yours,


John M. Thorpe

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

October 31, 1996
STID #4848

Mr. John Thorpe
21790 Hesperian Blvd.
Hayward CA 94541

Re: 2547 E. 27th St., Oakland CA 94601

Dear Mr. Thorpe:

Our office has received your September 26, 1996 letter which responded to questions asked during the September 4, 1996 Pre-enforcement Panel Review at the County Offices. During the panel review, you were requested to:

1. Provide a time table for the provision of a work plan for additional site investigation;
2. Complete a Cleanup Fund Application; and
3. Identify any other potential responsible parties.

Your letter did not address all the above items, therefore, our office requests the following:

1. Please inform our office as to the status of your application to the Cleanup Fund. The Fund requires a "deductible" expense be paid by the responsible party and three bids for proposed work. Enclosed please find information on the Cleanup Fund.
2. Please provide a schedule for the submittal and the implementation of your subsurface investigation work plan.
3. Please identify by name, address and phone number the members of or the descendants of your partnership and of the original property owner. Please provide a copy of the purchase contract for the property.
4. Please provide evidence that Mr. William Alich and Ms. Norma Alich have performed due diligence and accepted title of this property. Please provide their address and telephone number.

Please provide written response to the items within 30 days or by November 29, 1996.

Mr. John Thorpe
StID # 4848
2547 E. 27th St.
October 31, 1996
Page 2.

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

enclosure

c: B. Chan, file
J. Krebs, Alameda County District Attorney Office

pre2547

John M. Thorpe
Attorney at Law
21790 Hesperian Blvd.,
Hayward, CA 94541
Phone: (510) 783-3440

September 26, 1996

Mr. Barney Chan
Alameda Health Care Services Agency
1131 Harbor Bay Parkway, #4
Alameda, CA 94502

Dear Mr. Chan:

Re: 2547 East 27th St.,
Oakland, CA

1. As I believe you are aware, we have requested bids from a series of contractors relative to the site assessment activities, as required by the various loan programs. We have received two bids, and have been advised by telephone that more are on the way.

2. The property in question was sold to a partnership composed of myself, William R. Fletcher, and a third party - whose name I do not recall - many years ago. The gasoline that was delivered to the site was delivered to a Mr. Delabriandais, who sold the property to us. The agent, servant and employee of Mr. Delabriandais was Marcel Delabriandais, then the manager of the Hayward branch of the Bank of America, who I understand is now resident of Casa Sandoval, in Hayward, California.

3. Title to the property is claimed by William J. Alich and Norma J. Alich, by virtue of a Judgment against me obtained in Case No. H 160522-2, Superior Court, Alameda County. The recorded an Abstract of Judgment and other documents. The Alichs, who contend that they have title to all real property formerly appearing in my name, are represented by Neil R. Bardack, Esq., of McQuaid, Metzler, McCormick & VanZandt, One Maritime Plaza, 23rd Floor, San Francisco, CA 94111-3577.

4. It is undisputed by myself that the Alichs have title to the subject property.

5. William R. Fletcher is deceased.

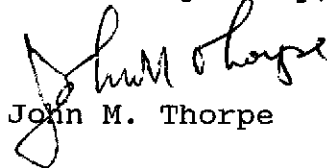
6. As represented at the last hearing, this constitutes my

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ENVIRONMENTAL
PROTECTION
DIVISION

response to you relative to the issue of title.

7. I understand that a further hearing will be held. Please advise me of the date and time of said hearing. Meanwhile, we will continue to obtain bids and see if an agreement can be entered into with a contractor to perform the site assessment activities requested.

Yours very truly,

A handwritten signature in cursive script, appearing to read "John M. Thorpe".

John M. Thorpe

JMT:pn

John M. Thorpe
Attorney at Law
21790 Hesperian Blvd.,
Hayward, CA 94541 Phone: (510) 783-3440

September 11, 1996

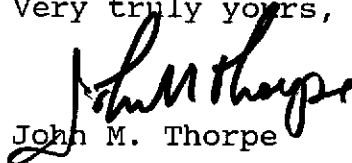
96 SEP 16 PM 4:29
ENVIRONMENTAL
PROTECTION

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

Gentlemen:

You previously received a work plan proposal from AquaScience Engineers, Inc. This, together with a copy of the requirements outlined in the May 13, 1996 letter from Mr. Barney M. Chan of the Alameda County Health Care Services Agency has been sent to the below listed. We have requested bids to do the work together with a schedule of their charges for various types of people.

Very truly yours,


John M. Thorpe

JMT:pn
Encls.

**Sign In Sheet
Pre-Enforcement Review Panel**

Site Address 21790 Hesperian Blvd 2547 East 27th St
Date 9/4/96 Time 9:30

Panel Participants

1. District Attorney's Office - 7677 Oakport Street, Suite 400, Oakland, CA 94621 phone (510)569-9281, fax (510)569-0505

Staff QA Krebs Staff _____
Jennifer Krebs

2. Alameda County Health Care Services Agency, Environmental Protection Division, Department of Environmental Health,
1131 Harbor Bay Parkway, 2nd Floor, Alameda, CA 94502, phone (510)567-6700, fax (510)337-9335

Staff Barney Chan x36765 Staff Juan Makishide

3. City Agency _____ Phone no. _____ Fax no. _____

Address _____

Staff _____ Staff _____

4. Other Participating Agency _____ Phone no. _____ Fax no. _____

Address _____

Staff _____ Staff _____

5. Site Owner or Responsible Party JOHN M. THORPE Phone no. 783-2440 Fax no. _____

Address 21790 HESPERIAN BLVD, HAYWARD, CA 94541

Phone no. _____ Fax no. _____

6. Site Owner or Responsible Party _____ Phone no. _____ Fax no. _____

Address _____

7. Site Owner or Responsible Party _____ Phone no. _____ Fax no. _____

Address _____

8. Other Participant _____ Phone no. _____ Fax no. _____

Address _____

9. Other Participant _____ Phone no. _____ Fax no. _____

Address _____

10. Other Participant _____ Phone no. _____ Fax no. _____

Address _____

Pre-Enforcement Review Panel Procedures

1. Responsible parties or potentially responsible parties are sent a **Notice of Pre-Enforcement Review Panel** informing them of the time, date and place of the panel.
2. The panel is held: A representative of the District Attorney's Office conducts the hearing and takes notes on the proceedings. Staff from the appropriate county/city regulatory agencies describe the situation at a site, and actions they previously requested from responsible parties. Responsible parties have an opportunity to verbally respond to county/city staff. A sign in sheet with all panel members and site responsible parties names and addresses is distributed.
3. **The record on the site remains open for 30 days.** Responsible parties may submit documents requested at the panel or any other documents that they deem of interest. Documents must be submitted concurrently to all panel members - including those from the county, city agencies and the District Attorney's office.
4. An **Order** is issued 30-60 days after the panel. This Order will be sent by registered mail or personal delivery by all panel participants. An Order typically names responsible parties, states all outstanding compliance issues, and sets a timetable for compliance.



July 30, 1996

Mr. John Thorpe
21790 Hesperian Blvd.
Hayward, CA 94541

Subject: Site Investigation
2547 E. 27th St.
Oakland, CA

Dear Mr. Thorpe,

I'm responding to your letter of July 23, 1996 addressed to our Mr. Kitay, requesting any suggestions we may have regarding funding the addition site assessment required at your above referenced site. Unfortunately, Aqua Science Engineers is not in a position to finance or advance work at your site. We believe your best possibility of help would be the State Reimbursement Fund.

In the past we have asked the Fund to forward an application to you. The initial application requires site ownership information and personal financial data that you need to supply, along with costs you have incurred to date. Aqua Science will assist you, at no charge, in preparing the application for the work that has been performed and in requesting a letter of commitment for future reimbursement of costs. After your having satisfied the \$5,000.00 deductible, application can be made to the fund for preapproval of future work required at the site. Once we are able to verify the State Reimbursement Fund commitment, we can proceed with the next step action.

Mr. Thorpe, if you have not submitted your application, I would suggest this be done as soon as possible. Aqua Science Engineers, Inc. stands ready to help in anyway possible.

Sincerely,

Gerald W. Sasse
Vice President

cc: Mr. Bernie Chan
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502

IN RE THE PROPERTY KNOWN AS :

2547 E. 27TH ST.)
OAKLAND, CA 94601)

PROOF OF SERVICE BY MAIL OF
NOTICE OF
PRE-ENFORCEMENT REVIEW PANEL

I Barney Chan, do hereby certify that
I served Mr. John Thorpe, 21790 Hesperian Blvd., Hayward,
CA 94541 with a copy of the attached Notice of
Pre-Enforcement Review Panel on July 25, 1996 by certified
mailer # P 143 588 369.

Dated: July 25, 1996

Barney Chan
(signature)

BC P 143 588 369

* 6848

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

| | |
|---|----|
| Sent to John Thorpe | |
| Street & Number 21790 Hesperian Blvd. | |
| Post Office, State, & ZIP Code Hayward CA 94541 | |
| Postage | \$ |
| Certified Fee | |
| Special Delivery Fee | |
| Restricted Delivery Fee | |
| Return Receipt Showing to Whom & Date Delivered | |
| Return Receipt Showing to Whom, Date, & Addressee's Address | |
| TOTAL Postage & Fees | \$ |
| Postmark or Date | |

PS Form 3800, April 1995

property and/or business, and by this notice all parties named herein are informed of the right to appear and show cause, if any they have, for the exclusion or inclusion of any of the parties, parties in interest and properties named herein from said responsibility or obligations:

Mr. John Thorpe, Property Owner
21790 Hesperian Blvd.
Hayward, California 94541

Dated: 7/25/96

S/Alameda County Health Officer



By Thomas Peacock
Alameda County Department of
Environmental Protection

cc: Gil Jensen, Alameda County District Attorney's Office
[REDACTED] Alameda County Department of Environmental
Protection
Britt Johnson, Oakland Fire Department

ENVIRONMENTAL
PROTECTION

John M. Thorpe
Attorney at Law
21790 Hesperian Blvd.,
Hayward, CA 94541

96 JUL 26 PM 3: 36

Phone: (510) 783-3440

903916

July 23, 1996

Aqua Science Engineers, Inc.,
2411 Old Crow Canyon Rd., #4
San Ramon, CA 94583

Attention: Robert E. Kitay

Dear Mr. Kitay:

I have received your authorization and letter of May 24, 1996. I have not returned it because we have not been in a position to be able to give you a payment on account, as requested.

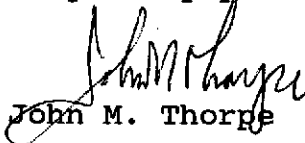
The real property therein concerned at 2547 E. 27th St., Oakland is free and clear of any other obligation or debt.

However, I am, and have been for some time, without funds.

As a result of certain litigation in which I am involved, all of my wife's funds have been tied up as well.

It would seem to me that there must be some method of borrowing the funds against the property to cover these costs, since they are all reimbursable under law. I would like to get this matter behind me, and would appreciate it if you have any thoughts in this regard. I have no problem with getting the work done, and I have no problem with incumbering the land, and I have no problem with signing the various documents required to get reimbursement for the work costs. As above referenced there is a very real problem in trying to put money "up front".

Very truly yours,


John M. Thorpe

JMT:pn
CC: Bernie Chan

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Alameda County CC4580
Environmental Health Services
1131 Harbor Bay Pkwy., #250
Alameda CA 94502-6577
(510)567-6700 FAX(510)337-9335

June 17, 1996
StID # 4848

Mr. John Thorpe
21790 Hesperian Blvd.
Hayward, CA 94541

**Re: Subsurface Investigation at 2547 E. 27th St., Oakland CA
94601**

Dear Mr. Thorpe:

In response to my May 13, 1996 **Final Notice of Violation** letter, our office has received a letter from Aqua Science Engineers Inc., (ASE), addressed to you regarding their proposal #96-136 for **Soil and Groundwater Assessment** at the above site. Your May 29, 1996 cover letter asks whether this proposal meets the County's requirements. The general contents of this proposal meet our requirements for site characterization, however, our office requires an **actual signed work plan** complete with specific details (such as a site map, historical data, site specific health and safety plan and a tentative work schedule) for our review and approval.

Based on a conversation with ASE, it appears that you have not yet authorized ASE to prepare such a work plan. Please have your consultant provide our office with an appropriate work plan **within 14 days or by July 1, 1996**. ASE has assured me that they can meet this time schedule. You should then be prepared to initiate your work plan immediately after County approval.

Because you have already been delinquent in providing requested technical reports pursuant to California Health and Safety Code Sections 25299.37 and 25299.78, failure to submit the requested document will result in enforcement by the District Attorney's Office.

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

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

c: G. Jensen, Alameda County District Attorney Office
Mr. D. Allen, ASE Inc., 2411 Old Crow Canyon Rd., #4, San
Ramon, CA 94583
G. Coleman, files
1-FNOV2547

John M. Thorpe
Attorney at Law
21790 Hesperian Blvd.,
Hayward, CA 94541 Phone: (510) 783-3440

May 29, 1996

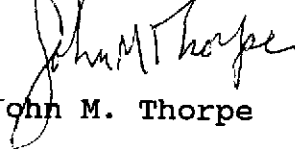
ENVIRONMENTAL
PROTECTION
96 JUN 14 AM 9:21

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

Dear Mr. Chan:

Enclosed please find authorization and proposal from Aqua Science Engineers, Inc. I should appreciate your determining whether, in general, you believe this will satisfy your requirements. If so, please advise, if not, also please advise.

Very truly yours,


John M. Thorpe

JMT:pn
Encl.



Aqua Science Engineers, Inc.
2411 Old Crow Canyon Road, #4
San Ramon, CA 94583
(510) 820-9391

AUTHORIZATION TO PROCEED

Date: May 24, 1996

Client: Mr. John Thorpe
21790 Hesperian Blvd.
Hayward, CA 94541

I, _____, have read and understand all of the terms and conditions that are included as a part of this proposal. I authorize this work in accordance to the scope of work as stated in ASE proposal 96-136.

Project Cost Not To Exceed \$7,020.00

For Client: _____
Signature: _____
Title: _____
Date: _____

Aqua Science Engineers, Inc.

Name: Richard K. Kistner
Signature: Richard K. Kistner
Date: 5-24-96

ENVIRONMENTAL
PROTECTION
96 MAY 20 PM 1:28

John M. Thorpe
Attorney at Law
21790 Hesperian Blvd.,
Hayward, CA 94541 Phone: (510) 783-3440

May 16, 1996

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

Attention: Barney M. Chan Re: St. ID #48482547
2547 E. 27th St.,
Oakland, CA 94601

Dear Mr. Chan:

Mr. Allen of AquaScience was kind enough to send me a copy of
your letter dated May 13, 1996.

You have the correct address for us on your letter, and I have no
idea why we did not receive it, but we did not. That letter
would appear to be in reply to my letter to the City of Oakland,
dated January 29, 1996, copy of which is enclosed. If it is not
in response thereto at least it does, in fact, respond.

Please be advised that I have telephoned AquaScience this date
and they have advised me that Mr. Allen is out of the office
until some time next week, when I shall talk to him. It is our
intention to have them provide a work plan. Whether or not they
can do this is unknown to me as of this writing.

(within the time you have set) Yours very truly,

John M. Thorpe
John M. Thorpe

JMT:pn

no letter enclosed

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

Alameda County CC4580
Environmental Health Services
1131 Harbor Bay Pkwy., #250
Alameda CA 94502-6577
(510)567-6700 FAX(510)337-9335

May 13, 1996
StID # 4848

Mr. John Thorpe
21790 Hesperian Blvd.
Hayward, CA 94541

FINAL NOTICE OF VIOLATION

**Re: Request for Work Plan for Soil and Groundwater Investigation
at 2547 E. 27th St., Oakland CA 94601**

Dear Mr. Thorpe:

My last letter dated August 31, 1995 approved of Aqua Science Engineers' work plan to overexcavate and dispose of the soils of the former underground tank pits and install three monitoring wells. Recall, all soils from the initial tank excavation were reused to backfill the tank pits for site security reasons. I approved this work and you were requested to initiate this field work by November 1, 1995. To this date, our office is not aware that this field work has occurred. Our assumption is that it has not.

However, based on recommendations from the Regional Water Quality Control Board (RWQCB) that the findings of the Lawrence Livermore National Laboratory (LLNL) study be applied to underground fuel tank sites, extensive overexcavation may not be the initial preferred remedial technique at this site. The LLNL study concluded that most underground tank fuel release cases are of low risk. The study further concluded that drinking water wells were rarely impacted, the groundwater contaminant plume was limited in its extent of migration and that natural bioremediation occurred in both soil and groundwater. Sites should, therefore, be prioritized to determine their risk. If a low risk site is verified, the appropriate management strategy would be to either monitor the site to determine plume stability and verify that natural bioremediation is occurring or close the site. Due to this change in recommended remedial approach, you are requested to determine whether this site is of low risk or not, prior to developing a corrective action plan (CAP).

Please provide an appropriate work plan to determine the extent and degree of soil and groundwater contamination at this site **within 30 days or by June 14, 1996**. This may be done by using such rapid site assessment tools as Geoprobe, Hydropunch et al. Both soil and grab groundwater samples will be required. Because you will need to further characterize the soils reused as backfill, your borings must sample both soil within the backfill and beneath the depth of the former tank bottom.

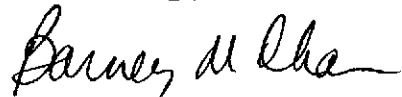
Mr. John Thorpe
StID # 4848
2547 E. 27th St.
May 13, 1996
Page 2.

Based on the results of this initial site characterization, further investigation may or may not be warranted. Please keep in mind, however, that the LLNL report states that this recommended management strategy can be used only after the site has been properly characterized and when the site has been verified to be of low risk.

Because of the inactivity at this site since the August 1994 tank removals, failure to submit your work plan and complete the approved investigation will cause your case to be referred to the Alameda County District Attorney's Office for enforcement.

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

c: G. Jensen, Alameda County District Attorney Office
Mr. D. Allen, ASE, Inc., 2411 Old Crow Canyon Rd., #4, San
Ramon, CA 94583
G. Coleman, files

FNOV2547

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Director

DEPARTMENT OF ENVIRONMENTAL HEALTH
Environmental Protection Division
1131 Harbor Bay Parkway, #250
Alameda, CA 94502-6577
(510) 567-6700

August 31, 1995
StID # 4848

Mr. John Thorpe
21790 Hesperian Blvd.
Hayward, CA 94541

**Re: Comment on the August 4 1995 Workplan for Soil Overexcavation
and Groundwater Assessment at 2547 E. 27th St., Oakland 94601**

Dear Mr. Thorpe:

Thank you for the submittal of the above referenced work plan as prepared by your consultant, Aqua Science Engineers, Inc., (ASE). The elements of this work plan were discussed previously with you and your consultant in our February 2, 1995 meeting at our offices, therefore, the work plan is acceptable with the following comments/conditions:

1. Please run the confirmatory soil sample from the former waste oil tank pit for the parameters: chlorinated hydrocarbons (Method 8010) and semi-volatiles (Method 8270) in addition to TPHg, BTEX and oil and grease. This is requested since we failed to run these parameters on the initial soil sample. Since TPHd was not found in the initial soil sample, you may forego this analysis.
2. Due to the sensitive nature of neighboring buildings, you should implement an air monitoring program during all excation activities. Please use an instrument which can either determine or allow for the estimation of volatile TPH concentration.
3. Please initiate this field work within 60 days or by November 1, 1995 at the latest. Please notify me 48 working hours prior to your field work so I may arrange to be present if possible.

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

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

cc: Mr. D. Allen, ASE, Inc., 2411 Old Crow Canyon Rd., #4, San
Ramon, CA 94583

L. Todd, files
wpap2547

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Director

DEPARTMENT OF ENVIRONMENTAL HEALTH
Environmental Protection Division
1131 Harbor Bay Parkway, #250
Alameda, CA 94502-6577
(510) 567-6700

July 6, 1995
StID # 4848

Mr. John Thorpe
21790 Hesperian Blvd.
Hayward, CA 94541

SECOND NOTICE OF VIOLATION

**Re: Request for Work Plan for Subsurface Investigation at
2547 E. 27th St., Oakland CA 94601**

Dear Mr. Thorpe:

My May 23, 1995 letter to you requested the submittal of a work plan for subsurface investigation for the above site by June 23, 1995. This was in fact the second time I requested such a work plan, as the first time was after our February 2, 1995 meeting at the County's office. To date, our office has not received the requested work plan. Please be reminded that the failure to submit the requested reports is considered the improper closure of underground tanks, a violation of Chapter 6.7 of the Health and Safety Code, Section 25299a, subject to civil liability through the District Attorney Office.

Please submit your work plan to our office **within 30 days or by August 7, 1995**. You should be prepared to implement this work plan as soon as it has received approval from our office or no later than 60 days after its submittal.

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

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office
Mr. D. Allen, Aqua Science Engineers, Inc., 2411 Old Crow
Canyon Rd., #4, San Ramon, CA 94583
J. Makishima, files
2NOV2547

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, DIRECTOR

May 23, 1995
StID # 4848

Mr. John Thorpe
21790 Hesperian Blvd.
Hayward, CA 94541

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700

NOTICE OF VIOLATION

**Re: Request for Work Plan for Subsurface Investigation at
2547 E. 27th St., Oakland CA 94601**

Dear Mr. Thorpe:

At our meeting on February 2, 1995 at the County offices, we discussed what steps should be taken to complete the tank removal and initiate your soil and groundwater investigation for the above site. It was agreed that our office would allow you to perform this work in a step-wise approach as you simultaneously applied for the Cleanup Fund. Recall, the first thing you were to do is provide a work plan to excavate and dispose of the stockpiled soils generated during the tank removals. Then you were to take confirmatory soil samples and lastly you would install groundwater monitoring wells to determine the extent of groundwater contamination, if any.

A work plan was to be submitted within 30 days of this meeting ie by March 2, 1995. To this date, our office has yet to receive your work plan. We have received only your Unauthorized Leak Report (ULR). Please keep in mind that failure to submit the requested report will cause this case to be referred to either the Water Board or the District Attorney's Office for enforcement. It will also, obviously, eliminate you from eligibility to the Cleanup Fund.

Please submit the requested work plan to our office **within 30 days or by June 23, 1995.**

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

Sincerely,

A handwritten signature in cursive script that reads "Barney M. Chan".

Barney M. Chan
Hazardous Materials Specialist

cc: Mr. D. Allen, Aqua Science Engineers, Inc., 2411 Old Crow
Canyon Rd., #4, San Ramon, CA 94583

M. Ling Tung, files
NOV2547

2/2/95

~~36808 Ken~~

2547 E 27th St Oakland 94601

o Mr. Thorpe, Mr. Bullok, D. Allen, Mr. Thorpe

* o Need copy of UCR Rec'd

* - Provide Cleanup fund info

* - Application for C.U.F.

Agreed to allow excavation + cleanup

in stages:

2) soil disposal

3) MW installation

Should receive a wp w/i 30 days for above items,
all or part

C. EDWARD BULLOK
PRESIDENT

THE BENTLEY GROUP, LTD.
REAL ESTATE INVESTMENTS
(510) 582-2025

SUITE 750
1200 RUSSELL WAY
HAYWARD, CA 94541

Law Offices of
JOHN M. THORPE

January 16, 1995

David Allen, Project Manager
Aqua Science Engineers, Inc.
2411 Old Crow Canyon Road, #4
San Ramon, CA 94583

Dear Mr. Allen:

Regrettably, I developed some significant blood pressure problems and since have had a measure of congestive heart failure, which I encountered following acquiring bronchitis from this awful rain.

I should be better in a week or so and would appreciate your contacting the county person and setting up a meeting between yourselves, myself and the county person so that we can discuss where we are going from here and the impact of the various steps. I would very much appreciate this.

Very truly yours,


John M. Thorpe /mb

JMT:mb
cc: Barney Chan

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

| | | | | | |
|--|--|--|---|--|--------------------------------|
| EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | FOR LOCAL AGENCY USE ONLY I HEREBY CERTIFY THAT I HAVE DISTRIBUTED THIS INFORMATION ACCORDING TO THE DISTRIBUTION SHOWN ON THE INSTRUCTION SHEET ON THE BACK PAGE OF THIS FORM. | |
| REPORT DATE 1 <u> </u> <u> </u> <u> </u> 2 <u> </u> <u> </u> <u> </u> 3 <u> </u> <u> </u> <u> </u> 4 <u> </u> <u> </u> <u> </u> | | CASE # | | SIGNED: <u>John M. Thorpe</u> DATE: <u>1/30/95</u> | |
| REPORTED BY | NAME OF INDIVIDUAL FILING REPORT Michelle Brooks | | PHONE (510) 783-3440 | | SIGNATURE |
| | REPRESENTING <input checked="" type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> LOCAL AGENCY <input type="checkbox"/> OTHER | | COMPANY OR AGENCY NAME Law Offices of John M. Thorpe | | |
| | ADDRESS 21790 Hesperian Blvd. Hayward CA 94541 <small>STREET CITY STATE ZIP</small> | | | | |
| RESPONSIBLE PARTY | NAME John M. Thorpe <input type="checkbox"/> UNKNOWN | | CONTACT PERSON John M. Thorpe | | PHONE (510) 783-3440 |
| | ADDRESS 21790 Hesperian Blvd. Hayward CA 94541 <small>STREET CITY STATE ZIP</small> | | | | |
| SITE LOCATION | FACILITY NAME (IF APPLICABLE) Former Service Station | | OPERATOR John M. Thorpe | | PHONE () none |
| | ADDRESS 2547 East 27th Street Oakland CA 94601 <small>STREET CITY COUNTY ZIP</small> | | | | |
| | CROSS STREET 21st Avenue | | | | |
| IMPLEMENTING AGENCIES | LOCAL AGENCY AGENCY NAME Alameda County Health Care Svcs. | | CONTACT PERSON Mr. Barney Chan | | PHONE (510) 567-6700 |
| | REGIONAL BOARD San Francisco Bay Region | | CONTACT PERSON Kevin Graves | | PHONE (510) 286-1255 |
| SUBSTANCES INVOLVED | (1) NAME QUANTITY LOST (GALLONS) gasoline <input checked="" type="checkbox"/> UNKNOWN | | | | |
| | (2) NAME QUANTITY LOST (GALLONS) waste oil <input checked="" type="checkbox"/> UNKNOWN | | | | |
| DISCOVERY/ABATEMENT | DATE DISCOVERED 0 <u> </u> <u> </u> <u> </u> 2 <u> </u> <u> </u> <u> </u> 3 <u> </u> <u> </u> <u> </u> 4 <u> </u> <u> </u> <u> </u> | | HOW DISCOVERED <input type="checkbox"/> INVENTORY CONTROL <input type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS <input type="checkbox"/> TANK TEST <input checked="" type="checkbox"/> TANK REMOVAL <input type="checkbox"/> OTHER | | |
| | DATE DISCHARGE BEGAN M <u> </u> <u> </u> <u> </u> D <u> </u> <u> </u> <u> </u> Y <u> </u> <u> </u> <u> </u> <input checked="" type="checkbox"/> UNKNOWN | | METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input type="checkbox"/> REMOVE CONTENTS <input checked="" type="checkbox"/> CLOSE TANK & REMOVE <input type="checkbox"/> REPAIR PIPING <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> CLOSE TANK & FILL IN PLACE <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> REPLACE TANK <input type="checkbox"/> OTHER | | |
| | HAS DISCHARGE BEEN STOPPED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE M <u> </u> <u> </u> <u> </u> D <u> </u> <u> </u> <u> </u> Y <u> </u> <u> </u> <u> </u> | | | | |
| SOURCE/CAUSE | SOURCE OF DISCHARGE <input checked="" type="checkbox"/> TANK LEAK <input type="checkbox"/> UNKNOWN <input checked="" type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER | | CAUSE(S) <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> SPILL <input type="checkbox"/> CORROSION <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER | | |
| | CHECK ONE ONLY <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/> SOIL ONLY <input type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED) | | | | |
| CURRENT STATUS | CHECK ONE ONLY <input type="checkbox"/> NO ACTION TAKEN <input checked="" type="checkbox"/> PRELIMINARY SITE ASSESSMENT WORKPLAN SUBMITTED <input type="checkbox"/> POLLUTION CHARACTERIZATION <input type="checkbox"/> LEAK BEING CONFIRMED <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT UNDERWAY <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> REMEDIATION PLAN <input type="checkbox"/> CASE CLOSED (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> CLEANUP UNDERWAY | | | | |
| | CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS) <input type="checkbox"/> CAP SITE (CD) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO DEGRADATION (IT) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> VACUUM EXTRACT (VE) <input type="checkbox"/> OTHER (OT) <input type="checkbox"/> TREATMENT AT HOOKUP (HU) <input type="checkbox"/> VENT SOIL (VS) | | | | |
| | COMMENTS | | | | |

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH

December 2, 1994
StID # 4848

ALAMEDA COUNTY CC4580
DEPT. OF ENVIRONMENTAL HEALTH
ENVIRONMENTAL PROTECTION DIVISION
1131 HARBOR BAY PKWY., #250
ALAMEDA CA 94502-6577

Mr. John Thorpe
21790 Hesperian Blvd.
Hayward, CA 94541

**Re: Request for Technical Reports for Subsurface Investigation at
2547 E. 27th St., Oakland CA 94601**

Dear Mr. Thorpe:

Our office has just received and reviewed the September 15, 1994 underground storage tank removal report as prepared by Aqua Science Engineers Inc. The report details the removal of the five tanks and the subsequent field activities at the above site. The analytical results confirm the observation that there had been a release of petroleum hydrocarbons at this site. Several areas where soil was sampled detected as high as 930 parts per million (ppm) gasoline. In addition, the results of composite samples from the excavated soils reported up to 860 ppm gasoline. Because of these results you must:

- a. Complete and return to our office **within 10 days**, the previously sent URF (Unauthorized Release Form).
- b. The soils generated from the tank removal were reused as a precautionary measure. Since they have been confirmed as being contaminated, these soils must be removed for proper disposal.
- c. After the previously excavated soils have been removed, confirmatory sampling should be performed. Overexcavation of the previously identified contaminated locations is advisable at this time. Though all locations within the tank pit may not need to be sample and analyzed in a certified lab, all locations should be minimally screened using a field instrument such as an organic vapor analyzer (OVA).
- d. A groundwater investigation must be performed to determine the amount and extent of contamination imparted to the groundwater by this fuel release. Monitoring well(s) in the verified downgradient direction relative to the contaminated source areas will be required. A work plan should be provided for the implementation of the above items **within 30 days or by January 3, 1995.**

Mr. John Thorpe
StID #4848
2547 E. 27th St.
December 2, 1994
Page 2.

This is a formal request for technical reports pursuant to the Water Code Section 13267(b). Failure to submit the requested documents may result in civil liability.

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

cc: Mr. D. Allen, Aqua Science Engineers, Inc., 2411 Old Crow
Canyon Rd., #4, San Ramon, CA 94583
E. Howell, files

wprq2547

Law Offices of
JOHN M. THORPE
21790 Hesperian Boulevard
Hayward, California 94541-7003
Telephone: (510) 783-3440
Fax: (510) 782-3082

Handwritten initials

October 31, 1994

Alameda County Health Care Services Agency
Department of Environmental Health
1131 Harbor Bay Pkwy, 2nd Floor
Alameda, CA 94502-6577

ATTN: Barney M. Chan, Hazardous Material Specialist

Dear Mr. Chan:

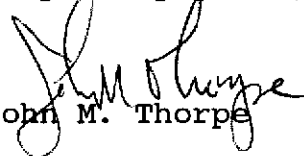
Thank you for your letter of October 21, 1994 relative to StID # 4848.

We respectfully apply for a thirty (30) day continuance of the time of which to file the various reports.

First, we did not receive the letter of October 21 until today, so clearly could not provide a report by October 21. Second, we have ordered the various reports and forms. I have been without funds to pay for this work. The Internal Revenue Service has just cleared a very large refund, through John O. Kyle, our Certified Public Accountant at 7700 Edgewater Drive, Suite 547, Oakland, California 94621.

We expect to receive funding within the next few weeks, and it is my understanding that we will pay Aqua Science Engineers, and they will submit the appropriate forms.

Very truly yours,


John M. Thorpe

JMT:mb

cc: D. Allen, Aqua Science Engineers, Inc.
2411 Old Crow Canyon Road, #4
San Ramon, CA 94583

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR
DEPARTMENT OF ENVIRONMENTAL HEALTH

October 21, 1994
StID # 4848

Alameda County
Health Care Services Agency
Dept. Of Environmental Health
1131 Harbor Bay Pkwy 2nd Flr.
Alameda Ca 94502-6577

Mr. John Thorpe
21790 Hesperian Blvd.
Hayward CA 94541

**Re: Request for Underground Tank Closure Report for 2547 E. 27th
St., Oakland CA 94601**

Dear Mr. Thorpe:

As you may be aware, underground petroleum storage tanks were removed from the above referenced site on August 30 and 31 this year by the contractor, Iconco Inc. A representative from Aqua Science Engineers was present to take soil samples on these days. Considerable fuel odor was noticed during the excavation, so the potential of contaminated soils exists.

Recent conversations with Aqua Science Engineers indicate that they have completed a report for the tank removals and that some amounts of gasoline were detected in soil samples. Please be aware, the County requires the submission of a complete tank removal report **within 60 days** of conclusion of the tank removal, therefore, you are requested to provide such a report by **October 31, 1994**. In addition, if you have evidence that there has been a release of petroleum hydrocarbon, you are required to complete the enclosed **Unauthorized Release Form (URF)**, and submit this form to our office **within 10 days**.

Please be aware that our office has been delegated the lead agency by the Regional Water Quality Control Board (RWQCB) to oversee sites which experience a release of petroleum hydrocarbon from an underground tank.

You should therefore consider this a formal request for technical reports pursuant to the California Water Code Section 13267 (b). Failure to submit the requested reports may subject you to civil liability. In addition, the California Health and Safety Code (CH&SC) requires a responsible party must demonstrate to the appropriate agency that each underground tank removed has been properly closed. Failure to perform this requirement may subject you to fines up to \$5000 per day per tank which is in violation.

Mr. John Thorpe
StID # 4848
2547 E. 27th St.
October 21, 1994
Page 2.

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

Please be advised of our new address:

1131 Harbor Bay Parkway, Room 250, Alameda CA 94502-6577.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

enclosure (Mr. Thorpe)

cc: D. Allen, Aqua Science Engineers, Inc., 2411 Old Crow Canyon
Rd., #4, San Ramon, CA 94583
E. Howell, file

Rep2547

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200
Oakland, CA 94621
(415) 271-4320

Hazardous Materials Division Inspection Form

Site ID# _____ Site Name Fraser Service Str Today's Date 8/31/99
 Site Address 2547 E 27th St EPA ID# _____
 City Oak Zip 94601 Phone _____

MAX Amt. Stored > 500lbs/55g/200cf? Y N
 Hazardous Waste generated per month? _____

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks Removal

The marked items represent violations of the Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

IA GENERATOR (Title 22)

- | | | |
|--------------------------|-----------------------------|---------|
| ___ | 1. Waste ID | * 66471 |
| ___ | 2. EPA ID | 66472 |
| ___ | 3. > 90 days | 66508 |
| ___ | 4. Label dates | 66508 |
| ___ | 5. Biennial | 66493 |
| Manifest | | |
| ___ | 6. Records | 66492 |
| ___ | 7. Correct | 66484 |
| ___ | 8. Copy sent | 66492 |
| ___ | 9. Exception | 66484 |
| ___ | 10. Copies Rec'd | 66492 |
| Misc. | | |
| ___ | 11. Treatment | 66371 |
| ___ | 12. On-site Disp. (H.S.&C.) | 26189.5 |
| ___ | 13. Ex Haz. Waste | 66570 |
| Prevention | | |
| ___ | 14. Communications | 67121 |
| ___ | 15. Aisle Space | 67124 |
| ___ | 16. Local Authority | 67126 |
| ___ | 17. Maintenance | 67120 |
| ___ | 18. Training | 67105 |
| Confin. gency | | |
| ___ | 19. Prepared | 67140 |
| ___ | 20. Name List | 67141 |
| ___ | 21. Copies | 67141 |
| ___ | 22. Emg. Coord. Trng. | 67144 |
| Containers, Tanks | | |
| ___ | 23. Condition | 67241 |
| ___ | 24. Compatibility | 67242 |
| ___ | 25. Maintenance | 67243 |
| ___ | 26. Inspection | 67244 |
| ___ | 27. Buffer Zone | 67246 |
| ___ | 28. Tank inspection | 67259 |
| ___ | 29. Containment | 67245 |
| ___ | 30. Safe Storage | 67261 |
| ___ | 31. Freeboard | 67257 |

Comments:

Returned to witness removal of the ~100 gal waste oil tank - LEL-5% , O₂-2%
 @ PD - informed of removal, but did not show
 Robert Kitay of ASE present,
 Science - contractor
 H+H Josh Kunkler, manifest # 936 20706
 # 428048 exp 1/95
 Some water in pit & it was removed into a drum.
 - 2 55 gal drums used to store the residual sludge from tank -
 Please recycle this waste oil/sludge
 Under manifest
 It appears that a water utility was replaced since water continued to flow into pit
 - One soil spl. taken from sidewalk on east side of tank @ ~5.5'

IB TRANSPORTER (Title 22)

- | | | |
|-----------------|---------------------------|-------|
| ___ | 32. Applic./Insurance | 66428 |
| ___ | 33. Comp. Cert./CHP Insp. | 66448 |
| ___ | 34. Containers | 66465 |
| Manifest | | |
| ___ | 35. Vehicles | 66465 |
| ___ | 36. EPA ID #s | 66531 |
| ___ | 37. Correct | 66541 |
| ___ | 38. HW Delivery | 66543 |
| ___ | 39. Records | 66544 |
| Cont's | | |
| ___ | 40. Name/ Covers | 66545 |
| ___ | 41. Recyclables | 66800 |

Contact: R. Kitay
 Title: _____ Inspector: B. Chan
 Signature: R. Kitay Signature: _____

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200
Oakland, CA 94621
(415) 271-4320

Hazardous Materials Division Inspection Form

Site ID# _____ Site Name Former Service Sta Today's Date 8/3/94
 Site Address 2847 E 27th St EPA ID# _____
 City Oak Zip 94601 Phone _____

MAX Amt. Stored > 500lbs/55g/200cf? Y N
 Hazardous Waste generated per month? _____

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks Removal

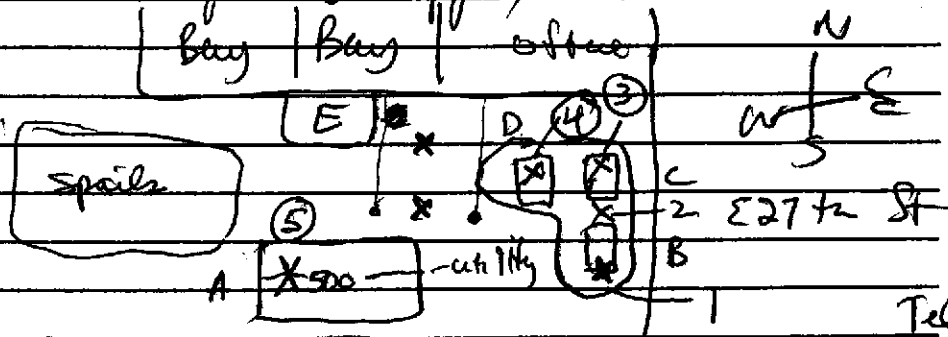
The marked items represent violations of the Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

I.A GENERATOR (Title 22)

- | | | |
|-------------------|-----------------------------|---------|
| Manifest | 1. Waste ID | * 66471 |
| | 2. EPA ID | 66472 |
| | 3. > 90 days | 66508 |
| | 4. Label dates | 66508 |
| | 5. Biennial | 66493 |
| Manifest | 6. Records | 66492 |
| | 7. Correct | 66484 |
| | 8. Copy sent | 66492 |
| | 9. Exception | 66484 |
| | 10. Copies Rec'd | 66492 |
| Misc. | 11. Treatment | 66371 |
| | 12. On-site Disp. (H.S.&C.) | 26189.5 |
| | 13. Ex Haz. Waste | 66570 |
| Prevention | 14. Communications | 67121 |
| | 15. Aisle Space | 67124 |
| | 16. Local Authority | 67126 |
| | 17. Maintenance | 67120 |
| | 18. Training | 67105 |
| Confin. gency | 19. Prepared | 67140 |
| | 20. Name List | 67141 |
| | 21. Copies | 67141 |
| | 22. Emg. Coord. Trng. | 67144 |
| Containers, Tanks | 23. Condition | 67241 |
| | 24. Compatibility | 67242 |
| | 25. Maintenance | 67243 |
| | 26. Inspection | 67244 |
| | 27. Buffer Zone | 67246 |
| | 28. Tank Inspection | 67259 |
| | 29. Containment | 67245 |
| | 30. Safe Storage | 67261 |
| | 31. Freeboard | 67257 |

Comments:

of the 5
 Witness removal of 5 USTs per Fig 1 map
 on corner of E 27th St + 26th Ave
 Aqua Science Engineers - Dave Allen present
 to sple (ASE), OFD - G. Cody present
 I-Corco - contractor
 H + H - Tank hauler
 Site is confined approx 50 x 100'



I.B TRANSPORTER (Title 22)

- | | | |
|----------|---------------------------|-------|
| Manifest | 32. Applic./Insurance | 66428 |
| | 33. Comp. Cert./CHP Insp. | 66448 |
| | 34. Containers | 66465 |
| Manifest | 35. Vehicles | 66465 |
| | 36. EPA ID #s | 66531 |
| | 37. Correct | 66541 |
| | 38. HW Delivery | 66543 |
| | 39. Records | 66544 |
| Cont'n's | 40. Name/ Covers | 66545 |
| | 41. Recyclables | 66800 |

TANK "A" - 500 gasoline 0% LEL, 0% O₂
 " B - " " 10% LEL, 1% O₂
 " C - " " 10% LEL, 12.5% O₂
 " D - " " 5% LEL, 2% O₂
 " E - 500 W/O
 Large hole put in w/o tank + sludge

Rev 6/88

Contact: D. Allen

Title: _____

Signature: D. Allen

Inspector: B Chan

Signature: B Chan

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200
Oakland, CA 94621
(415) 271-4320

Hazardous Materials Division Inspection Form

Site ID# _____ Site Name Former Service Station Today's Date 8/30/94
Site Address 2547 E 27th St EPA ID# _____
City Oak Zip 94601 Phone _____

MAX Amt. Stored > 500lbs/55g/200cf? Y N
Hazardous Waste generated per month? _____

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks Removal

The marked items represent violations of the Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

I.A. GENERATOR (Title 22)

- | | | |
|-------------------|-----------------------------|---------|
| Manifest | 1. Waste ID | 66471 |
| | 2. EPA ID | 66472 |
| | 3. > 90 days | 66508 |
| | 4. Label dates | 66508 |
| | 5. Biennial | 66493 |
| | 6. Records | 66492 |
| | 7. Correct | 66484 |
| | 8. Copy sent | 66492 |
| | 9. Exception | 66484 |
| | 10. Copies Rec'd | 66492 |
| Misc. | 11. Treatment | 66371 |
| | 12. On-site Disp. (H.S.&C.) | 26189.5 |
| | 13. Ex Haz. Waste | 66570 |
| Prevention | 14. Communications | 67121 |
| | 15. Aisle Space | 67124 |
| | 16. Local Authority | 67126 |
| | 17. Maintenance | 67120 |
| | 18. Training | 67105 |
| Contin. gency | 19. Prepared | 67140 |
| | 20. Name List | 67141 |
| | 21. Copies | 67141 |
| | 22. Emg. Coord. Trng. | 67144 |
| Containers, Tanks | 23. Condition | 67241 |
| | 24. Compatibility | 67242 |
| | 25. Maintenance | 67243 |
| | 26. Inspection | 67244 |
| | 27. Buffer Zone | 67246 |
| | 28. Tank inspection | 67259 |
| | 29. Containment | 67245 |
| | 30. Safe Storage | 67261 |
| | 31. Freeboard | 67257 |

Comments:

All tanks are steel + single walled
TANK A - ~~no~~ apparent holes on fuel end (west)
Some liquid in tank pit, not believed to be GW
TANK B - no apparent holes or signs of corrosion
TANK D - no apparent holes
TANK C - no apparent holes
Stockpile approx 15x90x5 ≈ 100 cy
2 composite of 4 30 discrete spots taken of
visques will be used in the 2 pits + the spoils
spills used to backfill since there is risk in
leaving the holes open, (cars + telephone poles)
- OVM Model 580 A used to monitor air
- highest readings were 11ppm near spoils +
2ppm near the large pit downwind direction
Reid several complaints of odor during excavation
Soil spots #5, west end Tank # ~ 8 1/2 BGS, 9 BGS
#4, beneath Tank D gravelly clay - odorous
#3, beneath Tank C N-end
#2, between Tank B + C at floor bottom ~ 6' BGS
#1, from S. end of Tank B

I.B. TRANSPORTER (Title 22)

- | | | |
|----------|---------------------------|-------|
| Manifest | 32. Applic./Insurance | 66428 |
| | 33. Comp. Cert./CHP Insp. | 66448 |
| | 34. Containers | 66466 |
| | 35. Vehicles | 66465 |
| | 36. EPA ID #s | 66531 |
| | 37. Correct | 66541 |
| | 38. HW Delivery | 66543 |
| | 39. Records | 66544 |
| Cont's | 40. Name/ Covers | 66545 |
| | 41. Recyclables | 66800 |

Rev 6/88

Contact: D. Allen

Title: _____

Signature: D. Allen

Inspector: B Chan

Signature: B Chan

p 3.

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200
Oakland, CA 94621
(415) 271-4320

Hazardous Materials Division Inspection Form

Site ID# _____ Site Name Former Service Stn Today's Date 8/30/94
 Site Address 2547 E 27th St EPA ID# _____
 City Oak Zip 94601 Phone _____

MAX Amt. Stored > 500lbs/55g/200cf? Y N
 Hazardous Waste generated per month?

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

The marked items represent violations of the Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

I.A GENERATOR (Title 22)

- | | | |
|-------------------|--|---------|
| Manifest | <input type="checkbox"/> 1. Waste ID | 66471 |
| | <input type="checkbox"/> 2. EPA ID | 66472 |
| | <input type="checkbox"/> 3. > 90 days | 66508 |
| | <input type="checkbox"/> 4. Label dates | 66508 |
| | <input type="checkbox"/> 5. Biennial | 66493 |
| Manifest | <input type="checkbox"/> 6. Records | 66492 |
| | <input type="checkbox"/> 7. Correct | 66484 |
| | <input type="checkbox"/> 8. Copy sent | 66492 |
| | <input type="checkbox"/> 9. Exception | 66484 |
| | <input type="checkbox"/> 10. Copies Rec'd | 66492 |
| Misc. | <input type="checkbox"/> 11. Treatment | 66371 |
| | <input type="checkbox"/> 12. On-site Disp. (H.S.&C.) | 26189.5 |
| | <input type="checkbox"/> 13. Ex Haz. Waste | 66570 |
| Prevention | <input type="checkbox"/> 14. Communications | 67121 |
| | <input type="checkbox"/> 15. Aisle Space | 67124 |
| | <input type="checkbox"/> 16. Local Authority | 67126 |
| | <input type="checkbox"/> 17. Maintenance | 67120 |
| | <input type="checkbox"/> 18. Training | 67105 |
| Contn. Agency | <input type="checkbox"/> 19. Prepared | 67140 |
| | <input type="checkbox"/> 20. Name List | 67141 |
| | <input type="checkbox"/> 21. Copies | 67141 |
| | <input type="checkbox"/> 22. Emg. Coord. Trng. | 67144 |
| Containers, Tanks | <input type="checkbox"/> 23. Condition | 67241 |
| | <input type="checkbox"/> 24. Compatibility | 67242 |
| | <input type="checkbox"/> 25. Maintenance | 67243 |
| | <input type="checkbox"/> 26. Inspection | 67244 |
| | <input type="checkbox"/> 27. Buffer Zone | 67246 |
| | <input type="checkbox"/> 28. Tank Inspection | 67259 |
| | <input type="checkbox"/> 29. Containment | 67245 |
| | <input type="checkbox"/> 30. Safe Storage | 67261 |
| | <input type="checkbox"/> 31. Freeboard | 67257 |

Comments:

The waste oil tank will be emptied & pulled at a later date. Contact our office prior to this. Contractor was informed to obtain an excavation + obstruction permit from the City of Oakland - an inspector was present.

Two spls were taken - 2' BGS beneath former dispenser island.

Piping to dispenser should be removed at a later date.

The composite spl will be run for lead plus TPHg + BTEX as with the other spls.

I.B TRANSPORTER (Title 22)

- | | | |
|----------|--|-------|
| Manifest | <input type="checkbox"/> 32. Applic./Insurance | 66428 |
| | <input type="checkbox"/> 33. Comp. Cert./CHP Insp. | 66448 |
| | <input type="checkbox"/> 34. Containers | 66465 |
| Manifest | <input type="checkbox"/> 35. Vehicles | 66465 |
| | <input type="checkbox"/> 36. EPA ID #s | 66531 |
| | <input type="checkbox"/> 37. Correct | 66541 |
| | <input type="checkbox"/> 38. HW Delivery | 66543 |
| | <input type="checkbox"/> 39. Records | 66544 |
| Cont'n | <input type="checkbox"/> 40. Name/ Covers | 66545 |
| | <input type="checkbox"/> 41. Recyclables | 66800 |

Rev 6/88

Contact: D. Allen
 Title: _____
 Signature: D. Allen

Inspector: B Chan
 Signature: B Chan

**ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
 DEPARTMENT OF ENVIRONMENTAL HEALTH
 HAZARDOUS MATERIALS DIVISION
 80 SWAN WAY, ROOM 200
 OAKLAND, CA 94621
 PHONE NO. 510/271-4320**

BARNEY CHAN
 8/23/94 OR. Belcher

ACCEPTED

DEPARTMENT OF ENVIRONMENTAL HEALTH
 470 - 27th Street, Third Floor
 Oakland, CA 94612
 Telephone: (415) 874-7237

These plans have been reviewed and found to be acceptable and essentially meet the requirements of State and local health laws. Changes to your plans indicated by this Department are to assure compliance with State and local laws. The project proposed herein is now released for issuance of any required building permits for construction.

One copy of these accepted plans must be on the job and available to all contractors and craftsmen involved with the removal.

Any change or alterations of these plans and specifications must be submitted to this Department and to the Fire and Building Inspection Department to determine if such changes meet the requirements of State and local laws. Notify this Department at least 48 hours prior to the following required inspections:

- _____ Removal of Tank and Piping
- _____ Sampling
- _____ Final Inspection

Issuance of a permit to operate is dependent on compliance with accepted plans and all applicable laws and regulations.

THERE IS A FINANCIAL PENALTY FOR NOT
 OBTAINING THESE INSPECTIONS.

UNDERGROUND TANK CLOSURE PLAN

* * * Complete according to attached instructions * * *

FORMER SERVICE STATION

1. Business Name JOHN THORPE

Business Owner JOHN THORPE

2. Site Address 2547 EAST 27th AVENUE ST

City OAKLAND Zip 94601 Phone N/A

3. Mailing Address 21790 HESPERIAN BLVD.

City HAYWARD Zip 94541 Phone 783-3440

4. Land Owner JOHN THORPE

Address 21790 HESPERIAN BL. City, State HAYWARD, CA Zip 94541

5. Generator name under which tank will be manifested _____

JOHN THORPE

EPA I.D. No. under which tank will be manifested CAC 000 925552

X
 John + Paulette Thorpe
 P.O. Box 4258
 Hayward CA 94540

6. Contractor ICOLO, INC.
Address 303 DERBY AVENUE
City OAKLAND, CA 94601 Phone 510.261-1900
License Type* A-B-C21-HAZ ID# 671142

*Effective January 1, 1992, Business and Professional Code Section 7058.7 requires prime contractors to also hold Hazardous Waste Certification issued by the State Contractors License Board. Indicate that the certificate has been received, in addition, to holding the appropriate contractors license type.

7. Consultant AQUA SCIENCE ENGINEERS, INC.
Address 2411 OLD CROW CANYON RD, #4
City SAN RAMON, CA 94573 Phone 510.820.9391

8. Contact Person for Investigation
Name DAVID ALLEN Title CONSULTANT PROJECT MANAGER
Phone 510.820.9391

9. Number of tanks being closed under this plan 5
Length of piping being removed under this plan 60'
Total number of tanks at facility 5

10. State Registered Hazardous Waste Transporters/Facilities (see instructions).

** Underground tanks are hazardous waste and must be handled **
as hazardous waste

a) Product/Residual Sludge/Rinsate Transporter

Name WASTE OIL RECOVERY SYSTEMS EPA I.D. No. CAD000626515
Hauler License No. 0843 License Exp. Date 7-31-95
Address 6401 LEONA ST.
City OAKLAND State CA Zip 94605

b) Product/Residual Sludge/Rinsate Disposal Site

Name ALVISO INDEPENDENT OIL INC. EPA I.D. No. CAL000048571
Address 5002 ARCHER STREET (P.O. BOX 184)
City ALVISO State CA Zip 95002

c) Tank and Piping Transporter

Name ERICKSON, INC. EPA I.D. No. CAD 009 466392
Hauler License No. 402972 License Exp. Date 7/95
Address 255 PARR BLVD.
City RICHMOND State CA Zip 94801

d) Tank and Piping Disposal Site

Name ERICKSON, INC. EPA I.D. No. _____
Address SAME AS ABOVE
City _____ State _____ Zip _____

11. Experienced Sample Collector

Name DAVID ALLEN
Company AQUA SCIENCE ENGINEERS, INC.
Address 2411 OLD CROW CANYON RD., #4
City SAN RAMON State CA Zip 94583 Phone _____

12. Laboratory

Name AEN 510-930-9090
Address 3440 VINCENT ROAD
City PLEASANT HILL State CA Zip 94523
State Certification No. 1172

13. Have tanks or pipes leaked in the past? Yes [] No []

If yes, describe. UNKNOWN

14. Describe methods to be used for rendering tank inert

INSERTING DRY ICE AT A RATE OF 2.5# / 100
GALLONS OF TANK VOLUME

Before tanks are pumped out and inerted, all associated piping must be flushed out into the tanks. All accessible associated piping must then be removed. Inaccessible piping must be plugged.

The Bay Area Air Quality Management District (771-6000), along with local Fire and Building Departments, must also be contacted for tank removal permits. Fire departments typically require the use of explosion proof combustible gas meters to verify tank inertness. It is the contractor's responsibility to bring a working combustible gas meter on site to verify tank inertness.

15. Tank History and Sampling Information

| # | Tank | | Material to be sampled (tank contents, soil, groundwater, etc.) | Location and Depth of Samples |
|---|-------------|--------------------------------|---|--|
| | Capacity | Use History (see instructions) | | |
| 3 | 500 GALLON | GASOLINE | SOIL AND OR GROUNDWATER | BENEATH TANK BOTTOM, 1'-2' BEYOND TANK BOTTOM DEPTH. |
| 1 | 1000 GALLON | GASOLINE | " " | " " 1 at each end |
| 1 | 300 GALLON | WASTE OIL | " " | " " |

One soil sample must be collected for every 20 feet of piping that is removed. A ground water sample must be collected should any ground water be present in the excavation.

Excavated/Stockpiled Soil

| | |
|---|--|
| Stockpiled Soil Volume (Estimated) | Sampling Plan A COMPOSITE OF 4 SOIL SAMPLES WILL BE COLLECTED FOR EVERY 75 TONS OF SOIL FOR DISPOSAL. 1/20 CY FOR POTENTIAL REUSE |
|---|--|

Stockpiled soil must be placed on bermed plastic and must be completely covered by plastic sheeting.

16. Chemical methods and associated detection limits to be used for analyzing samples

The Tri-Regional Board recommended minimum verification analyses and practical quantitation reporting limits should be followed. See attached Table 2.

| Contaminant Sought | EPA, DHS, or Other Sample Preparation Method Number | EPA, DHS, or Other Analysis Method Number | Method Detection Limit |
|--|---|---|------------------------|
| GASOLINE | 5030 | 8015 | 1 ppm |
| BTEX | 5030 | 8020 | |
| WASTE-OIL | 5030 | 8015 | 1 ppm |
| - TPH-G | 3550 | 8240 | .1 ppm |
| - TPH-D | | 8270 | .35 ppm |
| VOLATILES | | 6000 + 7000 Series | Various |
| SEMI-VOLATILES | | | |
| CAM 17 METALS | | | |
| Cd, Cr, Pb, Ni + Zn only required metals | | | |

17. Submit Site Health and Safety Plan (See Instructions)

18. Submit Worker's Compensation Certificate copy

Name of Insurer

State Fund 075-8314-94 exp 7/1/95

19. Submit Plot Plan (See Instructions)

20. Enclose Deposit (See Instructions)

21. Report any leaks or contamination to this office within 5 days of discovery. The report shall be made on an Underground Storage Tank Unauthorized Leak/Contamination Site Report form. (see Instructions)

22. Submit a closure report to this office within 60 days of the tank removal. This report must contain all the information listed in item 22 of the instructions.

I declare that to the best of my knowledge and belief the statements and information provided above are correct and true.

I understand that information in addition to that provided above may be needed in order to obtain an approval from the Department of Environmental Health and that no work is to begin on this project until this plan is approved.

I understand that any changes in design, materials or equipment will void this plan if prior approval is not obtained.

I understand that all work performed during this project will be done in compliance with all applicable OSHA (Occupational Safety and Health Administration) requirements concerning personnel health and safety. I understand that site and worker safety are solely the responsibility of the property owner or his agent and that this responsibility is not shared nor assumed by the County of Alameda.

Once I have received my stamped, accepted closure plan, I will contact the project Hazardous Materials Specialist at least three working days in advance of site work to schedule the required inspections.

Signature of ~~contractor~~ CONSULTANT

Name (please type) DAVID ALLEN, for ASE, Inc.

Signature David Allen

Date 8-11-94

Signature of Site Owner or Operator

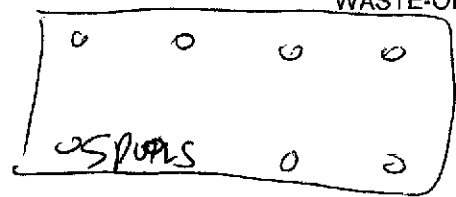
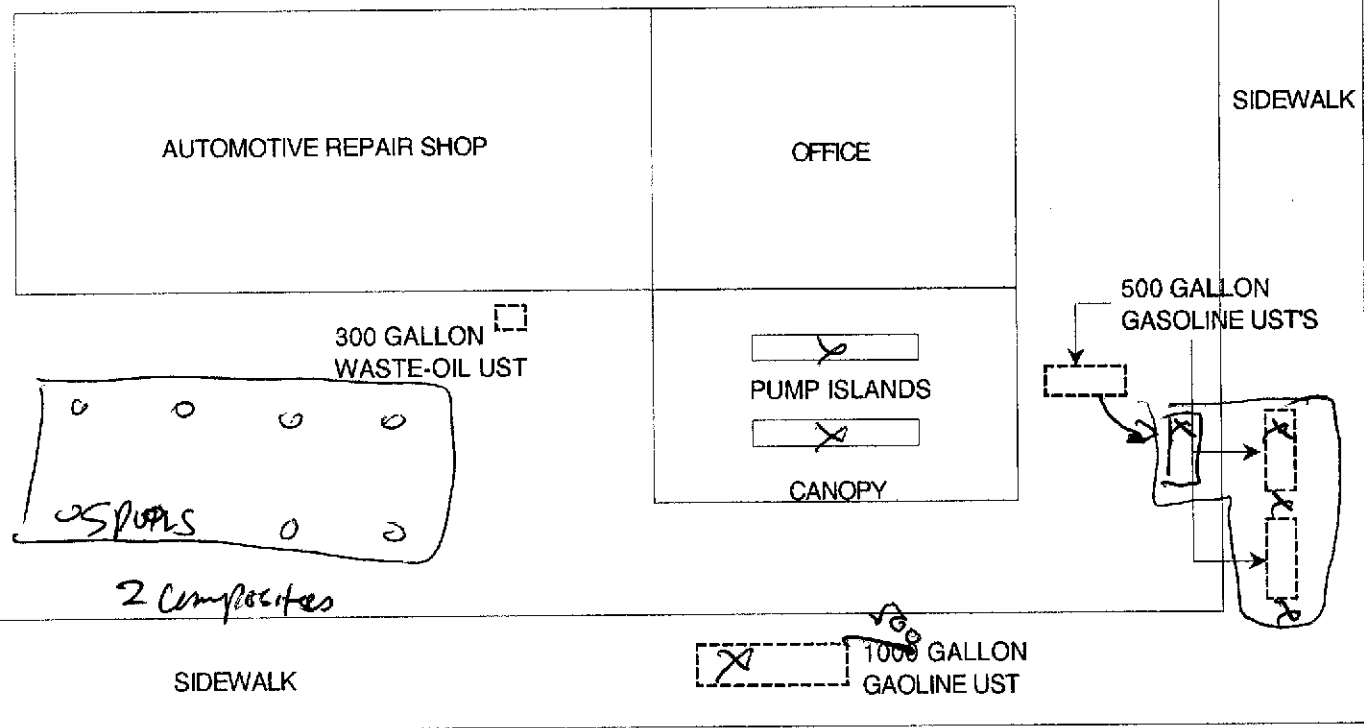
Name (please type) DAVID ALLEN, AGENT FOR JOHN THORPE

Signature David Allen

Date 8-11-94



NOT TO SCALE



2 Composites

E27th SA

26th AVENUE

X = Splice

| | |
|---|----------|
| SITE LOCATION MAP | |
| Thorpe Property 2547 East 27th Avenue Oakland, California | |
| Aqua Science Engineers | Figure 1 |



HEALTH & SAFETY PLAN

for:

Former Service Station
2547 E. 27th Avenue St
Oakland, California < 94608

prepared by:

Aqua Science Engineers, Inc.
2411 Old Crow Canyon Road, #4
San Ramon, California 94583
(510) 820-9391

Thorpe H&S - August 1994

-1-

AQUA SCIENCE ENGINEERS, INC.
HEALTH & SAFETY PLAN
for the
THORPE JOBSITE

A. GENERAL DESCRIPTION

Site: 2547 E. 27TH AVENUE, OAKLAND, CA

Work Scope:

ICONCO & AQUA SCIENCE ENGINEERS WILL REMOVE AND DISPOSE OF (1) 1,000 GALLON, UNDERGROUND GASOLINE TANK, (3) 500 GALLON, UNDERGROUND GASOLINE TANKS, AND (1) 300 GALLON, UNDERGROUND WASTE-OIL TANK AT THE ABOVE REFERENCED SITE.

SAFETY POLICY:

This Health and Safety Plan is written specifically for the THORPE jobsite, located at 2547 E. 27TH AVENUE in Oakland, California. All persons on site will follow OSHA safe operating practices as outlined in 29 CFR 1910 and 1926, as well as established guidelines from their respective companies or organizations.

Plan Prepared by: David Allen Date: 8/9/94

Plan Approved by: David Schultz Date: 8/10/94

Proposed Start Date: August 29, 1994

Background Review Done? Complete: 8/9/94
Preliminary:

Overall Hazard Level: Serious: Low: XXX
 Moderate: Unknown:

Project Organization:
Site Manager for A.S.E.: David Allen
A.S.E. Safety Officer: Robert Kitay

B. SITE/WASTE CHARACTERISTICS

Waste Type(s): Solid: XXX Sludge: Liquid: XXX Gas:

Characteristics: HYDROCARBON RESIDUALS, TOXIC

Site Parameter:

A MINIMUM BOUNDARY OF THREE FEET SURROUNDING THE TANK EXCAVATION IS TO BE MAINTAINED IN AS MUCH AS IS POSSIBLE.

C. HAZARD EVALUATION

CHEMICAL HAZARDS

Potential chemical hazards include skin and eye contact or inhalation exposure to potentially toxic concentrations of hydrocarbon vapors. The potential toxic compounds that may exist at the site are listed below, with descriptions of specific health effects of each. The list includes the primary potential toxic constituents of gasoline and waste oil known to be on site. Exposure levels and symptoms are taken from the NIOSH Pocket Guide to Chemical Hazards.

1. BENZENE

- a. Colorless, clear, highly flammable liquid with characteristic odor.
- b. High exposure levels may cause acute restlessness, convulsions, depression, respiratory failure. BENZENE IS A SUSPECTED CARCINOGEN.
- c. Permissible exposure level (PEL) for a time weighted average (TWA) over an eight hour period is 1.0 ppm.

2. TOLUENE

- a. Colorless liquid with a benzene-like odor.
- b. High exposure levels may cause fatigue, euphoria, confusion, dizziness. TOLUENE IS LESS TOXIC THEN BENZENE.
- c. PEL for a ten hour TWA is 100 ppm.

3. XYLENE

- a. Colorless, flammable liquid with aromatic odors.
- b. high exposure levels may case dizziness, drowsiness, narcosis.
- c. PEL for a ten hour TWA is 100 ppm.

4. ETHYLBENZENE

- a. Clear, colorless, highly flammable liquid with characteristic odor.
- b. High exposure levels may cause irritation to skin, nose and throat, dizziness, constriction in chest, loss of consciousness, respiratory failure.
- c. PEL for an eight hour TWA is 100 ppm.

5. LEAD

(Lead Arsenate)

- a. Odorless, colorless solid with properties that vary depending upon specific compounds.
- b. High exposure levels may cause nausea, diarrhea, inflamed mucous membranes, abdominal pains, weakness. LEAD IS A SUSPECTED CARCINOGEN.
- c. PEL for an eight hour TWA is .05 milligrams per cubic meter (airborne).

ALL SUBSTANCES AS THEY EXIST ON SITE ARE EXPECTED TO BE STABLE.
PHYSICAL HAZARDS

Under no circumstances will anyone climb on any soil piles. Personnel shall maintain the maximum distance possible from the excavation while performing their activities. Other on-site hazards include physical injuries due to the proximity of workers to engine-driven heavy equipment and tools. Heavy equipment used during excavation may include backhoes, excavators, compressors, jackhammers, and whackers. Only trained personnel will operate machines, tools and equipment; all will be kept clean and in good repair. Minimum safety apparel required around heavy equipment will include a hardhat, steel-toed boots and hearing conservation devices. ALL WORK WILL BE PERFORMED IN ACCORDANCE WITH OSHA GUIDELINES.

Inspections of the excavation, the adjacent areas, and protective systems are to be made by a qualified person while personnel are on site. Attention will be made to note if any evidence of potential cave-in exists.

1. USE SAFETY EQUIPMENT, MASK RESPIRATORS WITH NIOSH APPROVED C-21 CARTRIDGES FOR ORGANIC VAPORS, AS NECESSARY.
2. HAVE AT LEAST ONE DRY CHEMICAL MODEL PA-200 A-B-C FIRE EXTINGUISHER PRESENT.

LEVEL OF PROTECTION

A contamination Reduction Zone (CRZ) will be maintained and adjusted as work proceeds and moves around the site. The workers on site will wear level 'D' protective clothing. (This protection level may be upgraded after on-site conclusions of data are completed). THE LEVEL OF PROTECTION FOR PERSONNEL WORKING IN THE AREA WILL BE UPGRADED IF; the organic vapor levels in the operator's breathing zone exceeds 5 ppm above background levels continuously for more than five minutes. This will be monitored by use of a hand-held Organic Vapor Meter (Gastech 1314 Oxygen/ppm Concentration Meter (PID) calibrated with Hexane). In this event, personnel protective equipment will include full face respirators with double-cartridge filters for organic vapors and particulates, in addition to hardhat, steel-toed boots and coveralls. If work proceeds in an environment where vapor concentrations exceed 200 ppm, a self contained breathing apparatus or airline respirator will be utilized by the personnel.

Levels of Protective Clothing are defined on the following pages as described in the "EPA Standard Operating Safety Guidelines":

LEVEL A PROTECTION

Components:

- 1.) Pressure-demand, supplied air respirator that is MSHA and NIOSH approved. Respirators may be pressure demand, self contained breathing apparatus (SCBA), or pressure demand, airline respirator with an escape bottle for atmospheres with an extreme IDLH.
- 2.) Fully encapsulating chemical resistant suit.
- 3.) Inner, chemical resistant gloves.
- 4.) Disposable gloves and boot covers, worn over the fully encapsulating suit.
- 5.) 2-way radio communications is highly recommended.

LEVEL B PROTECTION

Components:

- 1.) Pressure-demand, supplied air respirator that is MSHA and NIOSH approved. Respirators may be pressure demand, self contained breathing apparatus (SCBA), or pressure demand, airline respirator with an escape bottle for atmospheres with an extreme IDLH.
- 2.) Chemical resistant clothing which includes overalls and long sleeved jacket or, hooded one or two piece chemical splash suit or disposable chemical resistant one piece suit..
- 3.) Outer chemical resistant gloves.
- 4.) Inner chemical resistant gloves.
- 5.) Chemical resistant, steel toed and shank boots.
- 6.) Disposable chemical resistant boot covers.
- 7.) Hardhat.
- 8.) 2-way radio communications is highly recommended.

LEVEL C PROTECTION

Components:

- 1.) Air purifying respirator, full face, with twin cartridge or cannister equipped filters, that are MSHA and NIOSH approved.
- 2.) Chemical resistant clothing which includes coveralls or, hooded one-piece or two-piece chemical splash suit or chemical resistant hood and apron; disposable chemical resistant coveralls.
- 3.) Outer chemical resistant gloves.
- 4.) Inner chemical resistant gloves.
- 5.) Chemical resistant, steel toed and shank boots.
- 6.) Disposable chemical resistant boot covers.
- 7.) Hardhat.

LEVEL D PROTECTION

Components:

- 1.) Coveralls.
- 2.) Gloves.
- 3.) Leather boots, shoes or chemical resistant, with steel toe and shank.
- 4.) Safety glasses or chemical splash goggles.
- 5.) Hardhat or face shield.

SITE ENTRY PROCEDURES

Any personnel entering the site will observe all conditions set forth by the owners/operators of the property, including vehicle travel speeds, restricted areas and conduct. Eating, drinking, smoking and other practices which increase the probability of hand-to-mouth transfer of contamination is prohibited in the work zone. All field personnel will be instructed to thoroughly wash their hands and face upon leaving the work area for breaks or cessation of day's activities.

DECONTAMINATION PROCEDURES

If required, equipment and personnel decontamination areas will be designated by the Project Manager at the start of the project. To prevent the transfer of contamination from the work site into clean areas, all tools will be cleaned adequately prior to final removal from the work zone. Disposable protective clothing such as Tyvek coveralls, latex gloves, boot covers, etc. will be changed on a daily basis or at the discretion of the Project Manager on site. All disposable protective clothing will be put into plastic bags and disposed of in a proper manner. All respirator cartridges will be discarded and replaced with fresh units on a daily basis, disposal will be in the same manner as the protective clothing. Soil will be stockpiled in an area designated by the Project Manager, to be handled as agreed upon in the scope of work contract with the client.

In the event of a medical emergency, the injured party will be taken through decontamination procedures, if possible. However, the procedures may be omitted when it may aggravate or cause further harm to the injured party. member of the work team will accompany the injured party to the medical facility to advise on matters concerning chemical exposure. The injured person will not transport themselves to the medical facility!

Personnel Protection Level will be Level 'D'. Protective clothing levels may be upgraded in the event that on site conclusions determine a greater than anticipated danger to personnel.

Site Entry: BARRICADES, CONES, OR BANNER GUARD MAY BE ERECTED TO CONTROL FOOT TRAFFIC AWAY FROM THE WORK ACTIVITY.

Decontamination-

Personnel and Equipment: IF REQUIRED, PERSONNEL AND EQUIPMENT WILL BE DECONTAMINATED A PER USEPA STANDARD OPERATING SAFETY GUIDELINES. A SMALLER MODIFIED DECONTAMINATION LINE MAY BE USED DUE TO SPACE RESTRICTIONS.

Work Limitations (time, weather):

NONE ARE ANTICIPATED, HOWEVER, PERSONNEL WORKING ON SITE MAY EXPERIENCE ELEVATED TEMPERATURES DURING THE WORK DAY. IN THE EVENT THAT AMBIENT TEMPERATURES REACH OR EXCEED 80 DEGREES FAHRENHEIT, THE FOLLOWING GUIDELINES ARE RECOMMENDED.

1. Periods of work should be reduced to no less than one hour time frames and separated by breaks intended to reduce personnel stress due to reduced natural ventilation from wearing protective clothing.
2. All personnel wearing level C protective clothing or greater, will be subject to medical monitoring of body temperature after work periods, by the following guidelines;
 - a. Heart Rate (HR) should be measured by counting the radial pulse rate for 30 seconds and doubling count for the correct pulse rate. This should be done as early as possible in the resting period. The HR at the beginning of the rest period should not exceed 110 beats per minute. If the HR is higher, the next work period should be shortened by 10 minutes, while the length of the rest period remains the same. If the HR is 100 beats per minute at the beginning of the next rest period, the following work period should be shortened by an additional 10 minutes.
 - b. Body temperatures should be measured orally with a clinical thermometer as soon as possible in each resting period. Oral Temperatures (OT) should not exceed 99 degrees Fahrenheit. If it does, the next work period should be reduced by 10 minutes while the length of the resting period remains the same. If the OT exceeds 99 degrees Fahrenheit at the beginning of the next work period, the following work period should be reduced by an additional 10 minutes. OT should be

measured at the end of each rest period to ensure that the body's temperature has dropped below 99 degrees Fahrenheit.

Body Water Loss (BWL) from sweating, could result in dehydration and further complications and stress on personnel working in protective clothing under adverse weather conditions. It is strongly recommended that plenty of stress relief beverages be available on site to replace body fluids. Commercial drink mixes that provide electrolyte balancing solutions or water are adequate for replacing body fluids.

Alternate methods of heat stress reduction can be made available such as,

- Portable showers or hose-down facilities,
- Shelter cover to protect against direct sunlight,
- Rotating teams of personnel wearing protective clothing,
- Performing extremely arduous tasks early in the workday.

EMERGENCY INFORMATION

In the event of an injury or suspected chemical exposure, the first responsibility of the Project Manager will be to prevent any further injury. This objective will normally require an immediate stop to work until the situation is remedied. The Project Manager may order the evacuation of the work party. Other primary responsibilities in the event of an accident will be the first aid and decontamination of the injured team member(s). The injured party will be moved to a designated safe area and initial first aid will be rendered.

Employees are asked to make every effort and take personnel responsibility to prevent accidents involving machinery or any other aspect of the job, either by individual action or by notifying the Project Manager immediately of any unsafe condition that may exist.

In the event of an unexpected hazardous material discovery on site, the following actions will be taken by any employee involved;

1. The person having uncovered the unexpected material will notify the Project Manager and other workers of the danger. The site will be cleared of personnel if deemed necessary by the Project Manager. If site evacuation is required, appropriate local agencies such as the Fire Department or Health Department will be notified as well.

2. Immediate action will be taken to contain the hazardous material, provided the workers involved are properly attired with adequate protective clothing to avoid exposure.

3. Proper containment procedures will be determined for the hazardous material encountered prior to cleanup commencing. All personnel involved in the containment effort will be properly protected to prevent exposure. Backup personnel will be similarly protected while monitoring the work being done for any additional dangers.

4. The container(s) will be staged on site, away from the major activity areas and in such a way that if loss of containment occurs, the material will be withheld from further spread by a secondary containment berm or vessel.

5. The owner or agent controller of the property will be notified promptly of the incident and will be apprised as to the options available for proper disposal.

EXPOSURE SYMPTOMS AND FIRST AID

| <u>EXPOSURE ROUTE</u> | <u>SYMPTOMS</u> | <u>FIRST AID</u> |
|-----------------------|--|--|
| Skin | Dermatitis, itching redness, swelling | Wash immediately with soap and water contact ambulance if evacuation is needed. |
| Eyes | Irritation, watering | Flush with water, transport directly to emergency room, if necessary. |
| Inhalation | Vertigo, tremors | Move person to fresh air, cover source of exposure. |
| Ingestion | Nausea, vomiting | Call Poison Control Center, DO NOT <u>INDUCE VOMITING</u> , transport to medical facility. |

Local Resources:

HEALTH AND SAFETY CONTACT FOR ASE:

David Allen
Office: (510) 820-9391
Police | : 911
Fire |

POISON CONTROL: SF (415) 476-6600
SJ (800) 798-0720

ROUTE TO NEAREST HOSPITAL

Exit site EAST on 27th Street
LEFT on 31st Street

HOSPITAL IS ON THE LEFT SIDE (see attached Hospital Location Map)

Hospital: HIGHLAND HOSPITAL
1411 EAST 31ST STREET, OAKLAND, CA 94602

(510) 437-4557

AQUA SCIENCE ENGINEERS INC.

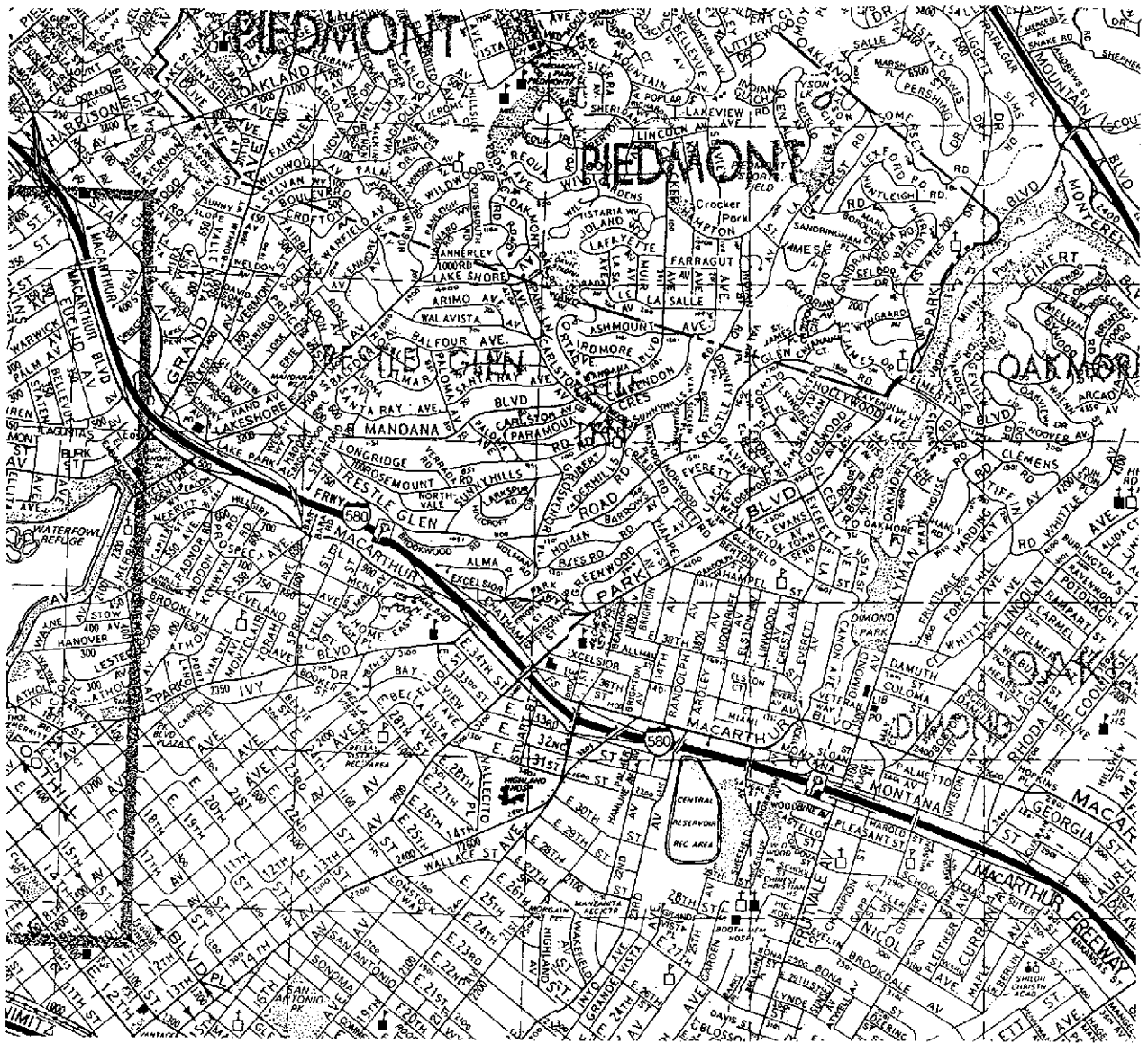
HAZARDOUS MATERIALS SITE SAFETY PLAN

The below signed personnel have read this plan, understand it's contents and agree to follow the guidelines set forth;

EMPLOYEE NAME (print)

SIGNATURE

DATE



HOSPITAL LOCATION MAP

Thorpe Property
 2547 E. 27th Avenue
 Oakland, California

Aqua Science Engineers

Figure 1

BASE: Oakland East and Oakland West 7.5 minute quadrangle topographic map,
 dated 1980, scale 1:24,000.



FAX BEING SENT BY:

AQUA SCIENCE ENGINEERS, INC.
2411 OLD CROW CANYON RD., #4
SAN RAMON, CA 94583

PHONE (510) 820-9391
FAX (510) 837-4853

DATE: 8/22

TO: BARNEY CHAN

FROM: DAVE ALLEN

NUMBER OF PAGES TO FOLLOW: 1

*****PLEASE PHONE IF THE MESSAGE WAS RECEIVED INCOMPLETE*****

COMMENTS:

ALAMEDA COUNTY HAZARDOUS MATERIALS DIVISION
 Acknowledgement of Refund Recipient for Site Account
 DEPOSITOR FILLS OUT PER SITE
 -- REQUIRED --

The depositor will use this form to acknowledge that the property owner or his or her designee will receive any refund due at the completion of all deposit/refund projects at the site listed below.

SITE NUMBER/ADDRESS:

REFUND RECIPIENT-PROPERTY OWNER

Site Number

NONE ("FORMER" SERVICE STATION)

JOHN THORPE

Company Name

Owner's Name

2547 E. 27th AVENUE

21790 HESPERIAN BLVD.

Street Address

Owner's Address

OAKLAND

94601

HAYWARD, CA 94541

City

Zip Code

Owner's City

State

Zip

I have read the description of the project Deposit/Refund Procedure, and have had an opportunity to ask questions about it. I understand that regardless of who deposits money into the site account, any deposit money remaining at the completion of all projects being conducted at this site will be refunded solely to the property owner or his or her designee.

David Allen for ASE, Inc.

8-22-94

Signature of Depositor

Date

DAVID ALLEN

Depositor Name

AQUA SCIENCE ENGINEERS, INC.

Company Name

2411 OLD CROW CANYON RD. #4

Street Address

SAN RAMON, CA 94583

City / Zip

RETURN

| | | | |
|--|----------|------------|--------------|
| Post-It™ brand fax transmittal memo 7871 | | # of pages | 2 |
| To | D. Allen | From | B. Chan |
| Co. | ASE | Co. | ACEH-LOP |
| Dept. | | Phone # | 510-567-8700 |
| Fax # | 832-4853 | Fax # | 510-337-9335 |