

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 28, 2005

Mr. Richard Smooke  
865 Figueroa St., 29<sup>th</sup> Floor  
Los Angeles, CA 90013-2219

Mr. Howard Schwimmer  
Rexford Industrial, LLC  
11601 Wilshire Blvd., Suite 650  
Los Angeles, CA 90025

Dear Messrs. Smooke and Schwimmer:

Subject: Fuel Leak Site Case Closure U.S. Cold Storage, 3925 Alameda Ave., Oakland, CA 94601 ;  
Case No. RO0000418

This letter confirms the completion of a site investigation and remedial action for the 10,000 gallon diesel and 1,000 gallon gasoline underground storage tanks formerly located at the above-described location. Thank you for your cooperation throughout this investigation. Your willingness and promptness in responding to our inquiries concerning the former underground storage tank(s) are greatly appreciated.

Based on information in the above-referenced file and with the provision that the information provided to this agency was accurate and representative of site conditions, this agency finds that the site investigation and corrective action carried out at your underground storage tank(s) site is in compliance with the requirements of subdivisions (a) and (b) of Section 25299.37 of the Health and Safety Code and with corrective action regulations adopted pursuant to Section 25299.77 of the Health and Safety Code and that no further action related to the petroleum release(s) at the site is required.

This notice is issued pursuant to subdivision (h) of Section 25299.37 of the Health and Safety Code.

Please contact our office if you have any questions regarding this matter.

Sincerely,

Mee Ling Tung  
Director  
Alameda County Environmental Health

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



7

August 8, 2005

Mr. Richard Smooke  
865 Figueroa St., 29<sup>th</sup> Floor  
Los Angeles, CA 90013-2219

Mr. Howard Schwimmer  
Rexford Industrial, LLC  
11601 Wilshire Blvd., Suite 650  
Los Angeles, CA 90025

Dear Messrs. Smooke and Schwimmer:

Subject: Fuel Leak Site RO0000418, 3925 Alameda Ave., Oakland, CA 94601

Alameda County Environmental Health has received Water Board concurrence for closure of the subject underground tank site. Prior to issuing closure, we require that you properly destroy the four monitoring wells at this site. Please contact the Alameda County Public Works Agency at (510) 670-6633 for specific requirements and send our office a copy of the well destruction report.

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

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

C: files, D. Drogos  
Mr. S. Miller, Erler and Kalinowski, 1870 Ogden Drive, Burlingame, CA, 94010  
W1clrq3925Alameda Ave

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

Chan, Barney, Env. Health

R0418

Close  
Lop  
SITE

To: miller, steve  
Cc: Michael Smooke (E-mail); Richard Smooke (E-mail); Drogos, Donna, Env. Health  
Subject: RE: final deed document 3925 Alameda Ave

Steve: I have looked at the final deed restriction and it is acceptable. You may proceed with having it signed and notarized. Then make arrangements with Bonnie Reed at (510)567-6777 to have it signed and notarized by our Director, Mee Ling Tung. Then the deed restriction should be filed and two copies sent to our office to my attention. We will then submit the case for Water Board concurrence, request well closure and then upon verification, issue the NFA letter.

Call me with any questions.

Barney Chan  
510-567-6765

-----Original Message-----  
From: miller, steve [mailto:smiller@EKICONCONSULT.COM]  
Sent: Tuesday, April 05, 2005 8:15 AM  
To: Chan, Barney, Env. Health  
Cc: Michael Smooke (E-mail); Richard Smooke (E-mail)  
Subject: final deed document 3925 Alameda Ave

Barney,

See attached. If acceptable please call and we will proceed with getting it signed and notarized by the property owner. After looking at it again, I decided not to add the date of the Risk Management Plan as we discussed.

Steve Miller

<<3925 AlamedaAve deed restriction redline final.doc>>

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 17, 2004

Mr. Richard Smooke  
Smooke & Son Investment Co.  
865 Figueroa St., 29<sup>th</sup> Floor  
Los Angeles, CA 90017

Mr. Howard Schwimmer  
Rexford Industrial, LLC  
11601 Wilshire Blvd., Suite 650  
Los Angeles, CA 90025

INTENT TO MAKE A DETERMINATION THAT NO FURTHER ACTION IS REQUIRED  
OR ISSUE A CLOSURE LETTER FOR RO0000418, U. S Cold Storage, 3925 Alameda  
Ave., Oakland, CA 94601

Dear Messrs. Smooke and Schwimmer:

This letter is to inform you that Alameda County Environmental Health Department, Local Oversight Program (LOP), intends to make a determination that no further action is required at the above site or to issue a closure letter. Please notify this agency of any input and recommendations you may have on these proposed actions within 20 days of the date of this letter.

In accordance with section 25297.15 of Ch. 6.7 of the Health & Safety Code, you must provide certification to the local agency that all of the current record fee title owners have been informed of the proposed action. Please provide this certification to this office within 20 days of the date of this letter. You may use the enclosed example letter (#3) for your reply.

If you have any questions about these proposed actions, please contact the undersigned at (510) 567-6765.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

enclosure

c: B. Chan, D. Drogos

SAMPLE LETTER 3: NOTICE OF PROPOSED ACTION SUBMITTED TO LOCAL AGENCY

---

Name of local agency  
Street address  
City

SUBJECT: NOTICE OF PROPOSED ACTION SUBMITTED TO LOCAL AGENCY FOR *(Site Name and Address)*

In accordance with section 25297,15(a) of Chapter 6.7 of the Health & Safety Code, I, *(name of primary responsible party)*, certify that I have notified all responsible landowners of the enclosed proposed action. Check space for applicable proposed action(s):

- cleanup proposal (corrective action plan)
- site closure proposal
- local agency intention to make a determination that no further action is required
- local agency intention to issue a closure letter

Sincerely,

Signature of primary responsible party

Name of primary responsible party

cc: Names and addresses of all record fee title owners

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



Letter of Transmittal  
ACEH LOP/TOXIC Program

Date: November 17, 2004

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

To: Mr. Leroy Griffin	From: Barney Chan
Company: City of Oakland Fire Dept.	Company: ACEH LOP/TOXIC Program
Address: 1605 MLK Jr. Drive Oakland, CA 94612	Address: 1131 Harbor Bay Parkway, Alameda, CA 94502
Phone: 510-238-7759	Phone: 510-567-6765
Fax: 510-238-7761	Fax: 510-337-9335
e-Mail:	e-Mail: barney.chan@acgov.org

RE: Identified petroleum impacted sites near existing LOP site, which is receiving site closure for industrial use. RO No: 0000418

WE ARE SENDING YOU  Attached  Under separate cover  via e-mail  via Fax the following items:

COPIES	DATE	NO.	DESCRIPTION
1	7/24/87		Soil and Ground-Water Contamination Investigation 569 High St., Oakland, CA, HLA
1	12/16/96		Smith-Emery GeoServices Map and Analytical Results
1	8/2003		Erler & Kalinowski, Site Map and Analytical Results

THESE ARE TRANSMITTED as checked below:

For your use  For your files  For signature  For approval  As requested  
 For review and comment

REMARKS: Leroy, our LOP investigation identified two areas of contamination near the underground fuel leak site Investigated at 3925 Alameda Ave., Oakland 94601, RO418. You will need to initiate a request for information for these Sites and transfer to the County if appropriate. The sites are 569 High St. and the SP RR tracks. Results indicate the Contamination along the RR tracks are from releases near the tracks and may be SP responsibility.

Copies To: D. Drogos

Signature

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

Certified Mail #

November 15, 2004

Mr. Richard Smooke  
Smooke & Son Investment Co.  
865 Figueroa St., 29<sup>th</sup> Floor  
Los Angeles, CA 90017

Subject: **Notice of Responsibility**

ACEH Case Number: RO0000418  
Site Name: U. S. Cold Storage  
Site Address: 3925 Alameda Ave.  
City/State/Zip: Oakland, CA 94601  
Date First Reported: 8/2/88  
Substance: gasoline  
Federal (x) State ( )

Dear Mr. Smooke:

The following party has been added as the party responsible for the investigation and cleanup of the above site for the following reason:

**Responsible Party:** Rexford Industrial, LLC

**Responsible Party Contact:** Mr. Howard Schwimmer

**Address:** 11601 Wilshire Blvd., Suite 650

**City/State/Zip:** Los Angeles, CA 90025

ADD:	X	Reason:	New Property Owner
DELETE:		Reason:	
CHANGE:		Reason:	

Pursuant to sections 25297.1 and 25297.15 of the Health and Safety Code, you are hereby notified that the above site has been placed in the Local Oversight Program and the individual(s) or entit(ies) shown above, or on the attached list, has (have) been identified as the party(ies) responsible for investigation and cleanup of the above site. Section 25297.15 further requires the primary or active Responsible Party to notify all current record owners of fee title before the local agency considers cleanup or site closure proposals or issues a closure letter. For purposes of implementing section 25297.15, this agency has

Mr. Smooke  
RO0000418  
November 15, 2004  
2 of 3

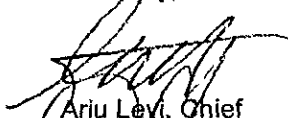
identified Smooke & Son Investment Co. as the primary or active Responsible Party. It is the responsibility of the primary or active Responsible Party to submit a letter to this agency within 20 calendar days of receipt of this notice that identifies all current record owners of fee title. It is also the responsibility of the primary or active Responsible Party to certify to the local agency that the required notifications have been made at the time a cleanup or site closure proposal is made or before the local agency makes a determination that no further action is required. If property ownership changes in the future, you must notify this local agency within 20 calendar days from when you are informed of the change.

Any action or inaction by this local agency associated with corrective action, including responsible party identification, is subject to petition to the State Water Resources Control Board. Petitions must be filed within 30 days from the date of the action/inaction. To obtain petition procedures, please FAX your request to the State Water Board at (916) 341-5808 or telephone (916) 341-5700.

Pursuant to section 25299.37(c) (7) of the Health and Safety Code, a responsible party may request the designation of an administering agency when required to conduct corrective action. Please contact this office at for further information about the site designation process.

If you have any questions, please call Mr. Barney Chan at (510) 567-6765.

Sincerely,

  
Ariu Leyi, Chief  
Contract Project Director

attachment

cc: Ms. Jenniffer Jordan  
State Water Resources Control Board  
PO Box 100  
Sacramento, CA 95812

Mr. Richard Smooke  
Smooke & Son Investment Co.  
865 Figueroa St., 29<sup>th</sup> Floor  
Los Angeles, CA 90017

Mr. Howard Schwimmer  
Rexford Industrial, LLC  
11601 Wilshire Blvd., Suite 650  
Los Angeles, CA 90025  
D. Drogos, B. Chan



Mr. Smooke  
RO0000418  
November 15, 2004  
3 of 3

ATTACHMENT A

LIST OF PARTIES RESPONSIBLE FOR:

ACEH Case Number: RO0000418
Site Name: U. S. Cold Storage
Site Address: 3925 Alameda Ave.
City/State/Zip: Oakland, CA 94601
Date First Reported: 8/2/88
Substance: gasoline
Federal (x)      State ( )

Mr. Richard Smooke Smooke & Son Investment Co. 865 Figueroa St., 29 <sup>th</sup> Floor Los Angeles, CA 90017	Responsible Party #1 Tank Owner, Tank Operator
Mr. Howard Schwimmer Rexford Industrial, LLC 11601 Wilshire Blvd., Suite 650 Los Angeles, CA 90025	Responsible Party #2 Property Owner

RO 418



**Erler & Kalinowski, Inc.**

Consulting Engineers and Scientists

1870 Ogden Drive  
Burlingame, CA 94010  
(650) 292-9100  
Fax: (650) 552-9012

10 October 2002

Mr. Barney Chan  
Alameda County Department of Environmental Health  
1131 Harbor Bay Parkway, #250  
Alameda, California 94502-6577

Subject: Request for High Priority Review for Underground Storage Tank Closure for the Property Located at 3925 Alameda Avenue, Oakland, California (EKI 980074.02)

Alameda County  
OCT 16 2002  
Environmental Health

Dear Mr. Chan:

Erler and Kalinowski, Inc. ("EKI") is submitting this letter on behalf of its client Smooke & Sons Investment Co. ("Smooke & Sons") to request that high priority be given to the review for underground storage tank closure at 3925 Alameda Avenue, Oakland, California ("Site") as is outlined below.

The underground storage tank closure case has been open since 1988. During the past 14 years, the owner of the Site has been responsive and has provided the Alameda County Department of Environmental Health ("ACDEH") with all the information it has requested. Smooke & Sons removed the underground storage tanks from the Site in 1988; has installed monitoring wells; has been voluntarily conducting testing; and has been voluntarily providing other requested information and data to the ACDEH.

In March 2001, a member of the family died, and the family, which is the property owner, is in the process of closing the estate of the deceased family member. Accordingly, this involves a restructuring of the ownership interest in the Site. The property owner will have difficulty closing the estate until the underground tank case is resolved. There are no more underground storage tanks at the Site. Also, the existing tenant has moved from the Site, and a change of tenant(s) and occupancy(s) is anticipated in the very near future. The property owner anticipates that a new tenant will require environmental due diligence, which will be difficult to satisfy as long as the case is not closed.

We believe this request is reasonable under the circumstances and would appreciate your attention to this closure request so that Smooke & Sons may proceed with its pending transactions.

If you have any questions or wish to discuss this further, please call.

Very truly yours,

ERLER & KALINOWSKI, INC.

Steven G. Miller, P.E.  
Project Manager

cc: Smooke & Sons Investment Co.

20 418

**Erlar &  
Kalinowski, Inc.**

Consulting Engineers and Scientists  
1870 Ogden Drive  
Burlingame, California 94010  
(650) 292-9100  
Fax (650) 552-9012

**FACSIMILE TRANSMISSION COVER SHEET**

DATE: 17 December 2003 CONTRACT NO: 980074.02

SUBJECT: 3925 Alameda Avenue, Oakland

Total Pages with Cover Sheet: 5

TO: Ms Donna Drogos Mr. Barney Chan  
Environmental Health Services, Environmental Health Services,  
Alameda County Alameda County  
FAX NO: 510-337-9335 510-337-9335

FROM: Steve Miller  
EKI

ENCLOSURES: Copy of a selected pages from the Purchase and Sale Agreement and Escrow Instructions related to sale of the property at 3925 Alameda Avenue, as follows:

- Page 12 of the Purchase and Sale Agreement and Escrow Instructions, which defines the closing date, and
- The First Amendment to the Purchase and Sale Agreement and Escrow Instructions, dated 12 December 2003, including signature pages.

REMARKS These documents are being provided as requested during our recent telephone conversation. The enclosed pages should be added to the pages of the Purchase and Sale Agreement and Escrow Instructions that were faxed to Mr. Chan on 6 November 2003. It is my understanding that the due diligence period ends on 15 January 2004 and closing will occur 30 days thereafter.

If there are any issues that you wish to discuss regarding this closure, I am available to meet with you in person or by telephone. We appreciate your prompt attention to this matter.

If enclosures are not as noted, please advise us at once. I can be reached at 650-292-9067. Thank you.

Cc: Richard Smooke (Fax 208-622-4612)  
Michael Smooke (Fax 213-680-4518)

issuer thereof precludes dissemination to third parties and (ii) Buyer's internal memoranda or reports, any financial projections, budgets or appraisals, or any other confidential, proprietary or privileged information. Seller acknowledges and agrees that any and all documents and reports delivered by Buyer to Seller with respect to the Property were obtained (or will be obtained) from a variety of sources, and that neither Buyer nor any of its representatives has made any independent investigation or verification of such information, and that Buyer makes no representations as to the accuracy or completeness of any such document or report. In the event of a breach or threatened breach by one party or its agents or representatives of this Paragraph 4(d), the other party shall be entitled to an injunction restraining the breaching party or its agents or representatives from disclosing, in whole or in part, such confidential information. Nothing herein shall be construed as prohibiting either party from pursuing any other available remedy at law or in equity for such breach or threatened breach. The provisions of this Paragraph 4(d) shall survive Closing.

(a) Seller Authority. Each entity comprising Seller hereby designates any of Michael Smooke, Barry Smooke or Richard Smooke, in each case acting alone, as such entity's representative(s) with respect to the matters set forth in this Agreement, each of whom, until further written notice to Buyer, shall have full authority and responsibility to act on behalf of the each of the entities comprising Seller. The term "Seller" as used in this Agreement may refer to either (i) Wicks, Smooke and Leandro, collectively, or (ii) any one or more of the entities that comprise Seller, as the context requires.

## 5. The Closing.

(a) The Closing Date. The consummation of the purchase and sale of all of the Properties ("Closing") or "Close of Escrow" shall occur on the thirtieth day following the expiration of the Due Diligence Period (the "Closing Date"); provided, however, that the Buyer shall have the right to extend the Closing for up to an additional thirty (30) days by written notice delivered to Seller no later than ten (10) days before the then scheduled Closing Date (in which event the extended date shall become the "Closing Date"). If the Closing Date falls on the first business day following a weekend or holiday, then the Closing Date shall be extended to the next business day.

(b) Deliveries through Escrow. Seller and Buyer shall each deliver to the other through Escrow such documents, instruments and funds consistent with this Agreement as are necessary to consummate the purchase and sale of the Property pursuant to this Agreement, including without limitation the following:

(i) Deliveries by Buyer. Buyer shall deliver the following:

(i) the balance of the Purchase Price in cash or other immediately available funds as provided in Paragraph 2(b);

(ii) an Assignment and Assumption for each Property in the form attached hereto as Exhibit "D"; provided, however, that said form shall be modified with respect to the Leasehold Interests as necessary to effectuate an assignment of said Leasehold Interests (the "Assignment and Assumption"), executed by Buyer;

FIRST AMENDMENT TO  
PURCHASE AND SALE AGREEMENT AND ESCROW INSTRUCTIONS

THIS FIRST AMENDMENT TO PURCHASE AND SALE AGREEMENT AND ESCROW INSTRUCTIONS (this "First Amendment") is made effective as of December 12, 2003, by and between SMOOKE & SONS INVESTMENT CO., a California limited liability company, WICKS BLVD. INVESTMENT CO., LLC, a California limited liability company, and SAN LEANDRO BLVD. INVESTMENT CO., LLC, a California limited liability company (collectively the "Seller"), and REXFORD INDUSTRIAL, LLC, a California limited liability company ("Buyer"), with reference to the following facts and circumstances:

RECITALS

A. Seller and Buyer entered into that certain Purchase and Sale Agreement and Escrow Instructions dated October 11, 2003 (the "Original Agreement"), pursuant to which Seller agreed to sell to Buyer, and Buyer agreed to buy from Seller those certain "Properties" described therein on the terms and conditions set forth therein.

B. Buyer and Seller desire to modify the Original Agreement as set forth herein.

NOW, THEREFORE, in consideration of the mutual undertakings of the parties hereto, it is hereby agreed as follows:

1. Defined Terms. Unless otherwise defined herein, capitalized terms used in this First Amendment shall have the meanings ascribed to such terms in the Original Agreement. From and after the date of this First Amendment, all references to the "Agreement" in the Original Agreement and in this First Amendment shall be deemed references to the Original Agreement as modified by this First Amendment.

2. Modification to Due Diligence Period. The Due Diligence Period shall expire at 5:00 p.m. Pacific Daylight Time on January 15, 2004.

3. No Further Changes. Except as expressly modified by this First Amendment, the Original Agreement remains in full force and effect without modification or impairment.

4. Counterparts: Facsimile. This First Amendment may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same document. Any party may transmit its signature to this Agreement by facsimile, and such facsimile transmission shall constitute an original signature for all purposes.

SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, Buyer and Seller have duly executed and delivered this First Amendment as of the effective date first stated above.

**"SELLER"**

**"BUYER"**

**"SMOOKE"**

REXFORD INDUSTRIAL, LLC, a California limited liability company

SMOOKE & SONS INVESTMENT CO., LLC, a California limited liability company

By: \_\_\_\_\_

By: *Michael Smooke*

Name Printed: Howard Schwimmer

Name Printed: *Michael Smooke*

Title: Manager

Title: *Manager*

**"LEANDRO"**

SAN LEANDRO BLVD. INVESTMENT CO., LLC, a California limited liability company

By: *Michael Smooke*

Name Printed: *Michael Smooke*

Title: *Manager*

**"WICKS"**

WICKS BLVD. INVESTMENT CO., LLC, a California limited liability company

By: *Michael Smooke*

Name Printed: *Michael Smooke*

Title: *Manager*

IN WITNESS WHEREOF, Buyer and Seller have duly executed and delivered this First Amendment as of the effective date first stated above.

"SELLER"

"BUYER"

"SMOOKE"

REXFORD INDUSTRIAL, LLC, a California limited liability company

SMOOKE & SONS INVESTMENT CO., LLC, a California limited liability company

By: 

By: \_\_\_\_\_

Name Printed: Howard Schwimmer

Name Printed: \_\_\_\_\_

Title: Manager

Title: \_\_\_\_\_

"LEANDRO"

SAN LEANDRO BLVD. INVESTMENT CO., LLC, a California limited liability company

By: \_\_\_\_\_

Name Printed: \_\_\_\_\_

Title: \_\_\_\_\_

"WICKS"

WICKS BLVD. INVESTMENT CO., LLC, a California limited liability company

By: \_\_\_\_\_

Name Printed: \_\_\_\_\_

Title: \_\_\_\_\_

11-24-03

Donna:

Enclosed in this closure request for RO0000418, 3925 Alameda Ave., Oakland 94601 is the following:

1. A copy of the sales agreement for the site. I have highlighted the contract date **October 17, 2003**, the due diligence date, sixty days after the Opening Date ie **December 17, 2003**. Section ii requiring seller to deliver to Buyer a No Further Action letter from ACDEH with respect to the property. The buyer appears to be Rexford Industrial LLC, contact is Howard Schwimmer, page 30.
2. Draft copy of the deed restriction including site specific information
3. Closure document.

PS I met with Chuck Headlee on this site and he believed that the release from the USTs was not connected with the contamination found near the SP RR tracks and on 569 High St.

Let me know when you want to discuss the site.

Barney



**Chan, Barney, Env. Health**

**From:** Smooke, Michael [msmooke@fulbright.com]  
**Sent:** Thursday, November 11, 2004 11:45 AM  
**To:** Chan, Barney, Env. Health  
**Cc:** howards@rexfordindustrial.com  
**Subject:** FW: information on property owners of 3925 Alameda Ave., oakland, CA

Mr. Chan - I am forwarding an email from the new owner, RIF I - Alameda, LLC. Their signature block follows.

I look forward to receiveing the revised deed restriction.

MS

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

**From:** Howard Schwimmer [mailto:howards@rexfordindustrial.com]  
**Sent:** Thursday, November 11, 2004 11:28 AM  
**To:** Smooke, Michael  
**Subject:** information on property owners of 3925 Alameda Ave., oakland, CA

Mike, the ownership for the Oakland building is as follows.

RIF I - ALAMEDA, LLC, a  
California limited liability company

By: REXFORD INDUSTRIAL, LLC, a  
California limited liability company,  
Its Manager

By:  
Howard Schwimmer,  
Managing Member



Howard Schwimmer  
Managing Member  
11601 Wilshire Blvd., Suite 650  
Los Angeles, CA. 90025  
310-966-1680 ext.1  
310-966-1690 fax  
Email: [howards@rexfordindustrial.com](mailto:howards@rexfordindustrial.com)  
Website: [www.RexfordIndustrial.com](http://www.RexfordIndustrial.com)



**Erler &  
Kalinowski,  
Inc.**

Consulting Engineers and Scientists

1870 Ogden Drive  
Burlingame, CA 94010  
(650) 292-9100  
Fax (650) 552-9012

APR 10 2002

RO418

3 April 2002

Mr. Barney Chan  
Alameda County Department of Environmental Health  
1131 Harbor Bay Parkway, #250  
Alameda, California 94502-6577

Subject: Request for Information Related to Underground Tank Closure  
for the Property Located at 3925 Alameda Avenue  
Oakland, California  
(EKI 980074.02)

Dear Mr. Chan:

On behalf of Smooke & Sons Investment Co., Erler and Kalinowski, Inc. ("EKI") is pleased to present this letter providing the additional information that you requested regarding the property at 3925 Alameda Avenue, Oakland, California ("Site"). During our telephone conversation on 5 February 2002, you requested information regarding the locations and depths of storm drains in the vicinity of the former underground storage tanks location at the Site.

EKI has obtained copies of the sanitary sewer and storm conduit maps from the City of Oakland for the area around the Site. A composite of these maps is enclosed as Exhibit 1. As shown on the exhibit, the storm drain and sanitary sewer pipelines in the vicinity of the Site are located along Alameda Avenue and High Street. These pipelines do not pass through the former underground storage tank area or the downgradient area of groundwater investigation. Therefore, it appears that these utilities are not potential pathways for groundwater flow to the tidal channel. The tidal channel appears to be nearly 1,000 feet from the former tank area.

If you have any questions or wish to discuss this further, please call.

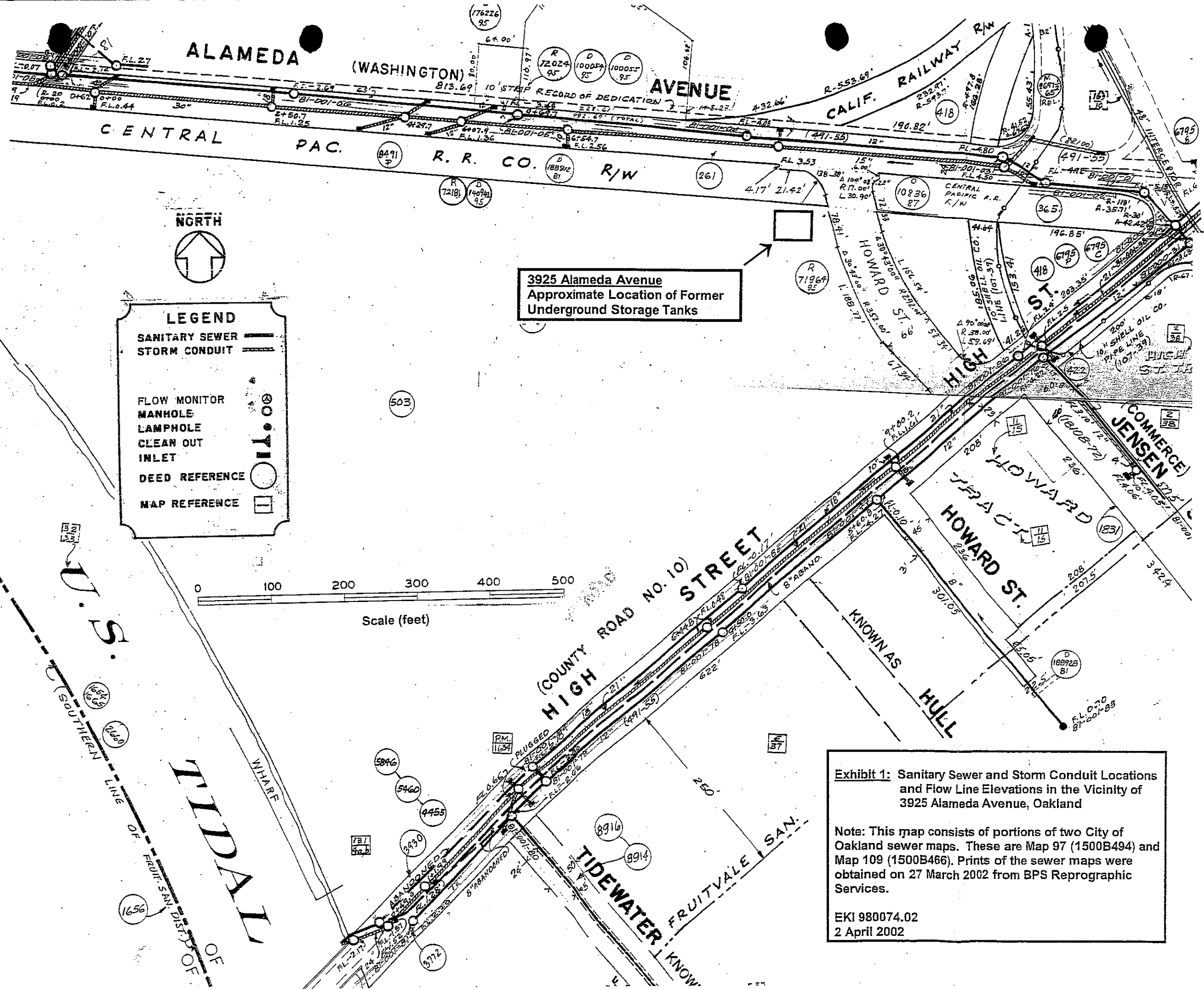
Very truly yours,

ERLER & KALINOWSKI, INC.

Steven G. Miller, P.E.  
Project Engineer

cc: Richard Smooke, Smooke & Sons Investment Co.

APR 10 2002



3925 Alameda Avenue  
 Approximate Location of Former  
 Underground Storage Tanks

**LEGEND**

SANITARY SEWER

STORM CONDUIT

FLOW MONITOR

MANHOLE

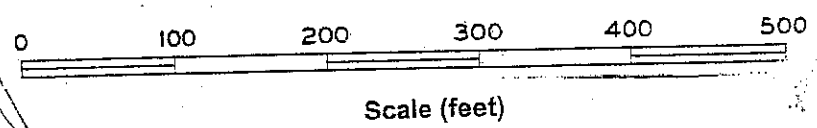
LAMP HOLE

CLEAN OUT

INLET

DEED REFERENCE

MAP REFERENCE



**Exhibit 1:** Sanitary Sewer and Storm Conduit Locations and Flow Line Elevations in the Vicinity of 3925 Alameda Avenue, Oakland

Note: This map consists of portions of two City of Oakland sewer maps. These are Map 97 (1500B494) and Map 109 (1500B466). Prints of the sewer maps were obtained on 27 March 2002 from BPS Reprographic Services.

EKI 980074.02  
 2 April 2002



# State Water Resources Control Board



Winston H. Hickox  
Secretary for  
Environmental  
Protection

Division of Clean Water Programs  
2014 T Street • Sacramento, California 95814 • (916) 227-4530  
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120  
FAX (916) 227-4530 • Internet Address: <http://www.dwr.ca.gov/> [www.phone.usccf](http://www.phone.usccf)

Gray Davis  
Governor

ENVIRONMENTAL  
PROTECTION  
00 JAN -3 PM 4:38

December 29, 1999

Mr. Paul Wren  
Smooke & Sons Investment Company  
405 Mateo Street  
Los Angeles, CA 90013-2219

# 3586

PRE-APPROVAL OF CORRECTIVE ACTION COSTS, CLAIM NO. 13752,  
SITE ADDRESS: 3925 ALAMEDA AVENUE, OAKLAND

I have reviewed your request, received on December 13, 1999, for pre-approval of corrective action costs; I will place these documents in your file for future reference. I have included a copy of the "Cost Pre-Approval Request" form; please use this form in the future for requesting pre-approval of corrective action costs.

Your pre-approval request submittal is incomplete and cannot be processed. The following marked items were not included in your submittal and must be submitted before review and determination will be made by Fund staff.

- A completed cost pre-approval request form;** signed by the claimant or an authorized representative. A consulting engineer or contractor performing, or proposing to conduct corrective action work at your site, cannot act as an authorized representative due to a potential conflict of interest. An authorized representative form must be on file or submitted with your request.
- A complete and signed copy of the proposed work plan, corrective action plan, or any other work plan;** plan(s) must describe in sufficient and appropriate detail the proposed corrective action work, per the requirements of Article 11, Chapter 16 of the California Underground Storage Tank Regulations.
- A signed copy of the appropriate lead regulatory oversight agency approval letter for the proposed plan.**
- A complete copy of the Request for Bids (RFB), of all firms invited to bid.** The RFB should include a *blank* cost proposal breakdown, which reflects the major tasks of the proposed work and breakdowns of staff classification, labor rate and number of hours per task.
- Complete copies of all bids and other correspondence submitted in response to the RFB.**

- The selected detailed cost proposal in the format specified in the RFB.** All cost proposals should include the *completed* cost proposal breakdown, with task subtotals and a grand total cost for the entire scope of work..

Sincerely,

Mark Owens, Water Resources Control Engineer  
Technical Review Unit  
Underground Storage Tank Cleanup Fund

Enclosure

cc: Mr. Barney Chan  
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  
Alameda, CA 94502-6577  
(510) 567-6700  
(510) 337-9432

November 19, 1999  
StID # 3586

Mr. Richard Smooke  
Smooke & Son Investment  
405 Mateo St.  
Los Angeles, CA 90013-2219

**Re: Subsurface Investigation for 3925 Alameda Ave., Oakland CA 94601**

Dear Mr. Smooke:

This letter serves to respond to the past reports and proposals provided to our office by your consultant, Eler & Kalinowski (E&K). As you are aware, there were several outstanding issues regarding the investigation of the petroleum release from the former gasoline and diesel tanks at this site.

One issue was the determination of the extent of contamination at this site. Your additional investigation identified soil and groundwater contamination down-gradient of this site, particularly along the railroad tracks (Smith-Emery). In addition, another earlier investigation report (HLA) identified elevated soil and groundwater contamination on the property immediately south of the referenced property, currently owned by the City of Oakland. In order to clarify the number of contaminant sources, E&K proposed to collect a soil and groundwater sample at the former location of G-6, (along the RR tracks) where elevated contamination was previously identified. If shallow soil contamination exists, this would mean that another contaminant source exists. They also propose taking two shallow soil samples along the railroad spur. Shallow soil contamination along the RR track will indicate that such contamination is widespread and may be the result of historically poor railroad practices. Lastly, they propose to collect one soil and one groundwater sample near the identified linear anomaly to determine if there may be another source from this unidentified object. These proposals are approved. Samples should be analyzed for TPH as motor oil, as diesel and as gasoline, BTEX, and MTBE.

A second issue was the human health risk assessment performed by E & K. Our office requested a copy of the input and output data sheets for their Tier 2 calculations with the site specific depth of soil contamination, 9' bgs. Although the summary table was provided in the E&K April 12, 1999 letter, the input sheet was not included. Please provide a copy of this data sheet.

Lastly, the question rose as to whether enough monitoring data exists and how this data would be interpreted. It appears that not enough monitoring data exist to perform a statistical analyses, therefore, E&K, provided a rationale as to when and how many additional sampling events would occur. E&K proposes to evaluate whether a trend exists by evaluating the data using the Mann-Kendall Test to determine if a trend exists and alpha, the confidence level of the trend. Please provide copies of the referenced sections of the US EPA statistical guidance document and the complete set of calculations when the final data is evaluated. Because additional sampling data is

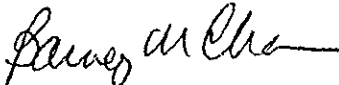
Mr. Richard Smooke  
3925 Alameda Ave., Oakland 94601  
StID # 3586  
November 19, 1999  
Page 2.

required to perform the statistical analysis, E&K proposes to sample the wells two additional times, in March 2000 and March 2001, before evaluating the data again. **Please perform an additional monitoring event in December 1999** to represent a 1999 data point. The other two sampling events are acceptable on the condition that their results are consistent with a downward trend in sample concentrations. When evaluating the final data, they should be comparable in that they should represent the highest not the average concentrations, like that expected in the newly proposed sampling events.

**You should perform your additional site characterization within 90 days or no later than February 22, 2000.** This will enable you determine if the prior assumptions for this site are appropriate or whether another approach is required. Please keep our office informed of any work scheduled for your site.

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. Cindy Kao, Erler & Kalinowski, Inc., 1730 So. Amphlett Blvd., Suite 320, San Mateo,  
CA 94402  
Mr. J. Cotton, City of Oakland Public Works, 250 Frank H. Ogawa Plaza, Suite 5301,  
Oakland, CA 94612  
**Stat3925Alameda**



ST10 # 3586

# State Water Resources Control Board



BC

Winston H. Hickox  
Secretary for  
Environmental  
Protection

Division of Clean Water Programs  
2014 T Street • Sacramento, California 95814 • (916) 227-4539  
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120  
FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustcf>

Gray Davis  
Governor

APR 23 1999

Paul Wren  
Smooke & Sons Investment Co.  
405 Mateo St  
Los Angeles, CA 90013-2219

UNDERGROUND STORAGE TANK CLEANUP FUND, CLAIM NO. 013752, FOR SITE ADDRESS:  
3925 ALAMEDA AVE, OAKLAND 94601

The State Water Resources Control Board (State Board) is able to issue, pursuant to applicable regulations, the enclosed Letter of Commitment (LOC) in an amount not to exceed \$95,000. This LOC is based upon our review of the corrective action costs you reported to have incurred to date. The LOC may be modified by the State Board.

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

You are reminded that you must comply with all regulatory agency time schedules and requirements and you must obtain three bids for any required corrective action. Only corrective action costs *required* by the regulatory agency to protect human health, safety and the environment can be claimed for reimbursement. **Unless waived in writing, you are required to obtain preapproval of costs for all future corrective action work (form enclosed).** If you have any questions on obtaining preapproval of your costs or the three bid requirement, please call Mark Owens, our Technical Reviewer assigned to claims in your Region, at (916) 227-7883. Failure to obtain preapproval of your future costs may result in the costs not being reimbursed.

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

- "Reimbursement Request Instructions" package. **Retain this package for future reimbursement requests.** These instructions must be followed when seeking reimbursement for corrective action costs incurred after January 1, 1988. Included in the instruction package are samples of completed reimbursement request forms and spreadsheets.
- "Bid Summary Sheet" to list information on bids received which **must be completed and returned.**
- "Reimbursement Request" forms which you **must use to request reimbursement of costs incurred.**
- "Spreadsheet" forms which you **must use in conjunction with your reimbursement request.**

California Environmental Protection Agency



Recycled Paper



99 APR 26 PM 2: 28

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

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

If you have any questions regarding the enclosed documents, please contact Anna Torres at (916) 227-4388.

Sincerely,



Dave Deaner, Manager  
UST Cleanup Fund Program

Enclosures

cc: Mr. Thomas Peacock  
Alameda County EHD  
1131 Harbor Bay Pkway, 2nd Fl.  
Alameda, CA 94502-6577

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



H 3586  
3925 Alameda Ave

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

November 18, 1998

Mr. Joseph Cotton  
City of Oakland-Public Works  
Environmental Services-Dalziel Bld.  
250 Frank H. Ogawa Plaza, Suite 5301  
Oakland CA 94612

Re: Report for 569 High St., Oakland CA 94601

Dear Mr. Cotton:

Enclosed please find a copy of the previously discussed HLA report for grab groundwater samples taken from 569 High St. In these samples, elevated petroleum contamination was exhibited. The site to the north, 3925 Alameda Ave., is investigating a fuel release from USTs and would like to determine if we are looking at one or two releases. It is their consultant's opinion that contamination near the RR tracks is from the City's site. Please provide our office any information regarding the past usage of the City site, particularly that which would account for surface staining as mentioned in the HLA report. I have also enclosed a site map indicating the location of the geoprobes performed by the neighboring site and a summary table of analytical results.

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

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

Enclosures

C: B. Chan, files

569High

@Kate ETK -650-655-4966

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

To	U. Nelson	From	BChan
Co.	ETK	Co.	ALEH
Dept.		Phone #	510-867-6765
Fax #	650-578-9131	Fax #	

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

November 2, 1998  
StID # 3586

Mr. Richard Smooke  
Smooke & Son Investment  
405 Mateo St.  
Los Angeles, CA 90013-2219

**Re: Subsurface Investigation and Tier 1 Risk Based Corrective Action (RBCA) for 3925 Alameda Ave., Oakland CA 94601**

Dear Mr. Smooke:

Our office has received and reviewed the site history and the Tier-1 RBCA Assessment for the above site as prepared by your consultant, Smith-Emery GeoServices. This report requests site closure based on the site's low-risk Tier 1 RBCA status and the confirmed remedial strategy of passive monitoring to verify stable conditions.

At this time, our office does not concur with the recommendation of your consultant. This decision is based on the following observations:

- A low-risk soil and /or groundwater site as defined by the Regional Water Control Board must be adequately characterized. A Harding Lawson July 24, 1987 report indicates that the petroleum hydrocarbon release from this site may have migrated to 569 High St.
- Groundwater concentrations must be shown to be stable or decreasing. Although groundwater monitoring on wells MW-1 through MW-3 has occurred from 1995-1996, monitoring well MW-4 has been sampled only twice. In addition, the total petroleum hydrocarbons as diesel and gasoline (TPHg and TPHd) and BTEX concentrations in groundwater have not shown the characteristics of natural attenuation.
- The site should present no significant risk to human health. Certain assumptions made in the Tier 1 RBCA will require discussion prior to its acceptance. These points include the use of an acceptable risk as 1 in 10,000 (10<sup>-4</sup>) and the estimation of soil and groundwater concentrations at the site.


Our office requires the continuation of quarterly groundwater monitoring. We recommend additionally sampling and analysis of the bio-attenuation parameters; dissolved oxygen, oxidation-reduction potential, nitrate, sulfate and ferrous iron in addition to TPHg, TPHd, BTEX and MTBE. MTBE should be confirmed on the highest MTBE impacted well using EPA Method 8240 or 8260. Please have your consultant review the referenced Harding Lawson report and comment if additional off-site investigation is necessary. Should they concur with the County's opinion, please submit a work plan for the additional off-site characterization along with your groundwater monitoring report.

Please submit your monitoring report and characterization work plan **within 45 days or by December 18, 1998.**

Mr. Richard Smooke  
3925 Alameda Ave.  
StID # 3586  
November 2, 1998  
Page 2.

Should your consultant want to discuss the specific items of concern please contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

C: B.Chan, files

Mr. Rick Widebrook, Smith-Emery GeoServices, Hunters Point Shipyard, Bld. 114,  
P.O. Box 880550, SF, CA 94188-0550

Mon-rep3925

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

January 8, 1997  
StID # 3586

Mr. Paul Wren  
Smooke and Sons Investment Co.  
405 Mateo St.  
Los Angeles, CA 90013

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

Re: 3925 Alameda Ave., Oakland CA 94601

Dear Mr. Wren:

Our office has received and reviewed the December 16, 1996 Smith-Emery Geoservices **Monitoring Well MW4 Installation and Geoprobe Sampling** report. This report details results of additional subsurface borings advanced downgradient of the former gasoline and diesel tanks and documents the installation of well MW4, intended to delineate the extent of the groundwater contaminant plume. The report concludes that there are two centers of petroleum contamination releases, one near the former underground tanks and one near the southeast border of the property on 569 High St. The natural next assumption is that petroleum contamination detected in MW4 likely comes from the second petroleum release point due to its proximity to MW4.

Further, the report anticipates that confirmatory monitoring consistent with a "low risk groundwater case" should lead to eventual site closure.

At this time, our office does not agree that two petroleum releases exist and that MW4 is monitoring the second release. Soil samples taken from borings from MW4 did not indicate a high source of petroleum contamination. In addition, the soil sample from boring G6 did not detect petroleum hydrocarbon contamination. Though the grab groundwater sample from boring G detected elevated petroleum, these types of water samples typically detect higher than actual groundwater contaminant levels as documented in the sampling and analysis of MW4. At the first monitoring event typically yields higher than average petroleum concentration.

Our office does not discount the possibility of two sources, however, we feel that more groundwater monitoring must be done establish a concentration trend. The report refers 569 High St. as a LUST site. Please provide copies of reports which document a petroleum release at this location.

Please feel free to contact me at (510) 567-6765 if you have a questions regarding this letter.

Mr. Paul Wren  
StID # 3586  
3925 Alameda Ave.  
January 8, 1997  
Page 2.

Sincerely,

*Barney M. Chan*

Barney M. Chan  
Hazardous Materials Specialist

c:R. Widebrook, Smith-Emery GeoServices, Hunters Point Shipyard,  
Bld. 114, P.O. Box 880550, SF CA 94188-0550  
[REDACTED], files

qgm3925



# SMITH-EMERY GEOSERVICES

A member of the Smith-Emery Companies, Established 1904

Hunters Point Shipyard Bldg. 114  
P.O. Box 880550  
San Francisco, CA 94188-0550  
Ph (415) 330-3000  
Fax (415) 330-3030

## TRANSMITTAL

SEG Job No.: 3925 Alameda Avenue, Oakland

20418

Project: ENVIRONMENTAL DRILLING DATE

To: ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY  
1131 HARBOR BAY PARKWAY  
ALAMEDA, CA 94502

Attn: MR. BARNEY CHAN

From: Rick Widebrook

Ext: 155

### We are transmitting:

- Per your request
- Enclosed
- Under separate cover
- Sketches / Instructions
- Samples
- Test Results
- Recommendations
- Draft report
- Final report

### Via:

- Mail
- FedEx
- UPS
- Messenger
- Hand
- Fax no.: 510-462-3914

### For your:

- Approval
- Review and comment
- Distribution
- Information / Files
- Perform tests as noted below

Total pages: 2

Originals to follow by mail: Yes  No

### Description:

DRILLING PERMIT APPLICATION

### Remarks:

Enclosed is the permit application mentioned: a copy is in the mail.

Sincerely,

Rick Widebrook

Copies to: mail

Enclosures: 1

FAX INFO: If you have not received all of the pages or find any of them are illegible, please call. This facsimile contains confidential information which may also be privileged. Unless you are the addressee named above (or authorized to receive for the addressee), you may not copy, use, or distribute it. If you have received it in error, please notify us immediately.

ENVIRONMENTAL PROTECTION AGENCY  
96 AUG 29 PM 2:16



# ZONE 7 WATER AGENCY

5927 PARKSIDE DRIVE

PLEASANTON, CALIFORNIA 94588

VOICE (510) 484-2600

FAX (510) 462-3914

## DRILLING PERMIT APPLICATION

FOR APPLICANT TO COMPLETE

FOR OFFICE USE

LOCATION OF PROJECT 3925 Alameda Avenue  
Oakland, California 94502

PERMIT NUMBER \_\_\_\_\_  
LOCATION NUMBER \_\_\_\_\_

### CLIENT

Name Smooke and Sons Investment Co.  
Address P.O. Box 1311 Voice (213) 624-8361  
City Los Angeles, CA Zip 90053

### PERMIT CONDITIONS

Circled Permit Requirements Apply

### APPLICANT

Name Smith-Emery GeoServices Fax (415) 330-3030  
Address P.O. Box 880550 Voice (415) 330-3000x126  
City San Francisco, CA Zip 94188-0550

### A. GENERAL

1. A permit application should be submitted so as to arrive at the Zone 7 office five days prior to proposed starting date.
2. Submit to Zone 7 within 60 days after completion of permitted work the original Department of Water Resources Water Well Drillers Report or equivalent for well Projects, or drilling logs and location sketch for geotechnical projects.
3. Permit is void if project not begun within 90 days of approval date.

### TYPE OF PROJECT

Well Construction	Geotechnical Investigation
Cathodic Protection _____	General _____
Water Supply _____	Contamination <u>X</u>
Monitoring _____	Well Destruction _____

### B. WATER WELLS, INCLUDING PIEZOMETERS

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

### PROPOSED WATER SUPPLY WELL USE

Domestic \_\_\_\_\_ Industrial \_\_\_\_\_ Other Characterization  
Municipal \_\_\_\_\_ Irrigation \_\_\_\_\_

C. GEOTECHNICAL. Backfill bore hole with compacted cuttings or heavy bentonite and upper two feet with compacted material. In areas of known or suspected contamination, tremied cement grout shall be used in place of compacted cuttings.

### DRILLING METHOD:

Mud Rotary \_\_\_\_\_ Air Rotary \_\_\_\_\_ Auger \_\_\_\_\_  
Cable \_\_\_\_\_ Other Geoprobe

D. CATHODIC. Fill hole above anode zone with concrete placed by tremie.

DRILLER'S LICENSE NO. C57:705927

E. WELL DESTRUCTION. See attached.

### WELL PROJECTS

Drill Hole Diameter	<u>2</u> in.	Maximum	
Casing Diameter	_____ in.	Depth	<u>20</u> ft.
Surface Seal Depth	_____ ft.	Number	<u>6</u>

### GEOTECHNICAL PROJECTS

Number of Borings	_____	Maximum	
Hole Diameter	_____ in.	Depth	_____ ft.

ESTIMATED STARTING DATE 8/14/96

ESTIMATED COMPLETION DATE 8/14/96

Approved \_\_\_\_\_ Date \_\_\_\_\_

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

APPLICANT'S SIGNATURE

[Signature]  
R6 5367

Date 8/15/96



ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY



DAVID J. KEARS, Agency Director

ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6700

August 1, 1996  
StID # 3586

Mr. Richard Smooke  
Smooke and Sons Investment Co.  
405 Mateo St.  
Los Angeles, CA 90013-2219

**Re: Work Plan Approval for Subsurface Investigation at 3925  
Alameda Ave., Oakland CA 94601**

Dear Mr. Smooke:

Our office has received and reviewed the July 23, 1996 Smith-Emery Geoservices **Site Characterization and Risk Assessment Work Plan**. This report is in response to my previous request for further site characterization. Additionally, a Tier 1 Risk Based Corrective Action (RBCA) assessment will be done to prioritize this site and determine if it qualifies as a "low risk" site.

The work plan calls for the installation of six (6) Geoprobe borings, the collection of water and soil samples from the borings and the installation of two (2) additional monitoring wells. All five (5) wells would then be monitored collectively. The Tier 1 RBCA assessment report will be prepared after this investigation. Because I have already discussed the above approach with Smith-Emery, the work plan is approved, however, please note the following additional conditions/requirements:

1. When monitoring the wells at this site, please add the analyte MTBE to the others proposed; TPHg, TPHd and BTEX. This is required to satisfy the Water Board's request to determine the risk this chemical poses to groundwater and human health. Since MTBE is transported in groundwater, soil samples need not be run for this analyte.
2. You may limit the number of soil boring samples to be analyzed to those which detect significant impact through field screening with the FID or PID instrument.
3. Please survey all wells, old and new, to mean sea level (MSL).
4. Please confirm the locations of the additional wells with our office prior to installation. Please note, there may not be a need to install an additional upgradient well.

Mr. R. Smooke  
3925 Alameda Ave.  
StID # 3586  
August 1, 1996  
Page 2.

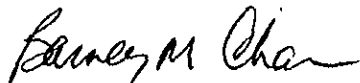
5. Please hold-off performing the proposed Tier1 RBCA assessment until the additional wells have be installed and monitored and the site has been adequately characterized.

6. Please note that all reports should be sent to the Alameda County Environmental Health office. The Regional Water Quality Control Board (RWQCB) and the City of Oakland do not require any copies of your technical reports.

7. Please notify the County **72 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

c: Mr. M. Grant, Smith-Emery GeoServices, Hunters Point  
Shipyard, Bld 114, P. O. Box 880550, San  
Francisco, CA 94188-0550

G. Coleman, files

wpap3925



# SMITH-EMERY GEOSERVICES

A MEMBER OF THE SMITH-EMERY COMPANIES, ESTABLISHED 1904

HUNTERS POINT SHIPYARD, BUILDING 114  
P. O. BOX 880550  
SAN FRANCISCO, CALIFORNIA 94188-0550  
PHONE 415/330-3000  
FAX 415/330-3030

July 22, 1996

SEG File No. 90404  
SEG Corresp. No. SF 9607-17

Alameda County Health Care Services Agency  
UST Local Oversight Program  
1131 Harbor Bay Parkway  
Alameda, California 94502

Attention: Mr. Barney Chan

Re: Request for Additional Subsurface Investigation at 3925  
Alameda Ave., Oakland CA 94601

Gentlemen:

We have received your letter dated July 12, 1996 requesting a work plan for additional subsurface investigation at 3925 Alameda Ave., Oakland CA by August 13, 1996.

We have prepared a work plan and have just received the comments from the owner, Richard Smooke. Mr. Smooke's comments were held up because he was out of state for the past two weeks. We will incorporate his comments and submit the work plan to you for your approval in a couple of days.

If you have any questions or comments please contact our office at (415) 330-3000, ext. 126.

Respectfully Submitted,  
SMITH-EMERY GEOSERVICES

MILES GRANT, R.G. 5367  
Project Geologist

LOS ANGELES

791 EAST WASHINGTON BOULEVARD  
LOS ANGELES, CALIFORNIA 90021  
PHONE 213/745-5333  
FAX 213/746-0744

ANAHEIM

5427 EAST LA PALMA AVENUE  
ANAHEIM, CALIFORNIA 92807  
PHONE 714/693-1026  
FAX 714/693-1034



# SMITH-EMERY GEOSERVICES

A MEMBER OF THE SMITH-EMERY COMPANIES, ESTABLISHED 1904

HUNTERS POINT SHIPYARD, BUILDING 114  
P.O. BOX 880550  
SAN FRANCISCO, CALIFORNIA 94188-0550  
PHONE 415/330-3000  
FAX 415/330-3030

July 15, 1996

SEG File No. 90404  
SEG Report No. 96-344

Alameda County Department of Environmental Health (ACDEH)  
1131 Harbor Bay Parkway, #250  
Alameda, California 94502-6577

Attn: Mr. Barney Chan

Smith-Emery GeoServices herein submits a copy of our report entitled **“Quarter 2, 1996 Groundwater Monitoring, 3925 Alameda Avenue, Oakland, California.”** If there are any questions regarding this report, please contact us.

Respectfully submitted,  
SMITH-EMERY GEOSERVICES

MILES GRANT  
R.G. 5367  
Project Geologist

cc: Smooke and Sons Investment Company  
Mr. Richard Smooke

LOS ANGELES

791 EAST WASHINGTON BOULEVARD  
LOS ANGELES, CALIFORNIA 90021  
PHONE 213/745-5333  
FAX 213/746-0744

ANAHEIM

5427 EAST LA PALMA AVENUE  
ANAHEIM, CALIFORNIA 92807  
PHONE 714/693-1026  
FAX 714/693-1034

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY



DAVID J. KEARS, Agency Director

ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6700

July 12, 1996  
StID # 3586

Mr. Richard Smooke  
Smooke and Sons Investment Co.  
405 Mateo St.  
Los Angeles, CA 90013-2219

**NOTICE OF VIOLATION**

**Re: Request for Additional Subsurface Investigation at 3925  
Alameda Ave., Oakland CA 94601**

Dear Mr. Smooke:

In the County's May 28, 1996 letter, you were requested to provide a work plan for additional subsurface investigation by July 1, 1996. As of date, our office has yet to receive this report. In the interim, our office has received Smith-Emery GeoServices' 2nd quarterly groundwater monitoring report for this site. Results from this monitoring event continue to indicate that the former gasoline and diesel tanks on this site are the source of elevated gasoline and BTEX (benzene, toluene, ethylbenzene and xylenes) contamination.

Please submit your work plan to fully characterize this site within 30 days or by August 13, 1996.

Failure to submit the requested technical report and undertake the required corrective action may result in fines up to \$5000-\$10,000 per day per tank in accordance to the Health and Safety Code section 25299 and section 25299.76.

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

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

c: Mr. Miles Grant, Smith-Emery GeoServices, Hunters Point  
Shipyard, Bld 114, P. O. Box 880550, San Francisco,  
CA 94188-0550

G. Coleman, files  
nov3925

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

ARNOLD PERKINS, DIRECTOR

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

May 28, 1996  
StID # 3586

Mr. Richard Smooke  
Smooke and Sons Investment Co.  
405 Mateo St.  
Los Angeles, CA 90013-2219

**Re: Request for Additional Subsurface Investigation at 3925  
Alameda Ave., Oakland CA 94601**

Dear Mr. Smooke:

Previously, there was suspicion that the above referenced site was being impacted by the petroleum release from the former Ekotek Lube site at 4200 Alameda St. and therefore on-going monitoring should be the only requirement. In fact, the May 14, 1996 Smith-Emery GeoServices report recommends closure of this site as a "low risk groundwater" case. However, based on additional data from the Ekotek Lube site and the continuing trends in onsite groundwater contaminant concentrations, our office does not concur with this recommendation.

There is significant information which suggests that the diesel and gasoline release from this site, 3925 Alameda Ave., is the primary contributor to the petroleum contamination beneath the site. Such existing evidence includes:

1. A recent February 1996 offsite investigation was performed at the former Ekotek Lube site. A boring was installed between the Ekotek site and 3925 Alameda Ave. where soil and grab groundwater samples were taken. Although dissolved diesel and motor oil was detected in the water sample, no gasoline or BTEX was found in either groundwater or soil. Additionally, the upgradient well to the 3925 Alameda Ave. site, on the Ekotek site, has not detected Total Petroleum Hydrocarbons as gasoline or BTEX.
2. The upgradient well on your site, MW-3, has consistently shown low to non-detectable concentrations of gasoline and BTEX, while the downgradient wells, MW-1 and MW-2 have detected elevated gasoline and BTEX concentrations.

Based on these observations, it appears that your site has not been appreciably affected by gasoline or BTEX from the former Ekotek site. One may expect that low levels of dissolved diesel or motor oil may be impacting your site, however, the diesel concentration at your site has been higher downgradient from the former tanks as opposed to upgradient.

Mr. Richard Smooke  
StID # 3586  
3925 Alameda Ave.  
May 28, 1996  
Page 2.

Consistent with the Regional Water Quality Control Board's recommendations for investigating "low risk groundwater cases", you are required to characterize the extent of petroleum contamination in soil and groundwater, particularly downgradient of the former tank. You may want to first determine this by using temporary borings (Geoprobe, CPT, hydropunch et al) prior to installing permanent well(s). After this is done, you must also verify that the site poses no significant risk to human health or the environment. Some type of risk evaluation must be performed.

Please submit a work plan for additional site characterization to our office **within 30 days or by July 1, 1996.**

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

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

c: Mr. R. Widebrook, Smith-Emery GeoServices, Hunters Point  
Shipyard, Bld 114, P. O. Box 880550, San Francisco,  
CA 94188-0550  
G. Coleman, files

wprq3925

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

December 7, 1995  
StID # 3586

Alameda County Environmental Health Dept.  
Environmental Protection Division  
1131 Harbor Bay Parkway, Room 250  
Alameda CA 94502-6577  
(510)567-6700 fax: (510)337-9335

Mr. Richard Smooke  
Smooke and Sons Investment Co.  
405 Mateo St.  
Los Angeles, CA 90013

**Re: Comment on Q 3 Groundwater Monitoring Report and the November 22, 1995 Letter from Smith-Emery GeoServices for 3925 Alameda Ave., Oakland CA 94601**

Dear Mr. Smooke:

Our office has received and reviewed the above referenced reports for 3925 Alameda Ave. as prepared by your consultant, Smith-Emery GeoServices. Recall, these reports details the second monitoring event of the three monitoring wells around the former gasoline and diesel underground tanks at this site and comments on my August 28, 1995 letter.

The monitoring data is consistent with the initial result with significant gasoline, diesel, kerosene and BTEX in groundwater being detected. The November 22, 1995 letter requests that only groundwater monitoring be required until the contaminant plume from the former Ekotek Lube site has been defined. This is a reasonable request and no additional investigation other than groundwater monitoring is required at this time.

Should you choose to analyze for contaminants specific to the Ekotek site, our office recommends the analysis of halogenated volatile organics, Method 8010, rather than the semi-volatiles mentioned in the November letter. Our office will keep you informed on the progress of plume definition at the Ekotek site and notify you if any additional work is required.

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

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

cc: Mr. R. Widebrook, Smith Emery, Hunters Point Shipyard, Bldg.  
114, P.O. Box 880550, SF, CA 94188-0550  
G. Coleman, files

mon3925



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 28, 1995  
StID # 3586

Mr. Richard Smooke  
Smooke and Sons Investment Co.  
405 Mateo St.  
Los Angeles, CA 90013

**Re: Comment on July 21, 1995 Smith-Emery Well Installation Report  
for 3925 Alameda Ave., Oakland CA 94601**

Dear Mr. Smooke:

Our office has received and reviewed the above referenced report for 3925 Alameda Ave. as prepared by your consultant, Smith Emery GeoServices. Recall, this report details the installation of three monitoring wells around the former gasoline and diesel underground tanks at this site.

Initial results indicate both soil and groundwater contamination with the highest concentrations detected in monitoring well MW-1. Whether the soil contamination found is from groundwater migration or through soil migration is debateable. Based on these results you must, at a minimum, initiate quarterly groundwater monitoring. Please submit your quarterly monitoring reports to our office within 60 days of the sampling date. Should future monitoring results be consistent with the initial results, you will be requested to determine the extent of the petroleum contaminant plume. At this time, it does not appear that the former Ekotek Lube site is directly affecting the groundwater beneath your site.

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

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

cc: Mr. R. Widebrook, Smith Emery, Hunters Point Shipyard, Bldg.  
114, P.O. Box 880550, SF, CA 94188-0550

L. Todd, files

mws3925

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, DIRECTOR

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

May 16, 1995  
StID # 3586

Mr. Richard Smooke  
Smooke and Sons Investment Co.  
P.O. Box 1311  
Los Angeles CA 90053-1311

**Re: Work Plan Approval for Monitoring Well Installations at  
3925 Alameda Ave., Oakland CA 94601**

Dear Mr. Smooke:

Our office has received and reviewed the May 11, 1995 Work Plan for the above referenced site as prepared by your consultant, Smith-Emery GeoServices. I have discussed its contents with Mr. Rich Widebrook of Smith-Emery and he has provided a one page letter and a revised site map incorporating the changes we discussed. Based on the contents of the May 15, 1995 revised work plan modification, the work plan is acceptable and you may schedule the field work as soon as possible.

Please contact me at least 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. Rick Widebrook, Smith-Emery GeoServices, P.O. Box 880550  
San Francisco, CA 94188-0550

B. Reynolds, files

2wpap3925



# SMITH-EMERY GEOSERVICES

A MEMBER OF THE SMITH-EMERY COMPANIES, ESTABLISHED 1904

HUNTERS POINT SHIPYARD, BUILDING 114  
P.O. BOX 880550  
SAN FRANCISCO, CALIFORNIA 94188-0550  
PHONE 415/330-3000  
FAX 415/330-3030

ENVIRONMENTAL  
PROTECTION

95 MAY 17 PM 2:27

May 15, 1995

SEG Corresp. No.: C9505-05

Alameda County Department of Environmental Health  
UST Local Oversight Program  
1131 Harbor Bay Parkway  
Alameda, California 94502

RE: Workplan for Tank/Groundwater Monitoring Workplan,  
3925 Alameda Avenue, Oakland, California

Dear Mr. Chan:

Thank you for reviewing the workplan for 3925 Alameda Avenue. In response to your comments, we have reviewed the following elements of the workplan.

- 1) No wells will be placed within the tank backfill. Surrounding the former tank pit, there will be one well upgradient and two wells downgradient.
- 2) We confirm that two soil samples will be taken from each of the three borings for the scheduled laboratory analysis.
- 3) The EPA 8015M Hydrocarbon Range analysis is definitive for complete separations of gasoline, diesel, and kerosene, per assurance from our analytical chemists.
- 4) The well survey will be performed using mean sea level as the reference elevation.

Enclosed is a revised Plot Plan that reflects the new proposed locations for the three wells as discussed.

If you have any further questions or comments, please contact Rick Widebrook at 415-330-3000, ext. 124.

Respectfully submitted,  
SMITH-EMERY GEOSERVICES

RICK WIDEBROOK  
Project Manager

LOS ANGELES

791 EAST WASHINGTON BOULEVARD  
LOS ANGELES, CALIFORNIA 90021  
PHONE 213/745-5333  
FAX 213/746-0744

ANAHEIM

5427 EAST LA PALMA AVENUE  
ANAHEIM, CALIFORNIA 92807  
PHONE 714/693-1026  
FAX 714/693-1034

**SMOOKE & SONS INVESTMENT CO.**

P. O. BOX 1311  
LOS ANGELES, CALIFORNIA 90053-1311  
(213) 624-8361 OFFICE ■ (213) 624-5736 FAX

July 19, 1994

RO 418

0016 11 01 1994 13  
11 11 1994

Alameda County Dept. of Environmental Health  
Hazardous Materials Division  
1131 Harbor Bay Parkway, 2nd Floor  
Alameda, CA 94502

Attn: Mr. Barney M. Chan  
Hazardous Materials Specialist

Re: <sup>25</sup>3945 Alameda Avenue  
Oakland, California 94601

Dear Mr. Chan:

This is to acknowledge receipt of your July 5, 1994 letter and is to advise you that Smooke & Sons Investment Co. ("Smooke & Sons") has asked Brian Flaherty of ENGEO Incorporated ("ENGEO") to contact you in order to implement the monitoring that you have requested.

If you have any questions or if Smooke & Sons may be of further service at this time, please contact me. Otherwise, I am sure you will hear from Brian Flaherty of ENGEO in the near future.

Sincerely,

**SMOOKE & SONS INVESTMENT CO.**

By *Richard Smooke*  
Richard Smooke

cc: Brian Flaherty - ENGEO Incorporated  
Barry Smooke  
Michael Smooke  
John Swickard

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY



DAVID J KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
80 Swan Way, Rm 200  
Oakland, CA 94621  
(510) 271-4530

July 5, 1994  
StID # 3586

Mr. Richard Smooke  
Smooke and Sons Investment Co.  
P.O. Box 1311  
Los Angeles, CA 90053-1311

Re: Comment on May 13, 1994 Report on Soil and Groundwater  
Sampling for 3925 Alameda Ave., Oakland CA 94601

Dear Mr. Smooke:

Our office has received and reviewed the above report as provided by your consultant, Engeo Incorporated. As you are aware, this report details the results of soil and groundwater analysis performed at this site in March of 1994. The results indicate residual soil and groundwater contamination in the former tank pits. This report recommends, as your next step, the installation of three monitoring wells to determine the extent of petroleum contamination. A map showing the proposed well locations was included. Our office agrees with this approach and you should proceed immediately with the following conditions:

1. Please send a revised site map should the locations of the proposed wells change.
2. Please consider insuring that the monitoring wells proposed be amenable to groundwater extraction. The concentration in the initial grab water samples indicate the need for remediation.
3. Our office recommends the analysis of total dissolved solids and conductivity on future groundwater samples. This will help determine if the groundwater beneath this site is considered of drinking water quality. Please inform our office 48 working hours prior to any field work so I may arrange to be present if possible.

You are reminded that eligibility to the State Water Board Cleanup Fund requires the ongoing implementation of site investigation. You should therefore, proceed with the monitoring well installations within 90 days of this letter.

Mr. Richard Smooke  
StID # 3586  
3925 Alameda Ave.  
July 5, 1994  
Page 2.

Please note that our office has recently moved to 1131 Harbor Bay Parkway, 2nd Floor, Alameda CA 94502. Until our phone system is up and running, you may leave a voice message for me at (510) 271-4310.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

cc: B. Flaherty, Engeo Inc., 2401 Crow Canyon Rd., Suite 200,  
San Ramon, CA 94583  
E. Howell, files

2wp3925

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200  
Oakland, CA 94621  
(415) 271-4320

Hazardous Materials Division Inspection Form

new BOBAK OAK CFS CORP

Site ID# \_\_\_\_\_ Site Name US Coal Storage Today's Date 3/7/94  
Site Address 3925 Alameda 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

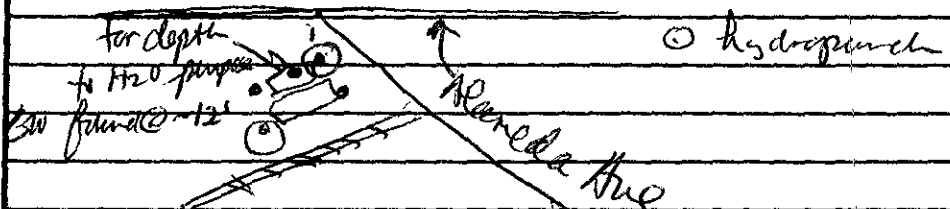
The marked items represent violations of the Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

I.A. GENERATOR (Title 22)

- |       |                             |         |
|-------|-----------------------------|---------|
| ___   | 1. Waste ID                 | * 66471 |
| ___   | 2. EPA ID                   | 66472   |
| ___   | 3. > 90 days                | 66508   |
| ___   | 4. Label dates              | 66508   |
| ___   | 5. Biennial                 | 66493   |
| <hr/> |                             |         |
| ___   | 6. Records                  | 66492   |
| ___   | 7. Correct                  | 66484   |
| ___   | 8. Copy sent                | 66492   |
| ___   | 9. Exception                | 66484   |
| ___   | 10. Copies Rec'd            | 66492   |
| <hr/> |                             |         |
| ___   | 11. Treatment               | 66371   |
| ___   | 12. On-site Disp. (H.S.&C.) | 26189.5 |
| ___   | 13. Ex Haz Waste            | 66570   |
| <hr/> |                             |         |
| ___   | 14. Communications          | 67121   |
| ___   | 15. Aisle Space             | 67124   |
| ___   | 16. Local Authority         | 67126   |
| ___   | 17. Maintenance             | 67120   |
| ___   | 18. Training                | 67105   |
| <hr/> |                             |         |
| ___   | 19. Prepared                | 67140   |
| ___   | 20. Name List               | 67141   |
| ___   | 21. Copies                  | 67141   |
| ___   | 22. Emg. Coord. Trng.       | 67144   |
| <hr/> |                             |         |
| ___   | 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:

Hennell  
Eric - Enger, West Hazmat Drilling Co  
Hydro punch sples will be taken  
around the former gas & diesel tank  
Soils are clayey gravel + silty sand  
of gravel backfill material  
& borings hydro punch will be advanced  
in former pit + some permittees  
further up + down gradient samples will  
als be taken. Grab-ow sples will  
be taken on the up + down gradient borings  
ANC (Seitch Lub)



I.B. TRANSPORTER (Title 22)

- |       |                           |       |
|-------|---------------------------|-------|
| ___   | 32. Applic./insurance     | 66428 |
| ___   | 33. Comp. Cert./CHP insp. | 66448 |
| ___   | 34. Containers            | 66465 |
| <hr/> |                           |       |
| ___   | 35. Vehicles              | 66465 |
| ___   | 36. EPA ID #s             | 66531 |
| ___   | 37. Correct               | 66541 |
| ___   | 38. HW Delivery           | 66543 |
| ___   | 39. Records               | 66544 |
| <hr/> |                           |       |
| ___   | 40. Name/ Covers          | 66545 |
| ___   | 41. Recyclables           | 66800 |

Hydro P  
Had difficulty getting H2O from (1) #1, therefore  
drilled to ~15' + will set a slotted casing  
w/ porchels + pump + spl this water

Rev 6/88

Contact: \_\_\_\_\_  
Title: \_\_\_\_\_  
Signature: \_\_\_\_\_

Inspector: B. Chan  
Signature: \_\_\_\_\_

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KFARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR  
DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
80 Swan Way, Rm 200  
Oakland, CA 94621  
(510) 271-4530

September 30, 1993  
StID # 3586

Mr. Richard Smooke  
Smooke & Sons  
405 Mateo St.  
Los Angeles, CA 90013

**Re: Evaluation of August 26, 1993 Revised Work Plan for  
Subsurface Investigation at 3925 Alameda Ave., Oakland,  
CA 94601, formerly U.S. Cold Storage**

Dear Mr. Smooke:

Our office has received and reviewed the work plan for subsurface investigation at the above referenced site as prepared by your consultant, Engeo Incorporated. I have also discussed its contents with Mr. Brian Flaherty of Engeo. Recall, the most recent work plan is a revision of the original work plan submitted with the September 2, 1993 cover letter.

The revised work plan calls for the installation of three to four borings within the former tank pit. Two soil samples from each boring plus a groundwater sample via a Hydropunch would be collected and tested for the following parameters: Total Petroleum Hydrocarbons as gasoline (TPHg), as diesel (TPHd), and as kerosene (TPHk) and for benzene, toluene, ethylbenzene and xylenes (BTEX). Please note TPHk was requested to determine if this site is potentially being impacted by the Ecotek Lube site located across the street.

During my discussion with Mr. Flaherty, we talked about being flexible with the exact number, location, and analytes of the samples. It was noted that, if possible, additional borings in the assumed upgradient and downgradient location relative to the former tank pit will be taken to further characterize the site. This procedure is encouraged, since the next step, monitoring well(s) installation, requires the complete characterization of the site. Therefore, based on the ease of drilling and sampling encountered the day of drilling, up to seven borings (four within and three outside of the original tank pit), will be advanced and up to four groundwater Hydropunch samples will be taken.

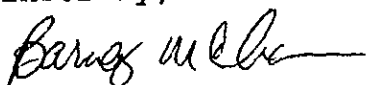
You may proceed with this work plan as soon as possible. Please contact me **48 working hours** prior to performing of this work.



Mr. Richard Smooke  
StID # 3586  
3925 Alameda Ave.  
September 28, 1993  
Page 2.

You may contact me at (510) 271-4530 if you have any questions.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

cc: B. Flaherty, Engeo Inc., 2401 Crow Canyon Road, Suite 200,  
San Ramon, CA 94583  
E. Howell, file

wp-3925

**SMOOKE & SONS INVESTMENT CO.**

P. O. BOX 1311  
LOS ANGELES, CALIFORNIA 90053-1311  
(213) 624-8361 OFFICE ■ (213) 624-5736 FAX

93 AUG 30 PM 1:34

FACSIMILE/REGULAR MAIL  
(510) 569-4757

August 25, 1993

Mr. Barney M. Chan  
Hazardous Materials Specialist  
ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY  
Department of Environmental Health UST Oversight Program  
80 Swan Way  
Room 200  
Oakland, CA 94621

Re: 3925 Alameda Avenue  
Oakland, CA

Dear Mr. Chan:

This is to acknowledge receipt of your August 2, 1993 letter and is to advise you that Smooke & Sons Investment Co. ("Smooke & Sons") has retained the services of Engeo Incorporated ("Engeo") to provide the information requested by the Alameda County Health Care Services Agency.

Smooke & Sons has asked Brian Flaherty of Engeo to contact you as soon as possible.

Please contact me should you have any questions or should you not hear from Mr. Flaherty on or before September 3, 1993.

Sincerely,

SMOOKE & SONS INVESTMENT CO.

By   
Richard Smooke

cc: Brian Flaherty  
Barry Smooke  
Michael Smooke

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
80 Swan Way, Rm 200  
Oakland, CA 94621  
(510) 271-4530

August 2, 1993  
StID # 3586

Smooke & Sons  
405 Mateo St.  
Los Angeles, CA 90013  
Attn: Mr. Richard Smooke

**NOTICE OF VIOLATION**

**Re: Request for Work Plan for Subsurface Investigation at 3925  
Alameda Ave., Oakland CA 94601, formerly U.S. Cold Storage**

Dear Mr. Smooke:

Our office last wrote to you in a January 27, 1993 letter. In this letter you were requested to provide a work plan for the subsurface investigation necessary at the above site due to the release of gasoline and diesel fuel detected at the time of the tank removals. In addition you were requested to provide receipts for the disposal of tanks and the receipts for the disposal of any contaminated soils. If any stockpiled soils were reused, you were to provide the analytical results of these soils. A copy of **Appendix A**, a guidance document illustrating the elements of an initial work plan was also included in this letter. You were to have provided the requested documents to our office within 45 days or by March 15, 1993. To this date, over 4 months later, our office has not received the requested information. Please provide the requested work plan and receipts to our office **within 30 days or by September 3, 1993.**

You are reminded that you should consider this a formal request for technical reports as provided in the California Water Code Section 13267 (b). Failure to provide the requested information may subject you to civil liabilities.

You may contact me at (510) 271-4530 if you have any questions regarding this letter.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office  
E. Howell, files  
NOV-3925

DATE: 1-21-93  
TO : Local Oversight Program  
FROM: B Chan  
SUBJ: Transfer of Eligible Oversight Case

Site name: US Cold Storage  
Address: 3925 Alameda Ave city Oak zip 94601  
Closure plan attached?  Y N DepRef remaining \$ \_\_\_\_\_  
DepRef Project # US05558 STID #(if any) 3586  
Number of Tanks: 2 removed?  Y N Date of removal 3/10/88  
Leak Report filed?  Y N Date of Discovery 3/18/88  
Samples received?  Y N Contamination: Diesel + Gasoline  
Petroleum Y N Types: Avgas Jet leaded unleaded Diesel  
fuel oil waste oil kerosene solvents  
Monitoring wells on site ? Monitoring schedule? Y  N  
LUFT category 1 2 3 \* H S C A R W G O

Briefly describe the following:

Preliminary Assessment \_\_\_\_\_  
Remedial Action \_\_\_\_\_  
Post Remedial Action Monitoring \_\_\_\_\_  
Enforcement Action \_\_\_\_\_

A 1K gasoline/diesel & 10 K gas/diesel tank removed on 3/10/88 by Zaccor Corp. 2 soil sples taken at end of 1k tank @ 10.5' 720 & 190 ppm g & 2 soil & 1 water sples taken from 10k tank (H<sub>2</sub>O = 150 ppm d) 3/10 & 4/50 d

SUBMIT 2 COPIES

1/88

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY  
DEPARTMENT OF ENVIRONMENTAL HEALTH  
HAZARDOUS MATERIALS DIVISION  
470 - 27TH ST., RM. 322  
OAKLAND, CA 94612  
PHONE NO. 415/874-7237

DRAFT

ALAMEDA COUNTY HEALTH AGENCY  
CARE SERVICES

Storm Goranson  
Hazardous Materials Specialist

DIVISION OF HAZARDOUS MATERIALS  
DEPARTMENT OF ENVIRONMENTAL HEALTH  
470 - 27th St., Rm. 322, Oakland, CA 94612 • (415) 874-7237



RECEIVED  
FEB 1 1988

HAZARDOUS WASTE PROGRAM

UNDERGROUND TANK CLOSURE/MODIFICATION PLANS

1. Business Name U S Cold Storage  
Business Owner Smooke & Sons
2. Site Address 3925 Alameda  
City Oakland Zip \_\_\_\_\_ Phone 534-5000
3. Mailing Address P.O. Box 1311  
City Los Angeles, CA Zip 90053-1311 Phone 213)624-8361
4. Land Owner see Business Owner  
Address \_\_\_\_\_ City, State \_\_\_\_\_ Zip \_\_\_\_\_
5. EPA I.D. No. \_\_\_\_\_
6. Contractor Zaccor Companies, Inc.  
Address 791 Hamilton Avenue  
City Menlo Park, CA Phone 415)363-2181  
License Type A ID# 478799
7. Other (Specify) \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ Phone \_\_\_\_\_

TANK DISPOSED SITE - 1 - SCRAP AFTER HYDROBLAST  
ADDRESS DEPENDS ON TAP, IF ANY, ON TANKS

**DRAFT**

8. Contact Person for Investigation

Name Gary Zaccor Title President  
Phone 415)363-2181

9. Total No. of Tanks at facility 2

10. Have permit applications for all tanks been submitted to this office?  
Yes [  ] No [  ]

11. State Registered Hazardous Waste Transporters/Facilities

a) Product/Waste Tranporter

Name H & H Ship Service EPA I.D. No. CAD 004771168  
Address 220 China Basin  
City San Francisco State CA Zip 94107

b) Rinsate Transporter

Name same as above EPA I.D. No. \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

c) Tank Transporter Hydroblast and rinse on site renders tanks unregulated

Name Zaccor EPA I.D. No. \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

d) Contaminated Soil Transporter Until contamination if found clean up of site has too many variables to accurately outline

Name \_\_\_\_\_ EPA I.D. No. \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

12. Sample Collector

Name Blaine Tech Services  
Company \_\_\_\_\_  
Address 1370 Tully Rd., Suite 505  
City San Jose State CA Zip 95150 Phone 408)723-3974

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13. Sampling Information for each tank or area

Tank or Area		Material sampled	Location & Depth
Capacity	Historic Contents (past 5 years)		
10,000 gal	unknown		
1,000 gal	unknown		

14. Have tanks or pipes leaked in the past? Yes [ ] No [ ]

If yes, describe. unknown

15. NFPA methods used for rendering tank inert? Yes [xx] No [ ]

If yes, describe. triple rinse and dry ice 15 lbs per 1,000 gallons

16. Laboratories

Name Anatec Laboratories

Address 435 Tesconi Circle

City Santa Rosa State CA Zip 95401

State Certification No. 178 expires 3/89

17. Chemical Methods to be used for Analyzing Samples

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Contaminant Sought	EPA, DHS, or Other Sample Preparation Method Number	EPA, DHS, or Other Analysis Number
Gasoline & Diesel	TPH & BTX (EPA 8015)	8015 - TOTAL IONIZATION NONHALOGENATED VOLATILE ORG. - (BMS) 8020 - AROMATIC VOLATILE ORG. (BTX)  GAS C <sub>4</sub> -C <sub>12</sub> DIESEL C <sub>9</sub> -C <sub>22</sub>

18. Site Safety Plan submitted? Yes [ ] No [x]

19. Workman's Compensation: Yes [x] No [ ]

Copy of Certificate enclosed? Yes [x] No [ ]

Name of Insurer \_\_\_\_\_

20. Plot Plan submitted? Yes [x] No [ ]

21. Deposit enclosed? Yes [ ] No [ ]

22. Please forward to this office the following information within 60 days after receipt of sample results.

- a) Chain of Custody Sheets
- b) Original Signed Laboratory Reports
- c) TSD to Generator copies of wastes shipped and received
- d) Attachment A summarizing laboratory results



**DRAFT**

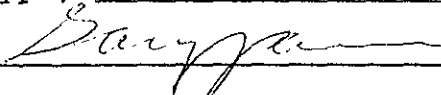
I declare that to the best of my knowledge and belief the statements and information provided above are correct and true. I understand that information in addition to that provided above may be needed in order to obtain an approval from the Department of Environmental Health and that no work is to begin 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 will notify the Department of Environmental Health at least two (2) working days (48 hours) in advance to schedule any required inspections. 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.

Signature of Contractor

Name (please type) Gary Zaccor

Signature 

Date 1/27/88

Signature of Site Owner or Operator

Name (please type) \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

NOTES:

1. Any changes in this document must be approved by this Department.
2. Any leaks discovered must be submitted to this office on an underground storage tank unauthorized leak/contamination site report form within 5 days of its discovery.
3. Three (3) copies of this plan must be submitted to this Department. One copy must be at the construction site at all times.
4. A copy of your approved plan must be sent to the landowner.

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UNDERGROUND TANK CLOSURE/MODIFICATION PLANS

ATTACHMENT A  
SAMPLING RESULTS

Tank or Area	Contaminant	Location & Depth	Results (specify units)
			see enclosed report when job is completed. Verbal test results will be called in to alameda Hazardous Materials immediately upon communication from testing laboratory.

INSTRUCTIONS2. SITE ADDRESS

Address at which closure or modification is taking place.

5. EPA I.D. NO.

This number may be obtained from the State Department of Health Services, 916/324-1781.

6. CONTRACTOR

Prime contractor for the project.

7. OTHER

List professional consultants here.

12. SAMPLE COLLECTOR

Persons who are collecting samples.

13. SAMPLING INFORMATION

Historic contents - the principal product(s) used in the last 5 years.

Material sampled - i.e., water, oil, sludge, soil, etc.

16. LABORATORIES

Laboratories used for chemical and geotechnical analyses.

17. CHEMICAL METHODS:

All sample collection methods and analyses should conform to EPA or DHS methods.

Contaminant - Specify the chemical to be analyzed.

Sample Preparation Method Number - The means used to prepare the sample prior to analyses - i.e., digestion techniques, solvent extraction, etc. Specify number of method and reference if not an EPA or DHS method.

Analysis Method Number - The means used to analyze the sample - i.e., GC, GC-MS, AA, etc. Specify number of method and reference if not a DHS or EPA method.

NOTE:

Method Numbers are available from certified laboratories.

18. SITE SAFETY PLAN

A plan outlining protective equipment and additional specialized personnel in the event that significant amount of hazardous materials are found. The plan should consider the availability of respirators, respirator cartridges, self-contained breathing apparatus (SCBA) and industrial hygienists.

DRAFT

19. ATTACH COPY OF WORKMAN'S COMPENSATION

20. PLOT PLAN

The plan should consists of a scaled view of the facility at which the tank(s) are located and should include the following information:

- a) Scale
- b) North Arrow
- c) Property Line
- d) Location of all Structures
- e) Location of all relevant existing equipment including tanks and piping to be removed
- f) Streets
- g) Underground conduits, sewers, water lines, utilities
- h) Existing wells (drinking, monitoring, etc.)
- i) Depth to ground water
- j) All existing tanks in addition to the ones being pulled

**STATE  
COMPENSATION  
INSURANCE  
FUND**

P.O. BOX 807, SAN FRANCISCO, CALIFORNIA 94101

**CERTIFICATE OF WORKERS' COMPENSATION INSURANCE**

APRIL 29, 1987

POLICY NUMBER: 0801858 - 87  
CERTIFICATE EXPIRES: 3-15-88

CITY OF OAKLAND  
INSPT. SERV  
#1 CITY HALL PLAZA  
OAKLAND  
CA 94612

THIS SUPERSEDES AND  
CORRECTS THE CERTIFICATE  
ISSUED ON 03-15-87.

This is to certify that we have issued a valid Workers' Compensation insurance policy in a form approved by the California Insurance Commissioner to the employer named below for the policy period indicated.

This policy is not subject to cancellation by the Fund except upon ten days' advance written notice to the employer.

We will also give you TEN days' advance notice should this policy be cancelled prior to its normal expiration.

This certificate of insurance is not an insurance policy and does not amend, extend or alter the coverage afforded by the policies listed herein. Notwithstanding any requirement, term, or condition of any contract or other document with respect to which this certificate of insurance may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies.

  
PRESIDENT

EMPLOYER

ZACCOR COMPANIES, INC  
823 ARGUELLO STREET  
REDWOOD CITY  
CA 94063

CLOSURE PLAN

RE: 3925 Alameda, Oakland 94601

Owner: Smooke & Sons, P.O. Box 1311, Los Angeles, CA 90053-1311  
Richard Smooke 213)624-8361

Tenant: US Cold Storage phone 534-5000  
*\* Wellman Properties, 405 Mable St, LA 90043*

Samples taken by: Blaine Tech Services 408)723-3974

Analysis by: Sequoia Lab 415)364-9222

one (1) 1,000 gallon and one (1) 10,000 gallon fuel tanks

Samples will be taken from each end of both tanks

If contamination is encountered between 100 PPM and 1,000 PPM the property owner will be required to install at least 1 monitoring well by the Water Quality Control Board. If contamination above 1,000 PPM is found the property owner will engage our services to excavate all material above 1,000 PPM or to the existing ground water table.

Contractor: Zaccor Companies, Inc.  
791 Hamilton Avenue  
Menlo Park, CA 94025  
415)363-2181

<Joyce>

Project # 4505558

fee Paid \$450.00

Date 1.21.88

US Cold Storage

10 K Gas

1 K Gas

Pump Island

FULL ENDS

New Road Built By GTB, Oakland  
No Road sign.

High St

Alameda

Ave

E

Alameda Ave

N

S

CITY OF OAKLAND  
FIRE MARSHAL'S OFFICE  
ROOM 201, CITY HALL  
OAKLAND, CALIFORNIA 94612  
273-3851

Permit No.	_____
Copies to	_____
Date Issued	_____

# APPLICATION for PERMIT to INSTALL, REMOVE or REPAIR TANKS

IN THE CITY OF OAKLAND

Date January 21, 1988

Application is hereby made for permit to remove gasoline tank and excavate, commencing four feet inside the curb line  
install fuel oil inside the property line  
repair

on the \_\_\_\_\_ side of \_\_\_\_\_ St. Ave. \_\_\_\_\_ feet of \_\_\_\_\_ St. Ave.

House No. \_\_\_\_\_ Street \_\_\_\_\_  
and Street 3925 Alameda Street Avenue Present storage

Owner Richard Smooke Address P.O. Box 1311, Los Angeles Phone 213)624-8361

Applicant Zaccor Companies Address 791 Hamilton, Menlo Park Phone 415)363-2181

Remarks \_\_\_\_\_

Sidewalk surface to be disturbed \_\_\_\_\_ X \_\_\_\_\_ Number of Tanks 2 Capacity 1,000 Gallons each  
10,000

Signature [Signature]

