



2198 SIXTH STREET, SUITE 201-BERKELEY, CA 94710
TEL: (510)644-3123 · FAX: (510)644-3859
GEOSCIENCE & ENGINEERING CONSULTING

Alameda County
JUL 11 2006
Environmental Health

July 7, 2006

Mr. Don Hwang
Alameda County Health Care Services Agency
Department of Environmental Health – Local Oversight Program
1131 Harbor Bay Parkway, Suite 250
Alameda, California 94502

Subject: Change in SES Project Management

Dear Don:

I am writing to inform you that I will be leaving the employment of Stellar Environmental Solutions, Inc. (SES) effective Friday July 7, 2006. I have enjoyed a positive 8 years here, and am taking another position in the environmental field with a different focus.

It has been a pleasure working with you on our past and current projects. The sole current project under your oversight is:

488 25th Street, Oakland, California
Alameda County Health Case No. RO002518
GeoTracker Global ID T0600114301

SES is in the process of assigning a new project manager for that project. During this transition period, please direct future inquiries to the SES Principal – Richard Makdisi – who is fully up to speed on the case.

Sincerely,

Bruce Rucker, R.G. R.E.A.
Project Manager

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



March 16, 2005

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

Michael J. Benner and Barbara Roberts, Cotrustees
Benner Automotive
488 – 25th St.
Oakland, CA 94612

Dear Mr. Benner and Ms. Roberts:

Subject: Fuel Leak Case No. RO0002518, Benner Automotive, 488 – 25th St.,
Oakland, CA 94612

Alameda County Environmental Health (ACEH) staff has reviewed "Additional Site Characterization Report" dated August 9, 2004, prepared by Stellar Environmental Solutions. We request that you address the technical comments and send us the technical report requested below.

TECHNICAL COMMENTS

- 1) Construction of Monitoring Wells – Only the proposed locations for three groundwater monitoring wells were provided. Please note that nested wells will not be allowed. Please provide the following information:
 - a. Drilling method for construction of monitoring wells, including decontamination procedures.
 1. Expected depth and diameter of monitoring wells
 2. Expected drilling date
 3. Sampling method and sampling interval (split spoon, at changes of lithology, at the soil/water interface, etc.)
 4. Well design and construction specifications, including casing type, diameter, screen length and interval, and filter pack and screen slot specifications including rationale for their selection (sieve analysis, etc.).
 5. Depth interval and type of seal
 6. Construction diagram for wells
 7. Well development method and criteria used for assessing adequacy of development (the time period between construction, development, and sampling should be noted)
 8. Plans for characterizing and disposing of cutting spoils and development water (contact your Regional Board or Local Implementing Agency for guidance if onsite disposal is proposed)
 9. Surveying plan for wells (requirements include surveying to established benchmark to 0.01 foot).

b. Groundwater sampling plans

1. Water level measurement method
 2. Method(s) for measuring free-product, observation of sheen and odor (must be done prior to well purging; the use of an interface probe when checking for the presence of free-product is highly recommended)
 3. Well purging procedures
 4. Well purge water characterization and disposal plans
 5. Water sample collection protocol (include the pH, conductivity, and temperature of groundwater prior to sampling)
 6. Compounds being sampled for and analytic methodology
 7. Quality assurance/Quality Control plan
 8. Chain of custody procedures
- 2) Extended Offsite Map - Please provide so that potential sampling locations further downgradient may be evaluated. Please include with your Work Plan.
- 3) BH-11 - 130 mg/kg TVHg and 1,300 ug/l TVHg were detected upgradient of the source. Please examine the possibility of another source.
- 4) BH-06 and BH-09 - 120,000 ug/l TVHg and 7,700 ug/l TVHg were detected, respectively. Thus, the further downgradient sampling location detected much greater concentrations than that adjacent to the tank excavation. Please explain.

TECHNICAL REPORT REQUEST

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

May 16, 2005 - Work Plan

This report is being requested pursuant to the Regional Water Quality Control Board's (Regional Board) authority under Section 13267 of the California Water Code. If you have any questions, please call me at (510) 567-6746.

Sincerely,



Don Hwang
Hazardous Materials Specialist
Local Oversight Program

C: Bruce Rucker, Stellar Environmental Solutions, 2198-6th St., Suite 201,
Berkeley, CA 94710
Donna Drogos
File



State Water Resources Control Board



Terry Tamminen
Secretary for
Environmental
Protection

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

Arnold Schwarzenegger
Governor

DEC 16 2004

Administrative
DEC 21 2004
Environmental Protection

Joseph & Loretta Benner Family Trust
Michael J. Benner
488 25th St
Oakland, CA 94612

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), CLAIM NO. 017983, FOR
SITE ADDRESS: 488 25TH ST, OAKLAND

The State Water Resources Control Board (State Board) is able to issue, pursuant to applicable regulations, the enclosed Letter of Commitment (LOC) in an amount not to exceed \$30,000. This LOC is based upon our review of the corrective action costs you reported to have incurred to date. The LOC may be modified by the State Board.

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

You are reminded that you must comply with all regulatory agency time schedules and requirements and you must obtain three bids for any required corrective action. Only corrective action costs *required* by the regulatory agency to protect human health, safety and the environment can be claimed for reimbursement. If you have any questions about obtaining preapproval of your costs or the three bid requirement, please call Sunil Ramdass, our Technical Reviewer assigned to claims in your Region, at (916) 341-5757. 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 and Information packages. **Retain these packages for future reimbursement requests.** These instructions must be followed when seeking reimbursement for corrective action costs incurred after January 1, 1988.

"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.**

THIS IS IMPORTANT TO YOU, PLEASE NOTE:
Signature(s) on the application will be the signature(s) required for all future Fund documents.

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

March 23, 2004

Michael J. Benner and Barbara Roberts, Cotrustees
Benner Automotive
488 – 25th St.
Oakland, CA 94612

Dear Mr. Benner and Ms. Roberts:

Subject: Fuel Leak Case No. RO0002518, Benner Automotive, 488 – 25th St., Oakland,
CA 94612

Alameda County Environmental Health (ACEH) staff has reviewed “Work Plan for Groundwater Characterization” dated February 13, 2004, prepared by Stellar Environmental Solutions. Additional boreholes are proposed to determine the location of the plume for optimal well locations. We request that you address the technical comments and send us the technical report requested below.

TECHNICAL COMMENTS

- 1) Proposed Borehole Locations – We would like justification for BH-11, otherwise we suggest that it be moved northeast of the tank excavation. Also, we suggest that BH-10 be moved eastward closer to the tank excavation. If you concur, please propose new borehole locations in the Work Plan Addendum.
- 2) Borehole Soil Sampling - The Work Plan does not propose to collect soil samples in the saturated zone. Petroleum product entrapped below the water table may be missed. Please propose collecting soil samples below the water table, which will account for entrapped petroleum product. Include in the Work Plan Addendum.
- 3) Hydraulic Gradients – The Work Plan does not propose to determine hydraulic gradient until groundwater monitoring wells are installed. We disagree, hydraulic gradient should be used to site the wells. Piezometers ought to be used to determine hydraulic gradient. Please incorporate into the Work Plan Addendum requested below.

TECHNICAL REPORT REQUEST

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

May 23, 2004 – Work Plan Addendum

Mr. Benner and Ms. Rober

March 23, 2004

Page 2 of 2

This report is being requested pursuant to the Regional Water Quality Control Board's (Regional Board) authority under Section 13267 of the California Water Code. If you have any questions, please call me at (510) 567-6746.

Sincerely,

Don Hwang
Hazardous Materials Specialist
Local Oversight Program

C: Bruce Rucker, Stellar Environmental Solutions, 2198-6th St., Suite 201, Berkeley, CA
94710
Donna Drogos
File

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



December 17, 2003

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

Michael J. Benner and Barbara Roberts, Cotrustees
Benner Automotive
488 – 25th St.
Oakland, CA 94612

Dear Mr. Benner and Ms. Roberts:

Subject: Fuel Leak Case No. RO0002518, Benner Automotive, 488 – 25th St., Oakland,
CA 94612

Alameda County Environmental Health (ACEH) staff has reviewed "Preliminary Site Assessment Report" dated July 21, 2003, prepared by Stellar Environmental Solutions. Five exploratory boreholes, BH-1, BH-2, BH-3, BH-4, and BH-5, were advanced to depths of 16 to 25 feet on three sides of the former tank excavation (all within 10 feet of the former excavation), and one was advanced through the approximate center of the former excavation. Soil samples and grab groundwater samples were collected from each borehole. We request that you address the technical comments and send us the technical report requested below.

TECHNICAL COMMENTS

1. Preferential Pathway Study – Please submit map(s) and cross-sections showing the location and depth of all utility lines and trenches (including sewers, storm drains, pipelines, trench backfill, etc.) within and near the site and plume area(s). Evaluate the probability of the contaminant plumes encountering preferential pathways and conduits that could spread the contamination, particularly in the vertical direction to deeper water aquifers. If so, propose a sampling plan for the trenches. Please incorporate into the Work Plan requested below.
2. Site Characterization - Up to 7,900 micrograms/liter (ug/l) Total Volatile Hydrocarbons-Gasoline (TVH-G) has been detected in onsite grab groundwater samples. The lateral and vertical extent of your dissolved contaminant plume is undefined. Please propose sampling locations to define the plumes associated with your site in the Work Plan requested below. Include geologic cross-sections and show soil and groundwater analytical results, utility conduits, well screens, etc., and explain your rationale for the additional sampling locations. You may want to consider performing an investigation to quickly define the location of the contaminant plume downgradient from the release site prior to installing the permanent monitoring network. That will allow you to optimize the location and depth of the permanent wells, thereby reducing the cost of the monitoring work. Collection of groundwater samples using a one-time direct push water-sampling tool would be appropriate for this investigation.

- 3 . Proposed Groundwater Monitoring Wells - We feel that it would be premature to install monitoring wells without additional grab groundwater sampling to determine the location of the plume for optimal well locations. We request that depth discrete grab groundwater sampling be used. Include your proposal in the Work Plan requested below.
- 4 . Hydraulic Gradients – Use groundwater elevations to calculate. Please show cumulative groundwater gradients in all future reports using a rose diagram with magnitude and direction.
- 5 . Soil Analyses – We request that the analyses of the borings include the lead scavengers, EDB and EDC.
- 6 . Groundwater Analyses – We request that you include the other fuel oxygenates Tertiary Amyl Methyl Ether (TAME), Ethyl Tertiary Butyl Ether (ETBE), Di-Isopropyl Ether (DIPE), and Tertiary Butyl Alcohol (TBA), Ethanol by EPA Method 8260 and the lead scavengers, Ethylene Dibromide (EDB), Ethylene Dichloride (EDC) for analyses of grab and monitoring well groundwater samples. If any of the latter compounds are detected, and are determined to be of concern (poses a risk to human health, the environment, or water resources) it is to be incorporated into your regular monitoring plan.
- 7 . Well Survey – Locate wells within a quarter mile radius of the site. Show the location of the wells on a map and list well construction details for each well. Indicate which of the wells may be potential receptors.


TECHNICAL REPORT REQUEST

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

February 17, 2004 – Work Plan including Preferential Pathway Study and Well Survey.

This report is being requested pursuant to the Regional Water Quality Control Board's (Regional Board) authority under Section 13267 of the California Water Code. If you have any questions, please call me at (510) 567-6746.

Sincerely,



Don Hwang
Hazardous Materials Specialist
Local Oversight Program

C: Bruce Rucker, Stellar Environmental Solutions, 2198-6th St., Suite 201, Berkeley, CA 94710
Donna Drogos
√ File

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

July 8, 2003

Michael J. Benner and Barbara Roberts, Cotrustees
Benner Automotive
488 - 25th St.
Oakland, CA 94612

Dear Mr. Benner and Ms. Roberts:

Subject: Fuel Leak Case No. RO0002518, Benner Automotive, 488 - 25th St., Oakland,
CA 94612

Alameda County Environmental Health (ACEH) staff has reviewed "Revisions to Workplan for Site Investigation" dated July 2, 2003, prepared by Stellar Environmental Solutions. The Workplan with these revisions is approved. We request that you perform the proposed work and send us the technical reports requested below.

TECHNICAL REPORT REQUEST

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

September 8, 2003 - Soil and Water Investigation Report

These reports are being requested pursuant to the Regional Water Quality Control Board's (Regional Board) authority under Section 13267 of the California Water Code. If you have any questions, please call me at (510) 567-6746.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Hwang", written over a horizontal line.

Don Hwang
Hazardous Materials Specialist
Local Oversight Program

C: Bruce Rucker, Stellar Environmental Solutions, 2198-6th St., Suite 201, Berkeley, CA
94710
Donna Drogos
File

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

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input type="checkbox"/> NO		FOR LOCAL AGENCY USE ONLY I HEREBY CERTIFY THAT I HAVE DISTRIBUTED THIS INFORMATION ACCORDING TO THE DISTRIBUTION SHOWN ON THE INSTRUCTION SHEET ON THE BACK PAGE OF THIS FORM.	
REPORT DATE 07/01/03		CASE # Alameda County Health R00002518		SIGNED: _____ DATE: _____	
REPORTED BY	NAME OF INDIVIDUAL FILING REPORT Bruce Rucker		PHONE (510) 644-3123	SIGNATURE B.M. Rucker	
	REPRESENTING <input type="checkbox"/> LOCAL AGENCY <input checked="" type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> OTHER		COMPANY OR AGENCY NAME Stellar Environmental Solutions, Inc.		
	ADDRESS 2198 Sixth Street #201 Berkeley CA 94710				
RESPONSIBLE PARTY	NAME Michael J. Benner + Barbara Roberts <input type="checkbox"/> UNKNOWN		CONTACT PERSON Michael Benner	PHONE (510) 832-1244	
	ADDRESS 488-25th Street Oakland CA 94612				
SITE LOCATION	FACILITY NAME (IF APPLICABLE) Benner Automotive		OPERATOR Same	PHONE (510) 832-1244	
	ADDRESS 488-25th St. Oakland CA 94612				
	CROSS STREET Telegraph Avenue				
IMPLEMENTING AGENCIES	LOCAL AGENCY AGENCY NAME Alameda County Health Care Services Agency		CONTACT PERSON Don Hwang	PHONE (510) 567-6746	
	REGIONAL BOARD Region 2 - Oakland, CA		unknown	PHONE ()	
SUBSTANCES INVOLVED	(1) Gasoline		NAME QUANTITY LOST (GALLONS) _____ <input checked="" type="checkbox"/> UNKNOWN		
	(2)		_____ <input type="checkbox"/> UNKNOWN		
DISCOVERY/ABATEMENT	DATE DISCOVERED 07/03		HOW DISCOVERED <input type="checkbox"/> INVENTORY CONTROL <input type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS <input type="checkbox"/> TANK TEST <input checked="" type="checkbox"/> TANK REMOVAL <input type="checkbox"/> OTHER		
	DATE DISCHARGE BEGAN _____ <input checked="" type="checkbox"/> UNKNOWN		METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input checked="" type="checkbox"/> REMOVE CONTENTS <input checked="" type="checkbox"/> CLOSE TANK & REMOVE <input type="checkbox"/> REPAIR PIPING <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> CLOSE TANK & FILL IN PLACE <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> REPLACE TANK <input type="checkbox"/> OTHER <u>excavate contaminated soil</u>		
	HAS DISCHARGE BEEN STOPPED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE 07/03				
SOURCE/ CAUSE	SOURCE OF DISCHARGE <input type="checkbox"/> TANK LEAK <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER		CAUSE(S) <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> SPILL <input type="checkbox"/> CORROSION <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER		
	CHECK ONE ONLY <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/> SOIL ONLY <input type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)				
CURRENT STATUS	CHECK ONE ONLY <input type="checkbox"/> NO ACTION TAKEN <input checked="" type="checkbox"/> PRELIMINARY SITE ASSESSMENT WORKPLAN SUBMITTED <input type="checkbox"/> POLLUTION CHARACTERIZATION <input type="checkbox"/> LEAK BEING CONFIRMED <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT UNDERWAY <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> REMEDIATION PLAN <input type="checkbox"/> CASE CLOSED (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> CLEANUP UNDERWAY				
	REMEDIAL ACTION CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS) <input type="checkbox"/> CAP SITE (CD) <input type="checkbox"/> EXCAVATE & DISPOSE (ED) <input type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO DEGRADATION (BT) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> VACUUM EXTRACT (VE) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input type="checkbox"/> TREATMENT AT HOOKUP (HU) <input type="checkbox"/> VENT SOIL (VS) <input type="checkbox"/> OTHER (OT) _____				
COMMENTS	Preliminary Site Assessment workplan dated April 21, 2003 submitted to ACHCSA,				
	as well as June 2, 2003 letter responding to ACHCSA workplan (revised scope). Both by Stellar Environmental Solutions, Inc.				

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

June 26, 2003

Michael J. Benner and Barbara Roberts, Cotrustees
Benner Automotive
488 - 25th St.
Oakland, CA 94612

Dear Mr. Benner and Ms. Roberts:

Subject: Fuel Leak Case No. RO0002518, Benner Automotive, 488 - 25th St., Oakland, CA 94612

Alameda County Environmental Health (ACEH) staff has reviewed "Workplan for Site Investigation" dated April 21, 2003, prepared by Stellar Environmental Solutions. We request that you address the following technical comments and send us the technical reports requested below.

TECHNICAL COMMENTS

- 1) Plot Plan - "Previous and Proposed Sampling Locations" diagram was not drawn to scale. Indicate the distances of the proposed sampling locations from the former tank. The proposed sampling locations should be located as close to the excavation as possible. Future plot plans shall be drawn to scale.
- 2) Soil Sampling - The proposal to collect one soil sample from each borehole is inadequate. Soil samples shall be collected at a minimum of every 5 ft., including at changes of lithology, at the soil/groundwater interface, and at areas of obvious contamination.
- 3) Sampling Depth - The vertical extent of the plume must be delineated.
- 4) "Underground Storage Tank Unauthorized Release (Leak) / Contamination Site Report" - Please complete (enclosed).

TECHNICAL REPORT REQUEST

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

August 9, 2003 - Revised Workplan

Mr. Benner and Ms. Roberts

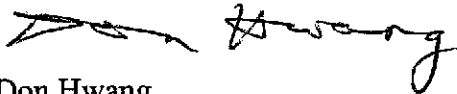
June 26, 2003

Page 2 of 2

60 days after Work Plan approval – Soil and Water Investigation Report

These reports are being requested pursuant to the Regional Water Quality Control Board's (Regional Board) authority under Section 13267 of the California Water Code. If you have any questions, please call me at (510) 567-6746.

Sincerely,



Don Hwang
Hazardous Materials Specialist
Local Oversight Program

C: Bruce Rucker, Stellar Environmental Solutions, 2198-6th St., Suite 201, Berkeley, CA
94710
Donna Drogos
File

Enclosure

COM No.	REMOTE STATION	START TIME	DURATION	PAGES	RESULT	USER ID	REMARKS
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ALAMEDA COUNTY ENVIRONMENTAL HEALTH DEPARTMENT
Division of Environmental Protection

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

F A C S I M I L E C O V E R S H E E T

To: CAROLYN WEST

From: DON HWANG 567-6746

Date: 5/29/03

ALAMEDA COUNTY ENVIRONMENTAL HEALTH DEPARTMENT
Division of Environmental Protection

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

FACSIMILE COVER SHEET

To: CAROLYN WEST

From: DON HWANG 567-6746

Date: 5/29/03

Notes: _____

HORTON, ROBERTS & HAND LLP

ATTORNEYS AT LAW

1901 HARRISON STREET, SUITE 1500
OAKLAND, CALIFORNIA 94612

NEIL F. HORTON
JAMES G. ROBERTS
MARGARET M. HAND
CAROLYN WEST

JOHN D. RASKIN
OF COUNSEL

TELEPHONE (510) 452-2133
FAX (510) 452-2280
email@laweastbay.com

April 4, 2003

File No. 7560

(By facsimile and first-class mail)

Mr. Don Hwang
Alameda County Health Care Services
Environmental Health Services
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Re: Your Record ID: RO0002518
Benner Automotive, 488 25th Street, Oakland

Dear Mr. Hwang:

I represent Michael J. Benner and Barbara Roberts in connection with the administration of the trust and estate of Joseph Benner, who died on October 28, 2002. I am writing in response to your Notice of Responsibility dated February 25, 2003 and signed March 13, 2003.

The current owners of the above referenced real property are Michael J. Benner and Barbara Roberts, Cotrustees of the Benner Family Trust dated January 18, 1990. Please update your records, and send all notices and correspondence regarding this property to:

Michael J. Benner and Barbara Roberts, Cotrustees
488 25th Street
Oakland, CA 94612

Thank you.

Very truly yours,


CAROLYN WEST

CW:msr

cc: Michael J. Benner, Trustee
Barbara Roberts, Trustee

Alameda County
APR 09 2003
Environmental Health

HORTON, ROBERTS & HAND, LLP
1901 Harrison Street, Suite 1500
Oakland, CA 94612
Telephone: (510) 452-2133
Fax: (510) 452-2280

FAX TRANSMITTAL SHEET

DATE: April 4, 2003
TO: Mr. Don Hwang, Alameda County Health Care Services
FAX NO.: 510-337-9335
FROM: Carolyn West
Re: Benner Automotive
Enclosures: Letter dated today.

Message:

CONFIDENTIALITY NOTE:

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the receiver of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone. Thank you.

Number of pages, including this page: 2

Should you have any difficulty receiving any of the pages, please call Mary S. Rocca, CCLS at 452-2133.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



4-4-03

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

April 2, 2003

Joseph Benner
Benner Automotive
488 - 25th St.
Oakland, CA 94612

Dear Mr. Benner:

Subject: Fuel Leak Case No. RO0002518, Benner Automotive, 488 - 25th St., Oakland, CA 94612

Alameda County Environmental Health (ACEH) staff has reviewed "Gasoline Underground Storage Tank Removal" dated January 2003, prepared by Stellar Environmental Solutions. The removal of a gasoline tank on January 7, 2003 found a release had occurred. Soil samples collected beneath the tank detected up to 2,500 mg/kg Total Volatile Hydrocarbons-gasoline (TVHg). We request that you address the following technical comments and send us the technical reports requested below.

TECHNICAL COMMENTS

Please investigate the extent of soil contamination and determine if groundwater contamination is present beneath your site. This type of initial investigation usually involves drilling one or more soil borings and collecting soil and groundwater samples for chemical analysis. If significant contamination is present, a groundwater monitoring well, in the verified downgradient direction, may be needed and groundwater sampled to properly characterize groundwater contamination.

UST CLEANUP FUND

Please be aware that you may be eligible for reimbursement of the costs of investigation from the California UST Cleanup Fund (Fund). In some cases, a deductible amount may apply. If you believe you meet the eligibility requirements, I strongly encourage you to contact the Fund for an application.

TECHNICAL REPORT REQUEST

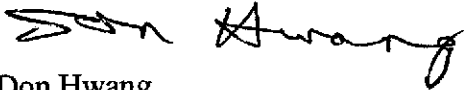
Please submit technical reports to Alameda County Environmental Health (Attention: Don Hwang), according to the following schedule:

Mr. Benner
April 2, 2003
Page 2 of 2

June 2, 2003 – Workplan
60 days after Work Plan approval – Soil and Water Investigation Report

These reports are being requested pursuant to the Regional Water Quality Control Board's (Regional Board) authority under Section 13267 of the California Water Code. If you have any questions, please call me at (510) 567-6746.

Sincerely,



Don Hwang
Hazardous Materials Specialist
Local Oversight Program

C: Bruce Rucker, Stellar Environmental Solutions, 2198-6th St., Suite 201, Berkeley, CA
94710
Donna Drogos
File

CITY OF OAKLAND FIRE DEPARTMENT
Office of Emergency Services
 1605 Martin Luther King Jr. Way, Oakland, CA 94612

Ro-2518
 Alameda County
 Environmental Health
 MAR 31 2003

Hazardous Materials Program
Contaminated Site Case Transfer Form

Referral To:

Date	3/28/03
Agency	Alameda County Environmental Health, 1131 Harbor Bay Parkway, Alameda, CA 94502
Attention	Donna L. Drogos, LOP/SLIC Program Manager

Site Information:

Site Responsible Party(s)	
Site Name	Benner Automotive
Site Address	488 25th Street , Oakland
Site Phone	(510
Site Contractor/Consultant (if available)	Stellar Environmental
Site DBA	

Site Conditions:

UST			
USTs removed? # removed: <u>N/A</u> Date removed:	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
Contents (circle): gasoline diesel waste oil heating oil solvents kerosene stoddard solvent other (specify) _____	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
Observations of system (holes, leaks)?	Yes	<input type="checkbox"/>	No <input checked="" type="checkbox"/>
Observed contamination (free product, smell, soil/water discoloration)?	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
Detectable concentrations of soil and/or groundwater contamination? o Highest Concentration Detected in Soil Contaminant (specify) _____ Concentration _____ ppm o Highest Concentration Detected in Water Contaminant (specify) _____ Concentration _____ ppb	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
Unauthorized Release Form filed?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
Future intended use if known? Specify <u>Industrial</u>	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
NON-UST			
Former industrial use?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
Detectable concentrations of soil and/or groundwater contamination? o Highest Concentration Detected in Soil Contaminant (specify) _____ Concentration _____ ppm o Highest Concentration Detected in Water Contaminant (specify) _____ Concentration _____ ppb	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
Future intended use if known? Specify _____	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
<i>If available, attach pertinent reports</i>			

Transferred as: LOP SLIC

Level of Update requested: x distribution list all meetings all site visits x closure sign off all the above

Transfer requested by Inspector: [Signature] Date: 3/28/03

Transfer accepted by (ACEH): _____ Date: _____

CITY OF OAKLAND



1605 MARTIN LUTHER KING JR. WAY

• OAKLAND, CALIFORNIA 94612

Fire Department
Office of Emergency Services
Hazardous Materials Management Program

(510) 238-7759
FAX: (510) 238-7761
TTY/TDD: (510) 238-6884

MARCH 4, 2003

Alameda County

MAR 07 2003

Environmental Health

Mr. Bruce Rucker
Stellar Environmental Solutions
2198 Sixth Street, Suite 201
Berkeley, CA 94710

**RE: REPORT OF SOIL SAMPLING FOR UNDERGROUND STORAGE TANK
REMOVAL AT 488 25TH STREET OAKLAND, CA.**

Dear Mr. Rucker:

The purpose of this letter is to acknowledge receipt of the UST Closure Report for 488 25th Street in Oakland. Based upon the review of results of this report, the soil samples taken during the removal of an underground storage tank exhibit contamination that exceed the remedial action level requirements as established by the Regional Water Quality Control Board. As a result of this determination, this site will be transferred to the Alameda County Environmental Health, Local Oversight Program for further remedial actions.

If you have any questions regarding this matter, you can contact me at (510)238-7759.

Sincerely,

LeROY GRIFFIN
Hazardous Materials Program Manager

cc: Donna Drogos, ALCO Environmental Health

~~RO-2508~~

RO-2518

DH

Drogos, Donna, Env. Health

From: Garcia, Roseanna, Env. Health
Sent: Tuesday, February 11, 2003 8:49 AM
To: Drogos, Donna, Env. Health
Subject: 488 25th St.

Hi Donna,

Yesterday I received a voice mail from Bruce Rytger of Stellar Environmental 510-644-3123. He asked if we had received a report from him within the last 2 weeks or so for 488 25th St. I looked up the address in Envision, but it didn't come up. Do you know anything about this?

Thanks!

Roseanna E. Garcia
Hazardous Materials Technician
Alameda County Department of Environmental Health
1131 Harbor Bay Pkwy., Suite 250
Alameda, CA 94502
(510)777-2149
Fax (510)337-9335

02/21/03 - CASE PENDING TRANSFER FROM CITY OF OAKLAND FD