

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

SENT
06-05-06

June 2, 2006

Mr. Francis Rush
2200 Adeline St., #350
Oakland, CA 94607

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

Dear Mr. Rush:

Subject: Fuel Leak Case RO0002562, Rush Property, 1173 28th St., Oakland, 94608

Alameda County Environmental Health staff has reviewed the files for the subject site including the April 11, 2006 Workplan to Conduct Site Characterization Activities Former Coast Sausage Company UST Site 1173 28th Street, Oakland, California by Gribi Associates. This work plan responds to the County's April 29, 2005 technical letter request. It proposes the collection of soil and grab groundwater samples from eight borings plus the collection and analysis of eight additional shallow soil gas samples. We generally approve this work plan, however, we request that you address the following technical comments and submit the requested technical report.

TECHNICAL COMMENTS

1. We request that two additional borings be drilled one to the immediate west of the former 500 gallon UST and one to the west of boring B-2. Because of the uncertainty of groundwater gradient, the proposed borings may not be appropriately located. However these additional borings will provide better information on the extent of the release to groundwater. We concur with the proposal to obtain groundwater elevation from the temporary casings to estimate groundwater gradient. We understand there may be difficulty in meeting City requirements to drill in the streets. Should this occur, you should consider performing the on and off-site investigations separately.
2. The proposed soil gas samples should be taken at a depth no shallower than 5' bgs per DTSC/LARWQCB guidelines. Soil gas samples SG-1 through SG-4 are likely appropriate sample locations, ie above the assumed plume, however, the other sample locations may or may not be appropriate.

TECHNICAL REPORT REQUEST

Please submit the following technical report according to the following schedule.

- 60 days after completion of soil and groundwater investigation- Soil and Groundwater Report
- 60 days after completion of soil gas investigation- Soil Gas Report

ELECTRONIC SUBMITTAL OF REPORTS

Effective **January 31, 2006**, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Please do not submit reports as attachments to electronic mail.

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the

requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements ([http://www.swrcb.ca.gov/ust/cleanup/electronic reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)).

In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at barney.chan@acgov.org.

PERJURY STATEMENT

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

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

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

UNDERGROUND STORAGE TANK CLEANUP FUND

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

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: files, D. Drogos

Mr. Jim Gribi, Gribi Associates, 1090 Adams St., Suite K, Benicia, CA 94510

| | |
|---|---|
| Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) | ISSUE DATE: July 8, 2005 |
| | REVISION DATE: December 16, 2005 |
| | PREVIOUS REVISIONS: October 31, 2005 |
| SECTION: Miscellaneous Administrative Topics & Procedures | SUBJECT: Electronic Report Upload (ftp) Instructions |

Effective January 31, 2006, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

REQUIREMENTS

- Entire report including cover letter must be submitted to the ftp site as a single portable document format (PDF) with no password protection. (Please do not submit reports as attachments to electronic mail.)
- It is preferable that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- Signature pages and perjury statements must be included and have either original or electronic signature.
- Do not password protect the document. Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. Documents with password protection will not be accepted.
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:
RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in Excel format. These are for use by assigned Caseworker only.

Submission Instructions

1) Obtain User Name and Password:

- a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to dehloptoxic@acgov.org
 - or
 - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of Alicia Lam-Finneke.
- b) In the subject line of your request, be sure to include "ftp PASSWORD REQUEST" and in the body of your request, include the Contact Information, Site Addresses, and the Case Numbers (RO# available in Geotracker) you will be posting for.

2) Upload Files to the ftp Site

- a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape and Firefox browsers will not open the FTP site.
- b) Click on File, then on Login As.
- c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
- d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
- e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.

3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs

- a) Send email to dehloptoxic@acgov.org notify us that you have placed a report on our ftp site.
- b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name at acgov.org. (e.g., firstname.lastname@acgov.org)
- c) The subject line of the e-mail must start with the RO# followed by Report Upload. (e.g., Subject: RO1234 Report Upload)

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



SENT
05-02-05

ENVIRONMENTAL HEALTH SERVICES

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

May 2, 2005

Mr. Francis Rush
2200 Adeline St., #350
Oakland, CA 94607

Dear Mr. Rush:

Subject: Fuel Leak Case RO0002562, Rush Property, 1173 28th St., Oakland, 94608

Alameda County Environmental Health staff has reviewed the files for the subject site and determined that additional information is required to progress your site toward closure. We request that you address the following technical comments and submit the technical report requested below.

TECHNICAL COMMENTS

1. There appears to have been at least two separate releases at this site, one petroleum from the former underground storage tanks and the other being halogenated volatile organic compounds (HVOC) from an unknown source. The HVOC release was first identified in a December 28, 2001 Treadwell and Rollo Phase I & II report. Please provide a complete copy of this report as requested below.
2. The HVOC release has not been adequately investigated, particularly in the area near Treadwell & Rollo's B-2. The groundwater sample from B-2 detected 990 ppb 1,2 cis-DCE and 47 ppb TCE, yet when ERAS Environmental later advanced borings SB-1 and SB-2 in this area, they failed to take groundwater samples. HVOCs at the site will require further investigation and risk evaluation.
3. Soil and groundwater contamination from the former 500 gallon UST on Adeline St. has not been adequately assessed. A groundwater sample from boring SB-3 (7-8'), adjacent to this tank (ERAS 2002) detected 5900 ppb TPHg, 900 ppb TPHd and 1.7 ppb benzene. A grab groundwater sample from the UST pit taken during the removal detected 1170 ppb TPHg and 1.9, 1.7, 17.8, 4.4 ppb benzene, toluene, ethyl benzene and xylenes, respectively. The soil samples were taken from the sidewalls at the water level (6') and were non-detect for these analytes, however, these results may not reflect true soil conditions. In addition, because the tank pit allows for preferential water migration, the groundwater sample from the tank pit may also not reflect actual conditions. Further characterization of the extent of the petroleum release is required.
4. It is noted that the ERAS 2002 report indicates an assumed groundwater gradient to the west. This gradient direction cannot be assumed. Numerous sites in this area have shown site-specific gradient in other directions.
5. It appears that the 300 gallon UST has been adequately characterized. Pending receipt of the Treadwell and Rollo report, no additional investigation is requested at this time.

TECHNICAL REPORT REQUEST

Please submit the following technical report according to the following schedule.

- May 31, 2005- Treadwell & Rollo Phase I & II report and work plan for characterization of HVOC and petroleum releases.

LANDOWNER NOTIFICATION REQUIREMENTS

Pursuant to California Health & Safety Code Section 25297.15, the active or primary responsible party for a fuel leak case must inform all current property owners of a site of cleanup actions or requests for closure. Furthermore, ACEH may not consider any cleanup proposals or requests for case closure without assurance that this notification requirement has been met. ACEH hereby requires that you:

- 1.) Notify all current record owners of fee title to the site of the proposed action;
- 2.) Submit a letter to ACEH which certifies that the notification requirement in 25297.15(a) of the Health and Safety Code has been met;
- 3.) Forward to ACEH a copy of your complete mailing list of all record fee title holders to the site; and
- 4.) Update your mailing list of all record fee title holders, and repeat the process outlined above prior to submittal of any additional *Corrective Action Plan* or your *Request for Case Closure*.

Your written certification to ACEH should state, at a minimum, the following:

1. In accordance with section 25297.15(a) 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 (*Request for Case Closure*)
 local agency intention to make a determination that no further action is required
 local agency intention to issue a closure letter

- OR -

2. 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 am the sole landowner for the above site.

(Note: Complete item 1 if there are multiple site landowners. If you are the sole site landowner, skip item 1 and complete item 2.)

PERJURY STATEMENT AND PROFESSIONAL CERTIFICATION

All work plans, technical reports, or technical documents submitted to this office must be accompanied by a cover letter from the responsible party that states, at a minimum, the following:

"I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge."

This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

May 2, 2005
RO0002562
Mr. Francis Rush
Page 3

Additionally, to be considered a valid technical report you are to present site specific data, data interpretations, and recommendations prepared by the appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

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

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: files, D. Drogos

1173 28th 4_29_05

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



008 T03

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

July 3, 2003

Mr. Francis Rush
Rush Property Group
2200 Adeline St. #350
Oakland, CA 94607

Dear Mr. Rush:

Subject: Fuel Leak Case No. RO0002562, Rush Property, 1173 28th St.,
Oakland, CA 94608

LANDOWNER NOTIFICATION AND PARTICIPATION REQUIREMENTS:

This letter is to inform you of new legislative requirements pertaining to cleanup and closure of sites where an unauthorized release of hazardous substance, including petroleum, has occurred from an underground storage tank (UST). Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code requires the primary or active responsible party to notify all current record owners of fee title to the site of: 1) a site cleanup proposal, 2) a site closure proposal, 3) a local agency intention to make a determination that no further action is required, and 4) a local agency intention to issue a closure letter. Section 25297.15(b) requires the local agency to take all reasonable steps to accommodate responsible landowners' participation in the cleanup or site closure process and to consider their input and recommendations.

For purposes of implementing these sections, you have been identified as the primary or active responsible party. Please provide to this agency, within twenty (20) calendar days of receipt of this notice, a complete mailing list of all current record owners of fee title to the site. You may use the enclosed "list of landowners" form (sample letter 2) as a template to comply with this requirement. If the list of current record owners of fee title to the site changes, you must notify the local agency of the change within 20 calendar days from when you are notified of the change.

In addition, our office is considering your request for site closure. Please also complete and submit a "notice of proposed action submitted to local agency" form. You may use sample letter 3, enclosed.

If you are the sole landowner, please indicate that on the landowner list form. The following notice requirements do not apply to responsible parties who are the sole landowner for the site.

LANDOWNER NOTIFICATION
RO0002562, 1173 28th St., Oakland, 94608
July 3, 2003
Page 2

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

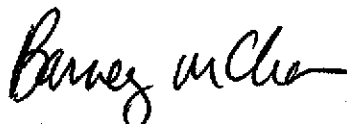
- 1) consider a cleanup proposal (corrective action plan)
- 2) consider a site closure proposal

- 3) make a determination that no further action is required
- 4) issue a closure letter

You may use the enclosed "notice of proposed action" form (sample letter 3) as a template to comply with this requirement. Before approving a cleanup proposal or site closure proposal, determining that no further action is required, or issuing a closure letter, the local agency will take all reasonable steps necessary to accommodate responsible landowner participation in the cleanup and site closure process and will consider all input and recommendations from any responsible landowner.

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

Attachments

cc: Betty Graham, RWQCB

SAMPLE LETTER (2): LIST OF LANDOWNERS FORM

Name of local agency
Street address
City

SUBJECT: CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR (*Site Name and Address*)

(Note: Fill out item 1 if there are multiple site landowners. If you are the sole site landowner, skip item 1 and fill out item 2.)

1. In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (*name of primary responsible party*), certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site:

 2. 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 am the sole landowner for the above site.
-

Sincerely,

Signature of primary responsible party

Name of primary responsible party

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



R02562

RAFAT A. SHAHID, Assistant Agency Director

May 19, 1993

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320Mr. Edward Gonsalves, Owner
Coast Sausage
2427 Harbor View Drive
San Leandro, CA 94577**RE: 1173 - 28th Street, Oakland**

Dear Mr. Gonsalves:

Please find enclosed a Billing for Services statement for services provided by our Emergency Response Unit during a fire at the above address. Oakland Fire Department our services twice on April 13, 1993 because of ammonia odors. Oakland Fire also requested our services on April 14th because of the concern for the presence of asbestos. Our Department charges \$75.00/hour for a Hazardous Materials Specialist, and \$125.00/incident for the use of our emergency response vehicle. The following is a breakdown of our charges for services rendered.

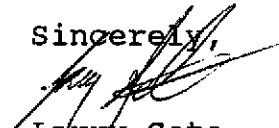
| Date | # Specialists | Hours | Haz. Mat. Veh. |
|---------|---------------|-------------|----------------|
| 4-13-93 | 1 | 7.0 | Yes |
| 4-14-93 | 1 | 3.0 | No |
| Total | | <u>10.0</u> | |

In order to recover costs, County Ordinance, Section 3-141.6, authorizes the Department to bill responsible parties for reimbursement of expenses incurred at their site for special services.

Please submit a check made payable to the County of Alameda for \$875.00 within 30 days of the receipt of this letter.

If you have any questions, please contact me at 271-4320.

Sincerely,



Larry Seto
Sr. Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney's Office,
Consumer and Environmental Protection
Ed Howell, Chief, Hazardous Materials Division
Jim Trolan, Alameda County Finance Officer