

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

F

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

March 4, 2008

Mr. Melvin Siegel
Environmental Manager
Earthgrains Baking Companies, Inc.
955 Kennedy Street
Oakland, CA 94606

Subject: Over-excavation at Fuel Leak Case No. RO0002569 and GeoTracker Global ID
T0600177342, Earthgrains Baking Company, Inc., 955 Kennedy Street, Oakland,
California, 94606

Dear Mr. Siegel:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted document entitled, "Remedial Investigation Report," dated May 17, 2007, and the "Source Removal Work Plan Addendum," dated September 5, 2007, both prepared by PSC Environmental Services and ETIC Engineering for the subject site.

ACEH generally concurs with the proposed scope of work and requests that you note the following technical comments, perform the proposed work, and send us the technical report described below.

TECHNICAL COMMENTS

In the September 5, 2007, "Source Removal Work Plan Addendum," ETIC Engineering stated that Sara Lee Bakery Group Inc. (parent company to Earthgrains Baking Companies, Inc.) has indicated that California Underground Storage Tank (UST) Fund reimbursement is "another important factor in performing any corrective action." Please be aware the site characterization and/or site cleanup is not contingent upon receiving reimbursement monies from the UST Cleanup Fund. A Feasibility Study, prepared in accordance with California Code of Regulations, Title 23, Division 3, Chapter 16, §2725(f), which evaluates cost effective remedial approaches having likelihood of attaining site cleanup objectives has not been submitted. The UST Cleanup Fund typically reimburses costs associated with the most cost-effective remedial alternative. Since it has not been determined that over-excavation is the most cost-effective remedial approach, the UST Cleanup Fund may not fully reimburse all costs associated with the proposed over-excavation. Please contact the UST Cleanup Fund to address cost reimbursement concerns.

TECHNICAL REPORT REQUEST

Please complete the proposed fieldwork and submit technical reports to Alameda County Environmental Health (Attention: Paresh Khatri), according to the following schedule:

- **April 29, 2008** – Complete over-excavation activities
- **June 24, 2008** – Submit Excavation Report

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

ELECTRONIC SUBMITTAL OF REPORTS

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

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

PERJURY STATEMENT

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

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

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

UNDERGROUND STORAGE TANK CLEANUP FUND

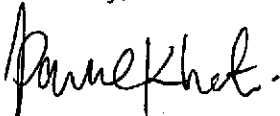
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

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

If you have any questions, please call me at (510) 777-2478 or send me an electronic mail message at Paresh.Khatri@acgov.org.

Sincerely,



Paresh C. Khatri
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Scott Jander, PSC Environmental Services, 210 West Sand Bank Road, Columbia,
Illinois, 62236
Thomas Neely, ETIC Engineering, 2285 Morello Ave, Pleasant Hill, CA 94523
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland,
CA 94612-2032
Donna Drogos, ACEH
Paresh Khatri, ACEH
File