

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



F

February 16, 2007

Mr. John Buschini
1260 Shell Circle
Clayton, CA 94517

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

Dear Mr. Buschini:

Subject: Fuel Leak Case RO0002602, St. Francis Pie Shop, 1125 67th St., Oakland,
CA, 94608

Alameda County Environmental Health staff has recently reviewed the case file for the referenced site including the February 8, 2007 Soil Boring Results report by Gribi Associates. The report summarizes the results of soil and groundwater samples taken on December 2006 and proposes locations for five previously approved monitoring wells. Our office approves the locations and construction of the five wells. We understand the well installations are scheduled for next week. Please submit the following technical reports according to the following schedule. We request that you schedule future groundwater monitoring to occur co-incident to the sampling at the adjacent McDonald's site.

TECHNICAL REPORT REQUEST

- 45 days after Completion of Monitoring Well Installation- Well Construction Report and Complete Soil and Groundwater Report for December 2006 Work.
- 90 days after Completion of Monitoring Well Installation- 2nd Quarter Groundwater Monitoring 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.

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Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (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

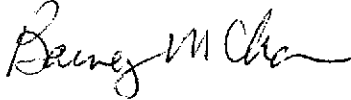
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

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

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: files, D. Drogos

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

Mr. Andrew Nash, McDonald's USA, LLC, 2999 Oak Road, Suite 900, Walnut
Creek, CA 94597

Mr. Sunil Ramdass, SWRCB UST Cleanup Fund, 1001 I St., P.O. Box 944212,
Sacramento, CA 94244

2_16_07 1125 67thSt

10 2602

Chan, Barney, Env. Health

From: James Gribi [JGribi@gribiassociates.com]
Sent: Friday, December 22, 2006 12:54 PM
To: Chan, Barney, Env. Health
Subject: St Francis Pie Shop

Barney,

A quick note: we drilled & sampled the borings for St Francis Pie Shop. We were able to obtain grab groundwater samples on all borings without going deeper than 20 feet bgs. We had to wait overnight for water on only two of the borings. Some shallow soil impacts in the McDonald's borings. Should have lab results by the end of next week.

Regarding the Francis Rush (Coast Sausage) property, there was a rag company at 2601 Adeline, south of the site on the same side of Adeline. According to Francis, the previous site owner clearly remembers that they did dry cleaning at that facility. We are going to check City building/planning dept records for that site; I will also talk directly with the previous site owner.

Happy Holidays!

Jim

Jim Gribi, RG

Gribi Associates

1090 Adams Street, Suite K

Benicia, CA 94510

Phone 707-748-7743

Fax 707-748-7763

10/20/02

Chan, Barney, Env. Health

From: James Gribi [JGribi@gribiassociates.com]
Sent: Friday, November 17, 2006 2:43 PM
To: Chan, Barney, Env. Health
Subject: FW: Andrew Nash w/ Mc Donald's Corp. (925) 949-4066

Barney,

I am meeting with Andrew Nash w/McDonald's (he is in their San Ramon office, see phone number below) at the McDonald's adjacent to St Francis Pie Shop (67th & San Pablo Ave) on Monday (11/20) at 11:30 to discuss the borings on their property. He said they don't have a problem with the borings, just want's to make sure we don't adversely affect the McDonald's operation. We have the drilling scheduled for Dec 18/19.

Any word on Francis Rush-1173 Adeline St site? I am still waiting for them to pay me (I'm pretty sure they will, but are just slow, as are most developers).

Thanks
Jim

Jim Gribi, RG

Gribi Associates

1090 Adams Street, Suite K

Benicia, CA 94510

Phone 707-748-7743

Fax 707-748-7763

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

From: Terry Ferrell
Sent: Friday, November 17, 2006 9:22 AM
To: James Gribi
Subject: Andrew Nash w/ Mc Donald's Corp. (925) 949-4066

Jim,

Andrew Nash w/ Mc Donald's Corp. called @ 9:14 am.

re: Soil Borings in Emeryville.

Say's you've been playing phone tag, and will try to reach you on cell phone.

Thank you

2/20/2008

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



7

October 2, 2006

Mr. John Buschini
1260 Shell Circle
Clayton, CA 94517

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

Dear Mr. Buschini:

Subject: Fuel Leak Case [REDACTED] St. Francis Pie Shop, 1125 67th St., Oakland,
CA, 94608

Alameda County Environmental Health staff has recently reviewed the case file for the referenced site including the June 24, 2006 Workplan to Conduct Site Characterization Activities from Gribi Associates responding to the County's May 24, 2006 letter. The work plan proposes twelve additional borings, both on-site and off-site and up-gradient and down-gradient. The borings are proposed to be advanced to only 20' bgs to test the theory that only one water bearing zone exists. After this work is performed a recommendation will be made for monitoring wells plus their locations and construction.

We approve the work plan and request that you address the following technical comments when performing the proposed work and submit the technical reports requested below.

TECHNICAL COMMENTS

1. The borings are proposed to be advanced to 20' bgs, however, should groundwater be encountered at a shallow depth the boring may be terminated before reaching this depth. However, if groundwater is not encountered at all in the boring, it should be advanced until it is encountered.
2. We request that your soil and groundwater report include cross-sectional diagrams and iso-concentration contours for the contaminants of concern, including the adjacent McDonald's property.
3. We request that you add Total Petroleum Hydrocarbons as diesel to your laboratory analysis since this compound is assumed to have originated from the adjacent property.
4. As previously requested in June 2006 letter, please provide our office with the contact information for the adjacent property owner so we may aid you in obtaining drilling and monitoring access onto the adjacent property. It appears likely that petroleum releases from these two sites has commingled so we request you co-operate with the adjacent property owner and jointly investigate the sites.

TECHNICAL REPORT REQUEST

- December 4, 2006- Soil and Water Investigation Report and Quarterly Groundwater Monitoring subsequently.

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).

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.

Mr. John Buschini
October 2, 2006
Page 3 of 3

UNDERGROUND STORAGE TANK CLEANUP FUND

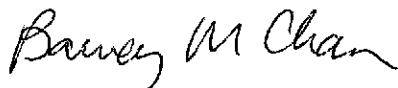
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

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

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

C: files, D. Drogos

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

Ms. Lisa Bergman, McDonald's Corp., 2527 Camino Ramon, Suite 300, San Ramon,
CA 94583

Ms. Ann Johnston, 222 Kearny St., 7th Floor, San Francisco, CA 94108-4510

Mr. Sunil Ramdass, SWRCB UST Cleanup Fund, 1001 I St., P.O. Box 944212,
Sacramento, CA 94244

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



7

May 24, 2006

Mr. John Buschini
1260 Shell Circle
Clayton, CA 94517

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

Dear Mr. Buschini:

Subject: Fuel Leak Case [REDACTED] St. Francis Pie Shop, 1125 67th St., Oakland
94608

Alameda County Environmental Health staff has recently reviewed the case file for the referenced site including the November 14, 2005 Preliminary Site Assessment Report October 2005 by TEC Accutite. The report provides soil and groundwater results from borings and temporary piezometers at the subject site. The report has the following observations and recommendations:

- The extent of soil impact of TPHg, BTEX and MTBE is assessed to the east and west of the former UST, however, additional assessment is needed near boring B7 and B3.
- Groundwater first appeared between 20-30' bgs and rose to 6-8' bgs. No evidence of a shallow water bearing zone was observed even though the adjacent site (McDonald's) reports both a shallow and deeper water bearing zone.
- The highest dissolved phase petroleum hydrocarbon was found near B3.
- The concentrations of soil and groundwater in borings B2, B4 and B5 demonstrate no indoor risk from vapor intrusion exist inside the building onsite, or inside the neighboring house, to the west of the site.
- TEC Accutite recommends the installation of monitoring wells near borings B3, B5 and B7, two at each location, screened from 5-15' bgs and from 30-40' bgs.

We request that you address the following technical comments when performing the proposed work and submit the technical reports requested below.

TECHNICAL COMMENTS

1. Extent of Soil Impact- The extent of soil impact from surface releases appears to have been assessed, however, soil impact as a result of contamination from the petroleum plume has not. Two areas have been identified as containing significant residual petroleum contamination, one near the former dispenser and one just south of the former UST. We concur with TEC Accutite that additional assessment is necessary near borings B7 and B3. Please include assessment of these areas in the work plan requested below.
2. Extent of Groundwater Impact- Additional assessment is required to characterize the full extent of the petroleum plume in addition to the two areas mentioned above. To the east of the former UST, it is unfortunate that no offsite borings were allowed on the neighboring property, ie McDonald's. Please provide our

office with the contact information for the adjacent property owner so we may aid you in obtaining drilling and monitoring access onto the adjacent property. It appears likely that petroleum releases from these two sites has commingled. The extent of each site's release may initially be estimated by MTBE and TPHd concentrations in groundwater, assumed unique contaminants. Until the geology and releases from each site are better understood, MTBE in groundwater found on the McDonald's site is assumed to have originated from your site and TPHd in groundwater assumed to have originated from the McDonald's. Under a separate letter, the McDonald's site (6623 San Pablo Ave., Oakland, RO000116) is being instructed to continue groundwater monitoring and site characterization. Should you choose to co-operate and jointly investigate the sites, some of the existing and new wells may be jointly monitored, otherwise, you will need to install your own individual wells. TEC Accutite recommends four locations with two wells at each location, screened in the upper and lower water-bearing zones. Prior to well installations, additional characterization down-gradient of the source areas (dispenser and UST) is requested. The number and locations of wells should be determined after the additional site characterization. Although the adjacent site observed shallow and deep permeable lens the borings on your site did not, therefore, the proposed shallow screened wells may not yield groundwater. Please justify their installation in the requested work plan. The extent of groundwater contamination to the east must also be determined. Please indicate whether this will include existing wells, new wells or a combination of these. Please provide a work plan to complete on and off-site plume characterization and justify the well construction proposed. Please include chemical analysis for TPHg, BTEX, MTBE and oxygenates and TPHd.

TECHNICAL REPORT REQUEST

- June 26, 2006- Work plan for additional site characterization, off-site responsible party identification and well construction justification.
- 90 days after work plan approval- Soil and Water Investigation Report

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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)).

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UNDERGROUND STORAGE TANK CLEANUP FUND

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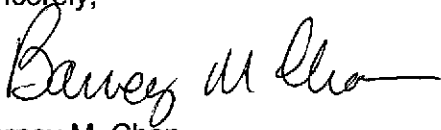
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Mr. John Buschini
May 24, 2006
Page 4 of 4

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

C: files, D. Drogos

Mr. Matthew Spielmann, TEC Accutite, 262 Michelle Court, So. San Francisco,
CA 94080-6201

Ms. Helen Loreto, McDonald's Corp., 2527 Camino Ramon, Suite 300, San Ramon,
CA 94583

Ms. Ann Johnston, 222 Kearny St., 7th Floor, San Francisco, CA 94108-4510

Mr. Charles Duval, Franchise Realty Interstate Corp., 5344 Golden Gate Ave.,
Oakland, CA 94618-2034

R02602
30



State Water Resources Control Board



Alan C. Lloyd, Ph.D.
Agency Secretary

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

Arnold Schwarzenegger
Governor

OCT 20 2005

Alameda County
OCT 28 2005
Environmental Health

SAINT FRANCIS PIE SHOP, INC.
JOHN BUSCHINI
P O BOX 847
CLAYTON, CA 94517

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), CLAIM NO. 018197, FOR
SITE ADDRESS: 1125 67TH 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 \$75,000. 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.**

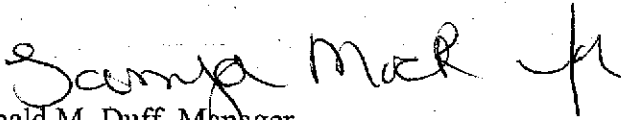
"Spreadsheet" forms which you **must use in conjunction with your reimbursement request.**

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

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 Toru Okamoto at (916) 341-5649.

Sincerely,



Ronald M. Duff, Manager
Underground Storage Tank Cleanup Fund

Enclosures

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

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0595
 CONNECTION TEL 19163415806
 SUBADDRESS
 CONNECTION ID
 ST. TIME 08/04 03:23
 USAGE T 01'01
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 RESULT OK

08/04/05

06:20

UST CLEAN UP FUND PROG → 5103379335

NO. 818

002

COMPLIANCE DOCUMENTS	
CLAIM NO.:	18197 CLAIMANT NAME: St Francis Pu Shop Inc
SITE ADDRESS:	1125 67th Street - Oakland Barnum Chan
12/2/03	one 10,000 gal UST removed - city of oakland permit - Three soil samples were collected - n+bc in the container at the site
2/13/04	Issue N.A.R.
2/15/04	City Ltr - reviewed UST removal report - address comments to proposed work.
8/4/04	WP approval for TEC Accutite
April 2005	City - review two work plans - approved wk plan on 4/12/05 for Gribi Associates Wp
8/4/05	TEC Accutite received contract to perform their Wp and commits to complete work within 90 days

Continued on reverse

Ro 2602

Chan, Barney, Env. Health

From: Sami Malaeb [smalaeb@tecacutite.com]
Sent: Thursday, August 04, 2005 11:07 AM
To: Chan, Barney, Env. Health
Subject: RE: St. Francis Pie Shop, 1125 67th St., Oakland

Dear Barney:

Thank you for the email regarding Saint Francis Pie Shop site in Oakland. I want to let know that I received the signed contract from Mr. John Buschini on August 1, 2005 to execute the approved workplan for drilling and sampling at his site. TEC Accutite will proceed with the permitting to drill at this site and complete the job within 90 days. I believe that our client is in compliance with proceeding with the job at this time. Any help to call the Cleanup Fund and inform Shari Knieriem of this job is appreciated. Mr. Bushini already spent over \$80,000 from his pocket to over-excavate and remove the contaminated soil from his site. Receiving the letter of commitment from the Cleanup Fund is crucial to Mr. Bushini to complete the future environmental activities at his site. Thank you for your cooperation.

Sami Malaeb, PE
Environmental Manager
TEC Accutite
262 Michelle Court
South San Francisco, California 94080
TEL: (650) 616-1209
Fax: (650) 616-1244
Email: smalaeb@tecacutite.com

From: Chan, Barney, Env. Health [mailto:barney.chan@acgov.org]
Sent: Thursday, August 04, 2005 9:11 AM
To: Sami Malaeb
Subject: St. Francis Pie Shop, 1125 67th St., Oakland

Sami: Wanted to let you know that I got a phone call from Shari Knieriem from the Cleanup Fund. She asked me if the site was in compliance. I told her probably not, since neither Accutite's or Gribi Assoc wp were implemented. She's probably going to send out a 90 day letter, asking for compliance or loss of Fund eligibility. I understand Accutite's wp will be the one Mr. Buschemi goes with.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist
Alameda County Environmental Health
510-567-6765

8/4/2005



Terry Tamminen
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Financial Assistance

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



Arnold Schwarzenegger
Governor

FAX TRANSMITTAL

DATE: 8-4-05
TO: Barney Chan
CLAIM NO. 18197
FAX NUMBER (510) 337-9335
FROM: **UST CLEANUP FUND**
FAX #: (916) 341-5806
PHONE #: (916) 341- 2

NUMBER OF PAGES (including this page):

- For your information
- Per your request
- For your review and comment - *Compliance Signoff*
- Other

CLAIM NO.: 18197 CLAIMANT NAME: St. Francis Pu Shop Inc
 SITE ADDRESS: 1125 10th Street - Oakland
Barney Chan

COMPLIANCE DOCUMENTATION

DATE	DESCRIPTION
12/2/03	one 10,000 gal UST removed - city of Oakland permit - Three soil samples were collected - M+be is the contaminant at the site
2/13/04	Issue N.O.R.
2/15/04	City letter - reviewed UST removal report - address comments to proposed work.
8/4/04	WP approval for TEC Accutite
April 2005	city - review two work plans - approved wk plan on 4/12/05 for Gribi Associates wp
8/4/05	TEC Accutite received contract to perform their WP and commits to complete work within 90 days

Continued on reverse

CONFIRMATION OF CORRECTIVE ACTION COMPLIANCE

- Claimant in corrective action compliance
- Claimant not in corrective action compliance (90 day letter required)
- Claimant not in corrective action compliance - rejection recommended

Barney M Chan
LEAD AGENCY SIGNATURE

8/4/05
DATE

CLAIMS REVIEWER SIGNATURE

DATE

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

April 12, 2005

Mr. John Buschini
1260 Shell Circle
Clayton, CA 94517

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

Dear Mr. Buschini:

Subject: Fuel Leak Case # [REDACTED], St. Francis Pie Shop, 1125 67th St., Oakland 94608

Alameda County Environmental Health staff has recently reviewed the case file for the referenced site including the January 24, 2005 *Workplan to Conduct Soil and Groundwater Investigation* prepared by Gribi Associates. As you are aware, this work plan, although similar to the TEC/Accutite work plan previously submitted and approved by our office, offers some changes and is meant to replace this prior work plan. Specifically, the number and locations of borings have been changed to reflect what is anticipated to be a groundwater gradient typical of this area. We request that you address the following technical comments when performing the proposed work and submit the technical reports requested below.

TECHNICAL COMMENTS

1. The proposed borings do not address the potential northerly extent of contamination posed by releases from the former fuel dispenser and fill lines. They also do not attempt to clarify the up-gradient extent of the release. In this respect, the former TEC/Accutite work plan appears more comprehensive. Therefore, we request that you propose additional borings in these directions. Please be aware that groundwater monitoring up-gradient of the release is required. If you do not intend on using existing wells on the McDonald's property you will be required to install your own well(s).

Existing data suggests the release from your underground storage tank (UST) may be the source of elevated MTBE concentrations detected in the neighbor's well, MW-1A. In addition, the migration of your petroleum plume is possibly being affected by artificial recharge from watering of the planter area near MW-1A. Groundwater gradient on the neighboring site may also be dictated by the mounding of water near MW-1A causing an artificial easterly gradient. Thus, the contamination in MW-3A may also be from your release. Therefore, it appears that additional investigation on the neighboring property is necessary to clarify the releases from each site. We request that you pursue any off-site access agreements that you may need to complete your investigation activities. Please notify our office should you need help in obtaining access approval. Please provide a work plan addendum to address these comments as requested below.

2. We concur that the results from the borings should be evaluated to determine the most appropriate locations and construction of monitoring wells. Borings should be advanced to a depth, which defines the vertical extent of contamination and samples collected at locations where contamination is observed or likely to exist ie within permeable soil type. Since TPH as diesel appears to be a distinguishing parameter between the two sites, it would be appropriate to use this analysis as a "tracer" to measure the extent of the neighboring plume. We request that you prepare cross-sections using the results of your investigation in the north-south and east-west directions. Please submit your cross-sections in the technical report requested below.

TECHNICAL REPORT REQUEST

- May 12, 2005- Work plan addendum (preferably by e mail)
- 90 days after work plan approval- Soil and Water Investigation Report

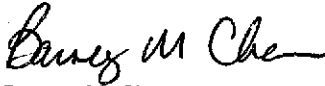
UNDERGROUND STORAGE TANK CLEANUP FUND

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

April 12, 2005
Mr. John Buschini
RO2602
Page 2

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

Ms. Helen Loreto, McDonald's Corp., 2527 Camino Ramon, Suite 300, San Ramon, CA 94583

Ms. Ann Johnston, 222 Kearny St., 7th Floor, San Francisco, CA 94108-4510

4_12_05 1125 67thSt

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

August 4, 2004

Mr. John Buschini
1260 Shell Circle
Clayton, CA 94517

Dear Mr. Buschini:

Subject: Fuel Leak Case RO0002602, Former St. Francis Pie Shop, Inc., 1125 67th St.,
Oakland, CA 94608

Alameda County Environmental Health staff has received and reviewed the June 7, 2004 TEC *Accutite Soil Over-Excavation Report and Workplan for Site Characterization*. This report describes the results of soil sampling after excavation of the former underground tank pit, dispenser island and remote fill line and proposes additional work for site characterization. We generally concur with the work plan, which proposes the installation of eight borings, in which four of the borings will be converted into piezometers to determine groundwater gradient and flow direction. Please address the following technical comments when performing the proposed work.

TECHNICAL COMMENTS

1. The eight borings are proposed to be advanced to a depth of 25' bgs, however, the depth of each boring should be based upon defining the vertical extent of contamination. If petroleum contamination is present in soil or groundwater at the referenced depth, the boring should be advanced further and an additional deeper sample collected in an attempt to define the vertical limit of contamination. Soil samples should be collected every 5', at changes in lithology, at the capillary fringe and at obvious areas of contamination. Impacted samples and the deepest soil samples should be analyzed in the laboratory. A groundwater sample will be collected from the shallow water bearing zone, however, if a deeper water bearing strata is encountered in the borings an additional sample should be collected and analyzed. All samples should be analyzed for TPHg, TPHd, BTEX, fuel oxygenates by EPA 8260 and the lead scavengers, EDB and EDC.

TECHNICAL REPORT REQUEST

Please submit the following technical report as requested.

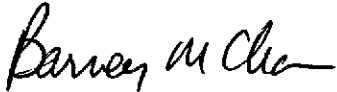
- October 4, 2004- Subsurface Investigation Report including all analytical data, cross-section diagram(s), boring logs, groundwater gradient map and a work plan for the installation and construction of monitoring wells.

All reports and work plans are to be submitted under cover, signed under penalty of perjury, by the Responsible Party(ies) who have taken a lead role in compliance with corrective action directives.

August 4, 2004
RO0002602
Mr. John Buschini
Page 2

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

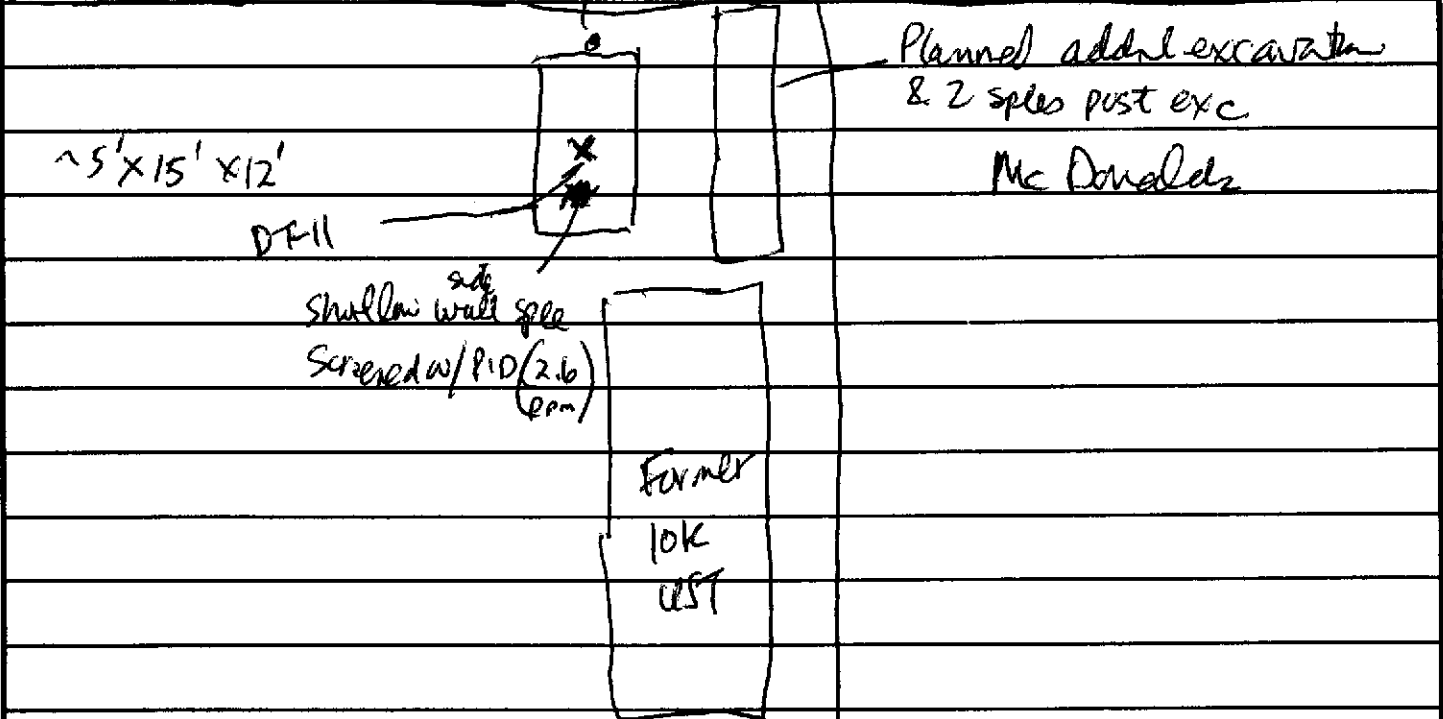
C: B. Chan, D. Drogos
Mr. Sami Malaeb, TEC Accutite, 35 South Linden Ave., So. San Francisco, CA 94080-6407

8_4_04 wpap1125 67th

HAZARDOUS WASTE GENERATOR INSPECTION REPORT

STID: <u>CA 2602</u>	FACILITY NAME: <u>St. Francis Vic</u>	PG. <u> </u> OF <u> </u>
SUPPLEMENTAL FORM <u>1125 67th St Oakland</u>		

67th St
T&C Architects / S. Malabr present DT-11 ↑



Addl over exc. observed, sple DT-11 taken from south end of over exc of former dispenser trend @ ~11' bgs. brown silty clay - no H₂O₂ observed.

PRINT NAME:	INSPECTED BY: <u>B CHAN</u>
SIGNATURE:	DATE: <u>5-18-04</u>

Chan, Barney, Env. Health

To: Sami Malaeb (E-mr [redacted])

3/18/04

Subject: Fuel Leak site RO0002602, 1125 67th St., Oakland

Dear Mr. Malaeb:

Based upon the preliminary soil and groundwater sample results provided to me today, I concur with your proposal to continue overexcavation and sampling in the areas of the former dispenser and dispenser piping run and beneath the former remote fill port and remote fill line. Four additional soil samples should be collected and analyzed as in the prior samples.

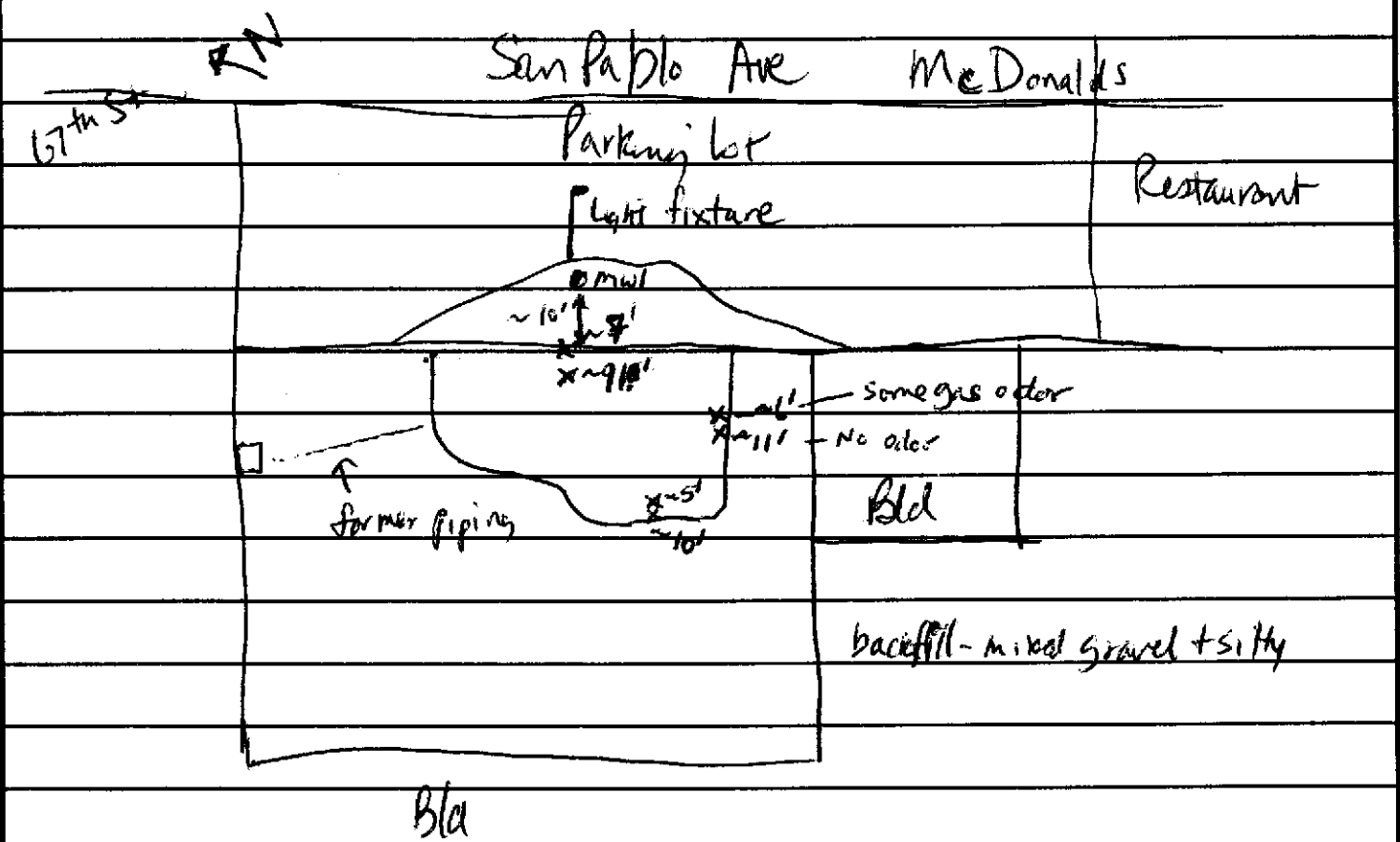
I further understand that you will be providing a work plan for monitoring well installation.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist
Alameda County Environmental Health
510-567-6765

HAZARDOUS WASTE GENERATOR INSPECTION REPORT

STID # E02602	FACILITY NAME: St Francis Pie Co	PG. _____	OF _____
SUPPLEMENTAL FORM 1125 67 th St Oak			



Overexcavated UST Pit approx. 17' x 30' x 12'
 East sidewall - asphalt surface - (2-8') blue green silty clay - (8-10') brown clay 7' sample from E wall - mod. gas odor, 11' sample no odor
 Some water (assume gw in bottom of pit) being pumped to tanker truck*
 Intend to sample 4 sidewalls similarly & trench former piping ran & sample along former piping & sample beneath former dispenser
 h/w-t (MCD) ~10' from edge of property
 ~5K gal H₂O removed so far & ~100 tons soil / Astury Env. Service. (AES)

PRINT NAME: S. Malaeb	INSPECTED BY: B Chan
SIGNATURE:	DATE: 2-27-04

St. Francis Pie Co
Ro 2602
1125 67th St, Oakland 94608

Former dispenser



From McDonald's MW-1





02-27-04 10:31:24



02-27-04 10:31:55



02-27-04 10:32:22

St Francis Pie Co
Ro 2602
1125 67th St Oakland
94608

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

St. Francis Pie Co.
1260 Shell Circle
Clayton, CA 94517

Dear Mr. Buschini:

Subject: Fuel Leak Case RO0002602, St. Francis Pie Co., 1125 67th St., Oakland, CA 94608

Alameda County Environmental Health, Local Oversight Program (LOP) staff has reviewed the Underground Storage Tank Removal December 2003 report for the referenced site prepared by TEC Accutite. Your site has been transferred to our office for regulatory oversight by the City of Oakland, Hazardous Materials Program. A Notice of Responsibility and Landowner Notification and Participation Requirements letter has been sent to your attention informing you of this administrative action. We have also received and reviewed the February 3, 2004 letter report from TEC Accutite proposing follow-up actions at the site. We request that you address the following technical comments when performing the proposed work.

TECHNICAL COMMENTS

1. Our office concurs with the proposal to pump out the accumulated water from the tank excavation pit and its proper disposal.
2. We also concur with the removal and proper disposal of the former excavated soils, which have been reused to partially backfill the tank pit.
3. We concur with the over-excavation, to the extent possible, of MTBE impacted areas including beneath the dispenser and beneath the former previous sampling locations. As a practice, we concur that soil samples should not be collected from flowing saturated soil, however, when possible, post excavation sampling of "wet" soil should be done to confirm the effectiveness of the excavation. This assumes that groundwater recharge is slow. Sidewall samples should be sampled and screened with a field instrument to determine the depth at which to obtain a soil sample. As mentioned in the letter report, it is estimated that four sidewall samples, one piping sample and one dispenser soil sample will be collected for chemical analysis. We recommend initiating screening of soil samples at 5' and every two feet thereafter. All samples submitted for analysis should be tested for TPHg, BTEX by EPA Method 8015/8020 and for fuel oxygenates by EPA Method 8260.
4. After excavation, a groundwater sample should be collected after the tank pit has recharged and analyzed for the same chemicals referenced above.
5. Please perform and provide a Phase I report for this site. This information is necessary given the presence of another petroleum release at the adjacent Mac Donald's restaurant at 6623 San Pablo Ave.
6. It is anticipated that a soil and groundwater investigation will be required to determine the extent of the petroleum release. The contents of the work plan should use the results of the proposed investigation plus any additional historical information, on and off-site.

February 5, 2004
Mr. John Buschini
RO0002602
St. Francis Pie Co., 1125 67th St., Oakland, CA 94608
Page 2

Please be aware that you may be eligible for financial reimbursement for site investigation and remediation. You are encouraged to contact the California UST Cleanup Fund at 1-800-813-FUND for an application and questions. Please contact our office prior to performing the proposed work.

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, D. Drogos
Mr. Sami Maleab, TEC Accutite, 35 South Linden Ave., South San Francisco, CA 94080

1125 67thSt2_4_04

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

February 5, 2004
RO0002602

Mr. John Buschini
1260 Shell Circle
Clayton, CA 94517

RE: St. Francis Pie Co., 1125 67th St., Oakland CA 94608

LANDOWNER NOTIFICATION AND PARTICIPATION REQUIREMENTS

Dear Mr. Buschini:

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, should you consider requesting 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
Re: 1125 67th St., Oakland CA 94608
February 5, 2004
Page 2 of 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: B. Chan, D. Drogos

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

Ro 2602

February 3, 2004

Mr. Barney Chan
Hazardous Materials Specialist
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

SUBJECT: Underground Storage Tank (UST) Removal
 Soil Excavation and disposal at
 St. Francis Pie Company
 1125 67th Street
 Oakland, California 94608

Dear Mr. Chan:

On December 2, 2003, TEC Accutite removed one 10,000-gallon gasoline underground storage tank (UST) from St. Francis Pie Co. site at 1125 67th Street, Oakland, California. After the UST removal, the generated stockpile was temporarily placed in the excavation pending receiving the analytical results. Rain water has accumulated in the excavation. The laboratory analysis of the samples collected from the excavation and soil stockpile detected noticeable concentrations of the fuel additive Methyl tertiary butyl ether (MTBE). Concentrations of Total Petroleum Hydrocarbons as gasoline (TPH-G), Benzene, Ethyl benzene, Toluene, and Xylenes (BTEX) were non-significant to non-detected. Please see the attached figure and table of analytical findings. A Maximum MTBE concentration of 7.06 parts per million (ppm) was detected in the tank excavation and 0.238 ppm was detected in the soil stockpile, generated after the UST removal. The Tier 1 conservative Environmental Screening Levels (ESLs) for MTBE in shallow soil are as follows:

2 ppm for the protection of indoor air for residential land use*
5.6 ppm for the protection of indoor air for commercial land use*
0.023 ppm for groundwater protection (soil leaching) when water is a current or potential drinking water resource*
8.4 ppm when for groundwater protection (soil leaching) when water is not a current or potential drinking water resource*

MTBE concentrations in the soil exceeded the ESLs in shallow soil for the protection of indoor air for residential and commercial land use and the ESL for current or potential drinking groundwater protection. Due to elevated concentrations of MTBE in the soil, TEC Accutite recommends the following:

- Pump out the accumulated rain water from the excavation and dispose of the water into the sewer by a discharge permit. If a discharge permit could not be obtained, the plan is to use a vacuum truck and send the water to a permitted facility according the water profile. We estimate 8,000 to 10,000 gallons of water to be pumped out and disposed of. Once the water is recharged, collect a grab groundwater sample and analyze it for TPH-G, BTEX by EPA Method 8015/8020 and for fuel oxygenates (including MTBE) by using EPA method 8260.

- Excavate the MTBE impacted soil which was temporarily placed in the excavation.
- Over-excavate to the extent possible, the MTBE impacted soil in the former UST location, piping trench and dispenser island areas.
- Transport and dispose of the accumulated MTBE impacted soil at a regulated landfill (Class III or II permitted landfill). We estimate 150 to 200 tons of soil to be excavated and disposed of.
- Following the soil excavation and disposal, collect confirmation soil samples from the excavation, piping trench, and under the former dispenser island. We estimate to collect the samples from the walls of the excavation, since there is water accumulated up to four feet below surface grade. We recommend avoiding collecting wet samples. The number of samples and depth will be agreed upon with the inspector from Alameda County Health Care Services Agency in the field. As a preliminary estimate, we plan to collect four soil samples from the excavation (one sample from each wall, above water), one soil sample from every 20 feet of piping run, and one confirmation sample from under the former dispenser island. All samples will be analyzed for TPH-G, BTEX by EPA Method 8015/8020 and for fuel oxygenates (including MTBE) by using EPA method 8260.
- Once the soil is excavated and disposed of, TEC Accutite will import clean fill, compact and backfill the excavation.
- Conduct a subsurface investigation at this site to characterize the MTBE plume on and offsite. TEC Accutite recommends preparing a workplan for site characterization and obtaining approval from Alameda County Health Care Services Agency prior to commencing field activities.

At this time, the soil excavation, disposal, and backfilling are urgent. Your approval of the above tasks is greatly appreciated. Thank you for your cooperation and assistance on this project. If you have any questions, please call the undersigned at (650) 952-5551, Ext. 209.

Sincerely,
TEC Accutite

Sami Malaeb, PE, REA
 Environmental Director

*Reference: "Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater", California Regional Water Quality Control Board, San Francisco Bay Region, Interim final-July 2003.

cc: Mr. John Bushini, 1260 Shell Circle, Clayton, CA 94517

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

Hazardous Materials Program

Contaminated Site Case Transfer Form

Alameda County
 JAN 09 2004
 Environmental Health

Referral To:

Date	1/6/04
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	St. Francis Pie Co.
Site Address	1125 67th St.
Site Phone	N/A
Site Contractor/Consultant (if available)	TEC Acute
Site DBA	

Site Conditions:

UST			
USTs removed? # removed: <u>1</u>	Date removed: <u>12/2/03</u>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Contents (circle): <u>gasoline</u> 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 <u>soil/water discoloration</u>)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Detectable concentrations of soil and/or groundwater contamination?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
o Highest Concentration Detected in Soil Contaminant (specify) <u>MTBE</u> Concentration <u>7.06</u> ppm			
o Highest Concentration Detected in Water Contaminant (specify) _____ Concentration _____ ppb			
Unauthorized Release Form filed?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Future intended use if known? Specify _____		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
NON-UST			
Former industrial use?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Detectable concentrations of soil and/or groundwater contamination?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
o Highest Concentration Detected in Soil Contaminant (specify) _____ Concentration _____ ppm			
o Highest Concentration Detected in Water Contaminant (specify) _____ Concentration _____ ppb			
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: distribution list all meetings all site visits closure sign off all the above

Transfer requested by Inspector: H. Gomez Date: 1/6/04

Transfer accepted by (ACEH): _____ Date: _____