

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



SENT  
05-25-06

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 RO0002602, St. Francis Pie Shop, 1125 67<sup>th</sup> 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

#### 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. 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](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](mailto: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.

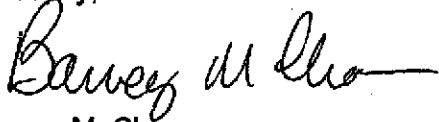
#### AGENCY OVERSIGHT

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.

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., 7<sup>th</sup> Floor, San Francisco, CA 94108-4510

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

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



SEWT  
04-13-05

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 RO0002602, St. Francis Pie Shop, 1125 67<sup>th</sup> 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

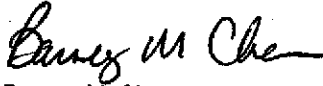
UNDERGROUND STORAGE TANK CLEANUP FUND

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., 7<sup>th</sup> Floor, San Francisco, CA 94108-4510

4\_12\_05 1125 67thSt

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



SENT  
8-5-04

August 4, 2004

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, Former St. Francis Pie Shop, Inc., 1125 67<sup>th</sup> 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



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



SENT  
02-03-04

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ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
(510) 567-8700  
FAX (510) 337-9335

February 5, 2004  
RO0002602

Mr. John Buschini  
1260 Shell Circle  
Clayton, CA 94517

**RE: St. Francis Pie Co., 1125 67<sup>th</sup> 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 67<sup>th</sup> 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

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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

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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



sent  
02-05-04

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 67<sup>th</sup> 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 67<sup>th</sup> 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 67thSt\_4\_04