

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

sent
12-8-05

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

December 8, 2005

Mr. Fillmore Marks
Marks Management Company
505 Sansome St., Ste 1400
San Francisco, CA 94111-3118

Mr. Geoffrey Sears
Wareham Development
1120 Nye St., Suite 400
San Rafael, CA 94901

Dear Messrs. Marks and Sears:

Subject: SLIC Site RO0002621, Emeryville Industrial Court, 5885 Hollis St., Emeryville, CA 94608

Alameda County Environmental Health (ACEH) staff has reviewed the files for the subject site including the November 30, 2005 *Response to Letter Dated 28 October 2005 and Work Plan for Post-Excavation Soil and Groundwater Sampling 5885 Hollis Street Emeryville, California* by Treadwell and Rollo. The letter report addresses the technical comments in the County's October 28, 2005 letter. We approve of the proposed development and the Site Management Plan with the clarifications in the November 30, 2005 letter report with the following technical comments on the Work Plan Post-Excavation Soil and Groundwater Sampling.

TECHNICAL COMMENTS

1. We request that all MTBE analysis on soil and water samples be run by EPA Method 8260 to avoid false positive detections, which potentially occur while using EPA Method 8020. We also request that those samples taken where TPHg is a contaminant of concern also analyze for the other oxygenates, TAME, ETBE, DIPE, TBA and ethanol and the lead scavengers, EDB and EDC.
2. We concur with the proposed locations for the post-excavation soil samples, however, we request that additional samples be taken and analyzed in the following areas; loading rack (at least one) and along the southern border of this property and the current Chevron station (at least four). These are areas of potential and known contaminant releases and where commingle plumes may exist. We also recommend that additional sampling be done in other contaminated areas observed during the excavation.
3. We understand that the groundwater dewatering system will be composed of approximately 30 extraction wells, manifold to a Baker tank and that wells will be able to sample well from specific "areas". This is desirable as this would be useful information to determine where impacted areas are, whether off-site releases have impacted the site and where future monitoring should be located. We recommend, at a minimum, groundwater sampling be done in the southeast, southwest and northern portions of the site where contamination has been identified and any other locations where soil contamination is subsequently identified. As noted previously, analysis should be according to item 1.

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) now request submission of reports in electronic form. The electronic copy is intended to replace the need for a paper copy and is expected to be used for all public information requests,

regulatory review, and compliance/enforcement activities. 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. 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 monitoring wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). Please visit the State Water

Resources Control Board for more information on these requirements ([http://www.swrcb.ca.gov/ust/cleanup/electronic reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic%20reporting)).

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.

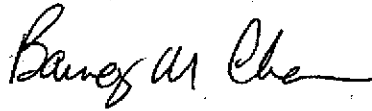
PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

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 case meet this requirement.

November 8, 2005
Messrs. Marks and Sears
Page 3 of 3

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

cc: files, D. Drogos

Mr. Ignacio Dayrit, City of Emeryville, 1333 Park Ave., Emeryville, CA 94608

Mr. Glenn Leong, Treadwell & Rollo, 501 14th ST., 3rd Floor, Oakland, CA 94612

12_8_05 5885 Hollis St

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



SEWT
10-28-05

October 28, 2005

Mr. Fillmore Marks
Marks Management Company
505 Sansome St., Ste 1400
San Francisco, CA 94111-3118

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
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(510) 567-6700
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Dear Mr. Marks:

Subject: SLIC Site RO0002621, Emeryville Industrial Court, 5885 Hollis St., Emeryville, CA 94608

Alameda County Environmental Health (ACEH) staff has reviewed the files for the subject site including the July 14, 2005 *Site Management Plan 5885 Hollis St., Emeryville, California* and the October 13, 2005 *Clarification of Site Management Plan* by Treadwell and Rollo. Our understanding is that the site will be sold to Wareham Development and then be developed into a multi-story office building with a sub-grade mechanically ventilated parking garage. The October 13, 2005 clarification letter states that the site will be excavated to approximately 14' below ground surface and that a membrane-based water-proofing will be installed to prevent groundwater intrusion. The clarification letter also proposes no post-excavation soil or groundwater sampling. The development plan is similar to that proposed in 2000, which was responded to in the County's January 16, 2001 letter from Ms. Susan Hugo. Therefore, many of the concerns addressed in the prior letter remain valid. We approve of the proposed development and the Site Management Plan upon the satisfactory addressing of the following technical comments and submittal of the technical reports requested below.

TECHNICAL COMMENTS

1. Please clarify whether our above stated understanding of the development is correct. We assume the entire site will be excavated to the proposed depth and that a sub-surface garage will be beneath the entire site. Please confirm that any areas where elevators, piles, etc are proposed, which require deep excavation, will not cause the migration of contamination vertically. Provide your response as requested below.
2. The January 16, 2001 letter requested that you examine the potential of creating pathways for pollution migration from off-site sources. Please identify all nearby off-site sources and assess their potential for the spread of contamination through the proposed on-site soil excavation and dewatering activities. Provide your response as requested below.
3. Please provide historical aerial photos of the site as requested below.
4. Please provide overlay figure(s) of current site usage and the aerial photos or Sanborn maps. These figure(s) should be used to develop your site characterization work plan requested below.
5. The current site characterization is incomplete. All potential source areas from historical usage and those detected in Phase II investigations have not been thoroughly investigated. Such areas include, but are not limited to, the trench area

observed impacted during the widening of 59th St. investigation, the location of the former UST noted on the S. B. Thomas site at 5805 Hollis St., the southwest corner of the property near TR-25 where elevated gasoline was detected, the locations of former oil tanks on the Fleetcare property on Peladeau St. and the other businesses identified in the 3/19/95 Environmental Site Assessment report which used paints, thinner, solvents, mineral spirits, chlorinated solvents, varnish remover and stripper. We recommend that soil and groundwater characterization be performed post-excavation. Please provide a work plan to complete site characterization as requested below. It is believed that the planned dewatering done prior to excavation will remove impacted groundwater. We recommend sampling the extracted groundwater for contaminants of concern (COCs) on a schedule that shows the effects of the remediation and also indicates whether surface releases/sources may have caused groundwater impact. Additional sampling is warranted in the southwest corner of the site to determine if there is significant residual source from the former Tosco service station.

6. Future groundwater monitoring appears necessary. Your completion report should provide an evaluation of groundwater impacts and propose a monitoring program sufficient for site closure evaluation. Please provide your completion report as requested below.
7. A deed restriction may be required to prevent unrestricted use of the property prior to site closure.

TECHNICAL REPORT REQUEST

- November 30, 2005-Written response to above items 1&2, aerial photos and figures.
- November 30, 2005-Work plan for post-excavation soil and groundwater sampling, including likely locations of extraction wells and a sampling strategy for them.
- 90 days after completion of excavation and extraction activities- completion report including soil and groundwater disposal documentation, analytical results, groundwater impact evaluation and monitoring recommendation.

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) now request submission of reports in electronic form. The electronic copy is intended to replace the need for a paper copy and is expected to 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 Instructions." 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. 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 monitoring wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). Please visit the State Water

October 28, 2005
Mr. Fillmore Marks
Page 3 of 3

Resources Control Board 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 case meet this requirement.

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

cc: files, D. Drogos

Mr. Ignacio Dayrit, City of Emeryville, 1333 Park Ave., Emeryville, CA 94608
Mr. Glenn Leong, Treadwell & Rollo, 501 14th ST., 3rd Floor, Oakland, CA 94612

10_28_05 5885 Hollis St

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



01-21-01

202621

January 16, 2001

Mr. Fillmore Marks
Marks Management Company
44 Montgomery, Suite 850
San Francisco, California 94104

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
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(510) 567-6700
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**RE: Proposed Emeryville Industrial Court (STID# 6687)
5885 Hollis Street, Emeryville, California 94608**

Dear Mr. Fillmore:

This letter serves to follow up the meeting we had last Friday, January 12, 2001, attended by Marks Management (Elaine Kirk and yourself), City of Emeryville Building and Planning (Barrie Cromarti), Treadwell and Rollo (Donald Treadwell, Christian Divis and Peter Cusack) and your architect for the project. On July 5, 2000, this agency issued a letter approving the proposed development of the subject site for commercial use provided the issues listed in our June 23, 2000 letter are addressed. The submitted development plan included construction of a two-story building and above ground four level parking garage structure. Treadwell and Rollo submitted a letter report dated August 8, 2000 to address those issues.

As you know, the development plan has changed since that time. Treadwell and Rollo submitted a letter dated December 8, 2000 describing the proposed changes to the development plan which included one level of underground parking covering the entire site. It is my understanding that the entire site will be excavated between ten to eleven feet below ground surface. Because of these proposed changes to the previously submitted plan, the following issues (discussed in our meeting) must be addressed prior to development of the site:

1. Potential future groundwater intrusion into the basement of the building must be addressed.
2. Evaluate and demonstrate that the proposed construction activities will not create migration of on-site and off-site contamination during construction and after completion of the development of the site. Potential off-site sources should be identified.
3. Evaluate vapor seepage into the basement / building and identify human health risk to occupants of the building.
4. Site development plan should be revised to incorporate the proposed changes and should include at a minimum the following: description of the project, site map with the location of the proposed building, landscapes, underground parking, known sources or potential sources of contamination, extent of excavation, location of pile drives or elevator shafts if applicable.
5. Site conceptual model (SCM) should be prepared to include the proposed changes, identify sources of releases, chemicals of concern (COCs), routes of exposures and sensitive receptors. This should include evaluation of human health and environmental risk assessment for the proposed use of the site. Issue # 3 should be incorporated in the SCM.

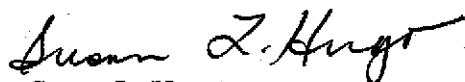
Mr. Fillmore Marks
RE: 5885 Hollis Street, Emeryville, CA 94608
January 16, 2001
Page 2 of 2

6. The short term and long-term risk management plan should be revised to incorporate the proposed changes. The short term (construction) risk management plan should include at a minimum the following elements: acceptable health & safety plan for construction workers, soil management plan, groundwater management plan, dust control, stormwater prevention plan, and preventive measures to not create any vertical conduits for contaminants to migrate from shallow to deeper groundwater. The long-term (future) risk management plan should include at a minimum the following items: health and safety plan for future construction workers such as utility workers who maybe exposed to residual contaminants that will be left at the site, institutional controls such as deed restriction and capping with clean soil cover at least three feet thick to minimize or eliminate exposure of gardeners and routine maintenance personnel (e.g. those who repair landscaping irrigation systems) to affected soil. Sidewalks should have at least three to four feet of clean soil cover.
7. Confirmation soil and groundwater samples should be collected at the site and should include the following chemicals of concern: TPH gasoline, TPH diesel, TPH motor oil, TPH mineral spirits, chlorinated solvents, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs) and metals.
8. The contingency plan should be revised to include the proposed changes.
9. Future groundwater monitoring plan for the site should include contamination found on 59th Street and Peleadeau.
10. A report should be submitted after completion of the development and should include at a minimum copies of any soil and /or groundwater disposed off site, results of soil and groundwater sampling, site map with location of residual contamination left at the site, etc.

A work plan addressing the above listed issues should be submitted and approved by this agency prior to development of the subject site.

If you have any questions about this letter or the subject site, please contact me at (510) 567-6780.

Sincerely,



Susan L. Hugo
Hazardous Materials Specialist

c: Ariu Levi / Thomas Peacock, Environmental Health Services
Ravi Arulanantham, San Francisco Bay RWQCB
Barrie Cromartie / Ignacio Dayrit, City of Emeryville, 1333 Park Street, Emeryville, CA 94608
Peter Cusack, Treadwell & Rollo, 555 Montgomery St., Suite 1300, San Francisco, CA 94111
SH / files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



SENT 7-6-2000

R02621

July 5, 2000

ENVIRONMENTAL HEALTH SERVICES
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FAX (510) 337-9335

Mr. Fillmore Marks
Marks Management Company
44 Montgomery, Suite 850
San Francisco, California 94104

**RE: Proposed Emeryville Industrial Court (STID# 6687)
5885 Hollis Street, Emeryville, California 94608**

Dear Mr. Fillmore:

This letter serves to follow up the June 23, 2000 letter from this agency concerning the proposed development of the subject site. The proposed development of a two-story office building and a four-level parking garage is acceptable provided the eleven issues listed in the referenced letter of June 23, 2000 are addressed. A work plan addressing the eleven issues must be submitted for the site.

At this time, it appears that hot spot removal of contaminated soil and groundwater monitoring is required for the site. However, evaluation of soil and groundwater data that will be collected at the site may require active remedial measures. Please include in your work plan other remediation alternatives that will be proposed for the site. The work plan should be submitted to this office no later than August 7, 2000.

If you have any questions about this letter or the subject site, please contact me at (510) 567-6780.

Sincerely,

Susan L. Hugo
Hazardous Materials Specialist

c: Ariu Levi / Thomas Peacock, Environmental Health Services
Betty Graham, San Francisco Bay RWQCB
Barrie Cromartie / Ignacio Dayrit, City of Emeryville, 2200 Powell St., 12th Floor, Emeryville, CA 4608
Peter Cusack, Treadwell & Rollo, 555 Montgomery St., Suite 1300, San Francisco, CA 94111
SH / files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



SENT 6-27-2000

RD2621

June 23, 2000

Mr. Fillmore Marks
Marks Management Company
44 Montgomery, Suite 850
San Francisco, California 94104

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
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**RE: Proposed Emeryville Industrial Court (STID# 6687)
5885 Hollis Street, Emeryville, California 94608**

Dear Mr. Fillmore:

The Alameda County Environmental Health Services (ACEHS) has reviewed the following reports submitted for the above referenced site:

- Environmental Site Assessment (March 15, 1995) prepared by Weiss Associates
- Environmental Site Characterization (May 12, 2000) prepared by Treadwell & Rollo

The subject site has four buildings and currently occupied by tenants. The proposed development for the site consists of demolishing the existing buildings and construction of a two-story office building and a four-level parking garage.

Results of the soil samples collected from seventeen exploratory borings (TR-1 to TR-18) drilled at the site in April 2000 indicated the presence of the following contaminants: 9,900 parts per million (ppm) Total Recoverable Petroleum Hydrocarbons (TRPH), 160 ppm Total Petroleum Hydrocarbon (TPH) as gasoline, 360 ppm TPH diesel, 6600 ppm TPH motor oil, 600 ppm benzo[a] pyrene, 17 parts per billion (ppb) carbon disulfide and metals (97 ppm chromium, 150 ppm lead, 110 ppm nickel, 110 ppm zinc). Groundwater samples were collected from four borings (TR-1, TR-6, TR-9 and TR-12) and found up to 9900 ppb TRPH, 3300 ppb TPH gasoline, 700 ppb TPH diesel, 1400 ppb TPH motor oil, 20 ppb 1,4-dichlorobenzene, 18 ppb chloroform, 42 ppb chromium, 32 ppb lead, 400 ppb nickel and 650 ppb zinc.

Based on the review of the referenced reports, the following issues must be addressed prior to development of the subject site:

1. A 10,000-gallon underground storage tank was reportedly removed in 1990 at 5805 Hollis Street which is occupied by S.B. Thomas, one of the tenants at the site. The presence or absence of the tank must be verified. The tank's location must be identified. Records of the disposal of the tank and any stockpiled soil generated during the removal action should be submitted. Results of any soil and /or groundwater samples collected during the removal of the tank should also be submitted.

Mr. Fillmore Marks

RE: 5885 Hollis Street, Emeryville, CA 94608

June 23, 2000

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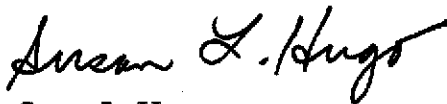
2. As you are aware, City of Emeryville acquired a portion of the subject site located on the corner of 59th Street and Peladeau (the former coffee roasters building). During the widening of 59th Street, petroleum hydrocarbon contamination (up to 13,000 ppm TPH diesel and 15,000 ppm TPH motor oil) was detected at the site. These data should be included in evaluating future groundwater monitoring requirements at the site.
3. A site conceptual model should be prepared which will identify sources of releases, chemicals of concern (COCs), routes of exposures, and sensitive receptors. This should include evaluation of the human and environmental risk assessment for the proposed use of the site.
4. A short term and long term risk management plan should be submitted for the site. The short term (construction) risk management plan should include at a minimum, the following elements: acceptable health & safety plans for construction workers, soil management plan, groundwater management plan, dust control, stormwater prevention plan and preventive measures to not create any vertical conduits for contaminants to migrate from shallow to deeper groundwater. The long term (future) risk management plan should include health and safety plan for future construction workers such as utility workers who maybe exposed to residual contaminants that will be left at the site and institutional controls such as capping and deed restrictions that may be required at the site.
5. Any reuse of soil at the site should have prior approval from this agency.
6. Confirmation soil and groundwater samples will be required at the site and should include the following chemicals of concern: TPH gasoline, TPH diesel, TPH motor oil, TPH as mineral spirits, chlorinated solvents, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs) and metals.
7. A site development plan should be submitted and should include at a minimum the following: description of the project; site map with the location of the proposed buildings, landscapes, basements, underground parking garages, known sources or potential sources of contamination and extent of any excavation associated with construction activities at the site.
8. A sump was identified at the site. Please provide more information about the location and usage of the reported sump and evaluate if the sump is a potential source of contamination.
9. Please provide us with the information of the type of business Cook Midwest, one of the tenants, used to operate at the site.

Mr. Fillmore Marks
RE: 5885 Hollis Street, Emeryville, CA 94608
June 23, 2000
Page 3 of 3

10. A contingency plan should be prepared for the site. The plan should include steps to be taken in the event that any unexpected or unusual condition is encountered during construction activities at the site. This may include uncovering abandoned tanks and associated pipings, hot spots and/ or contamination. Please include a flowchart of steps to be taken as part of the contingency plan.
11. A report should be submitted after completion of the development and should include at a minimum copies of any soil and /or groundwater disposed off site, results of soil and groundwater sampling, etc.

If you have any questions about this letter or the subject site, please contact me at (510) 567-6780.

Sincerely,



Susan L. Hugo
Hazardous Materials Specialist

c: Ariu Levi /Thomas Peacock, Environmental Health Services
Betty Graham, San Francisco Bay RWQCB
Barrie Cromartie / Ignacio Dayrit, City of Emeryville, 2200 Powell St., 12th Floor, Emeryville, CA 4608
Peter Cusack, Treadwell & Rollo, 555 Montgomery St., Suite 1300, San Francisco, CA 94111
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