
San Francisco Bay Regional Water Quality Control Board

Date: December 13, 2012
File No. 01S0734 (mej)

Stuart J. Gruendl
Bay Rock Oaks, LLC
4098 San Pablo Ave.
Emeryville, CA 94608
stuart@bay-rock.com

SUBJECT: No Further Action - Oak Walk Site, Emeryville, Alameda County

Dear Mr. Gruendl:

This letter confirms the completion of site investigation and remedial action for the pollutant releases at the subject site.

The Oak Walk site (Site) roughly consists of the western two thirds of the block bounded by 40th Street, 41st Street, San Pablo and Adeline. Addresses within the Site include: 1077, 1079, 1081, 1083, 1085 and 1122 40th St.; 1087, 1089, 1091, 1093, 1095, 1097 and 1099 41st St.; 4000, 4002 and 4008 San Pablo. The area within the Site has been used for residential and commercial purposes for more than 100 years. The Site was created by assembling several parcels for the purposes of creating the Oak Walk redevelopment project in cooperation with the City of Emeryville's Redevelopment Agency. The approved redevelopment project called for restoration of historic single family homes along 41st Street, as well as, construction of high density residential and commercial space. The project has now been completed and occupied.

Investigations determined that the Site itself did not appear to be a primary source of pollution, but had instead, been impacted by releases of petroleum hydrocarbons originating offsite. A portion of the San Francisco French Bread (SFFB) site, an underground fuel storage tank release, has been incorporated into the Site along its 40th Street boundary, with the remainder of the SFFB site beneath 40th Street. This is the only known point of release within the Site boundaries. Remedial measures were taken to address the SFFB site and it is currently being evaluated for closure by this agency.

The Site has been impacted by releases of petroleum hydrocarbons in fuels and other petroleum solvents. Offsite sources which are thought to have impacted the Site include: 1) the former Celis' Alliance Service Station at 4000 San Pablo Avenue, adjacent to the southern boundary of

the Oak Walk Site and that is today occupied by a portion of 40th Street where it intersects with San Pablo Avenue; 2) the former Dunne Paint and Boysen Paint Sites, at 4050 Adeline Street and 1007 41st Street, respectively, from either one or both of which sites paint solvents have migrated westward down the groundwater gradient to the Oak Walk Site; and 3) the former locations of leaking underground storage tanks at the former SFFB facility, which was located at 4070 San Pablo Avenue and which tank locations are today partially located beneath the Oak Walk Site and partially beneath 40th Street. The former Celis' Alliance Service Station at 4000 San Pablo Avenue is also being evaluated for closure by this agency.

To mitigate the adverse health risks associated with the potential exposure to contaminated soil, groundwater and soil vapor, a Corrective Action Plan (CAP), dated July, 2006, was prepared and implemented to remove and/or manage contaminated soil, groundwater and soil vapors on the Site and allow for its redevelopment. These remedial measures included:

1. Removal and off-site disposal of 3,100 tons of contaminated soil.
2. Extraction and off-site disposal of 21,000 gallons of contaminated groundwater.
3. Excavation of soil from the whole area of the Site to depths varying between 4 and 7 feet beneath the original ground surface and replacing that soil in the excavations to form an engineered fill suitable for construction of building foundations, which also produced a deep, low-permeability soil stratum over the Site.
4. Placement of a 60mil thick Liquid Boot[®] membrane as a vapor barrier beneath the reinforced concrete floor slabs of all residential and commercial space on the Site.

To accomplish the remedial measures described above, the entire Site was cleared. Historic buildings were relocated and soil removed and replaced. The historic buildings were then placed onto new foundations which incorporated the vapor barriers described above. The remainder of the Site was then built out with new construction. All of the new construction also incorporated vapor barriers within the foundation designs. Environmental covenants and restrictions, which incorporate a fact sheet and risk management plan have been applied to all of the properties within the Site except one (at 1081 40th Street). These covenants will be used to insure the engineered controls (high-density fill and vapor barriers) are not compromised and the remedy remains protective. As the project is primarily residential, the fact sheet will inform prospective purchasers of the site conditions and their responsibilities as owners/occupants to comply with the requirements of the covenants. The attached case closure summary provides additional information in regard to remedial measures taken, residual pollution present, etc.

The completion of the active remedial measures, combined with the incorporation of engineering controls and the application of institutional controls have adequately addressed the pollution present at the Site. The residual pollution remaining at the Site does not pose a significant risk to human health or the environment. Additionally, all monitoring related to the Site have also been properly removed.

Based upon the available information, including the current land use, the institution and engineering controls and with the provision that the information provided to this agency was accurate and representative of site conditions, no further action related to investigating or

remediating pollution at the Site is required. There will, however, be an ongoing responsibility for compliance with the requirements of the environmental covenants and restrictions, as they are recorded onto the title of the properties.

If you have any questions, please contact Mark Johnson of my staff at (510) 622-2493 [e-mail mjohnson@waterboards.ca.gov].

Sincerely,

Bruce H. Wolfe
Executive Officer

Attachments: Case Closure Summary
13267 Fact Sheet

cc w/attach: Donna Dragos, ACEH
Marcus Niebank, City of Emeryville, markus@amicusenv.com
Dai Watkins, Dietz Engineering and Construction, daiw@sanjoco.com
Peter Sher, San Francisco French Bread Company

CASE CLOSURE SUMMARY

I. AGENCY INFORMATION

Date: 12/13/2012

Agency Name: SF Bay Regional Water Quality Control Board	Address: 1515 Clay Street, Suite 1400
City/State/Zip: Oakland, CA 94612	Phone: 510-622-2300
Responsible Staff Person: Mark Johnson	Title: E.G.

II. SITE INFORMATION

Site Facility Name: Oak Walk Site				
Site Facility Address: 4098 San Pablo Ave., Emeryville, CA 94608 (Note: Properties within Site also contains several new addresses including: 1077, 1079, 1081, 1083, 1085 and 1122 40 th St.; 1087, 1089, 1091, 1093, 1095, 1097 and 1099 41st St.; 4000, 4002 and 4008 San Pablo)				
RB Case No.: 01S0734	Local Case No.: RO0002733	Priority:		
Responsible Parties (include addresses and phone numbers)				
Bay Rock Oaks, LLC 4098 San Pablo Avenue, Emeryville , CA (510) 682-6108				
San Francisco French Bread Company 500 Julie Ann Way, Oakland CA 94621 (510) 638-3252				
Note: Former Site of San Francisco French Bread site is partially under Oak Walk Site and partially under 40th St.				
Oak Walk Site also affected by three off-site tank leaks.				
Tank No.	Size in Gallons	Contents	Closed In—Place/Removed?	Date
None				

III. RELEASE AND SITE CHARACTERIZATION INFORMATION

Cause and Type of Release: Leaking Tanks – Petroleum Based Solvents, Mineral Spirits, Hydrocarbon Fuels, Motor Oil		
Site characterization complete? YES	Date Approved by Oversight Agency:	
Monitoring wells installed? YES	Number: 28	Proper screened interval? YES
Highest GW Depth Below Ground Surface: 9.65 ft.	Lowest Depth: 2.96 ft.	Flow Direction: South West
Most Sensitive Current Use: No use of shallow groundwater in area		
Most Sensitive Potential Use: Drinking Water and Probability of Use: Very low Probability of Future Use for any Purpose		

Comments (Depth of Remediation, etc.):

Soil remediation by excavation to varying depth from 4ft. to 7ft. Remedial excavations backfilled with compacted silty clay having a hydraulic conductivity of less than $\times 10^{-7}$ cm/sec. Liquid Boot vapor barrier placed under heavily reinforced foundation (floor) slabs under all inhabited space.

IV. CLOSURE

Does completed corrective action protect existing beneficial uses per the Regional Board Basin Plan? YES		
Does completed corrective action protect potential beneficial uses per the Regional Board Basin Plan? YES		
Does corrective action protect public health for current land use? YES		
Site Management Requirements: Deed Restrictions and associate RMP have been applied to all properties in development. Vapor barriers must be maintained beneath all enclosed structures.		
Monitoring Wells Decommissioned: yes	Number Decommissioned: 28	Number Retained: 0
List Enforcement Actions Taken: None		
List Enforcement Actions Rescinded: None		

V. TECHNICAL REPORTS, CORRESPONDENCE, ETC., THAT THIS CLOSURE RECOMMENDATION WAS BASED UPON

Dietz Engineering and Construction, Inc., <i>Closure Report for the Oak Walk Site including San Francisco French Bread Company UST Site – November 2012, Oak Walk Site, Emeryville, California.</i>	November 2012
Dietz Engineering and Construction, Inc. (2012a), <i>Groundwater Quality Monitoring Report Monitoring Wells MW-16A and MW-16B – March 2012, Oak Walk Site, Emeryville, California.</i>	March 2012
Dietz Engineering and Construction, Inc. (2012b), <i>Post-remediation Health Risk Assessment Oak Walk Site, Emeryville, California.</i>	March 2012

ADDITIONAL COMMENTS, DATA, ETC.

Almost all pollution present on site has migrated onto it from offsite sources. The deed restrictions and RMPs must be complied with to prevent a potential pathway of exposure to underlying pollutants. Any construction of enclosed space structures for occupation will require vapor mitigation, as per the deed restrictions.

This document and the related CASE CLOSURE LETTER shall be retained by the lead agency as part of the official site file.