

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

September 18, 2007

Voila Juices  
510 Derby Avenue  
Emeryville, CA 94601

Gary Boland  
3049 Halcyon Court  
Berkeley, CA 94705-1913

Barton and Shirley Bennett  
1225 Alpine Road, Suite 202  
Walnut Creek, CA 94596-4400

Subject: SLIC Case RO0002866 and Geotracker Global ID T06019786231, F&F Precision Grinding, 510 Derby Avenue, Oakland, CA 94601

Dear Mr. Boland and Mr. and Ms. Bennett:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above-referenced site, including recently submitted correspondence dated September 5, 2007 and a report entitled, "F & F Grinding Environmental Site Assessment, 510 Derby Avenue, Oakland, CA," dated January 30, 1995 and received by ACEH on September 17, 2007. The September 5, 2007 correspondence responds to ACEH technical comments regarding the source of ammonia in soil samples collected beneath the building, potential human health risks from ammonia, and land use restrictions. The report entitled, "F & F Grinding Environmental Site Assessment, 510 Derby Avenue, Oakland, CA," dated January 30, 1995 presents the results of an environmental audit conducted to identify potential contamination or other environmental problems. The information contained in the 1995 report would have been more useful if provided in the work plan phase of investigation rather than following site investigation activities. We have several technical comments related to site features and information provided in the 1995 report.

We request that you address the following technical comments, perform the proposed work, and send us the Response to Agency comments requested below.

**TECHNICAL COMMENTS**

- 1. Site Features Shown on Figures.** We note that the building outline shown on Figure 2 of the report entitled, "Subsurface Investigation," dated January 29, 2007 differs from the building outline shown in section 2.2 of the January 30, 1995 Environmental Site Assessment report (see attached Site Plans A and B). The building appears rectangular on Site Plan A (1995 report) but appears square on Site Plan B (2007 report); however, no scale is included on Site Plan A. Please compare the two figures and describe the reason for the differences in the Response to Agency Comments requested below. Specifically, is

the portion of the building labeled "Small Grinding Machines and Waste Oil Storage," shown on Site Plan A (1995 report) included on Site Plan B (2007 report) and was this area of the building investigated? We request that you prepare a revised Site Plan B to show this portion of the building.

2. **Old Oil Quenching Area.** A feature described as an "Old Oil Quenching Area," is shown on Site Plan A (1995 report). Please show this feature on a revised Site Plan B and indicate whether this feature was investigated in the Response to Agency Comments requested below.
3. **Tanks for Grinding Machines.** Section 5.7 of the 1995 report describes in-ground tanks containing coolant for grinding machines #3 and #4. The liquid level in tank #4 was described as rising following heavy periods of rain, indicating potential leakage. Please provide further information on the size of these tanks and how they were decommissioned. We also request that you show these tanks on a revised Site Plan and indicate whether these features were investigated in the Response to Agency Comments requested below.

#### TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **November 30, 2007** – Response to Agency Comments

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

#### ELECTRONIC SUBMITTAL OF REPORTS

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

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

Gary Boland  
Barton and Shirley Bennett  
September 18, 2007  
Page 3

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)).

#### 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

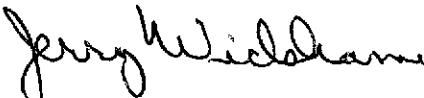
The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For 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.

#### 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) 567-6791.

Sincerely,



Jerry Wickham  
Hazardous Materials Specialist

Attachments: Site Plan A (from 1995 report) and Site Plan B (from 2007 report)

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

Gary Boland  
Barton and Shirley Bennett  
September 18, 2007  
Page 4

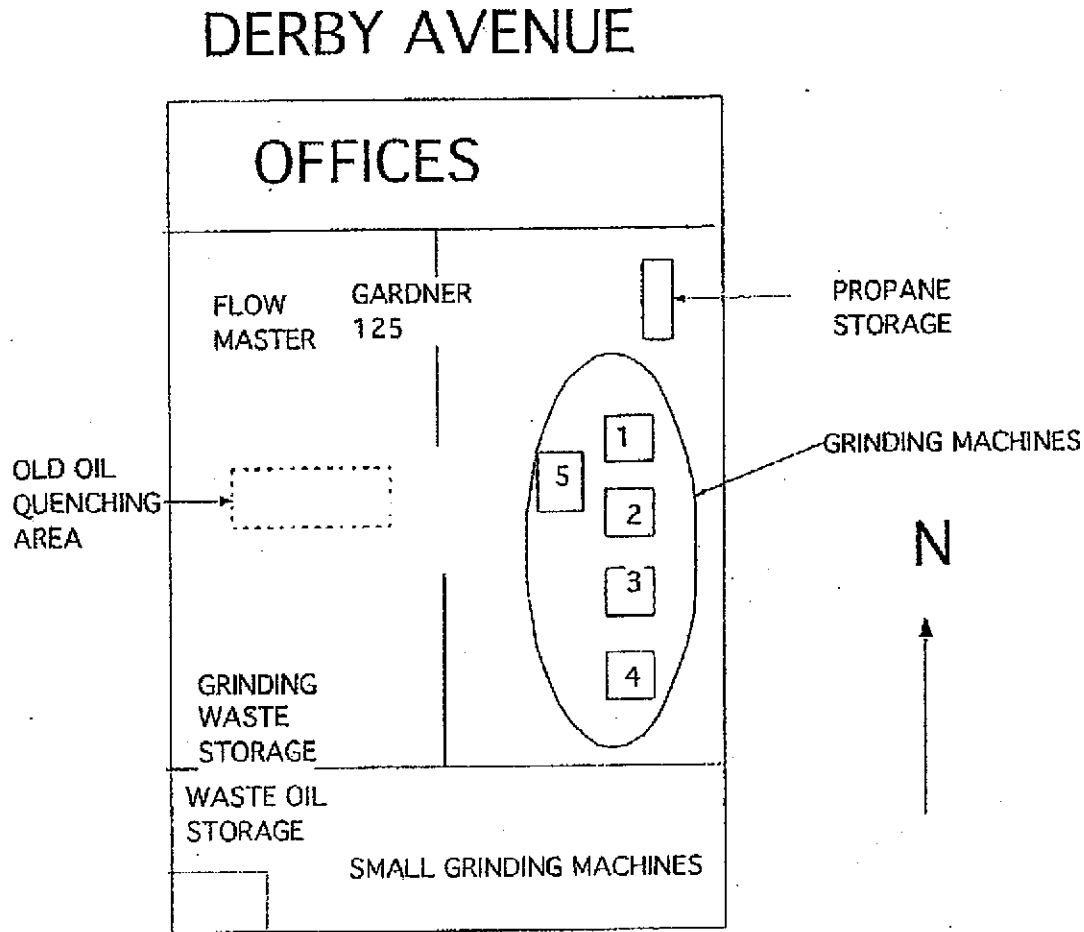
cc: Leroy Griffin  
Oakland Fire Hazardous Materials Unit  
250 Frank Ogawa Plaza, Suite 3341  
Oakland, CA 94612

Frank Poss  
Professional Service Industries, Inc.  
4703 Tidewater Avenue, Suite B  
Oakland, CA 94601

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

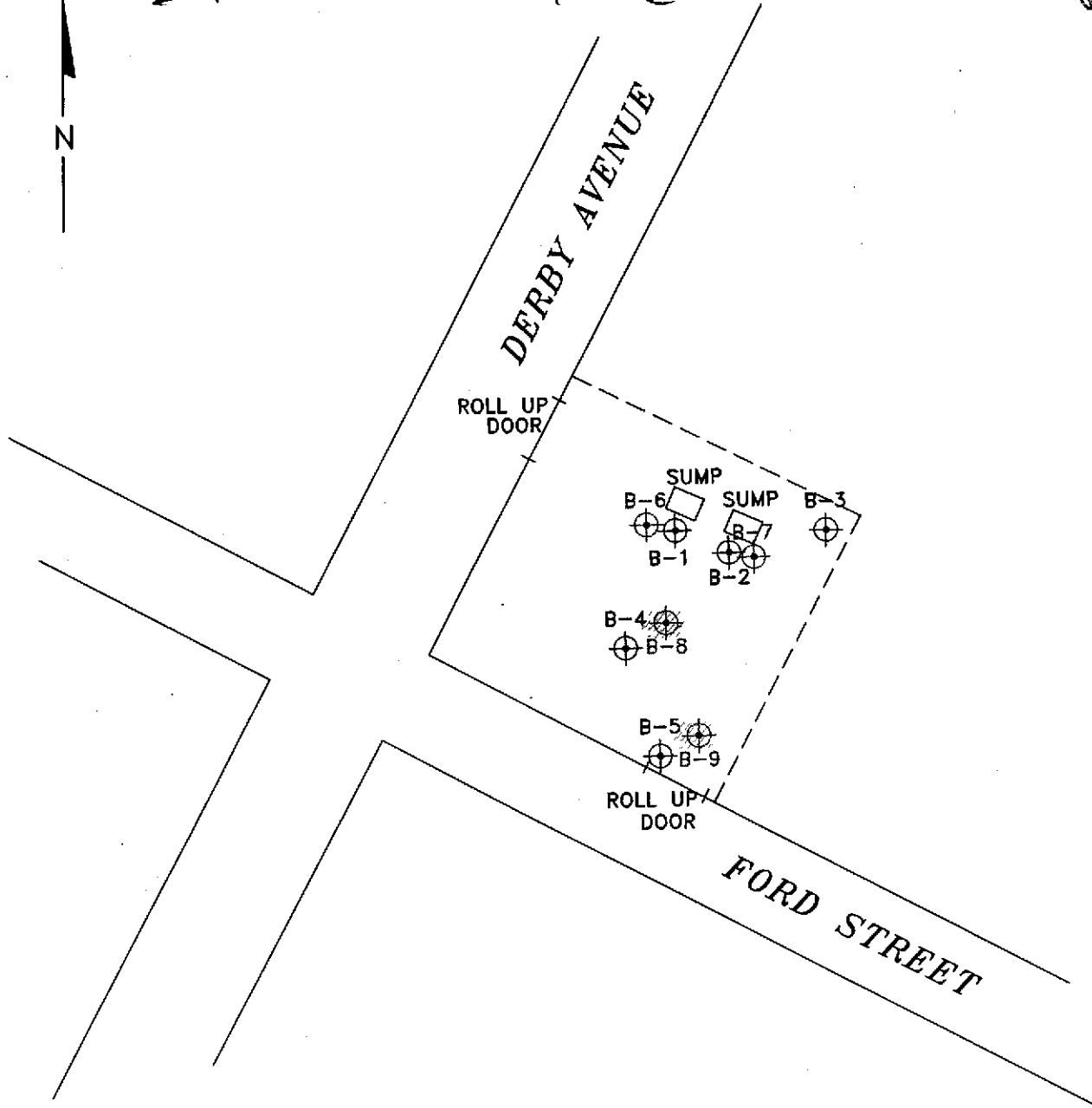
ENVIRONMENTAL SITE ASSESSMENT  
OF  
F & F Grinding located at 510 Derby Avenue in Oakland, CA 94601  
January 30, 1995

2.2 Facility Layout







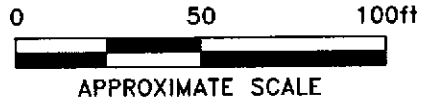
Site Plan A (From January 30, 1995 report entitled F&F Grinding Environmental Site Assessment)


# Site Plan B (from 2007 report)



## EXPLANATION

-  - SUBJECT STRUCTURE
-  B-5 - SOIL BORING (2004 PHASE II ESA)
-  B-6 - SOIL BORING
-  - FORMER DRUM STORAGE



 <b>Information To Build On</b> <i>Engineering • Consulting • Testing</i>		4703 Tidewater Avenue, Suite B Oakland, California 94601 (510) 434-9200			
		Project Name: <b>VOILA JUICES</b> 510 DERBY AVENUE, OAKLAND, CALIFORNIA	Drawn By: T.J.	Date: 1/07	File No.: 6C021-02
Title: <b>SITE PLAN AND BORING LOCATION MAP</b>		Approved By: F.P.	Project No.: 575-6C021		

ALAMEDA COUNTY  
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DAVID J. KEARS, Agency Director



F

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

July 5, 2007

Voila Juices  
510 Derby Avenue  
Emeryville, CA 94601

Gary Boland  
3049 Halcyon Court  
Berkeley, CA 94705-1913

Barton and Shirley Bennett  
1225 Alpine Road, Suite 202  
Walnut Creek, CA 94596-4400

Subject: SLIC Case RO0002866 and Geotracker Global ID T06019786231, F&F Precision Grinding, 510 Derby Avenue, Oakland, CA 94601

Dear Mr. Boland and Mr. and Ms. Bennett:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above-referenced site, which includes the report entitled, "Subsurface Investigation, Voila Juices, 510 Derby Avenue, Oakland, CA," dated January 29, 2007 and received by ACEH on March 15, 2007. The report presents results from soil sampling conducted in four shallow soil borings. TPH as motor oil was detected in one of five soil samples collected at a concentration of 240 mg/kg, which exceeds the California Regional Water Quality Control Board (RWQCB) Environmental Screening Level (ESL) for residential land use. Cyanide was detected in one soil sample at a concentration of 0.76 mg/kg. Ammonia was detected in two of four soil samples collected at concentrations of 15 and 580 mg/kg, respectively. The report indicates that there are no ESLs or EPA Region 9 Preliminary Remediation Goals for ammonia for screening purposes. The report also does not discuss potential human health risks due to ammonia in soils (see technical comment 2 below).

We request that you address the following technical comments, perform the proposed work, and send us the Response to Agency comments requested below.

**REQUEST FOR INFORMATION**

ACEH's case files for the subject site contain only the reports entitled, "Subsurface Investigation Report," dated June 30, 2004, "Site Investigation Work Plan," dated November 8, 2006, and "Subsurface Investigation," dated January 29, 2007. We request that you submit copies of any other reports you have documenting additional investigation activities or other relevant work related to this site. Specifically, we request that you submit to ACEH a copy of any Phase I Environmental Assessment reports completed for the site as part of property transactions. The "Subsurface Investigation Report," dated June 30, 2004 includes an appendix entitled, "Historical Survey Data; however, scope of the historical review is limited.

### TECHNICAL COMMENTS

1. **Source of Ammonia.** There is no discussion of the potential source of ammonia detected in soil at the site. Please indicate in the Response to Comments requested below whether ammonia is stored or used at the site. Specifically, please indicate whether ammonia is used as a refrigerant in any refrigeration systems on site and whether there is a potential for re-occurring ammonia leaks from any source on site.
2. **Potential Human Health Risks from Ammonia.** The Subsurface Investigation Report concludes that no contaminant concentrations exceeded their respective ESLs although there are no ESLs for ammonia. The report recommends no further action for the site based on the results presented. Please discuss in the Response to Comments requested below, the basis for concluding that the ammonia detected in soil does not pose a potential human health risk.
3. **Land Use Restriction.** The information requested in the Response to Comments will be reviewed in order to provide further direction for the site or to concur with the request for no further action. Please note that if no remedial actions are conducted at the site, a deed restriction will be required for the property due to the residual contamination remaining in soil. The deed restriction will require ACEH notification and review if a land use change from the current commercial use to a more conservative land use such as residential use is proposed.

### TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **September 19, 2007** – Response to Agency Comments

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

### ELECTRONIC SUBMITTAL OF REPORTS

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#### 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

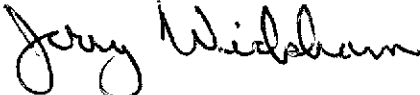
If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety

Gary Boland  
Barton and Shirley Bennett  
July 5, 2007  
Page 4

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) 567-6791.

Sincerely,



Jerry Wickham  
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Frank Poss.  
Professional Service Industries, Inc.  
4703 Tidewater Avenue, Suite B  
Oakland, CA 94601

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



F

March 27, 2007

Voila Juices  
510 Derby Avenue  
Oakland, CA 94601

Gary Boland  
3049 Halcyon Court  
Berkeley, CA 94705-1913

Barton and Shirley Bennett  
1225 Alpine Road, Suite 202  
Walnut Creek, CA 94596-4400

Subject: SLIC Case RO0002866 and Geotracker Global ID T06019786231, F&F Precision Grinding, 510 Derby Avenue, Oakland, CA

Dear Mr. Boland and Mr. and Ms. Bennett:

In order for Alameda County Environmental Health (ACEH) to review Spills, Leaks, Investigations, and Cleanups (SLIC) cases, we require an oversight account. ACEH previously requested that you send a check made payable to Alameda County Environmental Health in the amount of \$6,000 to set up your oversight account. Based on our telephone discussion of August 11, 2006, we agreed that an initial review could be conducted with a deposit of \$3,000 in order to lessen the financial burden to you. We received the initial installment of \$1,500 and reviewed the case file and work plan to provide technical comments in correspondence dated September 22, 2006. On March 15, 2007, we received the report entitled, "Subsurface Investigation," dated January 29, 2007. In order to review this report and continue oversight of your case, we require that the second installment of \$1,500 be submitted.

This deposit may or may not be sufficient to provide all necessary regulatory oversight. ACEH will deduct actual costs incurred based upon the hourly rate specified below. If these funds are insufficient, an additional deposit will be requested. Otherwise, any unused monies will be refunded to you or your designee.

The deposit is authorized in Section 6.92.040L of the Alameda County Ordinance Code. Work on this project is being debited at the Ordinance specified rate, currently \$166.00 per hour.

Please write "SLIC" (the type of project), the site address, and the AR# 0314795 on your check.

If you have any questions, please call me at (510) 567-6791.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Wickham". The signature is fluid and cursive.

Jerry Wickham  
Hazardous Materials Specialist

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

Gary Boland  
Voila Juices  
Barton and Shirley Bennett  
March 27, 2007  
Page 2

cc: Frank Poss  
Professional Service Industries, Inc.  
4703 Tidewater Avenue, Suite B  
Oakland, CA 94601

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



7

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

November 22, 2006

Voila Juices  
510 Derby Avenue  
Emeryville, CA 94601

Gary Boland  
3049 Halcyon Court  
Berkeley, CA 94705-1913

Barton and Shirley Bennett  
1225 Alpine Road, Suite 202  
Walnut Creek, CA 94596-4400

Subject: SLIC Case [REDACTED] F&F Precision Grinding, 510 Derby Avenue, Emeryville, CA –  
Work Plan Approval

Dear Mr. Boland and Mr. and Ms. Bennett:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above-referenced site and the document entitled, "Site Investigation Work Plan, Former F&F Grinding, 510 Derby Avenue, Oakland, CA," dated November 8, 2006, prepared for Voila Juices by Professional Service Industries, Inc. The Work Plan proposes advancing four soil borings to five feet bgs in areas where chemical releases potentially may have occurred. The proposed scope of work is acceptable provided that the items identified in the technical comments below are addressed and incorporated during the field investigation. Submittal of a revised Work Plan is not required provided that the technical comments are fully addressed during the field investigation.

We request that you address the following technical comments, perform the proposed work, and send us the technical reports requested below.

**TECHNICAL COMMENTS**

1. **Soil Sampling.** The Work Plan proposes the collection of soil samples from depths of one foot and five feet bgs. We request that soil samples be continuously screened and logged during advancement of the hand auger borings. In addition to collection of soil samples for laboratory analysis at fixed depths of one and five feet bgs, soil samples are to be submitted for laboratory analyses for all depth intervals where staining, odor, or elevated PID readings are observed. Please include results in the Soil Investigation Report requested below.
2. **Laboratory Analysis.** The proposed laboratory analyses for metals, total petroleum hydrocarbons, and volatile organic compounds on the soil samples are generally acceptable. However, we request that total cyanide analysis by EPA Method 335.2 also be

performed on the soil samples. Due to the observation of a strong ammonia odor within the interval immediately below the concrete slab in boring B-5, we request that nitrogen/ammonia analyses be conducted on the soil samples also. Please present the results in the Soil Investigation Report requested below.

#### **TECHNICAL REPORT REQUEST**

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- April 12, 2007 – Soil Investigation Report

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

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**PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS**

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**UNDERGROUND STORAGE TANK CLEANUP FUND**

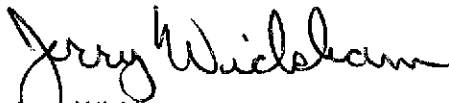
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**AGENCY OVERSIGHT**

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If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham  
Hazardous Materials Specialist

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Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

R02866

**VOILA! JUICES**

www.voilajuice.com  
510 DERBY AVENUE  
OAKLAND, CALIFORNIA 94601  
(510) 261-1444

WELLS FARGO BANK, N.A.  
WWW.WELLSFARGO.COM

31476

11-24/1210

One Thousand Five Hundred

DATE

08-25-06

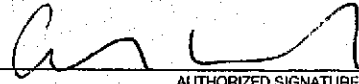
AMOUNT

\$1500<sup>00</sup>

PAY  
TO THE  
ORDER  
OF

Alameda County

ref. R0002866



AUTHORIZED SIGNATURE

⑈031476⑈ ⑆121000248⑆0129033494⑈

FD Security Features: Details on back



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



7

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Subject: SLIC Case ~~94502-6577~~, F&F Precision Grinding, 510 Derby Avenue, Emeryville, CA

Dear Mr. Boland and Mr. and Ms. Bennett:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above-referenced site, which includes the report entitled, "Site Investigation Report, 510 Derby Avenue and Ford Street, Oakland, CA," dated August 13, 2004, prepared for Voila Juices by Professional Service Industries, Inc. The report identified four areas of concern at the site: two concrete sumps that contained a viscous sludge that appeared to be petroleum hydrocarbons and metals and two areas of stacked drums. A site investigation conducted on June 8, 2004 included the collection of four shallow groundwater samples in the areas of concern. Total petroleum hydrocarbons (TPH) as diesel, TPH as motor oil, metals, volatile organic compounds, and semi-volatile organic compounds were detected in the groundwater samples. Cobalt and nickel were detected in groundwater at concentrations exceeding Regional Water Quality Control Board Environmental Screening Levels (ESLs). No soil or soil vapor samples were collected during the investigation.

The site investigation did not evaluate whether residual contamination is present in soil beneath the building. Investigation of shallow soil is required to assess whether shallow soils beneath the building have been impacted by previous site activities. Therefore, we request that you submit a Work Plan by **November 30, 2006** to investigate shallow soil conditions beneath the building.

We request that you address the following technical comments, perform the proposed work, and send us the technical reports requested below.

### TECHNICAL COMMENTS

1. **Soil Boring Logs.** The Site Investigation report indicates that soil borings were logged according to the Unified Soil Classification System. However, no soil boring logs were presented in the report. Submittal of soil boring logs is a standard industry practice. We request that you submit the soil boring logs from the site investigation in the Work Plan requested below.

### TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **November 30, 2006 – Work Plan**

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

### ELECTRONIC SUBMITTAL OF REPORTS

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)).

### 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

Gary Boland  
Barton and Shirley Bennett  
September 6, 2006  
Page 3

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) 567-6791.

Sincerely,



Jerry Wickham  
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Frank Poss  
Professional Service Industries, Inc.  
4703 Tidewater Avenue, Suite B  
Oakland, CA 94601

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



7

August 18, 2006

Voila Juices  
510 Derby Avenue  
Emeryville, CA 94601

Gary Boland  
3049 Halcyon Court  
Berkeley, CA 94705-1913

Barton and Shirley Bennett  
1225 Alpine Road, Suite 202  
Walnut Creek, CA 94596-4400

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

Subject: SLIC Case ~~RO0002866~~ F&F Precision Grinding, 510 Derby Avenue, Emeryville, CA

Dear Mr. and Ms. Bennett:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced Spills, Leaks, Investigations, and Cleanup (SLIC) case and correspondence entitled "Case RO0002866," dated August 11, 2006, written by Mr. Barton Bennett. In the August 11, 2006 correspondence, Mr. Bennett indicates that he is not involved with the above referenced property and requests that his name be removed from ACEH files. As a former owner of the property, Mr. Bennett is a responsible party for this open SLIC case. ACEH correspondence is directed to all responsible parties regardless of any private arrangements made between the responsible parties. Therefore, Mr. and Ms. Bennett's names cannot be removed from the file or from ACEH directives for this site.

If you have any questions, please call me at (510) 567-6791.

Sincerely,

Jerry Wickham  
Hazardous Materials Specialist

cc: Frank Poss  
Professional Service Industries, Inc.  
4703 Tidewater Avenue, Suite B  
Oakland, CA 94601

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

R02866

**WELLS**  **BENNETT** REALTORS  
INVESTMENT PROPERTIES GROUP

1451 LEIMERT BOULEVARD  
OAKLAND, CA 94602  
PHONE: (510) 531-7000

August 11, 2006

*Alameda County  
AUG 15 2006  
Environmental Health*

Mr. Jerry Wickham  
Alameda County Health Care Services  
Environmental Protection  
1131 Harbor Bay Parkway, Suite 250  
Alameda, California 94502-6577

Re: Case R0002866

Dear Mr. Wickham:

I called your office when I received your previous letter a few months ago. Please be advised that I sold the property to Mr. Boland in December of 2004 and, to the best of my knowledge, I have never heard of Mr. Frank R. Poss or Professional Services Industries. I am not involved with this property.

I would appreciate it if you would please remove my name from your file.

Sincerely,

  
Barton W. Bennett

cc: Frank Poss

*[Faint, illegible text]*

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



7

August 9, 2006

Voila Juices  
510 Derby Avenue  
Emeryville, CA 94601

Gary Boland  
3049 Halcyon Court  
Berkeley, CA 94705-1913

Barton and Shirley Bennett  
1225 Alpine Road, Suite 202  
Walnut Creek, CA 94596-4400

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

Subject: SLIC Case [REDACTED] F&F Precision Grinding, 510 Derby Avenue, Emeryville, CA

Dear Mr. Boland and Mr. and Ms. Bennett:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced Spills, Leaks, Investigations, and Cleanup (SLIC) case and correspondence entitled "File Review," dated July 6, 2006 and submitted on your behalf by Frank R. Poss of Professional Service Industries. ACEH previously requested a check for \$6,000 for regulatory oversight of this case. The July 6, 2006 correspondence from Professional Service Industries indicates that since the site has been purchased by Voila Juices, review of the existing report by ACEH is not necessary. We are sending you this correspondence to inform you that review of the case file and existing reports by ACEH is necessary for this site. A SLIC case is currently open and will remain open for the above-referenced site until a review is completed and the site is evaluated for closure or additional characterization or cleanup. If you do not submit funds to set up an oversight account, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions.

In order for Alameda County Environmental Health (ACEH) to review the case, we require an oversight account. To set up an oversight account, please send a check made payable to Alameda County Environmental Health in the amount of \$6,000. Please send your check to the attention of our Finance Department.

This deposit may or may not be sufficient to provide all necessary regulatory oversight. ACEH will deduct actual costs incurred based upon the hourly rate specified below. If these funds are insufficient, an additional deposit will be requested. Otherwise, any unused monies will be refunded to you or your designee.

The deposit is authorized in Section 6.92.040L of the Alameda County Ordinance Code. Work on this project is being debited at the Ordinance specified rate, currently \$166.00 per hour.

Please write "SLIC" (the type of project), the site address, and the AR# 0314795 on your check.

Gary Boland  
Voila Juices  
Barton and Shirley Bennett  
August 9, 2006  
Page 2

If you have any questions, please call me at (510) 567-6791.

Sincerely,

A handwritten signature in black ink that reads "Jerry Wickham". The signature is written in a cursive style with a large, prominent "J" and "W".

Jerry Wickham  
Hazardous Materials Specialist

cc: Frank Poss  
Professional Service Industries, Inc.  
4703 Tidewater Avenue, Suite B  
Oakland, CA 94601

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

July 6, 2006

Mr. Ariu Levi  
**Alameda County Health Care Services**  
1131 Harbor Bay Parkway, Suite 250  
Alameda, California 94502

Re: File Review  
510 Derby Avenue  
Oakland, California  
SLIC Case RO0002866  
PSI Project Number: 575-4G023

Dear Mr. Levi:

On behalf of Mr. Gary Boland of Voila Juices, Professional Service Industries, Inc. (PSI) is responding to your letter of June 5, 2006, which requests a check payable to Alameda County Environmental Health for \$6,000 for the review of the June 30, 2004 Soil Investigation Report generated by PSI for the above referenced site. Since the site has already been purchased by Voila Juices, review of the existing report for site closure is not necessary at this time.

If you have any questions or require further information, please call us at 510-434-9200.

Respectfully submitted,

**PROFESSIONAL SERVICE INDUSTRIES, INC.**

  
Frank R. Poss  
Department Manager

cc: Donna Drogos – Alameda County Environmental Health Department  
Gary Boland – Voila Juices



ALAMEDA COUNTY  
HEALTH CARE SERVICES



7

AGENCY  
DAVID J. KEARS, Agency Director

June 5, 2006

Voila Juices  
510 Derby Avenue  
Emeryville, CA 94601

Gary Boland  
3049 Halcyon Court  
Berkeley, CA 94705-1913

Barton and Shirley Bennett  
1225 Alpine Road, Suite 202  
Walnut Creek, CA 94596-4400

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

Subject: SLIC Case # [REDACTED], F&F Precision Grinding, 510 Derby Avenue, Emeryville, CA

To Whom It May Concern:

A Spills, Leaks, Investigations, and Cleanup (SLIC) case is currently open for the above-referenced site. In order for Alameda County Environmental Health (ACEH) to review the case, we require an oversight account. To set up an oversight account, please send a check made payable to Alameda County Environmental Health in the amount of \$6,000. Please send your check to the attention of our Finance Department.

This deposit may or may not be sufficient to provide all necessary regulatory oversight. ACEH will deduct actual costs incurred based upon the hourly rate specified below. If these funds are insufficient, an additional deposit will be requested. Otherwise, any unused monies will be refunded to you or your designee.

The deposit is authorized in Section 6.92.040L of the Alameda County Ordinance Code. Work on this project is being debited at the Ordinance specified rate, currently \$166.00 per hour.

Please write "SLIC" (the type of project), the site address, and the AR# 0314795 on your check.

If you have any questions, please contact Jerry Wickham at (510) 567-6791.

Sincerely,

  
Ariu Levi  
Division Chief

cc: D. Drogos, J. Jacobs, Jerry Wickham

Frank Poss, PSI, 4703 Tidewater Avenue, Suite B, Oakland, CA 94601