

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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ENVIRONMENTAL HEALTH SERVICES

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

August 30, 2007

Mr. Curtis Eisenberger
1396 Fifth Street Associates
9451 MacArthur Blvd.
Oakland, CA 94606

Dear Mr. Eisenberger:

Subject: Toxics Case RO0002896 & Global ID T06019794669, Red Star Yeast/1396
Fifth Street LLC, 1396 5th St., Oakland, CA 94607

Alameda County Environmental Health (ACEH) staff has received and reviewed the August 13, 2007 Work Plan for Soil Confirmation Sampling prepared by Treadwell & Rollo for the subject site. This report responds to the County's August 1, 2007 letter regarding residual lead and mercury levels in soils at the site. To address the lead impacted areas exceeding residential ESLs, the work plan proposes "removing 3 feet and re-sample" (for lead) in the areas of soil samples CS-7-West and CS-9-East. For the former location of boring E-1, an area of approximate size 5' by 5' by 2.5' in depth is proposed for excavation and re-sampling. Upon clarification from your consultant, it appears that removing 3 feet means that the former impacted areas will be expanded laterally 3' and vertically to 2.5' depth prior to re-sampling. This proposal is approved. In regards to the mercury-impacted area, it was clarified that the area of CS-3 was excavated to 6", sampled and detected mercury below the residential ESL. Please provide the soil disposal receipts for the excavated soil along with your soil excavation report to expedite site closure review.

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

Sincerely,

Barney M. Chan
Sr. Hazardous Materials Specialist

cc: files, D. Drogos, S. Hugo
Mr. Peter Cusack, Treadwell & Rollo, 555 Montgomery St., Suite 1300, SF,
CA 94111

From: curtis [curtis@mariposamanagement.com]
Sent: Thursday, August 30, 2007 10:56 AM
To: Chan, Barney, Env. Health
Cc: sade panahi; Peter Cusack
Subject: 1396 -5th Street, Oakland, Calif.

Dear Barney-

I want to thank you for taking time yesterday to speak with me.

Thank you for filling me on your progress. As noted, I am waiting for you to email me your approval of the Treadwell & Rollo work plan. You indicated that this would be done by close of business yesterday.

I wish you well in your new assignment. However, I sincerely hope that your supervisors will allow you to continue with our project until the NFA letter is issued. We have been working on this problem now for about 1-1/2 years.

We really cannot afford more delays and we are concerned that it will take a new person time to familiarize himself/herself with the project and that this will result in more delays.

I will have Treadwell & Rollo speak with your department about this issue, but we would appreciate your active involvement.

Thank you,

Curtis Eisenberger
415-519-6652
curtis@mariposamanagement.com

ALAMEDA COUNTY
HEALTH CARE SERVICES

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FAX (510) 337-9335

August 1, 2007

Mr. Curtis Eisenberger
1396 Fifth Street Associates
9451 MacArthur Blvd.
Oakland, CA 94606

Dear Mr. Eisenberger:

Subject: Toxics Case RO0002896 & Global ID T06019794669, Red Star Yeast/1396
Fifth Street LLC, 1396 5th St., Oakland, CA 94607

Alameda County Environmental Health (ACEH) staff has received and reviewed the May 30, 2007 Analytical Results of Soil Confirmation Sampling report prepared by Treadwell & Rollo. This report provides the sampling results after the excavation of two areas, one in the area of a historic mercury spill and one location of elevated lead contamination. Assuming that site closure is intended for unrestricted ie residential use, the respective Environmental Screening Levels (ESLs) for lead and mercury are 150 ppm and 3.7 ppm, respectively. Based upon the results of this report, it appears that lead in CS-7-WEST and CS-9-EAST plus former sample E-1 exceed this ESL for lead as well as CS-3-0 for mercury. As such, these areas must be excavated and re-sampled before unrestricted closure is considered or a deed restriction may be placed upon the property.

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

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

cc: files, D. Drogos
Mr. Peter Cusack, Treadwell & Rollo, 555 Montgomery St., Suite 1300, SF,
CA 94111

8_1_07 1396 5th St.

Chan, Barney, Env. Health

102876

From: Michael Chamberlain [mchamberlain@treadwellrollo.com]
Sent: Friday, July 06, 2007 11:37 AM
To: curtis@mariposamanagement.com; Chan, Barney, Env. Health
Cc: Peter Cusack; goalasooo@hotmail.com
Subject: Red Star Overview

Hi Curtis,

As you requested, I've type up a brief summary of the soil sampling documented in Treadwell & Rollo's letter report *Analytical Results of Soil Confirmation Sampling*, dated 30 May 2007 for the Former Red Star Yeast site in Oakland, CA. The scope of work, as approved by Alameda Co. Health Care Services on 17 April 2007, was completed on 17 May 2007 and included sampling soil from limited over-excavation at two locations at the Site.

One location was in the vicinity of soil boring SB-2 which had analytical results indicating elevated lead concentrations. A "box" approximately 5 foot X 5 foot and 2.5 foot deep was excavated at SB-2, soil confirmation samples were collected from the walls and floor of the excavation, the results for lead from the five samples ranged between 94 and 190 milligrams per milligrams (mg/kg), with the floor sample (SC-11-BOT @ 2.5 ft) the lowest concentration,

The second location was in the vicinity of a reported historical mercury release at the former Mash House. A "box" approximately 15 foot X 30 foot and 0.5 foot deep was excavated and a set of 6 soil confirmation samples collected from the floor of the excavation; the excavation was deepened to 1 foot and a second set of 6 soil confirmation samples collect. The results for mercury from the shallow 6 samples ranged between 0.72 and 5.8 mg/kg, the deeper floor samples from the second set of 6 samples ranged between 0.093 and 0.58 mg/kg for mercury.

Nothing unexpected occurred during the field activities. The results appear to indicate that the impacted areas were limited and have been removed.

Please call if you need any additional information.

TTFN

MAC

Michael Chamberlain, P.G.
Senior Project Geologist
Treadwell & Rollo, Inc.
555 Montgomery St, Ste 1300
San Francisco CA 94111
Phone: 415.955.9040 ext. 267
Cell: 925.980.3202
Fax: 415.955.9041

| San Francisco | Oakland | Sacramento | San Jose | Montana |

www.treadwellrollo.com

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9/25/2007

Chan, Barney, Env. Health

RW 2896

From: curtis [curtis@mariposamanagement.com]
Sent: Friday, June 29, 2007 12:03 PM
To: Chan, Barney, Env. Health
Cc: sade panahi; Peter Cusack; carl2087@comcast.net; sfinestone@pobox.com
Subject: Re: 1396-5th Street

My mailing address is 9451 MacArthur Blvd., Oakland, Calif. 94605. You do have my phone and email address.

What is the status? Please let me know the intended disposition.

On 6/29/07 11:56 AM, "Chan, Barney, Env. Health" <barney.chan@acgov.org> wrote:

> I sent a letter, June 8, 2007 requesting an additional \$5000 deposit.
> I can't finish the project without funds. It appears we do not have a
> valid mailing address for you.

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

>
> -----Original Message-----
> From: curtis [mailto:curtis@mariposamanagement.com]
> Sent: Friday, June 29, 2007 7:30 AM
> To: Chan, Barney, Env. Health
> Cc: sade panahi; Peter Cusack
> Subject: 1396-5th Street

> Hi Barney-
>
> Can you please let me know the status of the NFA letter for 1396-5th
> Street in Oakland? Is it ready?
>
> Curtis Eisenberger
> (415) 519-6652

From: curtis [curtis@mariposamanagement.com]
Sent: Friday, June 29, 2007 7:30 AM
To: Chan, Barney, Env. Health
Cc: sade panahi; Peter Cusack
Subject: 1396-5th Street

Hi Barney-

Can you please let me know the status of the NFA letter for 1396-5th Street in Oakland?
Is it ready?

Curtis Eisenberger
(415) 519-6652

ALAMEDA COUNTY
HEALTH CARE SERVICES

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DAVID J. KEARS, Agency Director



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(510) 567-6700
FAX (510) 337-9335

June 8, 2007

Mr. Curtis Eisenberger
1396 Fifth Street Associates
555 Florida St., #100
San Francisco, CA 94110

Dear Mr. Eisenberger:

Subject: Site Cleanup Program Case RO0002896, Red Star Yeast/1396 Fifth St. LLC,
Oakland, CA 94607-1852

In order for ACEH to continue to provide oversight for your site, we require an additional \$5000.00 to cover the current balance -\$1021.00 and anticipated future costs. Please send a check in this amount payable to Alameda County Environmental Health 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, 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 "Site Cleanup Program" (the type of project) and the site address and AR0315477 on your check.

If you have any questions, please contact Barney Chan at (510) 567-6765.

Sincerely,

Ariu Levi
Director, Department of Environmental Health

cc: D. Drogos, J. Jacobs, B. Chan

From: curtis [curtis@mariposamanagement.com]
Sent: Thursday, May 24, 2007 12:21 PM
To: Chan, Barney, Env. Health
Cc: sade panahi; Peter Cusack
Subject: 1396-5th Street

Dear Mr. Chan:

Thank you for your patience and support in helping expedite the work plan.

It is my understanding that Treadwell & Rollo have now submitted the test results on the mercury issue and the elevated lead found at boring B-2.

I certainly hope that this closure can be expedited, so that we can finalize our financing, bring the project out the bankruptcy proceedings and commence construction in as short a time as possible.

Thank you for your help.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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April 17, 2007

Mr. Curtis Eisenberger
1396 Fifth Street Associates
2727 Mariposa St., Suite 201
San Francisco, CA 94110

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

Dear Mr. Eisenberger:

Subject: Toxics Case RO0002896 & Global ID T06019794669, Red Star Yeast/1396
Fifth Street LLC, 1396 5th St., Oakland, CA 94607

Alameda County Environmental Health (ACEH) staff has received and reviewed the April 16, 2007 Work Plan for Soil Confirmation Sampling Former Red Star Yeast Site prepared by Treadwell & Rollo. The work plan responds to the County's April 6, 2007 request for information. The two areas addressed in the work plan are the location of a historic mercury spill and the location of elevated lead contamination. The lead contaminated area near former boring SB-2 will be excavated to an approximate area of 5'x 5' x 2.5' and confirmation samples taken from each sidewall and the center of the excavation and analyzed for lead. This work is approved. The former mercury spill area is proposed for re-sampling at six locations from the release area, from the surface and 6 inches below surface and analyzed for mercury. Since the release is believed to have been from a release from the sewer pipe please confirm that the sewer pipe has been removed, otherwise sampling beneath the existing piping should be proposed instead of these 6 locations. In addition, we recommend sampling from depths of 6" and 12" below surface (assuming a 6" pipe) since the mercury was likely released from the bottom of the pipe.

TECHNICAL REPORT REQUEST

Please submit the following technical report according to the schedule below:

- May 16, 2007- Report of Mercury and Lead Confirmation Samples

ELECTRONIC SUBMITTAL OF REPORTS

Effective **January 31, 2006**, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Please do not submit reports as attachments to electronic mail. Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For

several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information at (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting). In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at barney.chan@acgov.org.

PERJURY STATEMENT

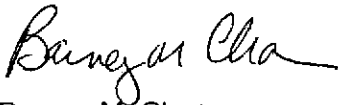
All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

cc: files, D. Drogos

Mr. Peter Cusack, Treadwell & Rollo, 555 Montgomery St., Suite 1300, SF,
CA 94111

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



F

April 6, 2007

Mr. Curtis Eisenberger
1396 Fifth Street Associates
1357 5th Street, Suite B
Oakland, CA 94607

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

Dear Mr. Eisenberger:

Subject: Toxics Case RO0002896 & Global ID T06019794669, Red Star Yeast/1396
Fifth Street LLC, 1396 5th St., Oakland, CA 94607

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the referenced site and determined that additional information is required to progress toward case closure. We request that you address the following technical comments when performing the requested work and submit the technical reports below.

TECHNICAL COMMENTS

1. Mercury Spill Area and Cleanup- Unfortunately, because you have not been able to provide evidence of closure of this issue, we request that you perform additional confirmation sampling in the area believed to be where the former sewer leak and mercury spill occurred. Please have your consultant provide a sampling plan and logical justification for confirmation soil sampling for mercury. Soil samples should be collected at and below the bottom depth of the former piping. A minimum of three locations is recommended.
2. Lead Impacted Areas- Although lead impact to soil will be addressed in your soil management plan, the plan is meant to address future impacts. The known lead hot spot, boring SB2 (2700 ppm @ 1.5'), should be excavated and a confirmation sample taken to verify its removal. Please perform this work and submit the analytical results to our office.

TECHNICAL REPORT REQUEST

Please submit the following technical report according to the schedule below:

- April 16, 2007- Work Plan for Sampling former Mercury Spill Area
- May 16, 2007- Report of Mercury and Lead Confirmation Samples

ELECTRONIC SUBMITTAL OF REPORTS

Effective **January 31, 2006**, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Please do not submit reports as attachments to electronic mail.

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

In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at barney.chan@acgov.org.

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

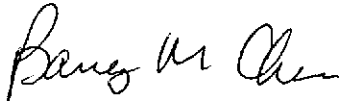
AGENCY OVERSIGHT

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. Curtis Eisenberger
April 6, 2007
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. Peter Cusack, Treadwell & Rollo, 555 Montgomery St., Suite 1300, SF,
CA 94111

4_6_07 1396 5th St.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



F

February 5, 2007

Mr. Curtis Eisenberger
1396 Fifth Street Associates
1357 5th Street, Suite B
Oakland, CA 94607

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

Dear Mr. Eisenberger:

Subject: Toxics Case RO0002896, 1396 Fifth St., Oakland, CA 94607

Alameda County Environmental Health (ACEH) staff has received and reviewed the January 23, 2007 letter/report responding to the County's December 29, 2006 technical comment letter prepared by Treadwell & Rollo. Some, but not all of our comments have been addressed. We have the following outstanding issues, which need to be resolved prior to issuance of a No Further Action (NFA) letter. Please address these comments and submit the technical reports requested below.

TECHNICAL COMMENTS

Areas of Concern-

1. Oil Storage and Waste Paint Storage Areas- The oil storage area identified to have been in the center/ west portion of the site was adequately sampled by E-1. Soil samples from 1.5' and 2.5' detected 19 ppm TPHmo, 3.7 ppm TPHd, ND TPHg, ND VOCs and ND SVOCs. The waste paint storage area could not be determined. We have no further concerns in these areas.
2. Above Ground Storage Tanks- These tanks were located in the southeast corner of the site and contained ammonia, sulfuric acid, phosphoric acid, fuel oil and molasses. Soil sample SB-4 in this area was run for pH and did not indicate a significant release of acid or base. The capacity of the fuel oil tank in this area was clarified as being 1600 gallon not 16,000 gallon. Analytical results from soil samples SB-4 and E-6 in this area do not indicate a release had occurred from the above-ground fuel oil tank and we have no further concerns in this area.
3. Closed-in-place UST- The 3000 gallon fuel oil UST was abandoned in-place in 1989 and ACHCSA issued a closure letter for the tank. At that time a slant boring, vertical boring and groundwater sample were collected to make this determination. On September 24, 2006 this tank was removed and 6300 gallons of groundwater was pumped from the excavation pit. The volume of water was the equivalent of one pit volume. No TPHg, TPHd, BTEX, MTBE or lead was detected in the soil sample from the excavation and 180 ppb of TPHd was detected in the groundwater sample collected after the pit had recharged. On November 30, 2006, the City of Oakland Fire Department issued a No Further Action letter. It appears that while cutting open the tank and removing the slurry fill, groundwater mixed with the contaminated UST fill material, which could account for the detected TPHd in the groundwater sample.

In addition, on November 14, 2006, four soil samples were collected from 5-6' bgs around the former tank pit and another grab groundwater sample collected just north of the tank pit. The soil samples detected up to 2 ppm TPHd, <1 ppm TPHg, ND BTEX and ND MTBE. The groundwater sample, up-gradient of the former tank, detected 270 ppb TPHg, <50 ppb TPHd and ND for BTEX. Our office concurs that no further action is required regarding this fuel oil tank.

4. Mercury Spill Area and Cleanup- Though it appears that this spill has been cleaned up, we are still waiting for either a closure letter from an appropriate regulatory agency, presumed to be OFD or DTSC, or a copy of the spill removal report. Please submit this information as requested below.
5. Transformer- We understand that you have not been able to locate any analytical results for the former transformer at the site. Because we have no evidence of releases from the transformer and the HMMP indicates that the transformer was a non-PCB type, we have no further concerns on this matter.
6. Gas Station Up-gradient (NW) of site- Trucker's Friend @ 1395 7th St., Oakland, a gasoline station with an on-going petroleum investigation up-gradient of this property, has not been appropriately evaluated for potential health risk to future occupants of the subject site. Of particular concern is the potential risk to soil vapor exposure. Please evaluate potential soil and groundwater impacts to your site including potential soil vapor risk. Please provide your report as requested below.
7. Deep Well On-site- We are awaiting receipt of verification of decommissioning of the industrial groundwater well at the site. Please submit this report as requested below.
8. Elevator/hydraulic equipment- An elevator appears to have been located just south of the BART property in the center of the site. Though there are no records for the removal of the hydraulic lift, we believe that your contingency plan to remove any impacted soils if encountered should be expanded to also include any hydraulic equipment. If this is done, we have no further concerns on this matter.
9. Oil Stained Areas- We understand that your contingency plan will cover any petroleum stained areas encountered during excavation activities. We are concerned about the detection of TPHd ranging from 320-580 ppb and TPHmo ranging from 1500-2000 ppb reported in groundwater samples from borings E-2, E-3 and E-4. Please evaluate whether these results indicate a source of groundwater contamination that requires further delineation and risk evaluation. Please also submit the boring logs for E-1 through E-6.
10. Lead Impacted Areas- Elevated lead impacted areas will be excavated and disposed. Please insure this includes the area of boring SB2 and please take confirmation samples after excavation.

TECHNICAL REPORT REQUEST

Please submit the following technical reports to our office according to the following schedule:

- February 28, 2007- Report for Mercury Spill Cleanup
- February 28, 2007- Report for Evaluation of Health Risks from Up-gradient Gas Station Release
- February 28, 2007- Well Decommissioning Report
- February 28, 2007- Report for the Evaluation of TPHd and TPHmo in Groundwater and Requested Boring Logs

ELECTRONIC SUBMITTAL OF REPORTS

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In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at barney.chan@acgov.org.

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

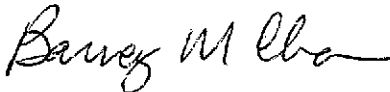
Mr. Eisenberger
RO 2896, 1396 Fifth St., Oakland 94607
Page 4 of 4

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.

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

cc: files, D. Drogos, A. Levi

Messrs. Peter Cusack and Michael Chamberlain, Treadwell & Rollo,
555 Montgomery St., Suite 1300, San Francisco, CA 94111

Mr. Leroy Griffin, OFD HMMP, 250 Frank Ogawa Plaza, Suite 3341, Oakland,
CA 94612

Mr. James Yoo, Alameda County Public Works Agency, 399 Elmhurst St., Hayward,
CA, 94544-1395

2_2_07 1396 5th St

Chan, Barney, Env. Health

From: Peter Cusack [pjcusack@treadwellrollo.com]
Sent: Thursday, February 01, 2007 11:01 AM
To: Chan, Barney, Env. Health
Subject: RE: RO#0002896 Figures Upload

Barney,
Here is the current address I have for Curtis Eisenberger:

1357 5th Street – Suite B
Oakland, Calif. 94607

Thanks
Peter

From: Chan, Barney, Env. Health [mailto:barney.chan@acgov.org]
Sent: Thursday, February 01, 2007 9:56 AM
To: Peter Cusack
Subject: RE: RO#0002896 Figures Upload

Peter: Please give me the current address of Mr. Eisenberger.
Thank you

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

From: Peter Cusack [mailto:pjcusack@treadwellrollo.com]
Sent: Thursday, January 25, 2007 4:40 PM
To: dehloptoxic, Env. Health
Cc: Chan, Barney, Env. Health
Subject: RO#0002896 Figures Upload

Hello,
Per your request, I have uploaded Figures from the Trucker's Friend property at 1395 7th Street in Oakland, California.

Please contact me if you have any questions or require any additional information.

Thanks Peter

Peter J. Cusack, REA
Treadwell & Rollo, Inc.
Environmental & Geotechnical Consultants
555 Montgomery, Suite 1300

2/1/2007

Chan, Barney, Env. Health

From: Peter Cusack [pjcusack@treadwellrollo.com]
Sent: Thursday, January 25, 2007 4:40 PM
To: dehloptoxic, Env. Health
Cc: Chan, Barney, Env. Health
Subject: RO#0002896 Figures Upload

Hello,

Per your request, I have uploaded Figures from the Trucker's Friend property at 1395 7th Street in Oakland, California.

Please contact me if you have any questions or require any additional information.

Thanks Peter

Peter J. Cusack, REA
Treadwell & Rollo, Inc.
Environmental & Geotechnical Consultants
555 Montgomery, Suite 1300
San Francisco, CA 94111
office (415) 955-9040 ext. 244
fax (415) 955-9041
<http://www.treadwellrollo.com/>

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Chan, Barney, Env. Health

From: Peter Cusack [pjcusack@treadwellrollo.com]
Sent: Tuesday, January 23, 2007 5:19 PM
To: dehloptoxic, Env. Health
Cc: Chan, Barney, Env. Health
Subject: RO#0002896 Report Upload

Hello,
I have uploaded the requested UST Removal Report and a Letter Response Report to the FTP Site.

Please contact me if you have any questions or require any additional information.

Thanks Peter

Peter J. Cusack, REA
Treadwell & Rollo, Inc.
Environmental & Geotechnical Consultants
555 Montgomery, Suite 1300
San Francisco, CA 94111
office (415) 955-9040 ext. 244
fax (415) 955-9041
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Chan, Barney, Env. Health

From: Peter Cusack [pjcusack@treadwellrollo.com]
Sent: Tuesday, January 23, 2007 4:13 PM
To: Chan, Barney, Env. Health
Subject: RE: 1396 Fifth St, former Red Star Yeast

Barney,
I just uploaded the report to the FTP. Also, I will be submitting a letter report in response to your letter either later today or tomorrow.

Hope all is well and call me if you have any questions or require any additional information.

Thanks
Peter

Peter J. Cusack, REA
Treadwell & Rollo, Inc.
Environmental & Geotechnical Consultants
555 Montgomery, Suite 1300
San Francisco, CA 94111
office (415) 955-9040
fax (415) 955-9041
<http://www.treadwellrollo.com/>

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From: Chan, Barney, Env. Health [mailto:barney.chan@acgov.org]
Sent: Friday, January 19, 2007 11:02 AM
To: Peter Cusack
Subject: 1396 Fifth St, former Red Star Yeast

Peter: Could you submit an electronic copy of your UST Removal Report for the 3000 gallon Diesel tank , to the County's ftp site? I believe it would be best if the County could have this report in our files and issue a concurrence with the City of Oakland's NFA, so we can include this former tank area in the County's eventual NFA for the entire site.

Thank you

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

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



F

December 29, 2006

Mr. Curtis Eisenberger
1396 Fifth Street Associates
555 Florida St., #100
San Francisco, CA 94110

ENVIRONMENTAL HEALTH SERVICES

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

Dear Mr. Eisenberger:

Subject: Toxics Case RO0002896, 1396 Fifth St., Oakland, CA 94607

Alameda County Environmental Health (ACEH) staff has received and reviewed the June 2000 Phase I Environmental Site Assessment by Environmental Resources Management, Inc. (ERM) and the December 15, 2006 UST Soil and Groundwater Confirmation Sample Results report by Treadwell & Rollo for the subject site. We are aware that the proposed plans are to construct residential units consisting of four stories of residential units above podium garages that will occupy the entire site. In general, we concur with the proposed development, however, prior to our approval we request that the following technical comments be addressed satisfactorily and that the requested technical reports be submitted as requested below.

TECHNICAL COMMENTS

1. Areas of Concern-

New Oil and Waste Paint and Used Storage Areas- Please indicate the locations of these former storage areas and indicate if these areas were inspected or sampled.

Above Ground Storage Tanks- Numerous above-ground storage tanks (ASTs) were noted to have been present at the site, including ammonia and fuel oil. Please clarify their locations and note the sampling performed and their results, which verify no significant releases have occurred during their existence at the site. The June 2000 Phase I report states that a 16,000 gallon AST was removed prior to 1978. The Building Location Map in the Phase I report indicates that a 1600 gallon fuel oil tank was located in the southeast corner of the site. Please clarify if these tanks are different tanks and if so, where the 16,000 gallon AST was formerly located.

Closed-in-place UST- The 3000 gallon fuel oil UST was abandoned in-place in 1989 and ACHCSA apparently issued a closure letter for the tank. Please provide a copy of this letter, if available. On September 24, 2006 this tank was removed and 6300 gallons of groundwater was pumped from the excavation pit. No TPHg, TPHd, BTEX, MTBE or lead was detected in the soil sample from the excavation and only 180 ppb of TPHd was detected in the groundwater sample. On November 30, 2006, the City of Oakland Fire Department issued a No Further Action letter. Therefore, no further investigation is required in regards to this UST.

Mercury Spill Area- During a sewer replacement in 1996, mercury was found in the soil around a floor drain in the southeast corner of the vat room. The mercury flowed into a floor drain and through a crack in the sewer pipe. Soil and groundwater was removed during the cleanup. It is presumed that the cleanup was performed under the oversight of Cal EPA. Please provide our office verification of closure of this investigation by an appropriate regulatory agency and indicate the location of this release.

Transformer- The contents of a transformer at the site was reportedly analyzed in 1996 and no PCBs detected. Please indicate the location of the transformer (or former location) and provide a copy of the analytical results for the transformer fluid.

Gas Station Up-gradient (NW) of site- The presence of a gasoline station with an on-going investigation up-gradient of this property, Trucker's Friend @ 1395 7th St., Oakland poses a potential risk of petroleum contamination. Please provide a figure indicating the location of the former tanks and dispensers on this site and an analysis of the soil and groundwater samples taken on-site indicating impact, if any, to the subject site.

Deep Well On-site- A deep industrial groundwater well has been noted in the southwest corner of the site with an estimated depth of approximately 400'. We have been notified that according to James Yoo of Alameda County Public Works this well was destroyed on February 13, 2004, however, he could not provide the DWR report. We will require additional verification of proper well closure, preferably a report signed and stamped by a registered professional. The well was apparently sampled in 1999 and the sample "did not reveal contamination". Please provide a copy of the results of this analysis.

Elevator/hydraulic equipment- An elevator is noted to have existed at the site. Please indicate its former location and describe the removal of the hydraulic lift and provide sampling results if this occurred.

Oil Stained Areas- In the 2000 Phase I report, oil stained areas were noted beneath the hydraulic system, near pumps adjacent to some of the ASTs, in the new oil and paint waste storage shed and on the floor of the boiler room, compressor room and parts storage room. Please provide a figure showing the location of these areas and describe how these areas were investigated and/or remediated.

Lead Impacted Areas- At least one soil sample, SB2, detected elevated lead concentration up to 2700 ppm. We recommend this area be excavated and re-sampled prior to site development.

Asbestos and Lead based paint- These materials have either been identified or are suspected to exist at the site. Appropriate health and safety plans must be observed when removing the buildings containing these materials.

TECHNICAL REPORT REQUEST

Please submit the following technical reports to our office according to the following schedule:

- January 31, 2007- Figures indicating the locations of the identified areas of concern
- January 31, 2007- Analytical results of samples as requested above.
- January 31, 2007- Technical response to Area of Concern items

ELECTRONIC SUBMITTAL OF REPORTS

Effective **January 31, 2006**, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Please do not submit reports as attachments to electronic mail.

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

In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at barney.chan@acgov.org.

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

Mr. Eisenberger
RO 2896, 1396 Fifth St., Oakland 94607
Page 4 of 4

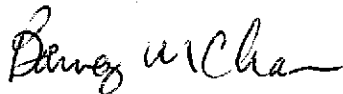
PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

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.

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

cc: files, D. Drogos, A. Levi

Messrs. Peter Cusack and Michael Chamberlain, Treadwell & Rollo,
555 Montgomery St., Suite 1300, San Francisco, CA 94111

Mr. Leroy Griffin, OFD HMMP, 250 Frank Ogawa Plaza, Suite 3341, Oakland,
CA 94612

Mr. James Yoo, Alameda County Public Works Agency, 399 Elmhurst St., Hayward,
CA, 94544-1395

12_28_06 1396 5th St

Chan, Barney, Env. Health

Ru 2096

From: Peter Cusack [pjcusack@treadwellrollo.com]
Sent: Thursday, December 28, 2006 2:47 PM
To: Chan, Barney, Env. Health
Subject: Red Star Yeast Facility
Attachments: Production Well Destruction Permit.pdf

Barney,
 Per our conversation yesterday regarding the production well located at the former Red Star Yeast Facility, we spoke with Mr. James Yoo of Alameda County Public Works/Well Program on 28 December 2006. According to Mr. Yoo, the production well was destroyed on 13 February 2004 but he could not provide us the DWR report. He did provide us with the Drilling Permit Application W03-1160 and approval which I have attached to this e-mail.

Please contact me if you have any questions or require additional information.

Thanks and Happy New Year
 Peter

Peter J. Cusack, REA
Treadwell & Rollo, Inc.
 Environmental & Geotechnical Consultants
 555 Montgomery, Suite 1300
 San Francisco, CA 94111
 office (415) 955-9040 ext 244
 fax (415) 955-9041
<http://www.treadwellrollo.com/>

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Red Star yeast

12/29/06 : 1395 5th St.

o Mike Chamberlain : T+R , response sent Tues 1/3/07.

Sade parish - "bank" - starting foreclosure.

Submitted originally 1/23/07.

o no info on mercury spill

Ro 2896

1396 5TH STREET, LLC

GOLDEN GATE BANK
SAN FRANCISCO, CA 94104
11-3815/1210

1070

December 13, 2005

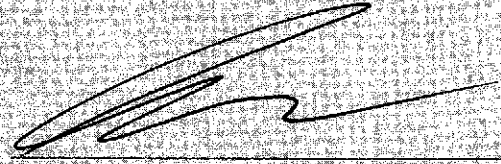
PAY TO THE ORDER OF

ALAMEDA COUNTY ENV HEALTH

\$**\$***6,000.00

Pay: *****Six thousand dollars and no cents ***** DOLLARS

ALAMEDA COUNTY ENV HEALTH
1131 HARBOR BAY PKWY-250
ALAMADEA, CA 94502



AUTHORIZED SIGNATURE

MEMO

⑈001070⑈ ⑆121036157⑆ 1301108030⑈

1396 5TH STREET, LLC

1070

9/13/05 RO0002896 TOXICS-1396 5TH ST 6000.00 6000.00

RECEIVED

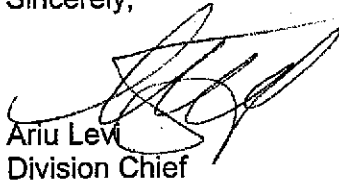
DEC 15 2005

ENVIRONMENTAL HEALTH SERVICES

12/13/05 1070 6000.00 6000.00

If you have any questions, please contact Barney Chan at (510) 507-0700.

Sincerely,


Ariu Lev
Division Chief

cc: D. Drogos, J. Jacobs, B. Chan

CITY OF OAKLAND



250 FRANK OGAWA PLAZA, SUITE 3341

• OAKLAND, CALIFORNIA 94612

Fire Department
Fire Prevention Bureau
Hazardous Materials Management Program

(510) 238-7759
FAX: (510) 238-6739
TTY/TDD: (510) 238-6884

November 30, 2006

1396 Fifth Street LLC
Mr. Curtis Eisenberger
1357 Fifth Street
Oakland, CA 94607

**RE: Removal of one 3000 gallon underground storage tank located at 1396 Fifth Street,
Oakland, CA**

Dear Mr. Eisenberger:

This office has reviewed the underground storage tank removal/closure report submitted by Treadwell & Rollo for the removal of a 3000 gallon underground tank at the above reference site.

The former tank was closed in full compliance with the requirements of Title 23, California Code of Regulations and the California Fire Code. Therefore, based on the information in the above reference file and with the provision that the information provided to this agency in the closure report dated October 20, 2006 was accurate and representative of site conditions, no further action is required regarding the tank removal.

Please be advised that this letter does not relieve you of any liability under the California Health and Safety Code or Water Code for past, present, or future operations at this site. Nor does it relieve you of the responsibility to clean up existing, additional or previously unidentified conditions at the site, which cause or threaten to cause pollution or nuisance or otherwise pose a threat to water quality or public health.

If you have any questions regarding this matter, please contact me at (510) 238-7759.

Sincerely,


LEROY GRIFFIN
Assistant Fire Marshal

cc: Chuck Headlee, RWQCB
Michael D. Chendorain, Treadwell & Rollo Inc

Chan, Barney, Env. Health

From: Peter Cusack [pjcusack@treadwellrollo.com]
Sent: Tuesday, November 21, 2006 2:13 PM
To: Chan, Barney, Env. Health
Cc: curtis Eisenburger; Sade Pannahi; jabari herbert
Subject: Red Star Yeast Project - 1396 Fifth Street, Oakland - Case PO0002896

Barney,
On behalf of Mariposa Management, we are requesting a meeting with you or someone in your office, regarding the environmental status of 1396 Fifth Street and the proposed construction project.

If you could inform me of dates and times you are available, I will coordinate with everyone else.

If you have any questions or require any additional information, please contact me.

Thanks
Peter

Peter J. Cusack, REA
Treadwell & Rollo, Inc.
Environmental & Geotechnical Consultants
555 Montgomery, Suite 1300
San Francisco, CA 94111
office (415) 955-9040
fax (415) 955-9041
<http://www.treadwellrollo.com/>

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Hi Peter

I just got of the phone with Barney Chan at the heath care services
agency
for Alameda County
he can not find any record of our regeusts or reports could you let me
know
if you have sent those files to him, I hope we can go forward on this
as
you know the lender is asking for this document and they will not fund
the
loan unless we have this.

Thanks
sade

Chan, Barney, Env. Health

From: jabari herbert [jabarijherbert@yahoo.com]
Sent: Wednesday, April 05, 2006 7:14 PM
To: Levi, Ariu, Env. Health
Cc: Chan, Barney, Env. Health; Garcia-La Grille, Roseanna, Env. Health
Subject: RE: Case RO0002896

Ariu,

I would like to submit the additional information manually is that possible? As the project manager I receive all correspondence from the County.

thak you.

"Levi, Ariu, Env. Health" <ariu.levi@acgov.org> wrote:

Unless you are formally related to the case as,by example, one of the listed RPs or represent the RP in some capacity, the Dept. can't send you a copy. Though under the Public Records Act, you are welcome to submit a request to review the file and make a copy of any part of the file for yourself. If you would like to set up an appt to review the file please call Roseanna Garcia-LaGrille at 777-2149

From: jabari herbert [mailto:jabarijherbert@yahoo.com]
Sent: Wednesday, April 05, 2006 2:03 PM
To: Levi, Ariu, Env. Health
Cc: Sadi Pannahi
Subject: RE: Case RO0002896

Ariu,

Please see that I'm included only on copies of the correspondence. I received a copy of the letter and will put together response to the questions with copies of the phase one and two environmental reports. Can this be provided in hard copies?

Let me know,

"Levi, Ariu, Env. Health" <ariu.levi@acgov.org> wrote:

I missed the RO# you gave me as the message header. Sorry.

Barney Chan is the caseworker and he wrote and sent a letter to the RP on 4/3/06. It looks like the letter was sent to Curtis Eisenberg (sp?). Will you get the letter as it was sent? You are not now listed as an RP but if we list you you will be on the copy list. Should we list you?

From: jabari herbert [mailto:jabarijherbert@yahoo.com]
Sent: Wednesday, April 05, 2006 9:28 AM
To: Levi, Ariu, Env. Health
Subject: Case RO0002896

Ariu,

Thank you, for coordinating the meeting yesterday. I have concerns regarding the delay in Alameda County providing the NFA letter on the Red Star Housing project. This is a project that I am involve in and we have plans to break ground in May 2006. The \$6,000 check to have ACEH review our reports was provided December 2005. Please provide me with a update on this project..

Thank you

**Jabari Herbert
Capital Stone Group, LLC
1485 8th Street
Oakland, CA 94607**

**P: 510-385-9714
F: 510-839-1317
E: jabarijherbert@yahoo.com**

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

~~**Jabari Herbert
Capital Stone Group, LLC
1485 8th Street
Oakland, CA 94607**~~

~~**P: 510-385-9714
F: 510-839-1317
E: jabarijherbert@yahoo.com**~~

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~~**Jabari Herbert
Capital Stone Group, LLC
1485 8th Street
Oakland, CA 94607**~~

4/6/2006

P: 510-385-9714

F: 510-839-1317

E: jabarijherbert@yahoo.com

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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



7

April 3, 2006

Mr. Curtis Eisenberger
1396 Fifth Street Associates
555 Florida St., #100
San Francisco, CA 94110

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

Dear Mr. Eisenberger:

Subject: Toxics Case [REDACTED] 1396 Fifth St., Oakland, CA 94607

Alameda County Environmental Health (ACEH) staff has received and reviewed the Phase I & II Environmental Site Assessment: Alameda County Assessor's Parcel Number 004-69-004 prepared by Remediation Services, Inc. (RS) submitted by Treadwell & Rollo. We are aware that the proposed plans are to construct residential units consisting of four stories of residential units above podium garages that will occupy the entire site. Before we can concur with this proposal, we request that you address the following technical comments and submit the technical report requested below.

TECHNICAL COMMENT

1. We have been informed that the historic use of this site consisted of a yeast production facility, vinegar production facility and a brewery. We also are aware that the City of Oakland documented the storage of hazardous materials including ammonia, sulfuric acid, hydrochloric acid, sodium hydroxide and zinc sulfate. Please provide a map or Hazardous Materials Business Plan (HMBP) indicating the storage locations of these chemicals and all other locations of hazardous materials use or disposal.
2. Please provide the justification for the locations of the four borings sampled in the RS report. Please explain how their locations and the analytical results characterize impacts to and from this site and are consistent with the information requested in comment #1. The location of boring SB-2 is assumed to be down-gradient of the petroleum release from 1395 7th St., Trucker's Friend. Given the lack of information and investigation at this site, the location of SB-2 may or may not be representative of up-gradient impacts. What if any additional data is necessary to complete site characterization?
3. The sampling plan in the RS report references a report, ERM 2000, which show locations and buildings of potential chemical concern. Please provide a copy of this report and use it to respond to comment #2.

TECHNICAL REPORT REQUEST

Please submit the following technical report according to the following schedule:

- April 28, 2006- Map indicating areas of concern, ERM 2000 report and response to technical comment 2.

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).

In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at barney.chan@acgov.org.

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification.

Mr. Curtis Eisenberger
1396 Fifth St., Oakland
Page 3 of 3

Please ensure all that all technical reports submitted for this fuel leak 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. Peter Cusack, Treadwell & Rollo, 555 Montgomery St., Ste. 1300, SF, CA 94111

4_3_06 1396 Fifth St

Chan, Barney, Env. Health

From: Peter Cusack [pjcusack@treadwellrollo.com]
Sent: Tuesday, March 07, 2006 2:44 PM
To: Chan, Barney, Env. Health
Cc: sade panahi
Subject: FW: Phase I and Phase II Site Assessment

Attachments: ACEH letter 1396 fifth St.pdf



ACEH letter 1396
fifth St.pdf ...

RU 2896 sic ✓
*check w/ J Jacobs: Ro # & AR#
were not initially linked, therefore, 2/06
SIC list was not correct, now correct.*

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

From: Peter Cusack
Sent: Tuesday, March 07, 2006 2:09 PM
To: 'sade panahi'
Cc: barney.chan@acgov.gov
Subject: RE: Phase I and Phase II Site Assessment

Sade and Barney,
The reports and our summary letter were sent to Ms. Donna Brogas dated 8 August 2006.
Also, I have attached the letter from ACEH in which a Toxic Case number was given
(R00002896, 1396 Fifth St. Oakland, C 94607-1852).

If you need another copy of the reports, please contact me.

Thanks
Peter

Peter J. Cusack
Treadwell & Rollo, Inc.
Environmental & Geotechnical Consultants
555 Montgomery, Suite 1300
San Francisco, CA 94111
office (415) 955-9040
fax (415) 955-9041
<http://www.treadwellrollo.com/>

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

From: sade panahi [mailto:goalasooo@hotmail.com]
Sent: Monday, March 06, 2006 12:10 PM
To: Peter Cusack
Cc: barney.chan@acgov.gov
Subject: RE: Phase I and Phase II Site Assessment

Hi Peter

I just got of the phone with Barney Chan at the heath care services agency for Alameda County he can not find any record of our regeusts or reports could you let me know if you have sent those files to him, I hope we can go forward on this as you know the lender is asking for this document and they will not fund the loan unless we have this.

Thanks
sade

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

September 13, 2005

Mr. Curtis Eisenberger
1396 Fifth Street Associates
555 Florida St., #100
San Francisco, CA 94110

Dear Mr. Eisenberger:

Subject: TOXICS Case [REDACTED], 1396 Fifth St., Oakland, CA 94607-1852

In order for ACEH to review reports for your site, we would require an oversight account for the above-referenced site. To set up your account, please send a check in the amount of \$6000.00 payable to Alameda County Environmental Health. Please send your check to the attention of our Finance Department.

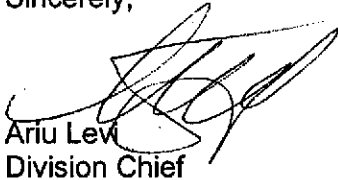
This initial deposit may or may not be sufficient to provide all necessary regulatory oversight. ACEH will deduct actual costs incurred based upon the hourly rate specified below. If these funds are insufficient, additional deposit will be requested. Otherwise, any unused monies will be refunded to you 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 "TOXICS" (the type of project) and the site address on your check.

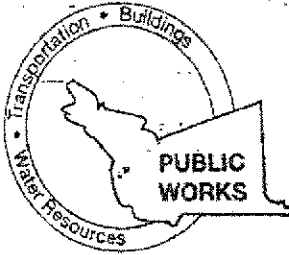
If you have any questions, please contact Barney Chan at (510) 567-6765.

Sincerely,



Ariu Lev
Division Chief

cc: D. Drogos, J. Jacobs, B. Chan



**COUNTY OF ALAMEDA
PUBLIC WORKS AGENCY**

399 Elmhurst Street • Hayward, CA 94544-1395
(510) 670-5480

January 7, 2004

Mr. Leroy Chancellor
Martell Water Systems, Inc
1818 Loveridge Rd
Pittsburg, CA 94565

RE: Drilling Permit Application-W03-1160 (Lessaffre's Yeast Company at 1384 5th Ave, Oakland).

Dear Mr. Chancellor:

Your drilling permit applications to allow for the destruction of a unknown wells located at 1384 5th Ave (Lessaffre's Yeast Company, former Red Star Yeast Company), Oakland has been approved subject to the design and well destruction conditions listed in each permit application. Attached with this letter are the Well Destruction Conditions.

The well you wish to destroy already has a State well No. 1S/4W-34F4-D. Please include these numbers and the permit numbers, when you submit the State DWR 188 forms.

Submit to Alameda County Public Works Agency, Water Resources Section within sixty (60) days after completion of the permitted work the original State Department of Water Resources, Well Completion Report (DWR 188).

Permit is valid from January 12 to January 17, 2004. Please contact this office for an inspection time at 510-670-6633.

If you have any questions regarding this letter or the permit process, please feel free to contact me at (510) 670-6633.

Sincerely,


James Yoo
Engineer-Scientist
Water Resources Section

JY:
Attachments:

"To Serve and Preserve Our Community"

ALAMEDA COUNTY PUBLIC WORKS AGENCY
WATER RESOURCES SECTION
399 ELMHURST ST, ROOM 201, HAYWARD, CA 94544
PHONE (510) 670-6633
FAX (510) 782-1939

SPECIFICATIONS PREPARED BY: James Yoo
PERMIT ISSUED BY: James Yoo

STATE WELL NO: 1S/4W34F4-D
Owner's Well No: 34F-4
Permit No: W03-1160
Date: January 7, 2004

WELL DESTRUCTION PERMIT CONDITIONS

WELL INFORMATION

Well Owner: Lassaffre Yeast Company
Well Location: 1384 5th Ave, Oakland
Casing Diameter: 12"
Original Borehole: ??? Diameter: ??? Depth: 320 ft. Completed Depth: 400.
Gravel Packed: N/A.
Perforated Intervals: 200-380
Control Casing: Diameter: ??? Depth: ??? Cemented: ???
Depth of Cement Seal: ???
Remarks: No Information Given.

DESTRUCTION PROCEDURES

All distances for intervals stated below are measured from top of existing ground, unless otherwise stated. The WELL DESTRUCTION CONDITIONS NOTES are additional general requirements and conditions.

1. Inspect and measure the well(s) prior to the destruction, to ensure freedom from obstructions. Excavate around well casing; cut well casing at a minimum of three to five (3-5) feet below finished grade.
2. Use a 3/8" mills knife and cut eight (8) perforations per foot between 20'- 60', 145'-155', 240'-250'(BGS). Destroy well by pressure grouting with a tremie pipe to the bottom of the well and by filling with neat cement to three to five (3-5) feet below surface grade. A tremie pipe shall be attached to an airtight cap when grouting to maintain pressure and to assure the neat cement entered the well pack. (SEE NOTE A, GENERAL REQUIREMENTS)
3. Backfill with concrete or native material to match existing surface conditions.

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SPECIFICATIONS PREPARED BY: James Yoo
PERMIT ISSUED BY: James Yoo

STATE WELL NO: 1S/4W34F4-D
Owner's Well No: 34F-4
Permit No: W03-1160
Date: January 7, 2004

WELL DESTRUCTION CONDITIONS

NOTES

GENERAL REQUIREMENTS

NOTE A: The sealing material shall be a neat cement mixture composed of one sack of portland cement (94 lbs.) to five to seven gallons of clean water, or a sand-grout mixture with a minimum of eleven sacks of portland cement per cubic yard. The sand-grout mixture must be delivered by a cement-batch plant; mixing of sand-grout mixture on site will not be allowed. The sealing material in all cases shall be placed by means of a tremie pipe lowered to within three feet of the bottom of the well. The sealing material shall be lowered down through the tremie pipe and placed in one continuous operation until the specified interval or well is filled. The end of the tremie pipe shall remain submerged in the sealing material at all times during placement.

NOTE B: The well-sealing contractor shall be licensed by the State of California, and have a classification C-57 "Well Drilling Contractor" as defined in Chapter 9, Division 3, of the Business and Professions Code.

NOTE C: During any periods when no work is being performed on the well, such as overnight, the well and surrounding excavation, if any, shall be covered. The cover shall be sufficiently strong and anchored to prevent the introduction of foreign material into the well and to protect the public from a potentially hazardous situation.

NOTE D: If oil or other contaminants are found on or in the water, the material must be removed and placed in an approved container for proper disposal in accordance with current hazardous-waste regulations.

NOTE E: The destruction procedures shall be revised if field conditions do not correspond to well data.

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SPECIFICATIONS PREPARED BY: James Yoo
PERMIT ISSUED BY: James Yoo

STATE WELL NO: 1S/4W34F4-D
Owner's Well No: 34F-4
Permit No: W03-1160
Date: January 7, 2004

WELL DESTRUCTION CONDITIONS

GENERAL REQUIREMENTS (CONT.)

NOTE F: Compliance with the above well-sealing specifications shall not exempt the well-sealing contractor from complying with appropriate state reporting-requirements related to well destruction (Sections 13750 through 13755 (Division 7, Chapter 10, Article 3) of the California Water Code). Contractor must complete State DWR Form 188 and mail original to the Alameda County Public Works Agency, Water Resources Section, within 60 days from the date of completion of the work.

NOTE G: Permittee shall assume entire responsibility for all activities and uses under this permit and shall indemnify, defend and save the Alameda County Public Works Agency, its officers, agents, and employees free and harmless from any and all expense, cost, liability in connection with or resulting from the exercise of this Permit including, but not limited to, properly damage, personal injury and wrongful death.

NOTE H: Drilling Permit(s) can be voided/ canceled only in writing. It is the applicants responsibilities to notify Alameda County Public Works Agency, Water Resources Section in writing for an extension or to cancel the drilling permit application. No drilling permit application(s) shall be extended beyond ninety (90) days from the original start date. Permit is valid from January 12 to January 17, 2004. Applicants may not cancel a drilling permit application after the completion date of the permit issued has passed

NOTE I: Alameda County Public Works Agency shall be given 48 hours (2 working days) notice by calling 510-670-6633 for an inspection time.

NOTE J: Permittee, permittee's, contractors, consultants or agents shall be responsible to assure that all material or waters generated during drilling, boring destruction, and/or other activities associated with this Permit will be safely handled, properly managed, and disposed of according to all applicable federal, state, and local statues regulating such. In no case shall these materials and/or waters be allowed to enter, or potentially enter, on-or off site storm sewers, dry wells, or waterways or be allowed to move off the property where work is being completed.