

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

December 29, 2006

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

Dear Mr. Eisenberger:

Subject: Toxics Case R00002896, 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).

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
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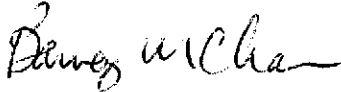
PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

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

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: May 31, 2006
	PREVIOUS REVISIONS: October 31, 2005, December 16, 2005
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

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.

REQUIREMENTS

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- Signature pages and perjury statements **must** be included and have either original or electronic signature.
- **Do not password protect the document**. Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:
RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

Submission Instructions

1) Obtain User Name and Password:

- a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to dehloptoxic@acgov.org
 - or
 - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of: **ftp Site Coordinator**.
- b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses, and the Case Numbers (RO# available in Geotracker) you will be posting for.**

2) Upload Files to the ftp Site

- a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape and Firefox browsers will not open the FTP site.
- b) Click on File, then on Login As.
- c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
- d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
- e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.

3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs

- a) Send email to dehloptoxic@acgov.org notify us that you have placed a report on our ftp site.
- b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name at acgov.org. (e.g., firstname.lastname@acgov.org)
- c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload)

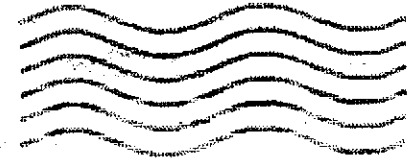


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 Environmental Protection Division
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 San Francisco,

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