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, 2008

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

Subject: SLIC Case RO0002896 and Geotracker Global ID T06019794669, Red Star Yeast/1396 Fifth Street LLC, 1396 5th Street, Oakland, CA 94607

Dear Mr. Eisenberger:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above referenced site. Elevated concentrations of metals have been detected in shallow soil at the site. Lead and mercury were detected in shallow soils at concentrations up to 2,700 and 5.8 milligrams per kilogram (mg/kg), respectively. The source and extent of the elevated concentrations of metals in shallow soil is unknown but may be related to imported fill placed throughout the site. Petroleum hydrocarbons were detected in shallow soil and groundwater at several locations within the site. Total petroleum hydrocarbons (TPH) as diesel and TPH as motor oil were detected in groundwater at concentrations up to 580 and 2,000 micrograms per liter (µg/L), respectively. The source and extent of the petroleum hydrocarbons in shallow soil and groundwater is also unknown.

The most recent technical report in the ACEH case file is a document entitled, "*Work Plan for Confirmation Sampling, Former Red Star Yeast Site, 1384 Fifth Street, Oakland, California,*" dated August 13, 2007 and prepared by Treadwell & Rollo Environmental and Geotechnical Consultants. The August 13, 2007 Work Plan suggests that limited excavation of shallow soil at three locations within the site would allow case closure with no restrictions on future land use.

Based upon our review of the case file, limited excavations in three areas of the site would not be sufficient for case closure with unrestricted future land use. Additional soil and groundwater sampling would be required in order to sufficiently characterize residual contamination and define areas for potential soil removal in order to achieve case closure for unrestricted future use. Based on the site conditions and proposed site development with first-floor parking throughout the site, implementation of a site management plan along with confirmation sampling during development and restrictions on future land use may be acceptable to prevent potential future exposure to residual soil contamination at the site. Therefore, two courses of action are possible for the site depending upon site development plans and future land use restrictions. If the site is to be restored for unrestricted future land use, please submit a Work Plan for site characterization that addresses the technical comments below. In order to develop the site with future land use restrictions, please submit an updated site management plan (see technical comment 6) and a proposed draft deed restriction to prevent potential future exposure to site contamination. The case may be reviewed for closure following site excavation and implementation of the Site Management Plan and recording of a deed restriction.

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

TECHNICAL COMMENTS

1. **Elevated Concentrations of Lead in Shallow Soil.** Lead was detected at a concentration of 2,700 mg/kg in a soil sample collected within the upper 4 feet of boring SB-2, which was advanced in the northern portion of the site by Remediation Services, Inc. on August 20, 2004. An area of approximately 5 feet by 5 feet by 2.5 feet immediately surrounding boring SB-2 was excavated on May 17, 2007. Confirmation samples collected in the sidewalls and bottom of the excavation contained lead at concentrations ranging from 94 to 180 mg/kg. The elevated concentrations of lead appear to be associated with the imported fill material placed throughout the site (Remediation Services, *Phase I & II Environmental Site Assessment*, June 15, 2005). The imported fill extends from ground surface to depths of approximately 4 feet bgs. Given that an unknown volume of the imported fill is likely to contain elevated concentrations of lead, it is not plausible that surgical excavations of areas around sampling locations will result in cleanup of lead at the site for unrestricted future land use. A significantly expanded sampling effort would be required to characterize the fill material and define areas for shallow soil removal. Therefore, we request that you submit a Work Plan for additional characterization of shallow soil if the site is to be restored to allow unrestricted future land use or proceed with an updated site management plan and a proposed deed restriction if the site is to be developed with future land use restrictions.

2. **Mercury in Shallow Soil.** A mercury spill was reported at the location of a trap in the sanitary sewer line the site in 1996. The Phase I report (Remediation Services, *Phase I & II Environmental Site Assessment*, June 15, 2005) states that the floor drain and affected soil were removed in 1996. However, no documentation of the volume of soil excavated, observations of conditions, inspection reports, or analytical results from confirmation sampling are available. In addition, the location of the mercury spill and cleanup is only generally known in the area of the former Mash House. Therefore, the adequacy of any mercury cleanup conducted in 1996 cannot be verified. In 2006, shallow soil in the suspected area of the mercury spill was excavated to a depth of 12 inches over an area approximately 14 feet by 28 feet. Confirmation soil samples were collected at 6 locations within the excavation at depths of 6 and 12 inches below ground surface (bgs). Soil samples collected 6 inches bgs contained mercury at concentrations ranging from 0.72 to 5.8 mg/kg. The soil samples collected 12 inches bgs contained mercury at concentrations ranging from 0.07 to 0.58 mg/kg. The widespread and generally uniform distribution of mercury in the soil confirmation samples is not consistent with the distribution that would be expected from a release from a joint in a sewer line. In addition, it is not clear based on these confirmation sampling results, that elevated concentrations of mercury are limited to the area of the excavation and confirmation sampling. Mercury was also detected in shallow soil samples collected from soil borings SB-SB-2, E-1, and E-6 at concentrations ranging from 0.12 to 0.17 mg/kg. These soil borings are located outside the area potentially affected by a release from the drain line. A significantly expanded shallow soil sampling effort would be required to identify the areas of the site with elevated concentrations of mercury. Therefore, we request that you submit a Work Plan for additional characterization of shallow soil if the site is to be restored to allow unrestricted future land use or proceed with an updated site management

plan and a proposed deed restriction if the site is to be developed with future land use restrictions.

3. **Petroleum Hydrocarbons in Soil and Groundwater.** Total petroleum hydrocarbons as diesel were detected in 4 of 6 grab groundwater samples collected across the site at concentrations ranging from 54 to 580 µg/L. TPH as motor was also detected in 3 of 6 grab groundwater samples collected across the site at concentrations ranging from 1,500 to 2,000 µg/L. TPH as diesel and TPH as motor oil were detected at relative low concentrations in shallow soil samples collected from 6 soil borings advanced throughout the site. Unfortunately, soil samples were only collected at depths of 2.5 feet bgs or shallower. Due to lack of soil samples at depths below 2.5 feet bgs, the extent of petroleum hydrocarbons in soil is not known. In addition, the source of the petroleum hydrocarbons is unknown. We request that you include additional characterization for petroleum hydrocarbons in the Work Plan requested below if the site is to be restored to allow unrestricted future land use.

4. **Hydraulic System for Elevator.** No information is reportedly available regarding decommissioning of the former hydraulic equipment for the elevator. Therefore, it is possible that hydraulic equipment or oil-impacted soil remains in place beneath the former elevator. The January 23, 2007 correspondence submitted by Treadwell & Rollo on behalf of 1396 Fifth Street LLC discusses contingency plans to address hydraulic equipment or contaminated soil encountered during excavation activities at the site. We request that you include additional characterization for the former hydraulic system in the Work Plan requested below if the site is to be restored to allow unrestricted future land use.

5. **Reference to Oil Stained Areas.**. During the Phase I site inspection conducted in 2000 (ERM, *Phase I Environmental Site Assessment*, June 2000), oil-stained concrete was observed in several areas of the site. Based on the discussion in Treadwell & Rollo correspondence dated January 23, 2007, no information is available regarding sampling or cleanup of the oil stained areas. Please see technical comment 6 regarding confirmation sampling in areas of observed or suspected contamination.

6. **Updated Site Management Plan.** In correspondence dated December 15, 2006, Treadwell & Rollo recommended mitigation measures due to the presence of the elevated concentrations of metals and petroleum hydrocarbons in soil beneath the site. The mitigation measures include actions to address contamination encountered during site development, soil management, surface soil removal, groundwater management, and site encapsulation. As discussed in the third paragraph of this letter, an updated site management plan is required if the site is to be developed with future land use restrictions. The updated Site Management Plan must include plans for excavation and off-site disposal of surface soil and plans for confirmation soil sampling in the areas of observed or suspected contamination (including areas discussed in technical comments 4 and 5).

7. **Water Supply Wells.** Documentation of decommissioning of the on-site water supply was provided in correspondence from Treadwell & Rollo dated February 28, 2007. However, we were not able to locate in the case file a discussion of water supply wells in the surrounding area. We request that you locate all water supply wells within a radius of 2,000 feet of the subject site. We recommend that you obtain well information from both Alameda County Public Works Agency and the State of California Department of Water Resources, at a

minimum. Submittal of maps showing the location of all wells identified in your study, and the use of tables to report the data collected as part of your survey are required. Please provide a table that includes the well designation, location, total depth, diameter, screen interval, date of well installation, current status, historic use, and owner of the wells. In addition, please provide well logs and completion records for wells downgradient from the site that are potential receptors. Please present your well survey results by November 21, 2008.

TECHNICAL REPORT REQUEST

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

- **November 21, 2008** – Work Plan for Additional Site Characterization *or* Updated Site Management Plan and Proposed Draft Deed Restriction

- **November 21, 2008** – Well Survey

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

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is 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).

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 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,

Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341
Oakland, CA 94612-2032

Peter Cusack, Treadwell & Rollo, 555 Montgomery Street, Suite 1300
San Francisco, CA 94111

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	**ISSUE DATE:** July 5, 2005
	REVISION DATE: December 16, 2005
	PREVIOUS REVISIONS: October 31, 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 Alicia Lam-Finneke.
   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)