



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
(510) 567-6700  
FAX (510) 337-93

October 31, 2008

Mr. Darren Berberian  
Oakland Housing Investors, L.P.  
c/o National Affordable Communities  
4299 MacArthur Boulevard, Suite 215  
Newport Beach, CA 92660

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

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

Dear Mr. Berberian and Mr. Eisenberger:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above referenced site including the recently submitted document entitled, "*Property Mitigation Plan*," dated October 1, 2008 and received by ACEH on October 8, 2008. The "*Property Mitigation Plan*," dated October 1, 2008 indicates that proposed redevelopment of the site includes a five-story building to be built on a podium structure. Further site investigation activities are proposed in the "*Property Mitigation Plan*," prior to redevelopment.

The proposed scope of work for site assessment activities is generally acceptable and may be implemented provided that the technical comments below are addressed during implementation of the site assessment activities. We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

#### **TECHNICAL COMMENTS**

1. **Geophysical Survey.** A geophysical survey using magnetometers and ground-penetrating radar is proposed to identify surface features of concern. However, the scope of the survey including the density and spacing of geophysical measurements is not described. We concur with the proposal to conduct a geophysical survey across the site. We request that the geophysical survey be conducted in a grid pattern with a line spacing that is sufficient to identify the features of concern for the site which include the second water supply well, elevator casing, USTs, former UST pits, significant areas of debris, and utilities. The density of measurements should be increased in areas where subsurface features are suspected based on historical information. We concur with the proposal discussed in section 8.4.1 of the *Property Mitigation Plan* to investigate geophysical anomalies using excavation with a backhoe. Please present the results of the geophysical survey and investigation of geophysical anomalies in the Site Investigation Report requested below.

2. **Assessment of Fill Soil and Historical UST and Boiler Locations.** The proposed scope of work to assess the fill soils and the historical UST and boiler locations is acceptable. Please present the results of the soil and groundwater sampling in the Site Investigation Report requested below.
3. **Assessment of Petroleum Hydrocarbons in Shallow Groundwater.** A total of five soil borings are proposed to assess the horizontal extent of petroleum hydrocarbons in shallow groundwater. Two borings are proposed north and east of the interpreted historical UST location and three soil borings are proposed near the southern site boundary. The proposed boring locations are acceptable. The groundwater samples will be analyzed for TPH-full carbon range using EPA Method 8015B with the sample reporting the highest TPH concentrations also analyzed for VOCs and SVOCs using EPA Methods 8260B and 8270C. We request that a total of two groundwater samples be analyzed for VOCs and SVOCs rather than only one sample. We request that the groundwater sample with the highest TPH concentration from the two locations north and east of the interpreted historical UST location and the groundwater sample with the highest TPH concentration of the three locations along the southern property boundary be analyzed for VOCs and SVOCs. Please present the results of the soil and groundwater sampling in the Site Investigation Report requested below.
4. **Water Supply Wells.** Documentation of decommissioning of one on-site water supply was provided in correspondence from Treadwell & Rollo dated February 28, 2007. The *Property Mitigation Plan* also discusses a second on-site water supply well. Please provide any further historical information regarding this second on-site water supply well including information from the geophysical survey and detailed well survey in the Site Investigation Report requested below. We request that you conduct a detailed well survey to locate all water supply wells within a radius of 2,000 feet. 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. Access to this information can be obtained by requesting a well survey and providing verification to these agencies that the information is required for a groundwater investigation being conducted under the oversight of a regulatory agency. The verification forms to obtain the well survey for this site should be submitted to ACEH for review and signature. 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 in the Site Investigation Report requested below.
5. **Screening Levels.** The *Property Mitigation Plan* contains references to screening levels and risk assessment assumptions contained in the *Oakland Urban Land Redevelopment Program Guidance Document* prepared by the City of Oakland Public Works Department and dated January 1, 2000. The application of these screening levels and/or risk assessment assumptions is not acceptable. Please do not include references to the *Oakland Urban Land Redevelopment Program Guidance Document* screening levels or risk assessment assumptions in future reports. The San Francisco Bay Regional Water Quality Control Board

Mr. Darren Berberian  
Mr. Curtis Eisenberger  
RO0002986  
October 31, 2008  
Page 3

Environmental Screening Levels (Interim Final - Revised May 2008) are acceptable for use as Tier 1 screening levels for the site.

### **TECHNICAL REPORT REQUEST**

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

- **February 3, 2009** – Site Investigation Report and 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](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.

Mr. Darren Berberian  
Mr. Curtis Eisenberger  
RO0002986  
October 31, 2008  
Page 4

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

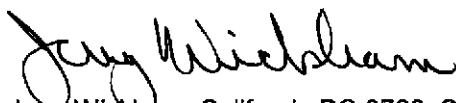
The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For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

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](mailto: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

Christopher Spengler, SCS Engineers, 8799 Balboa Avenue, Suite 290, San Diego, CA  
92123

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>ISSUE DATE:</b> July 5, 2005
	<b>REVISION DATE:</b> December 16, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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](mailto: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](mailto: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](mailto: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)