



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

April 20, 2011

Mr. David R. Lukens (*Sent via E-mail to: DLukens@themichaelsorg.com*)
Red Star-Michaels LLC
Oakland Housing Investors, L.P.
2010 Main Street, Suite 1250
Irvine, CA 92614

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. Lukens 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 reports entitled, "*Subsurface Investigation Report*," dated March 18, 2011 and received by ACEH on April 11, 2011 and "*Remedial Action Plan*," dated April 4, 2011 (RAP) and received by ACEH on April 12, 2011. Both reports were prepared on your behalf by Citadel Environmental Services, Inc. The "*Subsurface Investigation Report*," dated March 18, 2011 presents results from site investigation activities conducted between January and March 2011. Based on these results along with historic site data, the "*Remedial Action, Plan*," dated April 4, 2011 proposes excavation of shallow fill material over portions of the site.

We generally concur with implementation of shallow excavation and off-site disposal. However, based on our review of the RAP, we have several technical comments which will require some revisions to the RAP. Therefore, we request that you address the following technical comments and **prepare a Revised RAP by June 3, 2011.**

Public participation is a requirement for the corrective action process. Therefore, ACEH will notify potentially affected members of the public who live or own property in the surrounding area of the proposed remedial action. A copy of the Draft Fact Sheet is attached to this correspondence. Please provide the names and addresses of any parties or groups in addition to nearby residents and landowners who may be interested in the proposed action for the site, including any relevant public agencies and environmental/community groups no later than April 28, 2011. Public comments on the proposed remedial action will be accepted for a 30-day period, which will extend from April 30, 2011 to May 30, 2011. If public comments are received, ACEH may request responses to the public comments with revisions to be incorporated into the Revised RAP that is to be submitted by June 3, 2011.

TECHNICAL COMMENTS

- 1. Extent of Excavation.** The RAP currently proposes excavation of fill material to a depth of 5 feet within the western portion of the site. Proposed excavation within the eastern portion of the site is limited to the area of boring CB2. Fill material at the site appears to be heterogeneous and variable over short intervals. Samples of the fill material collected one foot apart vertically frequently contain significantly different concentrations of metals. Therefore, it does not appear the soil boring data can be used to reliably characterize concentrations over a wide area of the site where fill material is present such as the eastern portion of the site. Review of the boring logs from the eastern portion of the site indicates that fill materials are present to depths of 2 to 4 feet bgs in the eastern portion of the site. Therefore, we request that you include screening and removal of fill material in the eastern portion of the site in the Revised RAP requested below.
- 2. Confirmation Soil Sampling.** In the Revised RAP requested below, please include a full description of confirmation soil sampling during the proposed soil excavation.
- 3. Screening Levels for Metals.** For metals in soil, we request that you apply the soil screening numbers for total exposure (inhalation, ingestion, and dermal absorption) developed by the California Office of Environmental Health Hazard Assessment (OEHHA). These soil screening values can be found in Table 1 on the OEHHA website (<http://oehha.ca.gov/risk/chhsltable.html#table1>). The screening values for lead in soil were updated on September 23, 2010 to 80 milligrams per kilogram (mg/kg) for residential land use and 320 mg/kg for commercial land use. The OEHHA screening values for vanadium are 530 mg/kg for residential land use and 6,700 mg/kg for commercial land use.
- 4. Water Supply Well Survey.** The "*Subsurface Investigation Report*," includes a well survey report prepared by Environmental Data Resources, Inc. This type of report is generally not sufficient for identification of water supply wells. In order to locate all water supply wells within a radius of 2,000 feet, we request that you obtain well information from both Alameda County Public Works Agency and the State of California Department of Water Resources. 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 Revised RAP requested below.
- 5. Area of Well MW5.** Please include a discussion of proposed excavation in the area of well MW5 in the Revised RAP requested below.

6. **GeoTracker Submittals.** A review of the State Water Resources Control Board's GeoTracker website indicates that your site has not been "claimed," and required documents have not been uploaded to the GeoTracker database. Pursuant to CCR Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the LUFT program, must be transmitted electronically to the SWRCB GeoTracker website via the internet. Additionally, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude accurate to within 1-meter accuracy, using NAD 83, and transmitted electronically to the GeoTracker website. Beginning July 1, 2005, electronic submittal of a complete copy of all reports 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). Please claim your site and subsequently upload the required documents.

TECHNICAL REPORT REQUEST

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

- **April 28, 2011** – Names and addresses of any parties or groups in addition to nearby residents and landowners who may be interested in the actions proposed in the RAP
- **June 3, 2011** – Revised Remedial Action Plan

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org. Case files can be reviewed online at the following website: <http://www.acgov.org/aceh/index.htm>.

Sincerely,

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

Attachments: Draft Public Fact Sheet
Responsible Party(ies) Legal Requirements/Obligations

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 (Sent via E-mail to: lgriffin@oaklandnet.com)

Responsible Parties
RO0002896
April 20, 2011
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Harvey Fernebok, Red Star-Michaels LLC, 2010 Main Street, Suite 1250, Irvine, CA 92614
(Sent via E-mail to: HFernebok@themichaelsorg.com)

Alan Coffee, Citadel Environmental Services, Inc., 400 North Tustin Avenue, Suite 340,
Santa Ana, CA 92705 (Sent via E-mail to: acoffee@CitadelEnvironmental.com)

Donna Drogos, ACEH (Sent via E-mail to: donna.drogos@acgov.org)
Jerry Wickham, ACEH (Sent via E-mail to: jerry.wickham@acgov.org)

GeoTracker, e-File



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**DRAFT FACT SHEET
PROPOSED SOIL CLEANUP
RED STAR YEAST
April 28, 2011**

Site Name: Red Star Yeast
Site Location: 1396 5th Street, Oakland, CA 94607
SLIC Case RO0002896 and GeoTracker Global ID T06019794669,

Summary – This fact sheet has been prepared to inform community members and other interested parties of the status of a proposed soil excavation and removal action at the former Red Star Yeast facility at 1396 5th Street in Oakland, California (see map on back). The site was formerly occupied by the Red Star Yeast Company but all buildings and appurtenant structures have been removed. Red Star Michaels LLC is proposing to construct a five-story building at the site with retail and office space on the first floor and senior housing on the upper floors.

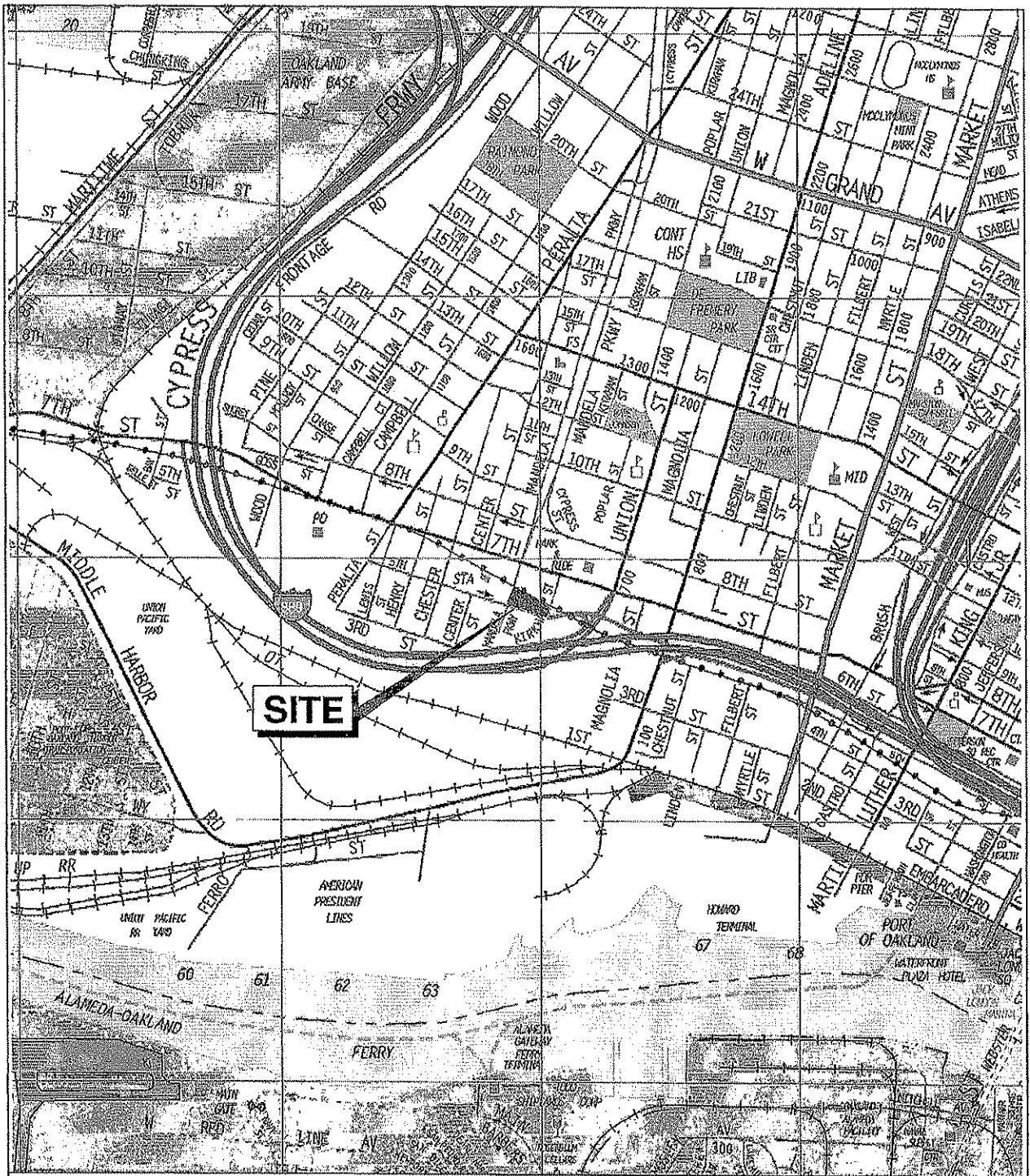
Soil borings advanced at the site in 2004, 2006, and 2011, encountered a layer of fill material composed of dense sand with varying amounts of brick, concrete, gravel, and debris from ground surface to depths ranging from approximately 2.5 to 4 feet below ground surface (bgs). Laboratory analysis of soil samples from the fill material detected elevated concentrations of cadmium, lead, mercury, and copper at several locations across the site. The metals appear to have been brought to the site with the fill material and do not appear to be related to site activities. The fill material is believed to have been placed at the site sometime between 1862 and 1890. Petroleum hydrocarbons were also detected in site soils and shallow groundwater.

Red Star Michaels LLC, the lead responsible party for the case, is proposing excavation and removal of soil to depths of approximately 2 to 5 feet below ground surface. The contaminated soil will be characterized for proper disposal off-site at a landfill. Following excavation of contaminated soil, the excavation will be backfilled with imported, engineered fill.

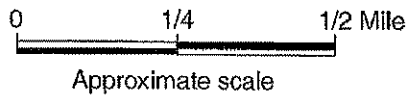
Background – The site was occupied by a yeast manufacturing company that had several different names over its history but was most commonly known as Red Star Yeast. Yeast manufacturing was conducted under various names at the site from 1902 until operations were discontinued in 2003. Site buildings were reportedly demolished in 2004. The site is currently a vacant lot surrounded by a fence.

Next Step – Red Star Michaels LLC is working with Alameda County Environmental Health (ACEH) to implement cleanup of shallow soils at the site. The proposed cleanup consisting of excavation and off-site disposal is described in a report entitled, “*Remedial Action Plan, Former Red Star Yeast Company, 1396 5th Street, Oakland, California,*” dated April 4, 2011 (Remedial Action Plan). ACEH has requested some revisions to the Revised Remedial Action Plan in correspondence dated April 20, 2011. The public is invited to review and comment on the proposed excavation and removal action proposed in the Remedial Action Plan. The “*Remedial Action Plan,*” as well as ACEH correspondence on the case can be viewed over the Internet on the ACEH website (<http://www.acgov.org/aceh/lop/ust.htm>) or the State Water Resources Control Board Geotracker website (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting). Please send written comments to Jerry Wickham at the address below; all comments will be forwarded to the responsible party. **Comments received by May 30, 2011** will be considered and responded to prior to a final determination on the proposed cleanup.

Additional information: Contact Jerry Wickham of the Alameda County Department of Environmental Health, 1131 Harbor Bay Parkway, Alameda, CA 94502 at 510-567-6791 or by email at jerry.wickham@acgov.org



Base map: The Thomas Guide
Alameda County
1999



RED STAR YEAST SITE
Oakland, California

SITE LOCATION MAP

Treadwell & Rollo

Date 10/20/06 Project No. 4068.01 Figure 1

Attachment 1

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

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.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

PERJURY STATEMENT

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

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

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

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

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

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection.**
- 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)

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 deh.loptoxic@acgov.org
 - 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, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
 - 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 deh.loptoxic@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 @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) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.