

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

November 21, 2006

Ms. Natasha Moiseyev
4550 San Pablo LLC/Peter and Leslie Matthew Trust
1450 El Camino Avenue
Menlo Park, CA 94025

Subject: SLIC Case RO0002929, San Pablo LLC, 4505 San Pablo Avenue, Emeryville, CA 94608 – Work Plan Approval

Dear Ms. Moiseyev:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above-referenced site, including the document entitled, "Work Plan for Soil-Gas Sampling," dated November 7, 2006 and a "Correction Addendum to the Work Plan for Soil-Gas Sampling," dated November 9, 2006. The Work Plan and Correction Addendum, which were prepared by E2C, Inc., propose soil vapor sampling to assess the potential for vapor intrusion into buildings. The proposed scope of work and methods are generally acceptable; however, we have requested additional soil vapor sampling locations and additional analytes as discussed in the technical comments below. The Work Plan is approved for implementation provided that the items identified in the technical comments below are addressed and incorporated during the field investigation. Submittal of a revised Work Plan is not required if the technical comments are fully incorporated during the site investigation.

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

TECHNICAL COMMENTS

1. **Soil Vapor Sampling Locations.** We request that soil vapor samples be collected from four additional locations in the area of the former gasoline UST, which are shown on Revised Figure F-2 (attachment). In addition, we request that proposed soil vapor sampling location B-10 be moved to a location more proximal to the former fuel oil tank.
2. **Proposed Soil Vapor Analyses.** The Work Plan currently proposes analysis of soil vapor samples for benzene, toluene, ethylbenzene, and xylenes and one leak detection compound using EPA Method 8260 gas chromatography/mass spectrometry. We request that soil vapor samples also be analyzed for chlorinated solvents. Specifically, soil vapor samples are to be analyzed for tetrachloroethene, trichloroethene, cis- and trans-1,2-dichloroethene, vinyl chloride, and carbon tetrachloride by EPA Method 8260B (from SW-846).

TECHNICAL REPORT REQUEST

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

- **April 6, 2007** – Soil Vapor Sampling Report

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

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).

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

Ms. Natasha Moiseyev
November 21, 2006
Page 3

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

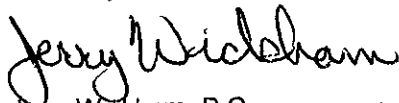
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

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.

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham, P.G.
Hazardous Materials Specialist

Attachment: Revised Figure F-2

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Tom McKeithen
Garlock & Co.
1450 El Camino Avenue
Menlo Park, CA 94025

Benjamin Berman
E2C, Inc.
382 Martin Avenue
Santa Clara, CA 95050-3112

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

Revised Figure F-2

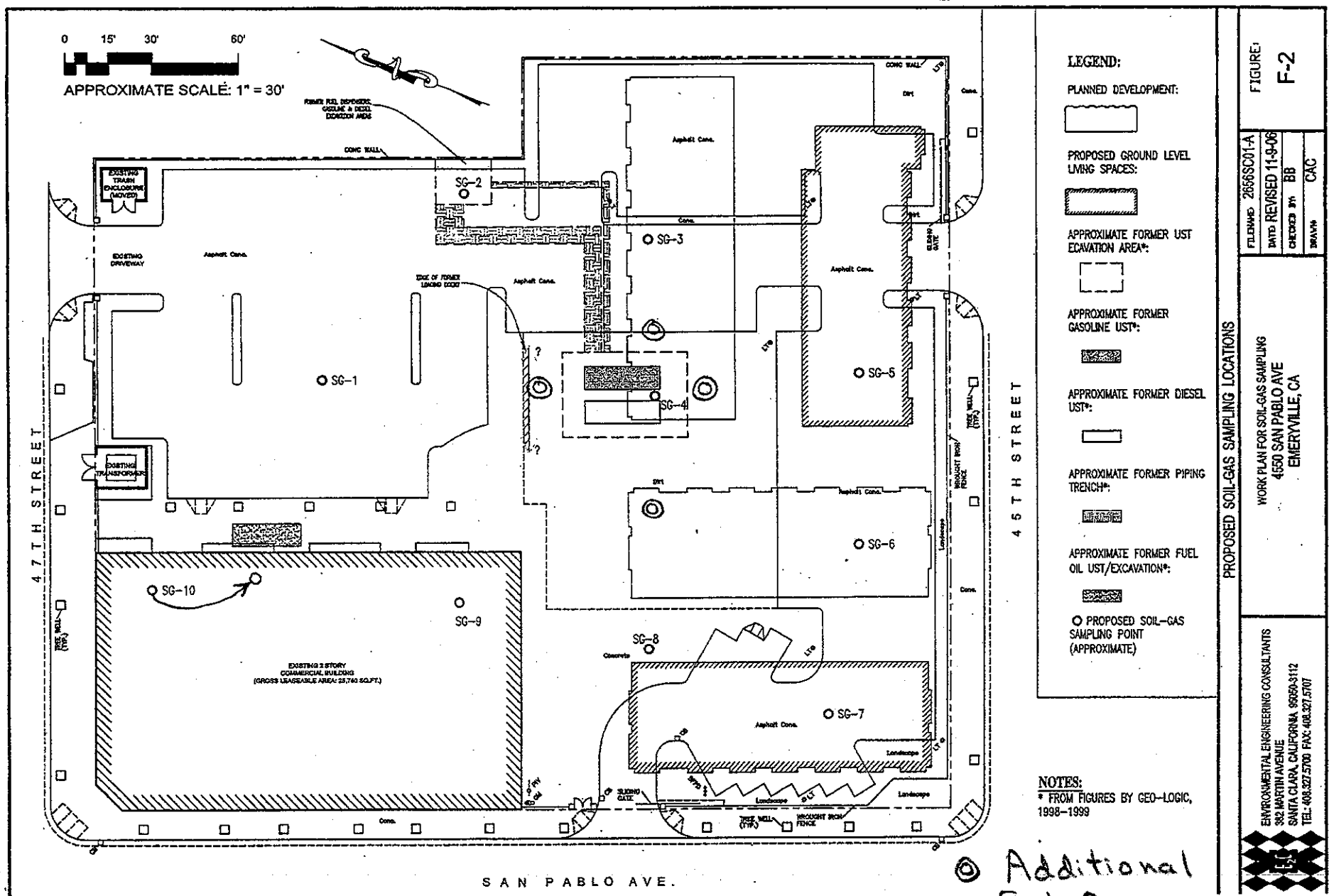


FIGURE:
F-2

FILENAME: 2656SC01-A
 DATE REVISED: 11-9-06
 CHECKED BY: BB
 DRAWN: CAC

○ Additional Soil-Gas Sampling Location Requested by ACEH

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

September 7, 2006

Ms. Natasha Moiseyev
4550 San Pablo LLC/Peter and Leslie Matthew Trust
1450 El Camino Avenue
Menlo Park, CA 94025

Subject: SLIC Case RO0002929, San Pablo LLC, 4505 San Pablo Avenue, Emeryville, CA 94608

Dear Ms. Moiseyev:

Based upon the information in our case files, a fuel leak case at the above referenced site (RO0000248) was closed by Alameda County Environmental Health (ACEH) on April 25, 2006. Due to residual soil and groundwater contamination at the site, the site was closed with a restriction for future commercial land use only. Based upon your letter dated May 23, 2006, we have opened a Spills, Leaks, Investigations, and Cleanup (SLIC) case in order to review the site for unrestricted future use. Existing reports will be reviewed in order to make this assessment.

In order for ACEH to review reports for your site, we require an oversight account for the above-referenced site in order to recover our costs. To set up your account, please send a check in the amount of \$6,000.00 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 "SLIC" (the type of project), the site address, and the AR# 317722 on your check.

If you have any questions, please contact Jerry Wickham at (510) 567-6791.

Sincerely,


Ariu Levi
Division Chief

cc: D. Drogos, J. Jacobs, Jerry Wickham

*ALAMEDA NEW
CASE, SEC*

4550 San Pablo LLC

a real estate venture company

1450 El Camino Real
Menlo Park, California 94025
P: 650-543-3000
F: 650-858-4919

**Alameda County
MAY 25 2006
Environmental Health**

2006 MAY 25 PM 1:00

May 23, 2006

Mr. Jerry Wickham
Alameda County Environmental Health Care Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

RE: Former Berkeley Farms Site, 4550 San Pablo Avenue, Emeryville

Dear Mr. Wickham:

I am writing on behalf of the owners of the site at 4550 San Pablo Avenue in Emeryville, 4550 San Pablo LLC and Peter and Leslie Mathews Trust, to request redesignation of the site for unrestricted use. The site is currently approved closed and deemed appropriate for commercial use only.

Please let me know what steps the owners need to take to proceed with this redesignation.

Sincerely,

Natasha R. Moiseyev
In-House Counsel
4550 San Pablo LLC