



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

March 12, 2010

Donald Rogers
Brandywine Realty Trust
2101 Webster Street, Suite 1600
Oakland, CA 94612

Subject: Fuel Leak Case No. RO0002984 and GeoTracker Global ID T10000000422, Center Twenty-one Franklin Tower, 2100-2150 Franklin Street, Oakland, CA 94612

Dear Mr. Rogers:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted documents entitled, "Groundwater Monitoring & Sampling Report," dated June 29, 2009 and the "Well Survey and Historical Land Use Report," dated July 31, 2009, which were prepared by RGA Environmental for the subject site. RGA has also submitted a draft public notification fact sheet for review and comment. In the above-mentioned "Groundwater Monitoring & Sampling Report," groundwater sample analytical results collected from the two on-site monitoring wells were not detected above the laboratory detection limit and in the "Well Survey and Historical Land Use Report," RGA identified three wells within a ¼ mile radius of the subject site.

ACEH has reviewed and edited the public participation fact sheet (attached) and requests that you address the following technical comments, perform the proposed work, and send us the technical reports requested below.

TECHNICAL COMMENTS

1. **Public Participation Fact Sheet** – Pursuant to California Code of Regulations, Title 23, Division, 3 Chapter 16, §2728, ACEH requires notification to the public of the proposed case closure for the site. To that end, ACEH had requested submittal of a draft public participation fact sheet describing the site and previous investigation activities that were conducted. As mentioned above, ACEH has reviewed and edited the public participation fact sheet and it is now ready for distribution. ACEH requests that the fact sheet is mailed to all addresses within a ¼-mile radius which fall south of Grand Avenue, including owners of the identified wells (Great Western Power, Oakland Lodge B.P.O.E. and property owners of 2100 Harrison Street). Please send us your personal certification that the fact sheet has been mailed to addresses within the radius specified above and include a list of all the property owners/tenants and addresses which received the fact sheet within thirty (30) days from the date of this letter.
2. **Landowner Notification** – As you may be aware, an investigation resulting from underground storage tank leak(s) was performed at the subject property to which you are named as the primary or active responsible party. Pursuant to Section 25297.15 (a),

Alameda County Environmental Health (ACEH), the local agency, shall not consider cleanup or site closure proposals from the primary or active responsible party, issue a closure letter, or make a determination that no further action is required with respect to a site upon which there was an unauthorized release of hazardous substances from an underground storage tank subject to this chapter unless all current record owners of fee title to the site of the proposed action have been notified of the proposed action by the primary or active responsible party. ACEH is required to notify the primary or active responsible party of their requirement to certify in writing to the local agency that the notification requirement in the above-mentioned regulation has been satisfied and to provide the local agency with a complete mailing list of all record fee title owners.

To satisfy the above-mentioned requirement, please complete the enclosed "List of Landowners Form," and mail it back to ACEH within thirty (30) days from the date of this letter. Also your comments, if any, must be considered prior to the proposed cleanup or closure. Please respond within 30 days from the date of this letter for your comments to be considered

TECHNICAL REPORT REQUEST

Please submit technical reports to ACEH (Attention: Paresh Khatri), according to the following schedule:

- **March 15, 2010** – Mail Public Participation Fact Sheet
- **April 14, 2010** – List of Public Participation Participants and Landowners Notification Form

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

Mr. Rogers
RO0002984
March 12, 2010, Page 3

required in GeoTracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml).

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.

If you have any questions, please call me at (510) 777-2478 or send me an electronic mail message at paresh.khatri@acgov.org.

Sincerely,

Paresh C. Khatri
Hazardous Materials Specialist

Mr. Rogers
RO0002984
March 12, 2010, Page 4

Enclosures: Public Participation Fact Sheet
List of Landowners Notification Form
ACEH Electronic Report Upload (ftp) Instructions

cc: Paul King, RGA Environmental, 1466 66th Street, Emeryville, CA 94608
Kenneth Pilgrim, RGA Environmental, 1466 66th Street, Emeryville, CA 94608
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA
94612-2032 (Sent via E-mail to: lgriffin@oaklandnet.com)
Donna Drogos, ACEH (Sent via E-mail to: donna.drogos@acgov.org)
Paresh Khatri, ACEH (Sent via E-mail to: paresh.khatri@acgov.org)
GeoTracker
File



**FACT SHEET ON ENVIRONMENTAL ASSESSMENT
CENTER TWENTY-ONE FRANKLIN TOWER**

(Brandywine Realty Trust)

2100 Franklin Street, Oakland, CA 94612

Fuel Leak Case No. RO0002984 and

GeoTracker Global ID T10000000422

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

Site Remediation Summary

This fact sheet has been prepared to inform community members and other interested stakeholders regarding the status of the soil and groundwater cleanup at the Center Twenty-one Franklin Tower located at 2100 Franklin Street, in Oakland, California. Brandywine Realty Trust is the lead responsible party for the case and their environmental consultant is RGA Environmental, Inc. During site redevelopment, an old heating oil tank was discovered. The tank was removed and contaminated soil was over-excavated.

Site Background

The site is located in the Oakland downtown business district, which includes primarily office buildings with other commercial businesses typically located on the ground floor of the buildings. The site consists of a nine story, 216,666 square foot office building located at the intersection of Franklin and 21st Streets. Previous use of an underground storage tank (UST) has resulted in the presence of chemicals (petroleum hydrocarbons) in soil and groundwater beneath the Site.

Soil Excavation and Disposal

In May 2006, one 1,300-gallon underground storage tank that stored heating oil was removed from the site. Soil samples collected during the tank removal identified the presence of petroleum hydrocarbons in the soil. In August 2006, the petroleum impacted soil was excavated and removed from the site. In August and September 2006, subsurface investigations consisting of exploratory soil borings, groundwater sampling, and monitoring well installations were conducted on and off-site to determine the extent of contamination. The heating oil has migrated away from the site in groundwater. The oil associated with the former heating oil tank was determined to not contain the volatile compounds benzene, toluene, ethylbenzene and xylenes (BTEX). However, additional sources not related to the subject property have been identified while investigating the extent of impacted groundwater. Some of the other sources appear to contribute BTEX to the plume. The near-complete absence of BTEX in the heating oil portion of the plume also indicates that the

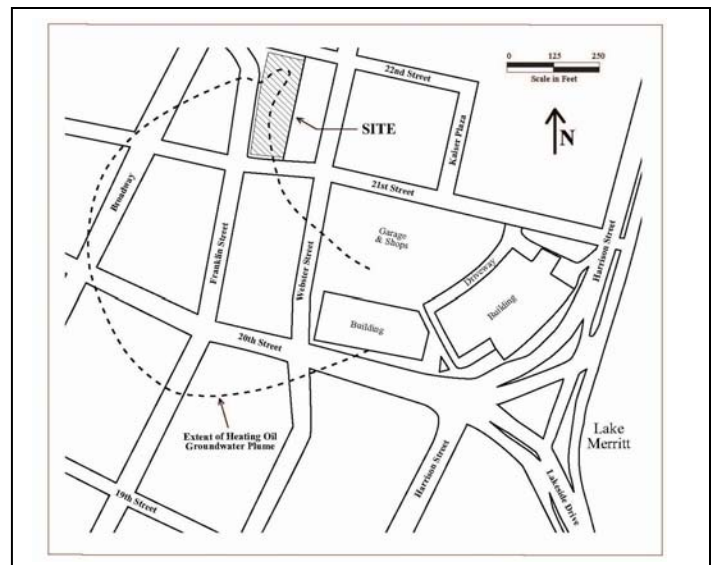
heating oil in groundwater is not a cause for health concern. The area of identified groundwater contamination is bounded by 22nd Street on the north, Broadway on the west, 19th Street on the south, and Harrison Street on the east (see map below).

Next Step

Brandywine Realty Trust had been working with Oakland Fire Prevention Bureau for the environmental investigations that were conducted for the site and recently with Alameda County Environmental Health (ACEH). No further soil and groundwater investigations or remediation is planned for the site. The source of the heating oil contamination, the UST and surrounding contaminated soil has been removed, the site has been adequately investigated, and the groundwater contaminant plumes are either stable or decreasing with time. The site is proposed for case closure. All the site investigation activities are described in reports prepared by RGA on behalf of Brandywine Realty Trust. The public is invited to review and comment on the proposed closure of this case. The case file is available on ACEH's website (<http://www.acgov.org/aceh/lop/ust.htm>) or the State Water Resources Control Board's GeoTracker website (<http://www.geotracker.waterboards.ca.gov/>). The case file is also available for review on-line at the ACEH located at 1131 Harbor Bay Parkway in Alameda, California. Please send a fax to 510-337-9335 to request a date and time to review the case file. Please send written comments regarding the proposed action to Paresh Khatri at the address below. All written comments received by **April 14, 2010** will be forwarded to the Responsible Party and will be considered and responded to prior to a final determination on the proposed case closure.

For Additional information, please contact:

Paresh Khatri Alameda County Environmental Health 1131 Harbor Bay Parkway, Ste 250 Alameda, CA 94502 Phone: 510-777-2478 E-mail: Paresh.Khatri@acgov.org	Ken Pilgrim RGA Environmental, Inc. 1466 66 th Street Emeryville, CA 94608 Phone: 510-547-7771 E-mail: ken@rgaenv.com
---	---



LIST OF LANDOWNERS FORM

County of Alameda
Environmental Health Services
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR:

Site Name: Center Twenty-one Franklin Tower

Address: 2100 Franklin Street

City, State, Zip: Oakland, CA 94612

Record ID #: RO0002984

Please fill out item 1 if there are multiple site landowners (attach an extra sheet if necessary). If you are the sole site landowner, skip item 1 and fill out item 2.

1. In accordance with Section 25297.15(a) of Chapter 6.7 of the California Health & Safety Code, I, _____ (name of primary responsible party), certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site:

Name: _____

Address: _____

City, State, Zip: _____

E-mail Address: _____

Name: _____

Address: _____

City, State, Zip: _____

E-mail Address: _____

Name: _____

Address: _____

City, State, Zip: _____

E-mail Address: _____

2. In accordance with Section 25297.15(a) of Chapter 6.7 of the California Health & Safety Code, I _____, certify that I am the sole landowner for the above site.

Sincerely,

Signature of Primary Responsible Party

Printed Name

Date

E-mail Address

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: March 27, 2009
	PREVIOUS REVISIONS: December 16, 2005, October 31, 2005
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

- 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 My Le Huynh.
 - 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 @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.