

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director



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ENVIRONMENTAL PROTECTION
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March 12, 2009

Mortimer Howard Trustee
Mortimer Howard Trust
2901 Jackson Street
Alameda, CA 94501

Mr. Peter Armstrong
EAH Housing Inc.
2169 East Francisco Boulevard, Suite B
San Rafael, California 94901

Subject: Fuel Leak Case No. RO0002994 and GeoTracker Global ID T10000000818, Park Village Senior Apartments, 3761 Park Boulevard Way, Oakland, CA 94610

Dear Mr. Howard & Mr. Armstrong:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted document entitled, "Phase II Environmental Site Assessment (ESA) Report/Limited Soil Characterization," dated December 8, 2008 and the "Phase II Environmental Site Assessment (ESA) Report/UST Closure," dated January 13, 2009, which were prepared by ACC Environmental Consultants (ACC) for the subject site. ACEH understands that the Mortimer Howard Trust is the current property owner and that EAH Housing, Inc. is a prospective buyer conducting a due diligence investigation for a pending property transaction. Since this site now involves both parties, this correspondence has been addressed to you both.

The subject property is currently used for senior housing consisting of a 70,000 square feet, 84 unit, five story residential apartment building. From approximately 1950 through 1970, two structures occupied the site, of which the first is identified as "Gas & Oil" and "Garage," and the second identified as "Auto Repair." The former businesses are reported to have operated as Ritchey's Union Service Station and Earl's Union 76.

To verify whether past service station operations have impacted the subsurface, ACC installed eleven borings at the site in locations, which appear to be in the likely vicinity of the former USTs and dispenser island. Soil sample analytical results detected a maximum total petroleum hydrocarbons (TPH) as gasoline (g) concentration of 380 mg/kg collected at 6.5 to 7 feet below the ground surface (bgs) in soil boring SB-1, diesel (d) at a concentration of 110 mg/kg collected at 4 to 5 ft bgs in soil boring SB-6, motor oil (mo) at a concentration of 550 mg/kg in a composite soil sample collected from 4 to 5 ft bgs and 10 to 12 ft bgs in soil boring SB-4, and benzene at a concentration of <2.2 mg/kg collected at 6.5 to 7 ft bgs in soil boring SB-1. Groundwater sample analytical results detected TPH-d at a concentration of 220 µg/L. The analytical results verify that past operations have impacted the soil and groundwater at the site.

ACC compares the analytical results to the Environmental Screening Level (ESL) listed in the California Regional Water Quality Control Board's Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater, Interim Final - November 2007 document and states in the January 13, 2009 report that "[b]ased on the analytical results discussed above the only samples with constituents detected above their respective ESL are soil sample SB-6 and the groundwater sample SB-5," and that "no further work is recommended for the site." However,

ACEH cannot concur with this statement since concentrations of TPH-g (detected in SB-1 and SB-2), TPH-mo (detected in SB-4), and benzene (detected in SB1 and SB-2) were above their respective ESLs of 83 mg/kg, 370 mg/kg, and 0.044 mg/kg.

ACEH request that you address the following technical comments and send us the technical work plan requested below.

TECHNICAL COMMENTS

1. **Potential Contaminant Volatilization to Indoor Air** – As mentioned above, TPH-g, TPH-d, TPH-mo, and benzene were detected at concentrations of 380 mg/kg, 110 mg/kg, 550 mg/kg, and <2.2 mg/kg, respectively, above their respective ESLs of 83 mg/kg, 83, mg/kg, 370 mg/kg, and 0.044 mg/kg. Also, a review of the boring logs indicates that hydrocarbon odor was noted at shallow depths in many borings installed at the site. Since the site is currently developed as senior residential apartments, it is prudent to verify whether potential contaminant volatilization to indoor air exposure pathway is complete. Soil vapor and/or sub-slab sampling at multiple locations across the site appears necessary to address this data gap. Please propose a scope of work to address the above-mentioned concerns and submit a work plan due by the date specified below.
2. **Site Figures** - Please note that the figures included in submittals provided to date are insufficient to adequately depict the former station and site features in relation to current structures and site features. Please prepare site figures, which accurately depict existing structures and site features in relation to the former station and USTs in all future reports.
3. **Site Geology & Hydrogeology** –A “grab” groundwater sample was collected from the site at a depth of 50 feet bgs. However, the boring was logged only to a depth of 20 feet bgs. Therefore, the lithology at depth and an accurate depth of the groundwater sample is unknown. Please propose a scope of work to address the above-mentioned concerns and submit a work plan due by the date specified below.
4. **Soil and Groundwater Sample Analyses** – According to ACC, from approximately 1950 to 1970, the subject site was utilized as a gasoline service station. In that era, gasoline typically contained lead and lead scavengers. However, it does not appear that lead or lead scavengers (i.e. ethylene dichloride (EDC) and ethylene dibromide (EDB)) were part of the analytical suite. Also, heavy end hydrocarbons (i.e. motor oil) were detected at the site. However, metals analysis was not included in the analytical suite. Please propose a scope of work to address this data gap and submit a work plan due by the date specified below.

TECHNICAL REPORT REQUEST

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

- **May 11, 2009** – Soil and Water Investigation Work Plan

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/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.

Mr. Howard & Mr. Armstrong
RO0002994
March 12, 2009, Page 4

UNDERGROUND STORAGE TANK CLEANUP FUND

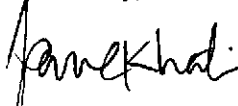
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

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



Donna L. Drogos, PE
Supervising Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Misty Kaltreider, ACC Environmental Consultants, 7977 Capwell Drive, Suite 100, Oakland, CA 94621
Lynn Berard, EAH Inc., 2169 E. Francisco Blvd., San Rafael, CA 94901
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032
Donna Drogos, ACEH
Paresh Khatri, ACEH
SWRCB GeoTracker
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)