Phase-1 Environmental Services

5216 Harwood Road, San Jose, CA 95124

December 5, 2014

RECEIVED
By Alameda County Environmental Health at 10:39 am, Dec 11, 2014

Alameda County Health Care Services Agency
Department of Health Services
1131 Harbor Bay Parkway
Alameda, CA 94502

Attn: Mark Detterman

Subject: Batarse Property; case file RO0003151

PROPOSED VOLUNTARY CLEAN-UP - LETTER OF UNDERSTANDING

Dear Mr. Detterman,

Phase-1 Environmental Services is the environmental consulting group acting on behalf of Mr. Anthony Batarse, Jr. with respect to his properties at 10500 and 10550 International Boulevard, and 1424 through 1570 105th Avenue in the City of Oakland, California, which are the subject of this LOU. The Property is made up of 10 adjoining parcels beginning at 10500 and 10550 International Blvd., and extending northeasterly up 105th Avenue about 775 feet. For purposes of this document, we will refer to International Blvd. as the "frontage" or "front" of the Property.

Purpose
The purpose of this LOU is to come to agreement on procedures and standards for a voluntary clean-up of the majority of the Property whereby the County will not restrict potential re-zoing for residential occupancy on the parcels of the Property that meet the agreed standards.

Situation
All Property parcels are zoned commercial (CC-2) and have been historically used for a variety of automotive and light industrial business purposes. The neiborhood to the northwest of the Property is a combination of commercial and run-down residential dwellings. Mr. Batarse currently has a buyer for the Property who desires to re-develop, with the "rear"portion to be used for high density residential dwellings. The Property has a history of environmental concerns, including the removal of a fuel tank that caused soil and groundwater contamination near the frontage of 10500 International Blvd. The Property was the subject of an extensive, detailed subsurface investigation and human exposure risk analyses (PEA) in October 2001. At that time, the Property was being considered for purchase by the Oakland Unified School District (OUSD) as part of a school expansion project. The investigation work was performed by Levin Fricke Recon (LFR) and overseen by the DTSC. Within about one year after the investigation had been completed, due to financial restraints, the OUSD backed out of the acquisition.

Pertinent History

10500 International Blvd. was the subject of an underground fuel tank leak case that was opened by Alameda County after the removal of a gasoline tank in 1993. The LOP Case No. was 966 and the State ID was 852. This case was "closed" by Alameda County on August 14th, 1998.

The case was re-opened by the ACDHS in 2007 (RO0002964) when an application was made by the Property owner to redevelop the property for Residential use. The residential development plans were dropped within a year, and the application withdrawn. The case, however, was not concurrently purged from the County and State databases – perhaps because they were not notified of the development plan withdrawal. The Property owner was unaware of the open case until he began getting notices from the State and County concerning monitoring and remedial activities several years later. Action was taken in 2013 with the County to re-close the site, and the case was closed by ACDEH on April 14, 2014. The conditions of closure reverted back to the conditions of the original 1998 case closure. The original closure was based on its land use being commercial, with development restrictions due to residual groundwater contamination remaining in the area of the former leaking fuel tank.

Sometime in 2000, the Oakland Unified School District entered into an intent to purchase parcels surrounding and to the rear of the 10500 and 10550 frontage buildings to expand their school district. Parcels owned by Batarse were a large part of the overall intended land acquisition. As part of the permitting requirement, the DTSC ordered a detailed Phase I Site Assessment which was followed by a Preliminary Environmental Assessment. Levin-Fricke-Recon (LFR) contracted with the Oakland Unified School District (OUSD) to perform this PEA. The PEA workplan was fashioned in part after the Phase I Site Assessment which had been performed by ENSER Environmental for the OUSD in October 2000. In their report, LFR stated that the purpose of the PEA was to *"…assist the DTSC in evaluating whether the Site is appropriate for a school setting."* Their study involved advancing 62 borings – 53 of which were advanced to groundwater. 52 GW samples were collected, and soil samples were collected at various depths throughout all borings. A total of 279 samples were collected and analyzed for all constituents of potential concern. The LFR study involved 9 "areas" of which Areas 1 through 5 were on parcels owned by Batarse. 35 of the 62 total borings were advanced in these 5 areas. The study did not include the 10500 International Blvd. parcel, nor the the frontage portion of the 10550 parcel, as these areas were not included as part of the intended school acquisition. **Figure 1** shows the LFR boring and sample locations map with Property and Parcels laid over - respectively.

In their Executive Summary of the 2001 PEA Report, LFR concluded that; *"The information reviewed and observations made for this PEA do not indicate that soil or groundwater quality at the Site has been significantly affected by on-site releases of hazardous substances with the exception of the petroleum hydrocarbons detected in the soil and groundwater beneath the maintenance building on the west end of Area 1."* (**Exhibit 1 "LFR 2001 PEA Executive Summary",** Page ix, paragraph 2). LFR's position on the affected groundwater in Area 1 is stated in **Exhibit 2 "Section 7: Toxicity Assessment and Risk Characterization**". Under Section 7.3, page 31, the first paragraph states that; *"The PEA Guidance Manual's model did reveal a significant hazard (2) for the domestic use pathway for groundwater at the Site. As previously stated, this pathway includes exposures from ingestion and bathing. Because the Site is located in an urban setting, public supply water will most likely be used as the domestic water*

source. Therefore, although the estimated risk from this model is above the target for this exposure scenario, direct contact with shallow groundwater is actually considered highly unlikely, and does not represent an actual complete exposure pathway."

LFR identified this location in Area 1 as the single area of the Batarse Properties where remedial action was recommended to meet target clean-up for residential zoning. This area is under the west end of the "Maintenance Building" in Area 1 where elevated concentrations of petroleum hydrocarbons in soil and groundwater were discovered. And while this was not the only area on the Batarse properties where constituents were found in excess of MCLs, according to their study, it was the only area where the exposure risks exceeded *the "…PEA Guidance Manual target level (less than 10^{-6}) for the COPCs identified at the site."* (quoted from Page ix Paragraph 1 of the LFR **"Executive Summary"** contained in **Exhibit 1**). That Area 1 building resides on parcel 47-5509-10 at 1424 105th Ave. which is just to the East Northeast (rear) of 10500 International Blvd. parcel (47-5509-41). Please see **LFR Figure 12** in **Exhibit 4** for this reference.

Following their PEA Report, LFR submitted a Draft Remedial Action Workplan (RAW) to the DTSC for the clean-up of the Area 1 concern. The first Draft RAW was dated March 26, 2002. That draft was modified over the following 7 months to reflect comments made by the DTSC. Over that 7 month period, five other areas on the Batarse properties were added to the remediation that had originally been recommend and proposed by LFR. These 5 areas were where COCs above MCLs had been detected in soil samples. Clean-up in these areas had not been recommended by LFR because they fell outside of the risk exposure evaluation and target level objectives that had initially been agreed upon as outlined in Section 7 of the PEA Report. (Copies are attached in **Exhibit 2**, under **Section 7: Toxicity Assessment and Risk Characterization,** 7.3: "Human Health Screening Evaluation**"**.

Four of the five locations that were added are positioned where vehicles had been stored in Areas 1 and 5. Samples detected elevated petroleum hydrocarbons - likely sourced from leaking vehicles. One of those 4 borings samples also contained elevated Arsenic near the surface. The fifth location was from within the auto body shop at 1548 105th Ave.. This boring found Total Chromium at 140 PPM. The last Draft of the RAW indicating these added locations for remediation was posted on DTSC database and is dated October 18, 2002.

As stated in the 2001 PEA, LFR based their study and remedial recommendations on residential zoning standards. Why the 5 new areas of remediation were added is speculative. Being occupied by a public school, the DTSC may not have wanted to overlook or minimize some COCs found in the LFR study that were elevated, as schools are more exposed to sensitive public scrutiny. Another reason could be that the added work and costs required to address these five areas was small in comparison with the overall project. Whichever is the case; the RAW plan was dropped and never completed, because the School District expansion project was halted.

The case remained in the DTSC files as a School Clean-up site until transferred to Alameda County on 11/10/2014. All of the data regarding the investigation, including the LFR PEA and RAW was publicly accessible and online.

Batarse now has a buyer for the Property who desires to redevelop it. Their proposed plan is to keep the 10500 parcel and the front portion of the 10550 parcel under their current commercial zoning. They want to apply for rezoning to residential for the parcels behind 10500 (along 105th Ave.) and the rear (northeastern) portion of the 10550 parcel. The environmental issues are one hurddle to this plan. The second is gaining the acceptance and approval from the City Council and other involved agencies for the rezoning, occupancy, and construction plans.

Goal

In itself, the fact that the case existed on the DTSC database for 13+ years is enough to breed apprehension and argument for most public or agency(s) concerning the Property – especially if not completely familiar with its detailed history and circumstances. That the clean-up ultimately prescribed for the site is probably more than would be required for residential zoning, is another arguable point. Our goal is to remove as much argument and dispute as possible concerning environmental issues for the processes of rezoning the Property. Our approach is to perform remediation as close as is practical to what was desired by the DTSC.

Proposed Remedial Action Outline

It is our understanding that the RP proposes to perform remedial clean-up at the site to address areas of the Property outlined in the issue of the Levine-Fricke RAW dated October 18, 2002. The RP proposes to address Area 1 and the additional areas of concern that were added, but requests that the 160 ppm of Chromium found in sample BAS-013 collected from Parcel 47-5509-3 at 1548 105th Ave. be further evaluated before determining if remedial activity is necessary. It was confirmed with the testing laboratory that the sample was tested for Total Chromium, with no distinction as to whether any Chromium VI was in the sample. There is question as to why LFR omitted this area of concern from their original remedial recommendations for the school clean-up. We would like to further investigate this before including this area in the remedial workplan.

Proposed Workplan

The RP proposes to address the Remedial Action Objective (RAO) clean-up standards recommended in the LFR RAW of October 18, 2002 (please see Page 11 of their 10-18-02-07962 RAW, a copy of which is attached as **Exhibit 3**). The workplan will adjust these standards to changes and updates to MCL's that have occurred for the Chemicals Of Concern (COCs) since the 2001 LFR study as outlined in the current updated Low Threat Closure Policy standards of the State Water Resources Control Board for residential use. COSs at the Property include; TPHg, TPHms, TPHss, TPHd and TPHmo (Hydrocarbons), and; Chromium (to be further assessed), and Arsenic (Metals). Soils will be excavated in the identified LFR areas where COCs were identified to the extents necessary to meet current standards. Extremity samples will be collected and analyzed to determine and confirm effective removal of the COCs to target MCLs. The excavated soil will be stockpiled on site, characterized, and manifested for disposal at an approved facility. The excavated areas will be backfilled with clean soil, compacted to sub-grade, and resurfaced with either reinforced concrete (within the building at Area 1) or asphaltic concrete (in the exterior areas). All work and sampling will be overseen and documented by a Licenced Professional Geologist.

Please see **Figure 2** for proposed excavation areas.

Supporting Documentation

A Phase I Assessment was performed by PIERS Environmental in July 2009 for most of the parcels on the Property, and another was performed by Phase-1 Environmental Services in October 2014 for all of the parcels of the subject Property. This document has been uploaded to the County files for this case and Property. Based on an evaluation of these studies, as well as the previous studies on file for the Property and surrounding properties, the following applies:

A) No significant environmental incidents (releases, spills, or other REC's) have been recorded, observed, or otherwise noted on the Property since the 2001 LFR PSA was performed that would give reason for investigating additional areas of the subsurface.

B) Based on soil and groundwater conditions at the site, and the various COCs at their concentrations and depths in the Areas of Concern; it is our opinion that substantial vertical and/or horizontal migration of the COC's in soils since the LFR study was performed is not likely. Extremity observations and sampling during the proposed excavations will be used to guide and determine the extent of the excavations. Alternatively, preliminary confirmatory sampling may be performed.

Anticipated Outcome

Assuming that the work proposed is successful and meets the agreed upon RAOs for the site, upon completion, we propose that the County write a letter to the Property owner indicating that the identified Areas of Concern have been remediated to environmental standards that are acceptable for residential zoning, with restrictions remaining on groundwater use. The 10500 parcel, which is the subject of the former fuel leak case will remain restricted to Commercial use under its current closure status. The developer intends to leave the frontage portion of 10550 zoned as commercial.

We are prepared to submit the RAW for the proposed work upon the County's approval of this LOU.

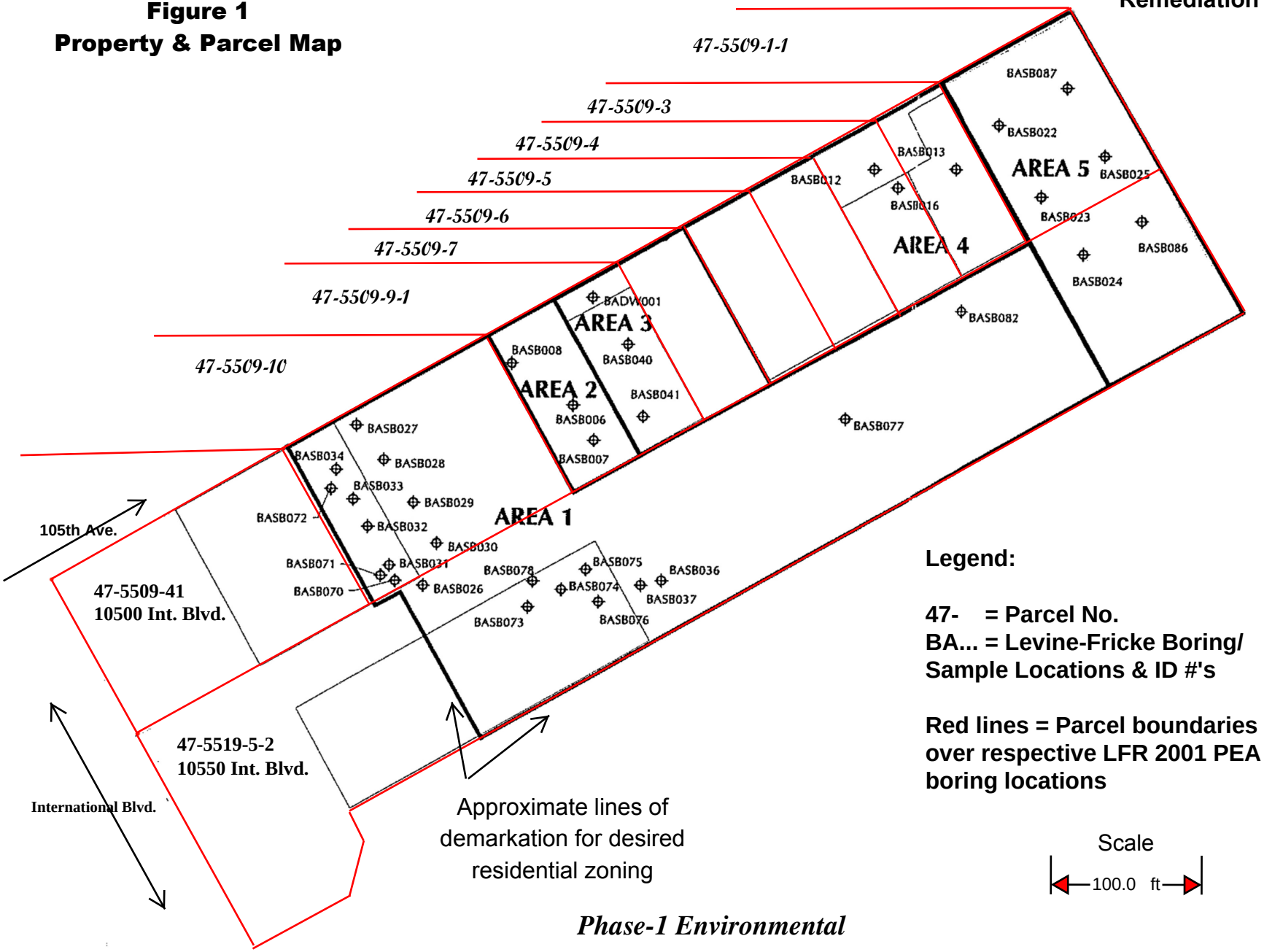
Respectfully,

Stuart G. Solomon
Phase-1 Environmental Services
5216 Harwood Road
San Jose, CA 95124

831-422-2248 – Office
408-406-3850 – Cell

Batarse Oakland Remediation Project

Figure 1
Property & Parcel Map



Legend:

47- = Parcel No.
BA... = Levine-Fricke Boring/ Sample Locations & ID #'s

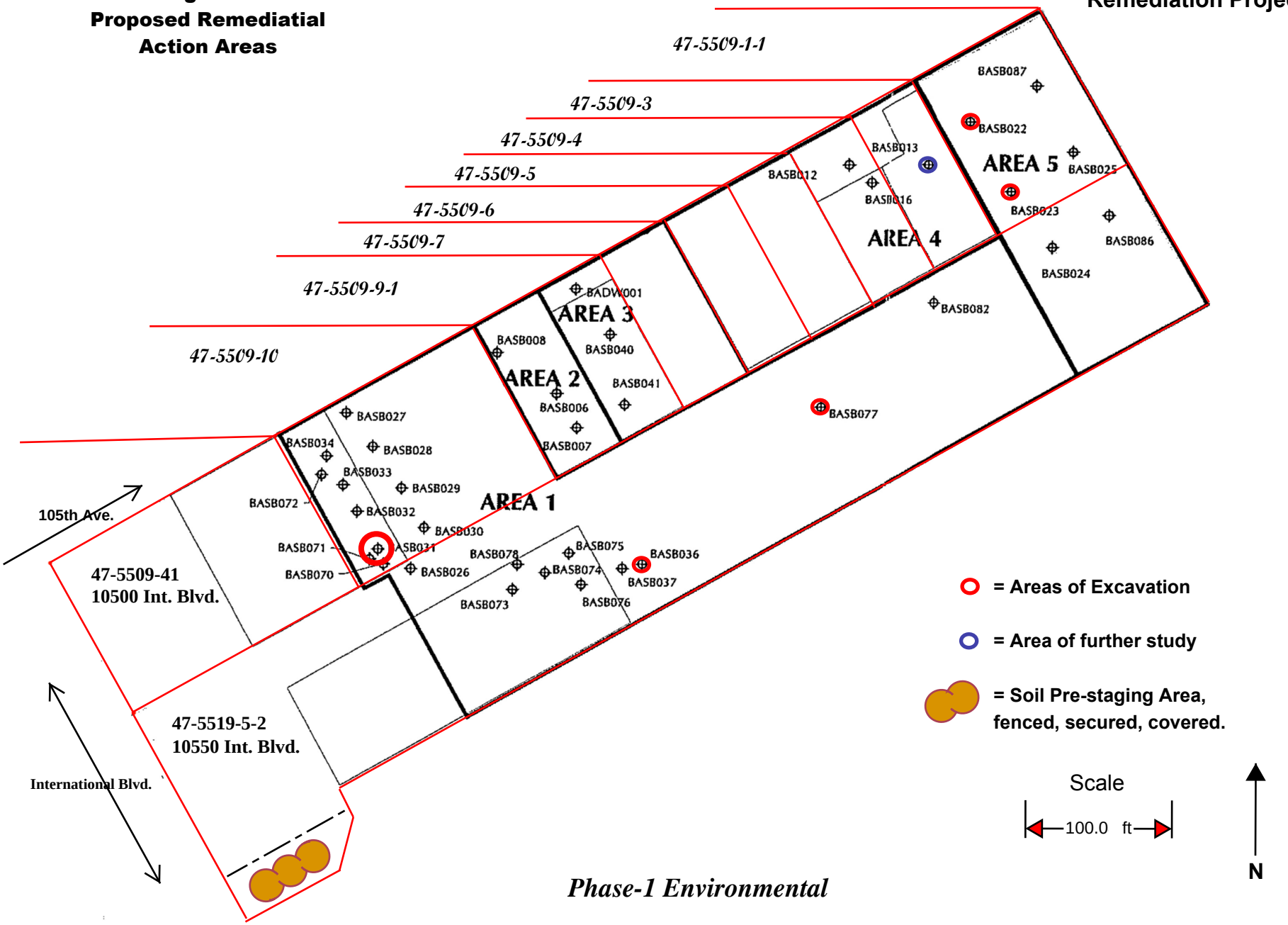
Red lines = Parcel boundaries laid over respective LFR 2001 PEA boring locations

Scale
100.0 ft

N

Figure 2
Proposed Remediatial Action Areas

Batarse Oakland Remediation Project



Phase-1 Environmental

EXHIBIT 1

LFR 2001 PEA “Executive Summary”

Levine Fricke Executive Summary

Preliminary Environmental Assessment Report
Batarse Site
104th Avenue and East 14th Street
Oakland, California

October 3, 2001
7962.01-003

Volume I
Text, Tables, Figures, Appendices

Prepared for
Oakland Unified School District
955 High Street
Oakland, California 94601

LFR
LEVINE • FRICKE

Printed on recycled materials

EXECUTIVE SUMMARY

LFR Levine·Fricke (LFR) was contracted by the Oakland Unified School District to conduct a Preliminary Environmental Assessment (PEA) for the Batarse Site, located near the southeast corner of the intersection of 104th Avenue and East 14th Street in Oakland, California ("the Site"; Figure 1). This work was performed under the oversight of the California Environmental Protection Agency Department of Toxic Substances Control (DTSC).

The approximately 8-acre Site, which consists of numerous parcels, is located within an area bounded to the north by 104th Avenue, to the west by commercial businesses fronting on East 14th Street, to the east by residences along Breed Avenue, and to the south by Alameda-Contra Costa (AC) Transit's bus maintenance facility (Figure 2).

This PEA was conducted in general accordance with the DTSC guidance manual for evaluation of hazardous substance release sites entitled, "Preliminary Endangerment Assessment Guidance Manual, State of California, Environmental Protection Agency" (DTSC 1994) and LFR's work plan entitled, "Preliminary Endangerment Assessment Work Plan, Batarse Project Site, 104th Avenue and East 14th Street, Oakland, California," dated May 25, 2001 ("the PEA Work Plan"). The PEA Work Plan was approved by DTSC. The overall objectives of the PEA included the following:

- Evaluating historical information regarding the past use, storage, disposal, or release of hazardous wastes/substances at the Site
- Conducting a field sampling and analysis program to characterize the nature, concentration, and presence and/or absence of a release of hazardous materials, and if found, establishing the extent of hazardous wastes/substances present in soil and groundwater at the Site
- Estimating the potential threat to public health and/or the environment posed by known hazardous constituents at the Site using a residential land use scenario

The results of the PEA will be used to assist the DTSC in evaluating whether the Site is appropriate for a school setting. At the time of the PEA sampling program, the Site was occupied by various commercial buildings and residences located along 105th Avenue and residential buildings along 104th Avenue. Construction of a new permanent school campus is planned at the Site (Figure 3).

In accordance with the PEA Work Plan, LFR advanced 62 soil borings on the Site (Figure 4). Nine shallow borings and 53 deep boring were advanced on the Site and one or more soil samples were collected from each boring. In addition, a water sample was collected from a water supply well located on the Site.

For the purpose of our investigation, the Site was divided into nine areas consisting of one or more parcels. Area 1 includes Lloyd A. Wise, Inc.; Area 2 includes Bill & Bill's

Auto Body; Area 3 includes the majority of the Management Storage property; Area 4 includes Ward's Custom Paint and a portion of the Management Storage property; Area 5 includes Chevron Tow; Area 6 includes the Union Pacific Railroad and 105th Avenue; Area 7 includes commercial, industrial, and residential properties on the west side of 105th Avenue; Area 8 includes residential properties on the east side of 104th Avenue; and Area 9 includes a portion of AC Transit.

Soil samples were collected in shallow borings from the first native soil encountered (shallow depth interval). Soil samples were collected from deep borings at approximately 5-foot intervals to the depth at which groundwater was encountered. Grab groundwater samples were collected from 52 of the deep borings.

Selected soil and groundwater samples were analyzed for Title 22 Metals using U.S. Environmental Protection Agency (EPA) Method 6010/7000 Series; semivolatile organic compounds (SVOCs) using EPA Method 8270 or 525; volatile organic compounds (VOCs) using EPA Method 8260; total petroleum hydrocarbons (TPH) as gasoline, diesel, motor oil, paint thinner, mineral spirits, and/or Stoddard solvent using EPA Method 8015 (modified); organochlorine pesticides (OCPs) using EPA Method 8081; polychlorinated biphenyls using EPA Method 8082; ethylenedibromide (EDB) using EPA Method 504; and polycyclic aromatic hydrocarbons (PAHs) using EPA Method 8310. These analyses were selected because they represent the chemicals of potential concern (COPCs) at the Site based on the historical and current site uses for commercial operations, automobile repair operations, and spray painting operations.

The results of soil sampling identified the presence of various metals, OCPs, PAHs, SVOCs, and VOCs as COPCs. The results of groundwater sampling identified the presence of various metals, PAHs, SVOCs, and VOCs as COPCs. In addition, petroleum hydrocarbons were detected in soil and groundwater samples collected across the Site.

The petroleum hydrocarbons and VOCs detected in the groundwater samples from the west end of Area 6 appear to be related to the waste oil and product underground storage tanks (USTs) formerly located immediately to the west of the Site. According to reports prepared by other consultants for the investigation of the USTs, groundwater flow direction is to the west-southwest based on depth-to-water measurements in the three monitoring wells installed on the properties adjacent to the west of the Site. Therefore, the three borings advanced at the west end of Area 6 would be located in an upgradient direction from these former USTs. In LFR's opinion, the former USTs appear to be the likely source of the petroleum hydrocarbons in groundwater because of the proximity of the USTs to the borings.

The petroleum hydrocarbons detected in the soil and groundwater samples from beneath the maintenance building at the west end of Area 1 appear to be related to the hydraulic lifts and chemical storage in this building.

For the purposes of conducting a human health screening evaluation, the potential exposure pathways identified for the Site were inhalation, ingestion, and dermal absorption. The PEA human health screening evaluation indicated that, based on the information developed during the PEA and the conservative human health screening evaluation using the PEA Guidance Manual, potential health risks to human health were found to be below the target level (less than 10^{-6}) for the COPCs identified at the Site.

The information reviewed and observations made for this PEA do not indicate that soil or groundwater quality at the Site has been significantly affected by on-site releases of hazardous substances with the exception of the petroleum hydrocarbons detected in the soil and groundwater beneath the maintenance building on the west end of Area 1.

LFR proposes remedial activities in the area of the maintenance building to address the presence of petroleum hydrocarbon-affected soil and groundwater in Area 1. LFR will prepare a removal action work plan for these proposed activities at the Site. Removal actions and delineation of these compounds will be addressed during construction of the proposed school. Areas of proposed removal actions are presented in Figure 12.

EXHIBIT 2

LFR 2001 PEA

"Section 7: Toxicity Assessment and Risk Characterization"

Area 3; borings BASB022 and BASB023 in Area 5; borings BASB001, BASB051, and BASB081 in Area 6; and borings BASB018 and BASB052 in 7.

The petroleum hydrocarbons and VOCs detected in groundwater samples from Area 6 appear to be related to the waste oil and product USTs formerly located immediately to the west of the Site. According to reports prepared by other consultants for the investigation of the USTs, groundwater flow direction is to the west-southwest based on depth to water measurements in the three monitoring wells installed on the properties adjacent to the west of the Site. Therefore, the three borings advanced at the west end of Area 6 are located in an upgradient direction from these former USTs. In LFR's opinion, the USTs appear to be the likely source of the petroleum hydrocarbons in the groundwater based on the proximity of the USTs to the borings.

The petroleum hydrocarbons detected in the soil and groundwater samples from beneath the maintenance building at the west end of Area 1 appear to be related to the hydraulic lifts and chemical storage in this building.

7.0 HUMAN HEALTH SCREENING EVALUATION

7.1 Data Evaluation and Selection of Chemicals of Potential Concern

In accordance with the PEA Guidance Manual, a screening-level evaluation was conducted to provide an estimate of potential chronic (long-term) health risks from affected soil and groundwater identified at the Site. Analytical data from LFR's sampling program were used for this evaluation. LFR analyzed 279 samples as part of the chemical characterization of soil. During an August 16, 2001 meeting with LFR, DTSC authorized the use of 95 percent UCL of the mean to represent exposure point concentrations. DTSC's representatives stated that, based on the relatively large data set, 95 percent UCLs would be appropriate to use in the risk evaluation (LFR 2001). In addition, DTSC's representatives agreed with LFR that the concentration of chromium at 160 mg/kg in the soil sample collected at the 3 foot depth from boring BASB013 and the concentration of arsenic at 33 mg/kg in the soil sample collected at the 2 foot depth at boring BASB023 could be considered outliers of the data set and excluded from the risk assessment.

The evaluation was conducted using the analytical models provided in the PEA Guidance Manual, which are structured to provide a conservative estimate of the chronic risk from affected media along exposure pathways that are most frequently encountered in a residential setting. The default factors contained in the analytical models are conservative in nature and represent a reasonable maximum exposure to COPCs as defined by EPA. The screening-level evaluation was conducted for each chemical species detected in site soil and groundwater at concentrations above local background levels. In addition, the groundwater vapor transport model presented in the

DTSC-modified Johnson and Ettinger vapor model spreadsheet was used for groundwater to indoor air estimations.

Appendix H presents the details of the screening-level evaluation. The results of the evaluation are summarized below.

7.2 Exposure Assessment

Soil COPCs used in the evaluation of chronic health risk from the ingestion, dermal contact, and inhalation pathways included metals, OCPs, PAHs, SVOCs, and VOCs and are summarized in Table 20.

Groundwater COPCs used in the evaluation of chronic health risk from inhalation of vapors and domestic use include metals, PAHs, SVOCs, and VOCs and are summarized in Table 21.

7.3 Toxicity Assessment and Risk Characterization

The site conceptual model is presented in Figure 11. COPC data are presented in Tables 20 through 24. Exposure pathway evaluations, distribution evaluations, and 95 percent UCLs are presented in Tables 25 and 26, and summarized as follows:

- The PEA soil model for the carcinogenic compounds does not indicate a significant cancer risk (less than 10^{-6}) for the ingestion/dermal contact pathways from shallow soil at the Site.
- The DTSC groundwater spreadsheet for the carcinogenic compounds does not indicate a significant cancer risk (less than 10^{-6}) for the indirect inhalation pathway to indoor air at the Site.
- The PEA Guidance Manual's groundwater model for the carcinogenic compounds bromodichloromethane and vinyl chloride did indicate a significant cancer risk (4.9×10^{-6}) for the domestic use pathway at the Site. This pathway includes exposures from ingestion and bathing. Because the Site is located in an urban setting, public supply water will most likely be used as the domestic water source. Therefore, although the estimated risk from this model is above the target for this exposure scenario, direct contact with shallow groundwater is actually considered highly unlikely, and does not represent an actual complete exposure pathway.
- The PEA soil model for the noncarcinogenic compounds does not indicate a significant hazard (greater than 1) for the indirect inhalation and ingestion/dermal contact pathways from shallow soil at the Site.
- The DTSC groundwater spreadsheet for the noncarcinogenic compounds does not indicate a significant hazard (greater than 1) for the indirect inhalation pathway to indoor air at the Site.

- The PEA Guidance Manual's model did reveal a significant hazard (2) for the domestic use pathway for groundwater at the Site. As previously stated, this pathway includes exposures from ingestion and bathing. Because the Site is located in an urban setting, public supply water will most likely be used as the domestic water source. Therefore, although the estimated risk from this model is above the target for this exposure scenario, direct contact with shallow groundwater is actually considered highly unlikely, and does not represent an actual complete exposure pathway.

Because lead is a COPC at the Site, blood-lead level calculations were performed, using the DTSC's LeadSpread Model (Version 7.0) and inputting the 95 percent UCL lead concentration in soil at the Site (10 micrograms per gram). Lead concentrations detected in groundwater at the Site were not incorporated into the model because public supply water will most likely be used as the domestic water source. The default value of 15 μg/l was used for the lead concentration in water in the model calculations. These results are presented in Table 27. The calculations were performed with the "home-grown produce" pathway turned on, to produce a conservative result. LFR assumed that up to 7 percent of vegetables consumed by a family would be raised on the Site. According to LFR's calculations, the 95th percentile blood lead levels for adults and children are below 10 micrograms per deciliter, indicating that concentrations of lead detected at the Site are not a health concern.

8.0 ECOLOGICAL SCREENING EVALUATION

A detailed ecological screening evaluation was not performed during this PEA because the Site is located within a highly developed commercial and residential urban setting. Natural wildlife habitat areas were not noted on the Site during the PEA. Therefore, based on the available information, there does not appear to be a significant pathway of exposure to nonhuman, sensitive ecological species.

9.0 COMMUNITY PROFILE

Before beginning field activities, LFR worked with the OUSD to notify the surrounding community of the PEA field activities planned for the Site.

On March 13, 2001, LFR's representative distributed written flyers to notify residential and commercial establishments within "sight distance" of the Site of the schedule fieldwork. LFR distributed approximately 120 flyers to residents and occupants on 105th Avenue, East 14th Street (also known as International Boulevard), 104th Avenue, Plymouth Street, Walnut Street, and Breed Street. Flyers printed on OUSD letterhead included information on the proposed environmental investigation (soil and groundwater sampling), and dates of field work. Neighbors were instructed to contact Ms. Ineda Adesanya, Director of Facilities for OUSD, with any questions or comments.

EXHIBIT 3

Page 11 of LFR 10-18-02-07962 RAW

With Target RAOs

RESPONSE

As noted above under DTSC General Comments, Sections 7.1, 7.1.3, and 7.1.4 have been revised to address the groundwater remediation issue. The remedial actions evaluated do not address TPH-affected groundwater; therefore, OUSD's goal of obtaining unrestricted land use may not be met and restrictions may be placed on use of shallow groundwater at the Site. **LFR will work with the California Regional Water Quality Control Board, San Francisco Bay Region (RWQCB) to further evaluate groundwater issues at the Site.**

DTSC SPECIFIC COMMENT NO. 2

Section 5.0, Remedial Action Objectives, page 9. The Remedial Action Objective (RAO) for total petroleum hydrocarbon concentrations (gas and diesel range) of 400 mg/kg and 500 mg/kg appears high. DTSC recommends that the District further evaluate these recommended concentrations to ensure that these concentrations are in an acceptable health risk and ARAR range.

RESPONSE

The second paragraph of Section 5.0 was replaced with the following to clarify the selection of remedial action goals:

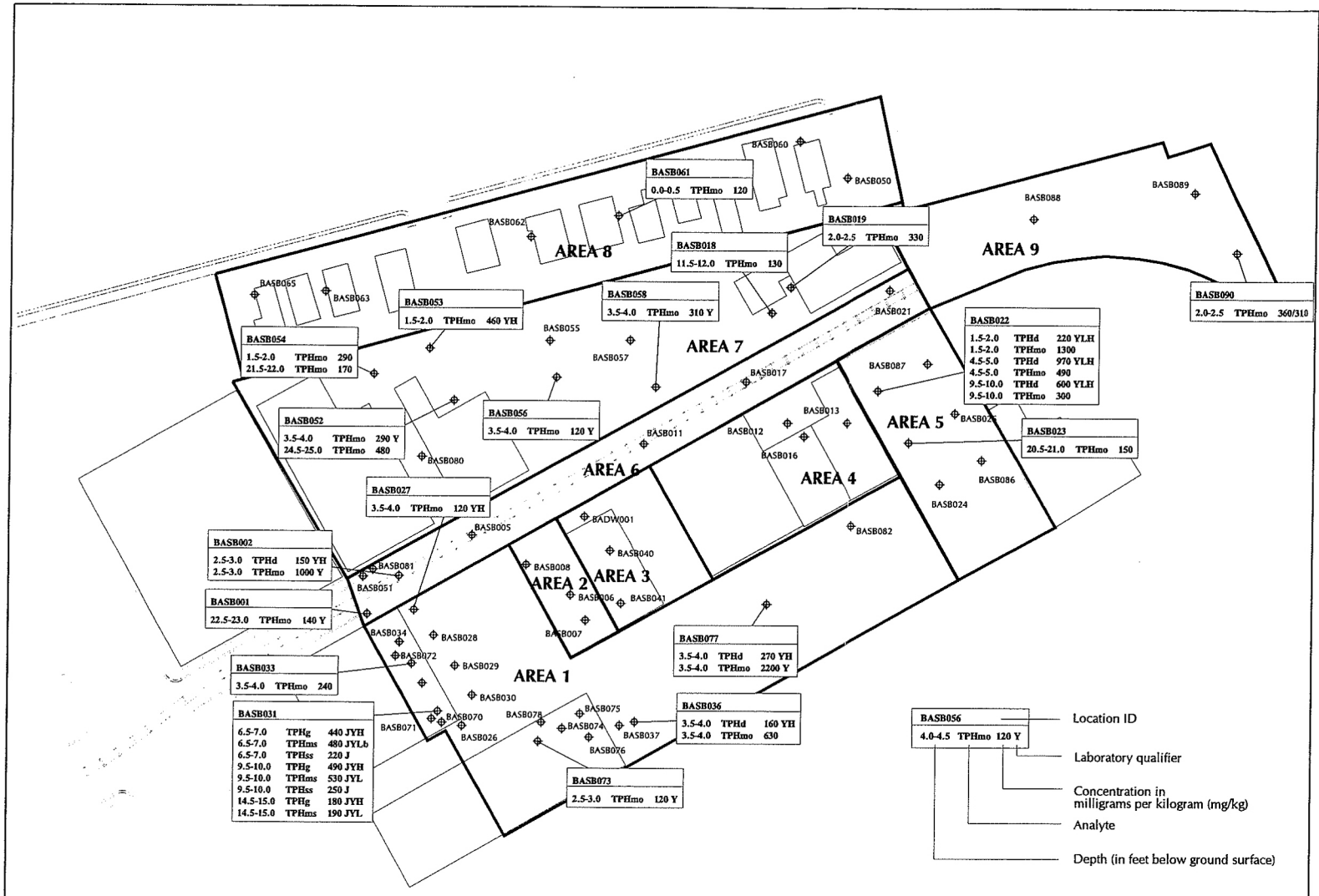
> COCs identified at the Site that may present a significant risk to human health are TPH, chromium and arsenic. Since OUSD's plans include construction of a school on the Site, LFR proposes to remediate the Site's soil to residential standards. LFR proposes the following numerical remedial action objectives (RAOs):

COC	RAO (mg/kg)
TPHg, TPHms, and TPHss	400
TPHd and TPHmo	500
Chromium	40
Arsenic	7.8

Notes: TPHg = total petroleum hydrocarbons as gasoline; TPHms = total petroleum hydrocarbons as mineral spirits; TPHss = total petroleum hydrocarbons as Stoddard solvent; TPHd = total petroleum hydrocarbons as diesel; TPHmo = total petroleum hydrocarbons as motor oil; mg/kg = milligrams per kilogram

EXHIBIT 4

LFR 2001 PEA Figures 7, 8 and 12



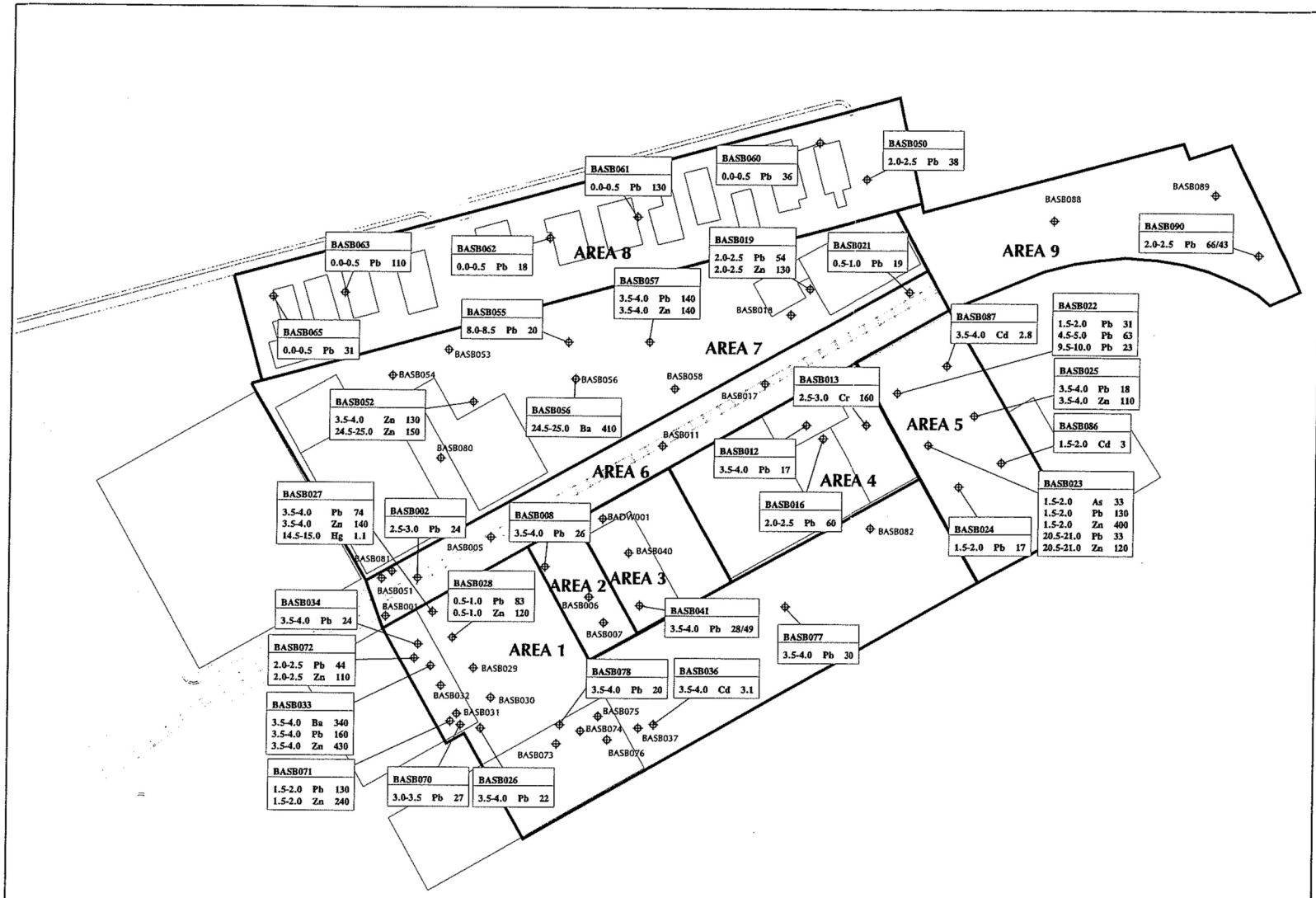
Y:\CLIS\OIs\Batarse\base.apr 10/03/2001

Areas of Concern
Concentrations of Total Petroleum Hydrocarbons in Soil

Batarse Site, Oakland, California

LFR LEVINE•FRICKE

Figure 7



LEGEND

BASB001 — Sample location

Building

Railroad tracks

Area of investigation

ABBREVIATIONS

As	Arsenic
Cd	Cadmium
Hg	Lead
Pb	Mercury
Zn	Zinc

BASB055 — Location ID
8.5-9.0 Pb 20
- Concentration in milligrams per kilogram (mg/kg)
- Analyte
- Depth (in feet below ground surface)

N

100 0 100 Feet

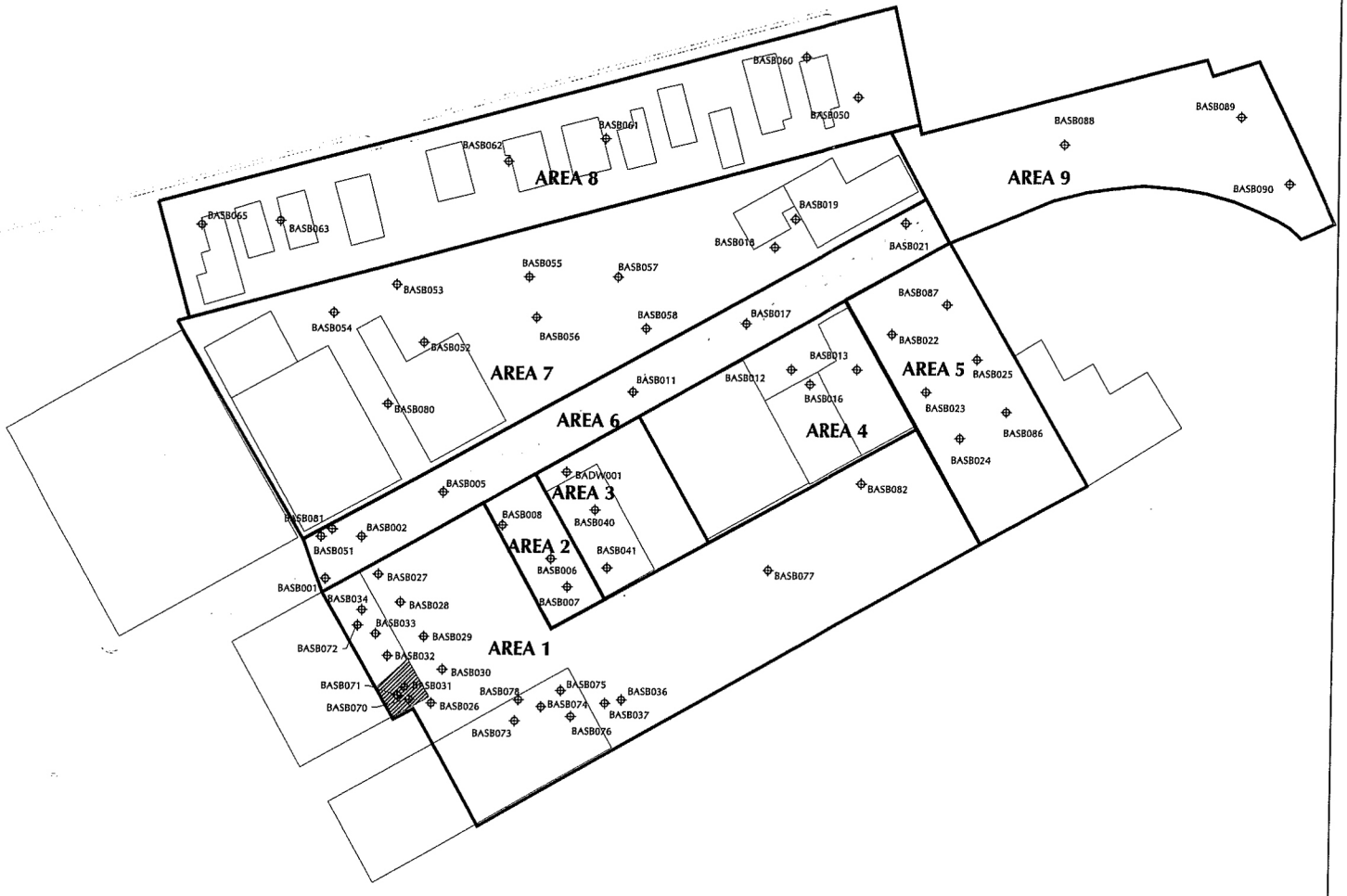
Areas of Concern
Concentrations of Metals in Soil

Batarse Site, Oakland, California

LFR LEVINE•FRICKE

Figure 8

Y:\OLS\DGN\Batarse\base.apr 10/03/2001



LEGEND

- BASB001 — Sample location
- Building
- Tank
- Railroad tracks
- Area of investigation
- Area of proposed removal action

N

100 0 100 Feet

Approximate Extent of Proposed Removal Action

Batarse Site, Oakland, California

LFR LEVINE•FRICKE

Figure 12

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