



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

August 27, 2008

Francis Rush  
2868 Hannah Street & Precision Lofts, LLC  
655 3<sup>rd</sup> Street #3  
Oakland, CA 94607

Subject: Fuel Leak Case No. RO0002508 and Geotracker Global ID T06019741226, Rush Property Group 32<sup>nd</sup> Street / Precision Lofts, 1549 32<sup>nd</sup> Street, Oakland, CA 94608

Dear Mr. Rush:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted e-mail correspondence dated August 7, 2008, which was prepared by Environmental Risk Services Corp. (ERS) for the subject site. ERS sent the e-mail in response to our July 31, 2008 correspondence and requested modifications to the approved scope of work.

The proposed scope of work may be implemented provided that the modifications requested in our July 31, 2008 correspondence and the technical comments below are addressed and incorporated during the field implementation. Submittal of a revised Work Plan is not required unless an alternate scope of work outside that described in the Work Plan and technical comments below is proposed.

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

#### **TECHNICAL COMMENTS**

1. **Fill Material Characterization** – ERS requests to omit soluble lead testing for impacted fill material imported to the site. Based on the analytical data and rationale presented in the above-mentioned e-mail correspondence, your request to omit soluble lead testing for imported fill material is acceptable.
2. **Vertical Soil Characterization** – ERS proposes “to justify deeper soil sample analyses using field indications of impact such as odor, apparent soil discoloration, and PID reading, and select 16 feet samples may also be held pending receipt of shallower soil sample analytical results.” Please note that the intent or rationale for collecting deeper soil samples is to vertically characterize the source areas at the site and address the potential data gaps that appear to exist. Therefore, you may hold analysis of deeper 20 ft soil samples only pending the results of shallower 16 ft samples. Please note that the 16 ft samples must be analyzed.

3. **Off-site Soil and Groundwater Characterization** – ERS requests “to perform the proposed subsurface investigation without waiting to obtain legal access to 2851 Helen Street as we believe subsurface characterization at 2859 Helen Street is more important to understanding potential offsite migration, and results obtained at 2859 Helen can easily be used to infer conditions at 2851 Helen Street located immediately next door. Soil boring EB5 could be easily located on 2859 Helen Street at the approximate midpoint between the property line and the residence to further characterize subsurface conditions.”

Although, we believe that sampling at 2851 appears critical to completing site characterization, your proposal to collect samples at 2859 Helen Street between the property line and the residential structure may address the data gap. Therefore, you may proceed with the scope of work with following conditions.

- a. Boring EB-4 should be located approximately 20 feet from the previous over-excavation boundary along the edge of the property boundary between the 2859 and 2851 Helen Street properties;
- b. In addition, please install an angle boring adjacent to (within five to ten feet) boring EB-4 and as close as possible to the property boundary between the 2859 and 2851 Helen Street properties, drilled at an angle in the direction of the 2851 Helen Street property;

Prior to commencing with the proposed fieldwork activities, please submit a revised figure for approval that illustrates all of the boring locations, including the revised boring locations at the 2859 Helen Street property as well as the proposed boring at 2863 Helen Street property.

#### **NOTIFICATION OF FIELDWORK ACTIVITIES**

Please schedule and complete the fieldwork activities by the date specified below and provide ACEH at least three business days notification prior to conducting fieldwork.

#### **TECHNICAL REPORT REQUEST**

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

- **September 10, 2008** – Submit Revised Site Figure
- **September 26, 2008** – Complete Fieldwork
- **November 10, 2008** – Soil and Water Investigation 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

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](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

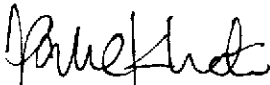
If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including

Mr. Rush  
RO0002508  
August 27, 2008, Page 4

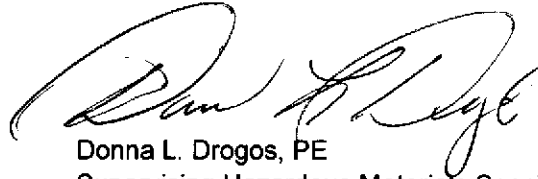
the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 777-2478 or send me an electronic mail message at [paresh.khatri@acgov.org](mailto: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: Dave DeMent, Environmental Risk Services Corp., 1600 Riviera Avenue, Walnut Creek, CA 94596

Adam Kaye, Market Holdings, LLC, 401 Roland Way, Suite 220, Oakland, CA 94621

Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032

Donna Drogos, ACEH (sent via electronic mail)

Paresh Khatri, ACEH (sent via electronic mail)

File

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>ISSUE DATE:</b> July 5, 2005
	<b>REVISION DATE:</b> December 16, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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](mailto: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](mailto: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)