



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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January 16, 2009

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

Subject: SLIC No. RO0002508 and GeoTracker Global ID T06019741226, Rush Property Group
32nd Street / Precision Lofts, 1549 32nd 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 document entitled, "Subsurface Investigation Report," dated October 16, 2008, which was prepared by Environmental Risk Specialties Corporation for the subject site. The report documents the subsurface investigation conducted to determine the vertical and lateral extent of soil and groundwater contamination on and off-site. Although VOCs in soil in the middle excavation vicinity at the east property boundary were either detected at low concentration or concentrations not detected above the laboratory detection limit, elevated concentrations of TPH-d and TPH-mo were detected in soil at the off-site residential properties located at 2851 Helen Street, 2859 Helen Street, and 2863 Helen Street, with a maximum TPH-d and TPH-mo concentration of 5,500 mg/kg and 2,500 mg/kg, respectively in soil samples collected from boring EB5 drilled at an angle boring which terminated on an offsite residential property located at 2851 Helen Street.

"Grab" groundwater sample analytical results collected from boring EB-5 did not detect VOCs above the laboratory detection limit with the exception of PCE detected at 1.6 µg/L. However, in the footprint of the former putty and paint factory, PCE was detected in "grab" groundwater sample EB6 at a significantly elevated concentration of 11,000 µg/L. Based on the above-mentioned analytical data, there are two areas of concern at the site that do not appear adequately assessed at this time. Prior to case closure consideration, the site must be adequately characterized on and off-site, the off-site impacted property owners must be notified pursuant to Section 25297.15(a) and (b) of the Health and Safety Code, when site cleanup or site closure is proposed and when significantly elevated concentrations of residual hydrocarbons, which originated from the 1549 32nd Street property, exist at their residences.

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

TECHNICAL COMMENTS

1. **Middle Excavation East Boundary** – As mentioned above, while elevated concentrations of TPH-d (5,500 mg/kg) and TPH-mo (2,500 mg/kg) were detected in soil samples collected in the middle excavation vicinity at the east property boundary from boring EB5, which was drilled at an angle that terminated on an offsite residential property located at 2851 Helen

Street, VOCs in soil were either detected at low concentration or concentrations not detected above the laboratory detection limit. "Grab" groundwater sample analytical results collected from boring EB5 did not detect VOCs above the laboratory detection limit with the exception of PCE detected at a concentration of 1.6 µg/L. Additionally, elevated concentrations of hydrocarbons were detected in boring EB9, also drilled at an angle, which terminated at an off-site residence located at 2863 Helen Street, as well as in borings EB3 and EB4 drilled at the residential property located at 2859 Helen Street. Additional site characterization is required since the off-site impacted properties are residences, elevated concentrations of TPH-d and TPH-mo were detected in soil samples collected from borings EB5 and EB9, the vertical and lateral extent of soil contamination appears undefined, and there appears to be a potentially completed contaminant volatilization to indoor air exposure pathway as well as dermal contact exposure pathway.

Additionally, as mentioned above, the off-site impacted property owners must be notified that their properties have been impacted with significantly elevated concentrations of petroleum hydrocarbons as a result of release(s) at the subject site. At this time, please prepare a Fact Sheet detailing the site history, sampling results and locations of petroleum hydrocarbon impact on off-site properties, significance of the analytical data as it relates to potential risks to off-site residences, and detail the next phase of work to address the off-site contamination. Please submit the fact sheet due by the date specified below. Once the Fact Sheet is reviewed and approved, it must be sent with copies of your report (with delivery confirmation) to all impacted off-site property owners and tenants. Lastly, since the extent of the contamination off-site is still unknown, please propose a scope of work to delineate the extent of off-site contamination and submit a work plan due by the date specified below. Please note that the figures included in submittals provided to date are insufficient to adequately depict the extent of your contaminant plume in relation to adjacent and neighboring properties. Please prepare extended site maps, which utilize aerial photographs as base maps for your site, and accurately depict neighboring structures and site features, including the former injection wells, in relation to the soil and groundwater contamination in all future reports.

- 2. Putty and Paint Factory** – PCE was detected at a significantly elevated concentration of 11,000 µg/L in "grab" groundwater sample EB6, located in the footprint of the former putty and paint factory. PCE is a dense non-aqueous phase liquid (DNAPL) with a density of 1.6250. DNAPL may be present in the subsurface in various physical states or what is referred to as phases. For example, PCE introduced into the subsurface as a DNAPL may partition onto the soil phase, volatilize into the soil gas, and solubilize into the water phase resulting in contamination in all four phases. The PCE detection is of particular concern since due to its chemical properties (heavier than water), PCE tends to sink to the bottom of the water-bearing zone. At this time, the source as well as the vertical and lateral extent of PCE is unknown and the concentration detected appears to pose a significant risk to human health and the environment. Specifically, potential contaminant volatilization from soil and groundwater to indoor air appears to be a completed exposure pathway. Please propose a scope of work to address the above-mentioned concerns and submit a work plan due by the date specified below.

3. **GeoTracker Requirements and Compliance** – A review of the case file and the State Water Resources Control Board's (SWRCB) GeoTracker website indicate that electronic copies of analytical data have not been submitted, rendering the site to non-compliance status. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please upload all applicable electronic submittal types such as the analytical data (EDF), survey data (GEO_XY and GEO_Z), site map (GEO_MAP), PDF reports, etc. from July 1, 2005 to current to GeoTracker by the date specified below. Electronic reporting is described below.

REQUEST FOR INFORMATION

ACEH's case file for the subject site contains the following electronic reports as listed on our website (<http://www.acgov.org/aceh/lop/ust.htm>). You are requested to submit copies of all other reports related to environmental investigations for this property (including photographs of the injection wells, removals of the wells, etc.) by **February 16, 2009**.

TECHNICAL REPORT REQUEST

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

- **February 16, 2009** – Complete GeoTracker Electronic Uploads
- **February 16, 2009** – Submit Fact Sheet
- **March 17, 2009** – Soil and Water Investigation Work Plan (On-site and Off-site)

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.

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

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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: 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
Mary Rose Casias (via electronic mail)
Donna Drogos, ACEH
Paresh Khatri, ACEH
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)