



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

April 22, 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, "Work Plan for Additional Subsurface Investigation," dated March 13, 2009 (received on April 13, 2009), prepared by Environmental Risk Specialties Corporation (ERS) for the subject site. ERS proposes to install 5 borings off-site to characterize petroleum hydrocarbons in soil and/or groundwater and install 6 borings onsite, including three soil vapor sampling locations, to characterize the extent of the PCE detected in the vicinity of the former "Paint and Putty Factory."

ACEH generally concurs with the proposed scope of work and requests that you address the following technical comments, perform the proposed work, and send us the technical reports described below.

TECHNICAL COMMENTS

- 1. Soil & Groundwater in Borings EB18 - EB23** – ERS proposes to install EB-18 through EB-23 and collect soil samples from 3.5 to 4.0 feet bgs and 7.5 to 8.0 feet bgs., with borings EB19 and EB20 to be installed with hand-auger equipment to a depth of approximately 8 feet bgs to collect soil samples. ERS states that the "dry wells" were located at on-site consisting of "4-inch diameter pipes that extended to approximately 7 feet bgs." ERS also states that "[t]he two "dry wells" appear to be the primary source of petroleum hydrocarbon impact to subsurface soil and groundwater." According to ERS, "[t]he disposal pipe adjacent to Pit B was excavated and removed and drain rock was observed to an approximate depth of 10 feet bgs, and groundwater was observed to approximately 11 feet bgs. Therefore, quenching oil was able to readily migrate 1 to 3 feet vertically and then spread laterally on groundwater in higher permeability soils adjacent to the first - encountered waterbearing zone. Fluctuating groundwater levels further "smeared" residual quenching oil in the subsurface and impacted a greater volume of soil." Therefore, it would seem reasonable to assume that the depth of hydrocarbon contamination in soil is at least 10 feet bgs. However, ERS has proposed to collect soil samples to a maximum depth of 8 feet bgs. In an interest to expedite this site towards case closure by addressing as many data gaps that are known at this time, please extend the depths of the boring to below the potentially impacted soil zone so that the vertical extent as well as the lateral extent of hydrocarbon contamination in soil can be defined in this mobilization. Based on the data provided by ERS, the depths of the borings should extend to

at least 12 feet bgs or deeper until visual and/or olfactory evidence of soil contamination are no longer apparent.

2. **Groundwater Sampling at 2863 Helen Street** – Currently, two hand-augered borings are proposed to be installed to a depth of 8 feet bgs at 2863 Helen Street. Based on the comments above, the proposed sampling depths of the borings may not vertically characterize the potentially impacted soil and the site and current groundwater conditions at the property will be unknown. Once again, to address as many data gaps as possible, please extend the depths of the borings to vertically characterize the soil (i.e. the borings should extend to at least 12 feet bgs or deeper until visual and/or olfactory evidence of soil contamination are no longer apparent), and collect at least one groundwater sample (preferably from boring EB-20).
3. **Soil Vapor Sampling** – ERS has proposed to place isopropyl alcohol on clean cotton gauze placed around the external surfaces or difluoroethane gas with the assembly “tented” with plastic to create a tracer gas atmosphere. Should tenting be considered, please use a PID or equivalent device to ensure that a tracer gas atmosphere is maintained throughout sample collection.
4. **Public Notification Fact Sheet** – ERS requested that ACEH “provide the statutory language or County guidelines that permits your agency to request a Fact Sheet for Spill, Leaks, Investigations, and Cleanups (SLIC) cases and when this requirement began being enforced.”

Alameda County Environmental Health’s (ACEH) has established a Local Oversight Program under authority from California Health and Safety Code Section 25297.1, in which ACEH contracts with the State Water Resources Control Board for the appropriate cleanup of petroleum contamination to soil and groundwater associated with leaks from USTs. ACEH’s Spill, Leaks Investigation and Cleanup (SLIC) Program is a Fee-For-Service program that mirrors the California Environmental Protection Agency’s Department of Toxic Substances Control (DTSC) and Regional Water Quality Control Board’s (RWQCB) fee-based cleanup programs. ACEH’s program is established under authority from California Health and Safety Code §101480-101490. These sections establish a cleanup oversight program which allows a local health agency to supervise the remedial action taken at a site, set up cleanup goals at a site and issue a letter or other document that certifies that the cleanup goals have been met. ACEH has implemented the SLIC program to protect human health, cleanup the environment and return properties back to productive use. Corporations, real estate developers and local and state agencies entering into ACEH’s SLIC program will be able to restore properties under the oversight of a Local Agency, which mirrors the RWQCB and DTSC oversight programs, including the public participation programs. The public participation/public comment requirements are detailed in California Health & Safety Code § 25356.1 (h)(1). Additional information is available on the world wide web at <http://www.dtsc.ca.gov/>.

Therefore, as requested in our January 16, 2009 correspondence, please prepare and submit a fact sheet for review by the date specified below.

NOTIFICATION OF FIELDWORK ACTIVITIES

Please schedule and complete the fieldwork activities by the date specified below and provide ACEH with at least three (3) business days notification prior to conducting the fieldwork.

TECHNICAL REPORT REQUEST

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

- **July 23, 2009** – Soil and Water Investigation Report & Public Participation Fact Sheet

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

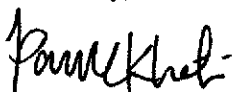
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

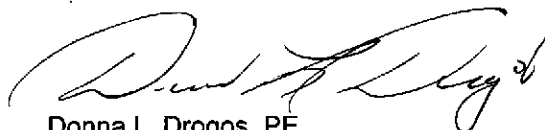
If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Thank you for your cooperation. 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: David 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
Joel Cammarata & Walter Craven, Blank & Cables, P.O. Box 23563, Oakland, CA 94623
Mary Rose Casa, SFBRWQCB
Donna Drogos, ACEH
Paresh Khatri, ACEH
GeoTracker
File

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.