

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



7

November 29, 2006

Mr. James Tracy
878 W. Hayden Ct.
Alpine, UT 84004

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

Dear Mr. Tracy:

Subject: Fuel Leak Case [REDACTED], 1532 Peralta Street, Oakland, CA 94607

Alameda County Environmental Health (ACEH) staff has received and reviewed the September 14, 2006 Site Characterization and Groundwater Monitoring Report for the subject site prepared by Golden Gate Tank Removal. As noted, significant delay has occurred at your site as a result in the change of ownership of the property. We now expect that future requests will be responded to in a much more timely fashion. The referenced report is a cumulative report of all past activities, some of which are first time submittals to the County. Although we appreciate that the investigation continued during the ownership change process, reports should have been submitted on a much more frequent basis, typically quarterly, to allow County review and comment.

Upon review of the referenced report our office has the following technical comments and requests you submit the technical reports requested below.

TECHNICAL COMMENTS

1. Residual Soil and Groundwater Contamination- We concur with the observations in the referenced report ie residual soil and groundwater concentrations exceeding Tier 1 ESLs remain at the site and are undefined laterally and vertically. Your consultant recommends submitting a work plan to perform an expedited subsurface investigation consisting of 2 to 3 CPT borings, determining the lateral and vertical extent of contamination with direct-push borings and the installation of additional monitoring wells. We agree that a work plan should be submitted to accomplish this work, however, we believe that the vertical extent of contamination can be determined using conventional direct-push (Geoprobe) technology. Depth discrete soil and groundwater samples should be collected to make this determination. Please submit your work plan as requested below.
2. Chemical Analysis- We request that you continue to analyze groundwater samples for TPHd in addition to TPHg, BTEX and MTBE during your quarterly monitoring events. The absence of the detection of TPHd in a monitoring event can be due to numerous things, ie changes in depth to groundwater or migration of contaminant, instead of the absence of this contaminant in soil and groundwater. Groundwater monitoring reports should be submitted as requested below.

3. Conduit Study-The purpose of the conduit study is to locate potential migration pathways and potential conduits and determine the probability of the plume encountering preferential pathways and conduits that could spread the contamination. Of particular concern is the identification of abandoned wells and improperly-destroyed wells that can act as conduits to deeper water bearing zones.

We request that you perform a conduit study that details the potential migration pathways and potential conduits (utilities, storm drains, etc.) that may be present in the vicinity of the site. Provide a map showing the location and depth of all utility lines and trenches including sewers and storm drains within and near the plume area.

The conduit study shall include a detailed well survey of all wells (monitoring and production wells: active, inactive, standby, destroyed (sealed with concrete), abandoned (improperly destroyed); and dewatering, drainage, and cathodic protection wells) within a ¼ mile radius of the subject site. As part of your detailed well survey, please perform a background study of the historical land uses of the site and properties in the vicinity of the site. Use the results of your background study to determine the existence of unrecorded/unknown (abandoned) wells, such as old deep agricultural wells, that can act as pathways for migration of contamination at and/or from your site. Please review historical maps such as Sanborn maps, aerial photos, etc., when performing the background study. Provide a map(s) showing the location of all wells identified in your study, use data tables to report the data collected as part of your survey, and include prints of historic aerial photos used as part of your study.

Using the results of your conduit study and data from previous investigations at the site you are to develop the initial three-dimensional conceptual model of site conditions. You are to use this initial conceptual model to determine the appropriate configuration for sampling points in the Soil and Water Investigation phase of work at this site and propose these in your work plan. Discuss your analysis and interpretation of the results of the conduit study (including the detailed well survey) and report your results in your work plan. You shall also evaluate the probability of the MTBE plume encountering preferential pathways and conduits that could spread the contamination, particularly in the vertical direction to deeper drinking water aquifers and discuss this in the work plan. Describe your initial conceptual model of site conditions and explain your rationale for the configuration of sampling points in the work plan requested below.

TECHNICAL REPORT REQUEST

Please submit the following technical reports according to the following schedule:

- January 15, 2007- Work Plan for lateral and vertical contamination delineation
- January 15, 2007- Conduit Study (to be included in the work plan)
- January 15, 2007- 4th Q 2006 Groundwater Monitoring Report
- April 15, 2007- 1st Q 2007 Groundwater Monitoring Report
- July 15, 2007- 2nd Q 2007 Groundwater Monitoring Report
- October 15, 2007- 3rd Q 2007 Groundwater Monitoring Report

ELECTRONIC SUBMITTAL OF REPORTS

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. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

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. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for 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 monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements ([http://www.swrcb.ca.gov/ust/cleanup/electronic reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic%20reporting)).

In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at barney.chan@acgov.org.

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

Mr. James Tracy
RO 117, 1532 Peralta St., Oakland, CA
Page 4 of 4

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

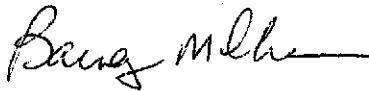
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

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.

If you have any questions, please call me at (510) 567-6765.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: files, D. Drogos

Mr. Sami Malaeb, Golden Gate Tank Removal, Inc., 255 Shipley St., San Francisco,
CA, 94107

Mr. Sunil Ramdass, SWRCB, 1001 I St., 17th Floor, Sacramento, CA 95814-2828

11_29_06 1532 Peralta St



State Water Resources Control Board

Winston H. Hickox
Secretary for
Environmental
Protection

Division of Clean Water Programs
1001 I Street • Sacramento, California 95814
P.O. Box 944212 • Sacramento, California • 94244-2120
(916) 341-5742 • FAX (916) 341-5806 • www.swrcb.ca.gov/cwphome/ustcf



Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.

April 17, 2002

APR 24 2002

Orobo Osagie
P O Box 426695
San Francisco, CA 94142-6695

PRE-APPROVAL OF CORRECTIVE ACTION COSTS, CLAIM NO. 015241,
SITE ADDRESS: 1532 PERALTA ST, OAKLAND, CA

I have reviewed your request, received on January 15, 2002, for pre-approval of corrective action costs. I have included a copy of the "Cost Pre-Approval Request" form; please use this form in the future for requesting pre-approval of corrective action costs.

With the following provisions, the total cost pre-approved as eligible for reimbursement for completing the February 22, 2002, Golden Gate Tank Removal, Inc. workplan approved by the Alameda County EHD (County) in their March 10, 2002 letter, is \$ 30,017; see the table below for a breakdown of costs.

Be aware that this pre-approval does not constitute a decision on reimbursement: **necessary** (as determined by the Fund) corrective action costs for action work **directed and approved by the County** will be eligible for reimbursement at costs consistent with those pre-approved in this letter. However, depending on what happens in the field, some costs may not actually be necessary. If the Fund agrees that they were in fact necessary, the Fund will reimburse at reasonable rates (rates consistent with those pre-approved.)

In an effort to expedite future reimbursement requests associated with the implementation of the corrective action tasks pre-approved in this letter, we ask that the attached 'Pre-Approval Specific Reimbursement Request Form' be completed, updated and submitted with each reimbursement request. All relevant supporting documentation must also be included with each reimbursement request.

In order for future costs for corrective action to be part of the expedited reimbursement process, they must be pre-approved in writing by Fund staff.

All costs for corrective action must meet the requirements of Article 11, Chapter 16, Underground Storage Tank Regulations in order to be eligible for reimbursement.

April 17, 2002

APR 24 2002

- Although I have referred to the Golden Gate Tank Removal, Inc. proposal in my pre-approval above, please be aware that you will be entering into a private contract: the State of California cannot compel you to sign any specific contract. This letter **pre-approves the costs** as presented in the proposal dated January 25, 2002 by Golden Gate Tank Removal, Inc. for conducting the work approved by the County for implementing the February 22, 2002, Golden Gate Tank Removal, Inc. workplan.

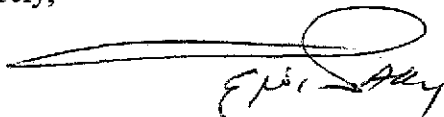
I also want to remind you that the Fund's regulations require that you obtain at least three bids, or a bid waiver from Fund staff, from qualified firms for all necessary future corrective action work. If you need assistance in procuring contractor and consultant services, don't hesitate to call me.

Please remember that it is still necessary to submit the actual costs of the work as explained in the Reimbursement Request Instructions to confirm that the costs are consistent with this pre-approval before you will be reimbursed. ***Please insure that your consultant prepares their invoices to include the required breakdown of costs on a time and materials basis, that invoiced tasks are consistent with the original proposal, and that reasonable explanations are provided for any changes made in the scope of work or increases in the costs. When the invoices are submitted you must include copies of all:***

- *subcontractor invoices,*
- *technical reports, when available, and*
- *applicable correspondence from the County.*

Please call if you have any questions; I can be reached at (916) 341-5742.

Sincerely,



Abdul "Karim" Yusufzai, Associate Engineering Geologist
Technical Review Unit
Underground Storage Tank Cleanup Fund

Enclosure

cc: Ms. Donna Drogos
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

March 10, 2002
MARCUS A. WARS, Agency Director

RO0000117

Mr. Orobo Osagie
P.O. Box 426695
San Francisco, CA 94142-6695

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

Re: Work Plan for 1532 Peralta St., Oakland, CA 94607

Dear Mr. Osagie:

Our office has received and reviewed the February 28, 2002 Work Plan for Soil and Groundwater Investigation prepared by Golden Gate Tank Removal. This work plan proposes the advancement of eight (8) borings for the sampling of soil and groundwater for chemical analysis. I have discussed its contents with Mr. Tracy Wallace of Golden Gate Tank Removal. This work plan is acceptable with the following conditions:

- Three additional borings should be advanced within the former tank excavation pit. Their locations should be in former UST #5, UST#4 and between former USTs, #3 and #2. These samples are meant to characterize the residual contaminant concentrations and give data to estimate potential risk to human health. Should the vadose soils appear to be fill material, no sample need be collected, however, one sample should be collected from the capillary fringe zone for analysis. These borings should not be closed immediately, rather, the borings should be secured and sampled the following quarter to demonstrate plume stability.
- The other borings should also not be closed immediately. The temporary well points should be surveyed and groundwater elevation readings taken on several occasions to verify gradient flow direction.
- Consideration will be made to install pre-packed small diameter wells instead of the slotted casing only. The quality of the groundwater sample and cost will be considerations.

Please submit a revised Figure 3 indicating the new boring locations and a written confirmation accepting the mentioned conditions. You may contact me at (510) 567-6765 if you have any questions.

Sincerely,


Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. Tracy Wallace, Golden Gate Tank Removal, 255 Shipley St., SF CA 94107
Mr. Abdul Yusufzai, UST Cleanup Fund, 1001 I St., Sacramento, CA 95814

Wpap1532PeraltaSt



State Water Resources Control Board



Winston H. Hickox
Secretary for
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Orobo Osagie
P O Box 426695
San Francisco, CA 94142-6695

FEB 25 2002

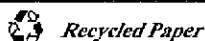
**REQUEST FOR ADDITIONAL INFORMATION FOR PRE-APPROVAL OF
CORRECTIVE ACTION COSTS, CLAIM NO. 015241, PA # 2
SITE ADDRESS: PERALTA ST, OAKLAND, CA**

I have reviewed your request, received on January 15, 2002, for pre-approval of corrective action costs.

Your pre-approval request submittal is incomplete and cannot be processed at this time. The following marked items were not included in your submittal and must be submitted before Fund staff can review and determine the reasonableness and necessity of the costs. I will place these documents in your claim file for future reference.

- A minimum of three competitive bids is required for the proposed scope of work.** The proposed corrective action activity in your Pre-Approval Request requires a minimum of three competitive bids. If the prime consultant or the prime contractor identified in the Pre-Approval Request has not been selected utilizing a competitive bid process, then a minimum of three bids must be received for their services. Three bids are required for all corrective action work. However, we typically only require the project to demonstrate compliance at the soil and groundwater investigation phase and the remediation phase. At least one competitive bid process must occur at each of these two phases.
- A completed "Cost Pre-Approval Request" form; signed by the claimant or an authorized representative.** I have enclosed with this letter a copy of the "Cost Pre-Approval Request" form; please use this form in the future to request pre-approval of corrective action costs. If an authorized representative signs the pre-approval request form, then an authorized representative form must be on file for this claim or submitted with your request.
- A complete and signed copy of the proposed investigative work plan, corrective action plan, or other work plan, including copies of all work plan addenda.**
- A signed copy of the appropriate lead regulatory oversight agency approval letter for the proposed plan and all addenda.**

California Environmental Protection Agency



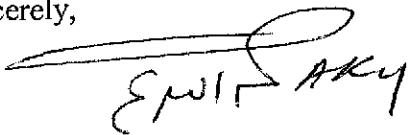
A complete copy of the Request for Bids (RFB) and a list of all firms invited to bid. It is strongly recommended that the RFB include a "fill-in-the-blanks" Bid Form identifying all major tasks of the proposed work along with the following minimum cost breakdown items for each task:

- ◆ List of all staff/worker classifications and hourly rates of each to be utilized.
- ◆ The number of hours to be utilized by each staff/worker
- ◆ Subcontractor costs
- ◆ Equipment costs
- ◆ Itemized listing of estimated ancillary/incidental costs

Complete copies of all bids and other correspondence received in response to the RFB. All cost proposals should include the *completed* cost proposal breakdown, with task subtotals and a grand total cost for the entire scope of work.

If you need assistance in procuring contractor and consultant services or if you have any questions, don't hesitate to call me. I can be reached at (916) 341-5742.

Sincerely,



Abdul "Karim" Yusufzai, Associate Engineering Geologist
Technical Review Unit
Underground Storage Tank Cleanup Fund

Enclosure

cc: Ms. Susan Hugo
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577

Mr. Barnie Chan
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577



Winston H. Hickox
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20117
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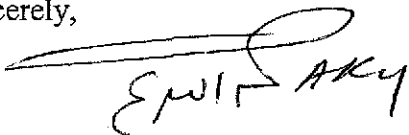
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If you need assistance in procuring contractor and consultant services or if you have any questions, don't hesitate to call me. I can be reached at (916) 341-5742.

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Abdul "Karim" Yusufzai, Associate Engineering Geologist
Technical Review Unit
Underground Storage Tank Cleanup Fund

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Winston H. Hickox
Secretary for
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A 5448

State Water Resources Control Board

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January 16, 2002

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JAN 24 2002

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SITE ADDRESS: 1532 PERALTA ST, OAKLAND, CA**

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California Environmental Protection Agency



JAN 24 2002 January 16, 2002

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- Complete copies of all bids and other correspondence received in response to the RFB.** All cost proposals should include the *completed* cost proposal breakdown, with task subtotals and a grand total cost for the entire scope of work.

If you need assistance in procuring contractor and consultant services or if you have any questions, don't hesitate to call me. I can be reached at (916) 341-5757.

Sincerely,

Sunil Ramdass.

Sunil Ramdass, Water Resources Control Engineer
Technical Review Unit
Underground Storage Tank Cleanup Fund

Enclosure

cc: Barney M. Chan
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

January 8, 2002
StID 5448/RO0000117

Mr. Orobo Osagie
P.O. Box 426695
San Francisco, CA 94142-6695

Re: 1532 Peralta St., Oakland CA 94607

Dear Mr. Osagie:

This letter serves to clarify our office's opinion and position regarding the investigation and remediation of the referenced site. This letter does not supersede my previous March 15, 2001 but attempts to clarify it.

Five underground storage tanks, three gasoline and two diesel, were removed from this site on December 8, 1999 under the supervision of the City of Oakland. Elevated concentrations of diesel, gasoline and BTEX confirmed a release of petroleum hydrocarbon had occurred. Additional soil excavation and groundwater removal was performed in February 2000. A total of approximately 200 tons of impacted soil and 21,000 gallons of groundwater and rainwater were removed from the excavations. The tank pit was excavated to depths up to 12' bgs under the direction of the City of Oakland. Additional soil samples were taken after this over-excavation. Although soil contamination was reduced through these actions, residual contamination remains in soil and groundwater.

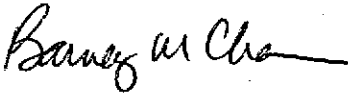
On 5/04/00, the oversight of the environmental investigation was transferred to Alameda County Environmental Health, Local Oversight Program (LOP) and assigned to Mr. Larry Seto. Typically these investigations consist of determining the extent of soil and groundwater contamination, groundwater monitoring, performing a risk assessment to determine if remediation is necessary and eventual site closure. A work plan from Decon Environmental Services was sent to Mr. Seto on 10/6/00 and was approved in his October 12, 2000 letter. As of January 2001, the new LOP case handler is the undersigned. In response to your attorney, Mr. George Vlazakis' March 1, 2001 written request, I sent out my March 15, 2001 letter stating the likely processes prior to obtaining site closure from our office. As of this date, it appears that the approved work plan has not been performed. Without the investigation results and that from groundwater monitoring, you cannot assume no active remediation will be required. When questioned by a potential lender, Mr. Bob Johnson of Universal Brokers on 12/21/01, I stated that the site was not closed and that additional work would be required prior to site closure.

Mr. Orobo Osagie
StID 5448/RO0000117
1532 Peralta St., Oakland CA 94607
January 8, 2002
Page 2

There may be a misunderstanding at this time. The removal of the underground tanks, over-excavation of the tank pits and groundwater disposal was documented in a "Tank Closure Report" by Golden Gate Tank Removal. This is not site closure, which comes after the site has been investigated and no further action required by our office. Secondly, although there is a possibility that additional borings, monitoring wells and groundwater monitoring is all that may be required for this site, without the data to support this claim, our office cannot make such a statement, even with the assurances of your consultant.

At this time, as Mr. Levi^{of} our office has recommended, should you have a problem with working with this office, the oversight of your case can be transferred to the San Francisco Regional Water Quality Control Board (SFRWQCB). We await your response and direction. You may contact me at (510) 567-6765 if you have any comments or questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

✓ C: B. Chan, files
S. Hugo, ACEH
A. Levi, ACEH
C. Headlee, SFRWQCB



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Clean Water Programs

1001 I Street • Sacramento, California 95814
P.O. Box 944212 • Sacramento, California • 94244-2120
(916) 341-5714 • FAX (916) 341-5806 • www.swrcb.ca.gov/cwphome/ustcf

Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.

OCT 16 2001

RC17
22

Orobo Osagie
P O Box 426695
San Francisco, CA 94142-6695

OCT 19 2001

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), NOTICE OF ELIGIBILITY DETERMINATION: CLAIM NUMBER 015241; FOR SITE ADDRESS: 1532 PERALTA ST, OAKLAND

Your claim has been accepted for placement on the Priority List in Priority Class "B" with a deductible of \$5,000.

We have completed our initial review. The next step in the claim review process is to conduct a compliance review.

Compliance Review: Staff reviews, verifies, and processes claims based on the priority and rank within a priority class. After the Board adopts the Priority List, your claim will remain on the Priority List until your Priority Class and rank are reached. At that time, staff will conduct an extensive Compliance Review at the local regulatory agency or Regional Water Quality Control Board. During this Compliance Review, staff may request additional information needed to verify eligibility. Once the Compliance Review is completed, staff will determine if the claim is valid or must be rejected. If the claim is valid, a Letter of Commitment will be issued obligating funds toward the cleanup. If staff determine that you have not complied with regulations governing site cleanup, you have not supplied necessary information or documentation, or your claim application contains a material error, the claim will be rejected. In such event, you will be issued a Notice of Intended Removal from the Priority List, informed of the basis for the proposed removal of your claim, and provided an opportunity to correct the condition that is the basis for the proposed removal. Your claim will be barred from further participation in the Fund, if the claim application contains a material error resulting from fraud or intentional or negligent misrepresentation.

Record keeping: During your cleanup project you should keep complete and well organized records of all corrective action activity and payment transactions. If you are eventually issued a Letter of Commitment, you will be required to submit: (1) copies of detailed invoices for all corrective action activity performed (including subcontractor invoices), (2) copies of canceled checks used to pay for work shown on the invoices, (3) copies of technical documents (bids, narrative work description, reports), and (4) evidence that the claimant paid for the work performed (not paid by another party). These documents are necessary for reimbursement and failure to submit them could impact the amount of reimbursement made by the Fund. *It is not necessary to submit these documents at this time; however, they will definitely be required prior to reimbursement.*

Compliance with Corrective Action Requirements: In order to be reimbursed for your eligible costs of cleanup incurred after December 2, 1991, you must have complied with corrective action requirements of Article 11, Chapter 16, Division 3, Title 23, California Code of Regulations. Article 11 categorized the corrective action process into *phases*. In addition, Article 11 requires the responsible party to submit an

California Environmental Protection Agency



RO 117
CIAM



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Clean Water Programs
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Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.

JUN 26 2001
Orobo Osagie
P O Box 426695
San Francisco, CA 94142-6695

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), REQUEST FOR FURTHER DOCUMENTATION DURING INITIAL REVIEW: CLAIM NUMBER 015241; FOR SITE ADDRESS: 1532 PERALTA ST, OAKLAND

On March 16, 2000, the Fund requested additional documentation in order to determine your eligibility for placement on the Priority List. To date, claimant has not fully responded to the requested documentation. Please submit the following information:

- Claimant is required to have current financial responsibility documents on file. Enclosed are necessary documents for Financial Responsibility. Please submit the original documents to the local regulatory agency and forward a copy to the Fund. If you have any questions regarding the requirements for financial responsibility, please contact Derek Albin of our office at (916) 341-5648.
 - Claimant must provide the following for the purchase of the site:
 - 1) Purchase Offer
 - 2) Purchase Agreement (final)
 - 3) Appraisal Report
 - 4) Escrow Instructions
 - Claimants who acquire sites after January 1, 1990, must complete the enclosed Claimant Certification of Compliance with Fund Regulations Section 2811(a)(1)-(2) and 2810.1(c) form.
- AND**
- A copy of the permit to own or operate the UST from the local implementing agency dated between January 1, 1984 and January 1, 1990 (pursuant to Chapter 6.7 of the Health and Safety Code).
 - Claimant must amend page three of the claim application that will show the time when claimant owned or operated the subject USTs. (enclosed)
 - Claimant must provide the appropriate tax identification number. Individuals and sole proprietors must provide their social security number.
 - Claimant must complete the Priority Addendum.
 - Claimant has indicated that the USTs were removed post the December 22, 1998 deadline to have all single walled USTs either removed or upgraded. Claimant must demonstrate that the following actions were completed prior to December 22, 1998.

California Environmental Protection Agency



ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

March 15, 2001
StID # 5448

Mr. Orobo Osagie
P.O. Box 426695
San Francisco, CA 94142-6695

Re: 1532 Peralta St., Oakland CA 94607

Dear Mr. Osagie:

In response to your attorney's March 1, 2001 written request and our recent March 13, 2001 conversation, this letter serves to outline the likely steps required to obtain "site closure" from our office and that of the San Francisco Regional Water Quality Control Board (SFRWQCB). After the removal of the five (5) underground fuel tanks at this site, over-excavation of the tank pits and soil and groundwater sampling was performed. Significant residual soil and groundwater contamination was observed. A work plan for further site characterization, involving the advancement of nine borings, was then provided and approved by Mr. Larry Seto of our office in his October 12, 2000 letter. It appears that this work has not yet been performed. Assuming this work is performed and it completes site characterization, it is likely that a minimum of three monitoring wells will be required to determine the quality of groundwater and site specific gradient. Groundwater monitoring typically is performed for four quarters. A risk assessment will likely be necessary to determine if residual contamination requires active remediation.

When soil and groundwater conditions indicate that no human health or ecological risk exists and natural bio-remediation will likely continue to occur at the site, site closure will be recommended to the SFRWQCB. Upon their concurrence, site closure will be granted.

In a November 3, 2000 letter, Mr. Seto of our office offered to review your draft of a letter for your lender. As the new case worker, I also am receptive to reviewing your draft letter.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

✓ C: B. Chan, files

Mr. George Vlazakis, Attorney At Law, 225 Brush St., Oakland CA 94607

A. Levi, ACEH

L. Griffin, Oakland Fire Services, 1605 MLK Jr. Drive, Oakland CA 94612

1532Peralta

GEORGE M. VLAZAKIS

ATTORNEY AT LAW
225 BRUSH STREET
OAKLAND, CALIFORNIA 94607

TELEPHONE: (510) 836-4437
FACSIMILE: (510) 836-4464

9448

March 1, 2001

MAR 06 2001

Larry Seto
Sr. Hazardous Materials Specialist
Alameda County Environmental Health
Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Re: Property: 1532 Peralta Street, Oakland, CA 94607
My client: Orobo Osagie

Dear Mr. Seto:

My client needs a letter from your office which outlines the procedures for obtaining a site certification from the agencies which have oversight authority over this property.

In addition, the letter should address the remaining work and/or tests and inspections needed to complete this project.

My client needs this letter so he can understand what work and procedures remain in order to complete this project and to be eligible for the underground tank reimbursement program offered through the State of California.

Your prompt response in preparing this letter within the next seven to ten days will be greatly appreciated.

Very truly yours,

LAW OFFICES OF GEORGE M. VLAZAKIS



George M. Vlazakis

GMV:dmr
cc: Orobo Osagie
c:\wp51\osagie\letters\seto.1

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

November 3, 2000

Dr. Orobo Osagie
PO Box 426695
San Francisco, CA 94142-6695

RE: 1532 Peralta Street, Oakland, CA

Dear Dr. Osagie:

I received a voice mail message from you a few weeks ago requesting that I prepare a letter that you can forward to your lender to assist you in obtaining a loan. I left a message on your voice mail the same day requesting that you draft a letter that you would like me to write to your lender for my review. As of this date, I have not received this draft letter.

If you have any questions, please contact me at (510) 567-6774.

Sincerely,



Larry Seto
Sr. Hazardous Materials Specialist

Cc: Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

October 12, 2000

Dr. Orobo Oshbie
PO Box 426695
San Francisco, CA 94142-6695
STID 5448

RE: 1532 Peralta Street, Oakland, CA 94607

Dear Dr. Oshbie:

I have reviewed your Remedial Activity Plans dated August 17, 2000 and October 6, 2000. Nine borings will be advanced to collect soil and groundwater samples. Pending review and approval by City, State and private parties, it is anticipated that the work outlined in the workplans will commence in late November or December 2000. The workplans are acceptable with the understanding that a minimum of one soil and one groundwater sample will be taken from each borehole and will be submitted to a certified laboratory for analysis.

If you have any questions, please contact me at (510) 567-6774.

Sincerely,



Larry Seto
Sr. Hazardous Materials Specialist

Cc: Gary Lowe, Decon Environmental Services, 23490 Connecticut Street,
Hayward, CA 94545
Leroy Griffin, City of Oakland Fire Services, 1605 Martin Luther King,
Oakland, CA 94612
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94501-8577
(510) 567-6700
FAX (510) 337-9211

October 12, 2000

Dr. Orobo Osgie
PO Box 426695
San Francisco, CA 94142-6695
STID 5448

RE: 1532 Peralta Street, Oakland, CA 94607

Dear Dr. Osgie:

I have reviewed your Remedial Activity Plans dated August 17, 2000 and October 6, 2000. Nine borings will be advanced to collect soil and groundwater samples. Pending review and approval by City, State and private parties, it is anticipated that the work outlined in the workplans will commence in late November or December 2000. The workplans are acceptable with the understanding that a minimum of one soil and one groundwater sample will be taken from each borehole and will be submitted to a certified laboratory for analysis.

If you have any questions, please contact me at (510) 567-6774.

Sincerely,



Larry Seto
Sr. Hazardous Materials Specialist

Cc: Gary Lowe, Decon Environmental Services, 23490 Connecticut Street,
Hayward, CA 94545
Leroy Griffin, City of Oakland Fire Services, 1605 Martin Luther King,
Oakland, CA 94612

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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

September 21, 2000

Dr. Oshgia Orobo
PO Box 426695
San Francisco, CA 94142-6695
STID 5448

RE: 1532 Peralta Street, Oakland, CA 94607

Dear Dr. Orobo:

I sent a letter dated September 5, 2000 to you and your consultant, Decon Environmental requesting additional information for your workplan. This information is required before I can approve your workplan. As of this date, I have not received this information. I will give your workplan priority once it reaches my mailbox. After your workplan is approved, I will write you an approval letter.

If you have any questions, please contact me at (510) 567-6774.

Sincerely,



Larry Seto
Sr. Hazardous Materials Specialist

Enclosure (1) Letter dated September 5, 2000 from Alameda County Environmental Health

Cc: George Vlazakis, Attorney, 225 Brush Street, Oakland, CA 94607
Wayne Pelletier, Decon Environmental, 23490 Connecticut St., Hayward,
CA 94545
Ariu Levi, Chief Hazardous Materials, Alameda County Environmental Health
Leroy Griffin, Oakland Fire Services, 1605 Martin Luther King,
Oakland, CA 94612

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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

September 5, 2000

Dr. Oshgia Orobo
PO Box 426695
San Francisco, CA 94142-6695
STID 5448

RE: 1532 Peralta Street, Oakland, CA 94607

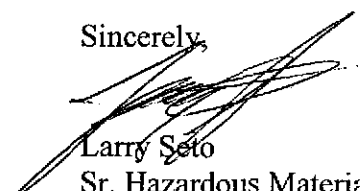
Dear Dr. Orobo:

I have reviewed your Remedial Activity Plan dated August 17, 2000 that was prepared by Decon Environmental Services. Before I can approve this workplan, at a minimum the following information must be submitted to this office:

- 1) Drilling locations needs to be identified on the site map. Provide an explanation for selecting these drilling locations.
- 2) Identify on site map the proposed location(s) for the new underground storage tanks. Will some of the impacted soil be excavated during the installation of the new tanks?
- 3) The workplan must be stamped and signed by a Professional Engineer, Register Geologist or Engineering Geologist.
- 4) Timeline when the work will commence, and estimated completion date.

If you have any questions, please contact me at (510) 567-6774.

Sincerely,



Larry Seto

Sr. Hazardous Materials Specialist

Cc: Ariu Levi, Chief Hazardous Materials, Alameda County Environmental Health
Wayne Pelletier, Decon Environmental, 23490 Connecticut St., Hayward,
CA 94545
Leroy Griffin, Oakland Fire Services, 1605 Martin Luther King,
Oakland, CA 94612

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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

September 5, 2000

Dr. Oshgia Orobo
PO Box 426695
San Francisco, CA 94142-6695
STID 5448

RE: 1532 Peralta Street, Oakland, CA 94607

Dear Dr. Orobo:

I have reviewed your Remedial Activity Plan dated August 17, 2000 that was prepared by Decon Environmental Services. Before I can approve this workplan, at a minimum the following information must be submitted to this office:

- 1) Drilling locations needs to be identified on the site map. Provide an explanation for selecting these drilling locations.
- 2) Identify on site map the proposed location(s) for the new underground storage tanks. Will some of the impacted soil be excavated during the installation of the new tanks?
- 3) The workplan must be stamped and signed by a Professional Engineer, Register Geologist or Engineering Geologist.
- 4) Timeline when the work will commence, and estimated completion date.

If you have any questions, please contact me at (510) 567-6774.

Sincerely,


Larry Seto
Sr. Hazardous Materials Specialist

Cc: Ariu Levi, Chief Hazardous Materials, Alameda County Environmental Health
Leroy Griffin, Oakland Fire Services, 1605 Martin Luther King,
Oakland, CA 94612

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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

September 5, 2000

Mr. Tracy Wallace
Golden Gate Tank Removal
255 Shipley Street
San Francisco, CA 94107
STID 5448

RE: 1532 Peralta Street, Oakland, CA

Dear Mr. Wallace:

I spoke to you a few weeks ago concerning the locations where groundwater samples 7856-XW1 and 7856-XW2 was taken after over-excavation of the tank pits. You were going to send me a sampling map identifying their locations. As of this date, I have not received it.

If you have any questions, please contact me at (510) 567-6774.

Sincerely,



Larry Seto
Sr. Hazardous Materials Specialist

Cc: Dr. Oshgia Orobo, PO Box 426695, San Francisco, CA 94142-6695
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

September 5, 2000

Dr. Oshgia Orobo
PO Box 426695
San Francisco, CA 94142-6695
STID 5448

RE: 1532 Peralta Street, Oakland, CA 94607

Dear Dr. Orobo:

I have reviewed your Remedial Activity Plan dated August 17, 2000 that was prepared by Decon Environmental Services. Before I can approve this workplan, at a minimum the following information must be submitted to this office:

- 1) Drilling locations needs to be identified on the site map. Provide an explanation for selecting these drilling locations.
- 2) Identify on site map the proposed location(s) for the new underground storage tanks. Will some of the impacted soil be excavated during the installation of the new tanks?
- 3) The workplan must be stamped and signed by a Professional Engineer, Register Geologist or Engineering Geologist.
- 4) Timeline when the work will commence, and estimated completion date.

If you have any questions, please contact me at (510) 567-6774.

Sincerely,



Larry Seto
Sr. Hazardous Materials Specialist

Cc: Ariu Levi, Chief Hazardous Materials, Alameda County Environmental Health
Wayne Pelletier, Decon Environmental, 23490 Connecticut St., Hayward,
CA 94545
Leroy Griffin, Oakland Fire Services, 1605 Martin Luther King,
Oakland, CA 94612
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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

August 24, 2000

Dr. Oshgia Orobo
PO Box 426695
San Francisco, CA 94142-6695
STID 5448

RE: 1532 Peralta Street, Oakland, CA 94607

Dear Dr. Orobo:

A letter from this office was sent to you dated May 19, 2000 summarizing the site history and subsurface investigation for the above site. The site was over-excavated after the removal of five underground tanks in December 1999, and confirmatory soil and groundwater samples were taken. Elevated levels of gasoline and diesel were detected in these samples. A request was made to submit a subsurface workplan to delineate the extent of the subsurface contamination.

On August 7, 2000 you met with Ariu Levi, Chief of Hazardous Materials. After your meeting, Mr. Levi had the impression that a subsurface workplan was submitted to this office for approval. I wrote you a letter dated August 7, 2000 informing you that I have not received your workplan, and to please resubmit it.

On August 9, 2000 I met with you at the above site. You contacted Wayne with Decon Environmental, and we had a three-way conversation concerning the submittal of a subsurface workplan to my office. Wayne informed us that his company had not prepared a workplan. It is my understanding as a listener in your conversation with Wayne that Decon Environmental wanted a deposit before they prepare the workplan.

This office is aware of your plans to upgrade and remodel the above facility, and will work with you to expedite your project. It is our understanding that you are working with the City of Oakland and a lender to move your project along.

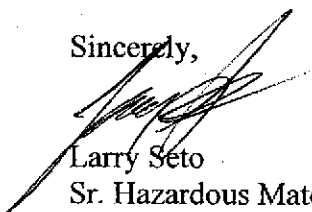
Please be aware that I have not received your workplan as of this date. I will give it priority once it reaches my desk.

As a reminder, if you have not forward to the State of California, Underground Tank Clean-up Fund the information they requested, you take the risk of losing them as a funding source. If this is to occur, this office will require a deposit before spending any further time on your case.

Dr. Oshgia Orobo
PO Box 426695
San Francisco, CA 94142-6695
August 24, 2000
Page 2 of 2

If you have any questions, please contact me at (510) 567-6774.

Sincerely,



Larry Seto
Sr. Hazardous Materials Specialist

Enclosure: Letter dated May 19, 2000 from Alameda County

Cc: Ariu Levi, Chief Hazardous Materials, Alameda County
Leroy Griffin, Oakland Fire Services, 1605 Martin Luther King,
Oakland, CA 94612
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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

August 7, 2000

Dr. Oshgia Orobo
PO Box 426695
San Francisco, CA 94142-6695
STID 5448

RE: 1532 Peralta Street, Oakland, CA 94607

Dear Dr. Orobo:

It is my understanding that you met with Mr. Ariu Levi, Chief of Hazardous Materials today concerning the above site. The impression that Mr. Levi had after your meeting is that a remediation workplan has been submitted to me for approval. If a workplan has been submitted, it has not reached my desk as of this date. Please resubmit your workplan at your earliest convenience.

If you have any questions, please contact me at (510) 567-6774.

Sincerely,


Larry Seto
Sr. Hazardous Materials Specialist

Cc: Ariu Levi, Chief Hazardous Materials, Alameda County Environmental Health
Hernan Gomez, City of Oakland Fire Services, 1605 Martin Luther King Jr. Way,
Oakland, CA 94612
Leroy Griffin, City of Oakland Fire Services, 1605 Martin Luther King Jr. Way,
Oakland, CA 94612
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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

May 25, 2000

Dr. Oshgia Orobo
PO Box 426695
San Francisco, CA 94142-6695
STID 5448

RE: 1532 Peralta Street, Oakland, CA 94607

I met with Mr. Hernan Gomez with the City of Oakland today and discussed the above site. The soil and water samples collected after overexcavation on February 17, 2000 contained elevated levels of hydrocarbons as identified in my letter dated May 19, 2000.

A letter was sent to you dated April 24, 2000 from the City of Oakland to acknowledge **tentative approval** for the installation of new underground storage tanks at the above site. **One of the conditions that has to be met before final approval will be given for the new tank installation is a remediation workplan must be developed and implemented.** A subsurface investigation workplan must be submitted to this office for approval to define the lateral and vertical extent of contamination before any work commences. A California Register Geologist, Certified Engineering Geologist, or Registered Civil Engineer must prepare this workplan.

If you have any questions, please contact me at (510) 567-6774.

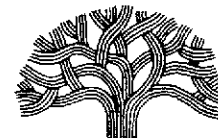
Sincerely,


Larry Seto
Sr. Hazardous Materials Specialist

Cc: Hernan Gomez, City of Oakland Fire Services, 1605 Martin Luther King Jr. Way,
Oakland, CA 94612
Leroy Griffin, City of Oakland Fire Services, 1605 Martin Luther King Jr. Way,
Oakland, CA 94612
Tracy Wallace, Golden Gate Tank Removal, 255 Shipley St., San Francisco,
CA 94107
Files

ram

CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 2114 • OAKLAND, CALIFORNIA 94612-2031

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3911
FAX (510) 238-4730
TDD (510) 839-6451

May 22, 2000

Dr. Orobo Osagie
388 Market Street, #400
San Francisco, CA 94111

RE: 1532 PERALTA STREET 94607

Dear Dr Osagie,

The purpose of this letter is to clarify the City's position with respect to your recent Zoning Clearance application dated March 30, 2000.

As the Zoning Clearance indicates, the operation of a gas station at 1532 Peralta Street is non-conforming. The gas station does not conform to the Mixed Housing Type Residential General Plan Classification and is not permitted in the R-36 Small Lot Residential Zone. A non-conforming activity may continue so long as the continuous operation does not cease for more than one year. The Zoning Clearance was issued based on your statement that the gas station had been in operation within the past year.

However, City records indicate that the operation of the gas station ceased in December 1998 with the expiration of Business Tax Certificate #1245600 and the expiration of the Environmental Health permit to operate single-walled underground tanks. The excavation permit (X9900894, issued November 30, 1999) to remove the tanks does not constitute maintaining the operation of a gas station.

At this time, there are no underground fuel tanks on-site (although final environmental site closure has not been completed) nor has a building permit application or plans to install new underground fuel tanks, fuel pumps, or a pump island canopy been submitted for review. Therefore, the non-conforming gas station has ceased operation for more than one year.

ENVIRONMENTAL HEALTH SERVICES

MAY 26 2000

DIRECTOR'S OFFICE

Dr. Orobo Osagie
May 22, 2000
Page 2 of 2

Pursuant to Zoning Code Section 17.114.050, a non-conforming activity which has ceased operations for over a one year may be resumed upon the granting of a Minor Conditional Use Permit. The fee is \$939.

With respect to your interest in establishing a convenience market as stated on your Zoning Clearance application and our subsequent meeting, please be aware that although not permitted in the R-36 zone, the Mixed Housing Type Residential General Plan Classification is silent on convenience market activities. As such, pursuant to adopted General Plan Conformity policies a convenience market would be subject to a Major Variance. The application fee is \$1349.

Please also be aware that although a State of California Underground Storage Tank Permit, dated 1996, reflects a business name change to Gauchao Truck Stop, at no time did the City authorize any truck related activities at this location. Pursuant to Emergency Ordinance 12110 C.M.S., adopted February 2, 1999, a Major Conditional Use Permit is required to establish any truck related activities in West Oakland. The application fee is \$1349.

If you apply for any of the referenced applications at the same time, they would be processed for one fee of \$1349. Application forms are enclosed for your convenience.

Please contact Scott Harriman at (510) 238-6935 if you have any questions regarding this letter or the conditional use permit/variance process.

Thank you,



Willie Yee
Zoning Administrator

cc. Scott Harriman, Planner II
Charlie Bryant, Secretary to the Planning Commission
Hernan Gomez, Hazmat Inspector, 1605 MLK Jr. Way, Oakland, CA 94612
Robert Young, Business Tax
Pamela Evans, Senior Hazmat Specialist, Dept of Environ. Health, 1131 Harbor Bay Pkwy, Alameda, CA 94502-6577
Councilperson, Nancy Nadel

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



May 19, 2000

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

Pr.
Mr. Oshgia Orobo
PO Box 426695
San Francisco, CA 94142-6695
STID 5448

RE: 1532 Peralta Street, Oakland, CA 94607

Pr.
Dear Mr. Orobo:

The City of Oakland Fire Services has transferred the above site to Alameda County Environmental Health, Local Oversight Program (LOP). The Alameda County will be the lead regulatory agency overseeing the investigation and remediation at the above site. I have been assigned to be the caseworker for this site.

I have reviewed the Tank Closure Report dated December 15, 1999 that was prepared by Golden Gate Tank Removal. Five underground tanks were removed on December 8, 1999. The tanks removed include the following: 1) 2,000 gallon diesel 2) 675 gallon gas 3) 675 gallon gas 4) 1,000 gallon gas 5) 1,000 gallon diesel. The tanks were in poor condition with several visible holes. Nine soil samples were taken from the excavation. The samples contained up to 2,600 ppm TPH(gas), 8,100 ppm TPH(diesel), 9.1 ppm benzene, 62 ppm toluene, 21 ppm ethylbenzene, 86 ppm xylene. MTBE was ND in all the samples.

In a letter dated January 25, 2000, the City of Oakland Fire Services approved a Work Plan for Additional Work dated January 3, 2000. That same day, backfill from the former tank excavation was removed. The impacted soil was disposed of off-site At Forward, Inc. in Manteca, CA. Groundwater and rainwater that entered the excavation was purged, transported and disposed of by Americlean, Inc.

Following the removal of the impacted water, the excavations were extended approximately two feet on all sides of the excavations in order to remove as much of the impacted soil as possible. The excavations were also deepened to 11 feet below grade surface. This placed the bottom of the excavation well into the capillary zone.

On February 17, 2000, under the direction of Mr. Hernan Gomez of the Oakland Fire Department, 12 soil samples were extracted. Ten soil samples were extracted from the sidewalls of the excavation just above the water interface level at about 7.5 feet below grade surface and two water samples from the excavations. The soil samples contained up to 2200 ppm TPH(g), 3100 ppm TPH(d), 15 ppm benzene, 37 ppm ethylbenzene, 94

ppm toluene, 150 ppm xylenes. MTBE was ND in all soil samples. The groundwater samples contained up to 2900 ppb TPH(gas), 2.5 ppb TPH(diesel), 81 ppb benzene, 7 ppb ethylbenzene, 23 ppb toluene, 94 ppb xylenes and 22 ppb MTBE.

An additional subsurface investigation must be initiated to define the lateral and vertical extent of contamination . As per Title 23, California Code of Regulations, Article 11, you are required to submit a Soil and Water Investigation workplan within 45 days of the receipt of this letter. This workplan must be prepared by a California-Registered Geologist, Certified Engineering Geologist, or Registered Civil Engineer.

If you have any questions, please contact me at (510) 567-6774.

Sincerely,



Larry Seto
Sr. Hazardous Materials Specialist

CC: Leroy Griffin, City of Oakland Fire Services, 1605 Martin Luther King Jr. Way,
Oakland, CA 94612

Files

MAY 11 2000

OAKLAND FIRE SERVICES AGENCY

00 MAY -9- AM 10:48

Transfer of Eligible Local Oversight Case

5448

STID _____ Date of input/By: _____

Date: 5/4/00 From: H. Gomez

Site Name: The Oshgira Orobo site

Address: 1538 Peralta St. City: Oak. Zip: 94607

To be eligible for LOP, case must meet 3 qualifications:

1. Y N Tanks Removed? # removed? 5 Date removed: 12/9/99

2. Y N Samples received? Contamination level: >100 ppm
Type of test BTEX, TPH, MTBE

Contamination should be over 100 ppm TPH to qualify for LOP

3. Y N Petroleum? Circle Type (s):

- Avgas leaded fuel oil jet
- diesel waste oil kerosene solvents

CITY OF OAKLAND



FIRE SERVICES AGENCY • 1605 MARTIN LUTHER KING JR. WAY • OAKLAND, CALIFORNIA 94612

Office of Emergency Services

(510) 238-3938
FAX (510) 238-7761
TDD (510) 839-6451

April 24, 2000

Dr. Orobosa Osagie
CEO & President
Amenex Organization, Inc
388 Market Street
San Francisco, CA 94111

415-974-4302

Dear Mr. Osagie;

The purpose of this letter is to acknowledge tentative approval for the installation of new underground storage tanks at 1532 Peralta Street, Oakland CA. This approval is pending your based upon the following conditions;

- Your site is entered into the Alameda County Environmental Health Department, Local Oversight Program to remediated contaminated soil conditions at your site.
- Development and the implementation of a remediation workplan.

These conditions of approval can be revoked at any time, if the items outlined in this letter are not meet to the satisfaction of this agency.

Please contact me at (510) 238-7759, if you have any questions regarding this matter.

Sincerely,

LeRoy Griffin
Hazardous Materials Program Manager

CITY OF OAKLAND



FIRE SERVICES AGENCY • 1605 MARTIN LUTHER KING JR. WAY • OAKLAND, CALIFORNIA 94612

Office of Emergency Services

(510) 238-3938
FAX (510) 238-7761
TDD (510) 839-6451

April 17, 2000

Mr. Oshgia Orobo
P.O. Box 426695
San Francisco, CA 94142-6695

RE: **Request for Additional Investigation at 1532 Peralta Street**
Oakland, CA 94607

Dear Mr. Orobo:

Our office has received and reviewed the underground tank closure report dated March 8, 2000 prepared by Golden Gate Tank Removal (GGTR). This report documents the results of soil and grab groundwater sampling subsequent to the removal of five underground fuel tanks at the above site. Contamination has been discovered at your site. Hence, you need to follow this office general clean up requirements. The following is an overview of our general clean up requirements. All site clean up work must be performed according to the Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Storage tanks Sites. Any clean up work done without this office concurrence is unacceptable.

1. Determine the horizontal and vertical extent of soil contamination both on and off site.
2. Define the horizontal and vertical extent of any groundwater contamination, both on and off-site. This will include monitoring well construction and regular groundwater sampling.
3. Interpret hydrological data, including characterization of the appropriate aquifer(s).
4. Develop a site specific remediation plan. This plan shall include an evaluation of clean up alternatives, a proposal for soil clean up, a proposal for clean up of any groundwater contamination and free product, an appropriate sampling plan to determine the effectiveness of the clean up program, and a time table for remediation plan implementation.

You are encouraged to use a rapid site assessment tools such as a Geoprobe or Hydropunch. Please submit your remediation plan to our office **within 30 days** of receiving this letter.

If you have any questions, please contact me at (510) 238-7253.

Sincerely,

A handwritten signature in cursive script that reads "Hernán E. Gómez".

Hernán E. Gómez
Hazardous Materials Inspector

cc: Leroy Griffin, Hazardous Materials Program Supervisor



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Clean Water Programs
2014 T Street • Sacramento, California 95814 • (916) 227-4366
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustcf>

Gray Davis
Governor

MAR 16 2000

Orobo Osagie
P O Box 426695
San Francisco, CA 94142-6695

Handwritten notes: #5981, 30117, BC, and other scribbles.

00 MAR 17 PM 3:30
ENVIRONMENTAL
PROTECTION

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, REQUEST FOR FURTHER DOCUMENTATION DURING INITIAL REVIEW: CLAIM NUMBER 015241; FOR SITE ADDRESS: 1532 PERALTO ST, OAKLAND

After reviewing your claim application to the Cleanup Fund, we find that the following additional information is needed to determine your eligibility for placement on the Priority List:

VERIFICATION OF UNAUTHORIZED RELEASE

Claimant is requested to submit information which clearly identifies that the UST system located at your site suffered an eligible unauthorized release. Provide the Underground Storage Tank (LEAK) Contamination Report that was submitted to the local agency. The LEAK Report is verification that an unauthorized release of petroleum from the UST was discovered on a specified date.

DIRECTIVE/PROOF OF OWNERSHIP OF THE USTS

A claimant must have either owned or operated the subject leaking UST, is the entity being directed to undertake corrective action for an unauthorized release by the local regulator and the entity paying for the costs of cleanup. Provide a copy of a letter from the local regulatory agency naming you a responsible party and directing you to clean up the contamination at the subject site. In addition, page 3 of the claim application does not show when claimant owned/operated the USTs. Please clarify.

PROOF OF THE PRE-1990 PERMIT/OR COMPLETE PERMIT WAIVER

A copy of the permit to own or operate the UST from the local implementing agency dated between January 1, 1984 and January 1, 1990 (pursuant to Chapter 6.7 of the Health and Safety Code).

If you were not subject to the permit requirement, submit documentation to confirm this claim. Situations where the permit was not required by January 1, 1990, can include: a) you removed all USTs prior to January 1, 1990; and not replaced; b) you decommissioned all USTs pursuant to the direction of the regulatory agency prior to January 1, 1984; c) you sold the property and tanks by January 1, 1990.

TAX IDENTIFICATION NUMBER

Claim application requires claimant provide appropriate tax identification number. Individuals and sole proprietors must provide their social security number. Corporations, partnerships, Estates and trusts must provide their Federal Employer Identification Number. Since you have applied as an individual, please provide your social security number.


SITE MAP

Claimant must provide a site map drawn to scale which includes the location of the leaking USTs, a north arrow, and distances relative to the nearest public roads.

NOTE: Failure to respond to this request within thirty (30) calendar days from the date of this letter may result in an ineligibility determination of your claim.

If you have any questions, please contact me at (916) 227-4366.

Sincerely,

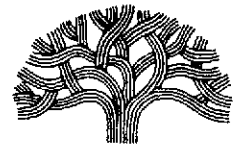


Shari Knieriem
Claims Review Unit
Underground Storage Tank Cleanup Fund

Enclosure

cc: Mr. Steve Morse/without enclosure
RWQCB, Region 2
1515 Clay Street, Ste. 1400
Oakland, CA 94612

Mr. Thomas Peacock/without enclosure
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577



FIRE SERVICES AGENCY • 1605 MARTIN LUTHER KING JR. WAY • OAKLAND, CALIFORNIA 94612

Office of Emergency Services

(510) 238-3938
FAX (510) 238-7761
TDD (510) 839-6451

January 28, 2000

CERTIFIED LETTER

Mr. Oshgia Orobo, owner
P.O. Box 426695
San Francisco, CA 94142

RE: Notice of Legal Obligation

Mr. Orobo:

On December 8, 1999, five underground storage tanks (USTs) were removed by Golden Gate Tank Removal (GGTR) at 1532 Peralta. Upon removal of the five USTs, physical evidence and laboratory analysis indicated that there was soil and groundwater contamination remaining after the tanks were removed. Soil excavated from the old tanks were stockpiled on-site and covered with plastic.

Based in the results, the City of Oakland Fire Services Agency/Office of Emergency Services (FSA/OES) requested additional investigation at the site. The additional investigation included the deepen of the existing excavation, additional sampling of soil and groundwater and removal of the excavated soil under the supervision of FSA/OES staff.

On January 25, 2000 I performed an inspection of the site. During the inspection I observed the excavated soil covered with plastic and two over-excavated areas over the corner of 16th Street and Peralta Street. The over-excavated area on 16th Street was observed with what appear to be rainwater and groundwater filling the pit. Over the Peralta street area groundwater was beginning to fill the pit. At the time of the inspection I informed the contractor that the water in these areas must be pumped and disposed of properly, before any sampling can be performed. A tentative date of January 28, 2000 was set for the removal of the water.

On January 27, 2000 I received a phone call from GGTR informing me that you has instructed them to stop work at 1532 Peralta.

California law requires that you, as the responsible party have the responsibility to clean up existing, additional or previously unidentified conditions at the site, which can cause or threaten to cause pollution or nuisance or otherwise pose a threat to water quality or public health.

You have five working days after receiving this letter to remove the water from the excavated areas and dispose of it under a Hazardous Waste Manifest, cover the holes and to declare a date in which the additional

Oshgia Orobo
owner
Notice of Legal Obligation
Page 2 of 2

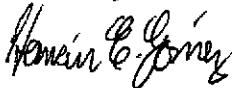
January 28, 2000

work will be completed. You must inform and make arraignments with this office at least a day in advance to have a FSA/OES representative present during the operation.

At this time your facility is in violation of several regulations covered by the California Health and Safety Code and Title 23, California Code of Regulations. The failure to comply is subject to penalties up to \$5,000 per day.

If you have any questions, please contact me at (510) 238-7253.

Sincerely,



Hernán E. Gómez
Hazardous Materials Inspector

cc: Leroy Griffin, Hazardous Materials Supervisor



FIRE SERVICES AGENCY • 1605 MARTIN LUTHER KING JR. WAY • OAKLAND, CALIFORNIA 94612

Office of Emergency Services

(510) 238-3938
FAX (510) 238-7761
TDD (510) 839-6451

January 25, 2000

Mr. Tracy Wallace
Golden Gate Tank Removal
255 Shipley Street
San Francisco, CA 94107

RE: **Work Plan for Additional Work**
1532 Peralta Street
Oakland, CA 94612

Mr. Wallace:

This letter is to inform you that our office has received and reviewed the January 3, 2000 work plan for additional work and further investigation as required at the above referenced site in regards to the removal of five Underground Storage Tanks (USTs). Based on the available information and with the provision that the information provided to this office was accurate and representative of site conditions, work as proposed can be initiated.

Please be advised that this letter does not relieve your client of any liability under the California Health and Safety Code or Water Code for past, present, or future operations at this site. Nor does it relieve your client of the responsibility to clean up existing, additional or previously unidentified conditions at the site, which can cause or threaten to cause pollution or nuisance or otherwise pose a threat to water quality or public health.

If you have any questions, please contact me at 238-7253.

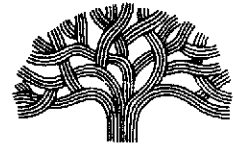
Sincerely,

A handwritten signature in cursive script, appearing to read "Hernán E. Gómez".

Hernán E. Gómez
Hazardous Materials Inspector

cc: Tracy Wallace, Golden Gate Tank Removal
Leroy Griffin, Hazardous Materials Supervisor

CITY OF OAKLAND



FIRE SERVICES AGENCY • 1605 MARTIN LUTHER KING JR. WAY • OAKLAND, CALIFORNIA 94612

Office of Emergency Services

(510) 238-3938
FAX (510) 238-7761
TDD (510) 839-6451

January 25, 2000

Mr. Tracy Wallace
Golden Gate Tank Removal
255 Shipley Street
San Francisco, CA 94107

RE: **Work Plan for Additional Work**
1532 Peralta Street
Oakland, CA 94612

Mr. Wallace:

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Please be advised that this letter does not relieve your client of any liability under the California Health and Safety Code or Water Code for past, present, or future operations at this site. Nor does it relieve your client of the responsibility to clean up existing, additional or previously unidentified conditions at the site, which can cause or threaten to cause pollution or nuisance or otherwise pose a threat to water quality or public health.

If you have any questions, please contact me at 238-7253.

Sincerely,

A handwritten signature in black ink, appearing to read "Hernán E. Gómez".

Hernán E. Gómez
Hazardous Materials Inspector

cc: Tracy Wallace, Golden Gate Tank Removal
Leroy Griffin, Hazardous Materials Supervisor

**OAKLAND FIRE SERVICES AGENCY/OFFICE OF EMERGENCY SERVICES
HAZARDOUS MATERIALS UNIT**

1605 Martin Luther King Jr. Way, Oakland, CA 94612 • (510) 238-3938

HAZARDOUS MATERIALS INSPECTION REPORT

| Site Number | Facility Name | Facility Address | Zip Code |
|-------------|-------------------|------------------|----------|
| | Peralta Auto Care | 1532 Peralta | 12 |

Inspection Report

PERMISSION TO INSPECT GRANTED

Need to pump groundwater from 2 pits + take groundwater samples (2) - Also try to take side wall samples of the 2 pits.

Scheduling pump truck for this Fr.

Issue w/ island - 3 pumps - No spill cont. under pumps - Need to sample underneath the pumps + install spill containment boxes

Issue w/ inside shop - There is a hydraulic lift - Also ~~is going~~^{Need} to be sampled -

SKT will be sampled today -

Facility Contact/Print Name:

John Carver

Facility Contact/Signature:

John Carver

Inspected By:

- Insp. Griffin 238-7759
- Insp. Matthews 238-2396
- Insp. Craford 238-7758
- Insp. Gomez 238-7253

HEGA

Date: 1/25/00



January 3, 2000
Project 7856

Mr. Hernan Gomez
City of Oakland Fire Services Agency
250 Frank Ogawa Plaza, Ste. 3341
San Francisco, CA 94612

SUBJECT: 1532 Peralta Street
Oakland, California
WORK PLAN FOR ADDITIONAL WORK

Dear Mr. Gomez,

As discussed with Mr. Leroy Griffith, Golden Gate Tank Removal (GGTR) is presenting the following as a work plan to conduct further work required in conjunction with the leaking underground fuel tanks removed at the subject property by us on December 8, 1999. Physical evidence and laboratory analyses indicated that there was soil and groundwater contamination remaining after the tanks were removed. The overburden stockpiles had detectable gasoline and diesel constituents. A summary of analytical results and sample locations taken to date are attached. We propose to remove and dispose of soil and groundwater which may be contaminated.

We intend to carry out the following:

1. The excavation has been temporarily backfilled with the overburden soil. This material will be removed and disposed of as Class II contaminated soil.

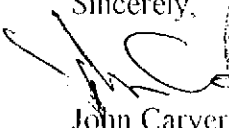
255 Shipley Street • San Francisco, CA 94107 • Tel 415.512.1555 • Fax 415.512.0964

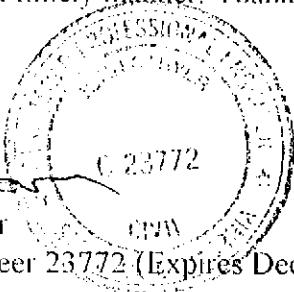
2. Deepen the existing excavation to a depth which will remove contaminated soil and about two feet of soil in the capillary fringe zone. It is anticipated that the excavation depth will be about 10 feet. The purpose of the excavation will be to remove contaminated soil which could be a secondary source of contamination and to allow groundwater to accumulate to a depth of about two feet.
3. Enlarge the excavation include any obviously contaminated soil. The proposed limits of the excavation are shown on the attached Figure 3.
4. Sample the bottom (if there is no water) and sidewall of the over-excavation.
5. Purge the groundwater from the excavation during and/or after the excavation.
6. Sample the recharged groundwater.
7. Profile the over-excavated stockpiled soil and dispose as required.
8. Discuss the soil and analytical result with LOP.
9. Carry out any feasible additional work and sampling while the excavation is open.
10. On approval of the Fire Services Agency, backfill the excavation with import
11. Restore the site surface to its original condition.
12. Prepare a Report of Over-Excavation and Sampling. Copies of required permits, original signed laboratory certificates, and waste manifests will be included.

Our client, the property owner is
Oshgia Orobo
Post Office Box 426695
San Francisco, California 94142

We anticipate performing the additional work during January 2000, after receipt of written approval from you and acceptance of the contract for the work by our client. If there are any additional materials or data needed or if there are any questions, please contact us so that we may respond in a timely manner. Thank you for your consideration in this matter.

Sincerely,


John Carver
Civil Engineer 23772 (Expires December 31, 2001)



Am Cal Home Loans, Inc.

Real Estate Loans - Investments

John R. Cinatt
Broker/Associate

408/263-8234 800/819-7334 Fax 408/263-9271
180 South Hillview Drive, Milpitas, CA 95035

Dr. Roberto Ortega

1 (415) 974 4302

OR

(415) 287 6171
