CITY OF OAKLAND

ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

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FACSIMILE TRANSMISSION

DATE: 1/18/02

NAME	FAX NO.	PHONE NO.
Arin	339-9234	

FROM: Heather Lee PHONE: 238-3838

SENT BY: La'Carolyn PHONE: 238-6624

RE: 4035 Park Blvd.

FILE NUMBER:			
NUMBER OF PAGES, INCLUDING COVER:	12	ORIGINALS FOLLOW BY MAIL:	

MESSAGE:

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL (510) 238-3601 AS SOON AS POSSIBLE.

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Office of the City Attorney
John R. Russo
Heather B. Lee
Deputy City Attorney

(510) 238-3838
FAX: (510) 238-6500

January 15, 2002

VIA FACSIMILE (510.337.9335)

Ariu Levi
Division Chief, Department of Public Health
Environmental Health Services
Alameda County Health Agency
1131 Harbor Bay Parkway, Room 200
Alameda, CA 94502-30440

Re: ***4035 Park Boulevard, Oakland, California-Desert Petroleum site No. 793***

Dear Mr. Levi:

As indicated by Mark Wald in his voicemail this morning, enclosed is a letter from David Self, dated December 26, 2001. On behalf of his client, Mr. Self has submitted a request to the City to delete the condition of approval that requires complete remediation of the 4035 Park Boulevard site prior to reconstruction and operation of the gas station onsite. This request currently is scheduled for consideration at the February 6, 2002 City Planning Commission meeting.

By letter dated June 22, 2001, Mr. Thomas Peacock and Mr. Ravi Arulanantham of the Alameda County Health Care Services Agency advised Mr. Self that groundwater contamination levels at 4035 Park Boulevard are "high enough to pose health risks" to the neighbors" and that, as a result, "ACDEH would like to see aggressive remediation continue at the site in order to reduce contaminant concentrations to (or below) acceptable levels." At page 3 of his December 26 2001 letter, Mr. Self outlined a projected site cleanup strategy and schedule. As Mark indicated, we would appreciate your review of that strategy and schedule and your thoughts regarding whether the schedule constitutes "aggressive remediation" as contemplated by the County.

Please call either Mark (238.3540) or me (238.3838) *once you have reviewed* Mr. Self's letter. We would greatly appreciate your earliest possible response, as your input would be invaluable to us as we prepare for February 6, 2002 meeting on this matter.

Very truly yours,

JOHN A. RUSSO
City Attorney

By: Heather B. Lee

HEATHER B. LEE
Deputy City Attorney

Enclosure

cc: Hernan Gomez
Mark Wald (without enclosure)

281512

David A. Self
Attorney at Law
18 Crow Canyon Court, Suite 205
San Ramon, CA 94583
Telephone (510) 538-3105
FAX (510) 538-3207

December 26, 2001

By facsimile 510.238.4730 and Federal Express
Attn: Scott Harriman, Crescentia Brown

Chair and Commission Members
Oakland City Planning Commission
250 Frank Ogawa Plaza, Suite 2114
Oakland, CA 94612

Dear Commissioners:

Re: 4035 Park Boulevard, Oakland
Application for Amendment of Variance Conditions
January 23, 2001 Commission Meeting
Case File Number: A96-143 (VM165-567)

Ali Shirazian and Tony Razi, owners of the above property, apply for two amendments of the Conditions of Approval for reconstruction of the gas station on this site.

1. The canopy previously attached to the station does not conform to current gas station canopy height standards. Applicants request approval of a modern free-standing canopy over the pumps, subject to design approval of the Director of City Planning.

2. Any further required groundwater remediation work on the site can be accomplished without interference from reconstruction of the gas station, (See accompanying memorandum and resume' of Dr. Mansour Sepehr, SOMA Environmental Engineering, Inc..) Applicants therefore request that Condition Number 15, which requires complete remediation prior to reconstruction, be deleted from the Conditions of Approval.

Very truly yours,

David A. Self
Attorney for property owners

cc by facsimile: Mark Wald 510.238.6500

MEMORANDUM

TO: MR. TONY RAZI AND MR. ALI SHIRAZIAN

FROM: MANSOUR SEPEHR, SOMA ENVIRONMENTAL ENGINEERING, INC.

SUBJECT: GROUNDWATER CONDITION AT 4035 PARK BLVD. OAKLAND, CALIFORNIA

DATE: 12/21/01

CC: DAVID SELF, Esq.

Based on your request, SOMA Environmental Engineering, Inc. (SOMA) has reviewed the following documents in order to evaluate the soil and groundwater conditions beneath the subject property (the Site):

1. Over-Excavation and Quarterly Ground Water Sample Report, Dated November 24, 1995 by Western Geo-Engineers;
2. Further Assessment, Installation of Brighton Avenue Receptor Trench and 3rd Quarter 1999 Groundwater Monitoring Report, Dated October 20, 1999;
3. Oakland Urban Land Redevelopment Program: Guidance Document, City of Oakland Public Works Agency January 1, 2000.
4. Second, Third and Fourth Quarters 2000, Groundwater Monitoring Reports by Western Geo-Engineers, dated July 18, August 29, and November 29, 2000;
5. A letter from Mr. Thomas Peacock of Alameda County, Environmental Health Care Services (ACEHCS) to Mr. John Rutherford of Desert Petroleum, the previous owner of the site dated September 11, 2000, in connection with successful progression of intrinsic bioremediation processes in groundwater beneath the Site;
6. A letter from Mr. Thomas Peacock of ACEHCS to Mr. Ralph Wheeler of City of Oakland Attorney's Office dated November 9, 2000;
7. A letter from Alameda County Department of Environmental Health to Mr. David Self, Dated June 22, 2001

After reviewing the above-mentioned documents, the following is my professional opinion and recommendation in connection with the environmental conditions at the subject property.

As the Site's history indicates, four underground storage tanks (USTs) have been removed in early 1994. Following the USTs removal process, fuel impacted soils beneath the former USTs and pump islands have been completely removed. Figure 1 shows the soil over-excavation pit, which was filled with clean fill material. Therefore, it appears that the source(s) of contamination at the subject site has been removed and no-ongoing chemical source areas exist at the Site. However, as the groundwater monitoring reports indicate, there still is a limited portion of the Site exhibiting elevated levels of petroleum hydrocarbons and its constituents. Only one out of 8 on-site monitoring wells show elevated levels of petroleum hydrocarbons. As Figure 2 shows the majority of the Site appears to be free of petroleum hydrocarbons.

Site's Regulatory Status

The Site is located in an area consisting primarily of commercial and residential uses. Although the Site is surrounded by single-family homes, as in the past, its future intended use would remain a gasoline service station. Based on the available information, the groundwater beneath the Site is impacted by petroleum hydrocarbons and its constituents such as benzene, toluene, ethylbenzene and xylenes. In 2000, the City of Oakland, Department of Public Works published a guidance document to assist the contaminated property owners to identify the soil and groundwater clean-up levels for various chemicals including petroleum hydrocarbons. The recommended clean-up levels in the Guidance Document are protective of human health and the environment. The recommended clean-up levels in the Guidance Document for a given chemical is a function of land use and the type of geologic units beneath a given site. Three types of geologic units have been identified within the City of Oakland. These units include Merritt Sands, Silty Sands and Clayey Sands.

Obviously, the recommended groundwater clean-up levels in the Guidance Document beneath the residential properties are significantly lower than the clean-up levels beneath the commercial areas. According to the Guidance Document, the site's geology also plays a major role in defining the site's clean-up levels. For instance, if site is underlain by the Merritt Sand the clean-up levels are lower than the site, which is underlain by the Sandy Silts or Clayey Silts.

Reviewing the boring logs of groundwater monitoring wells indicates that the subject site is underlain by a Clayey Sand formation up to 15 feet below ground surface. Assuming that the Site remains a gasoline service station, based on the Guidance Document the recommended groundwater clean-up level for benzene, the most toxic component of the petroleum hydrocarbons, is 89,000 µg/L. Comparing the maximum reported concentration of the groundwater

(17,000 µg/L) with the recommended clean-up levels indicates that no groundwater remediation is warranted.

Due to the proximity of the Site to the residential area, the regulatory agencies may categorize the Site as a residential area and as a result the groundwater clean-up criteria may become applicable. Under this scenario, using the Guidance Document, the recommended groundwater clean-up level would be 5,600 µg/L. As such groundwater clean-up may be required for this Site, since the maximum reported benzene concentration is 17,000 µg/L.

Site Cleanup Strategy and Schedule

Assuming that the Site will require groundwater remediation due to its proximity to the residential area, first step would be a preparation of a remediation workplan, which is acceptable to the Alameda County Environmental Health.

Based on our experience a combination of a pump-and-treat system with air sparging would be an effective approach for groundwater remediation. SOMA has extensive experience in the design and implementation of such a remediation system. The following is our projected time-table for this Site's remediation:

Preparation of Workplan:	February 2002
Approval of County	April 2002
Design and Implementation	May-August 2002
Permitting and Start-up	September-October 2002
System Operation	November 2002 through November 2005

Site Future Construction Plan

As Figure 2 shows only a limited portion of the groundwater beneath the Site has been impacted by petroleum hydrocarbons. Given the fact that the former USTs have already been removed and the fuel impacted soils beneath the USTs have been replaced by new fill material, no on-going contamination sources exists beneath the Site. According to the Site owner's construction plan, the future USTs will be located at the southeast corner of the Site. This is an area with no apparent soil and groundwater contamination, and far from existing sanitary sewer lines. Given the large distance between the groundwater remediation equipment and future pump islands and the convenient store, (see Figure2) no apparent interference between the on-going business activities and remediation system operations is anticipated. Currently, SOMA is conducting numerous soil and groundwater remediation systems at gasoline service stations without

interrupting the business operations. In my professional opinion, in less than 3 years the groundwater contamination levels will be reduced to target levels which will meet the Alameda County's and the City of Oakland's recommended clean-up requirements. The groundwater remediation activities at this site can be accomplished without interruption from site re-construction activities and operation of the gasoline station.

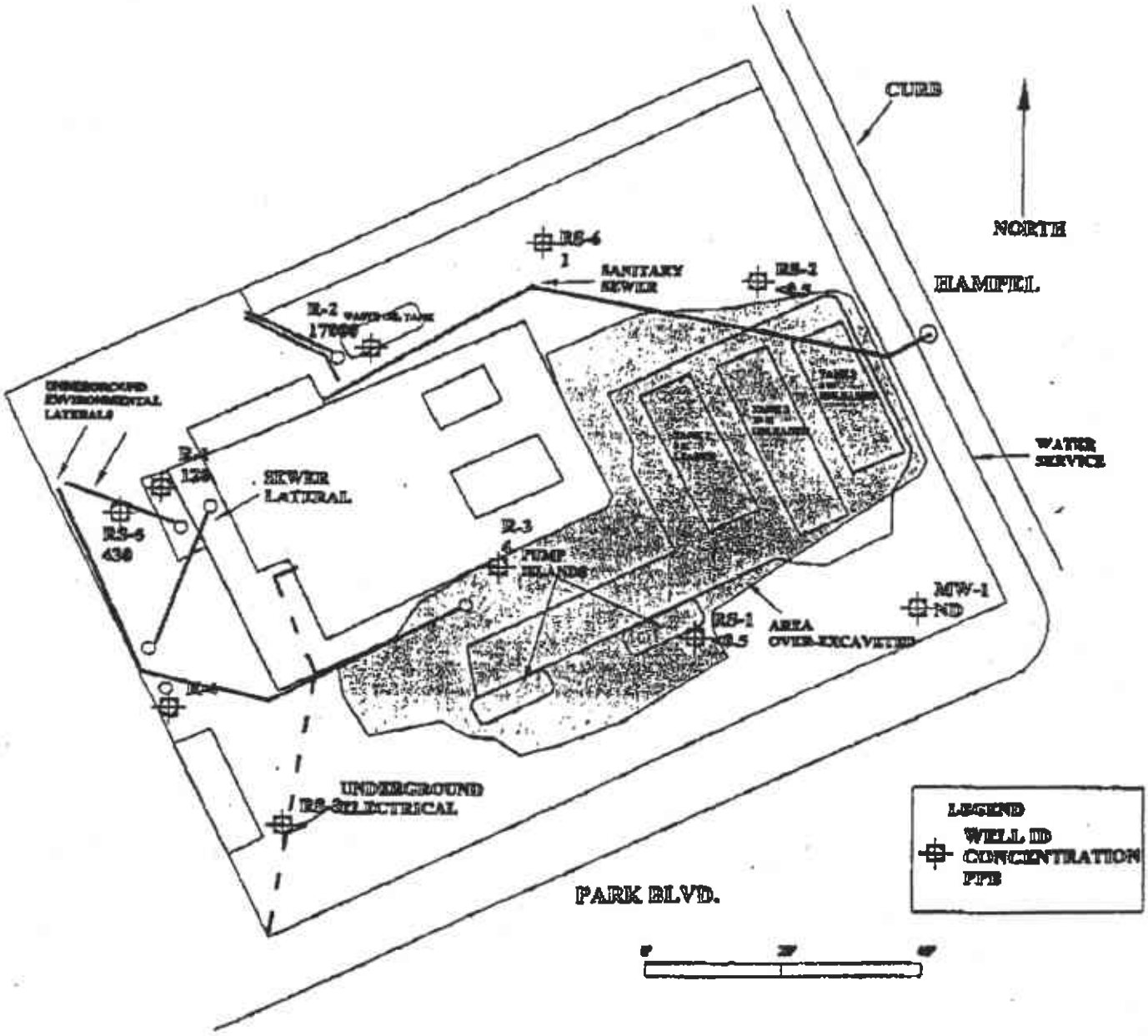

FIGURE 1

LOCATION OF FORMER UST's, SOIL REMEDIATION AREA AND GROUND WATER CONTAMINATION PLUME

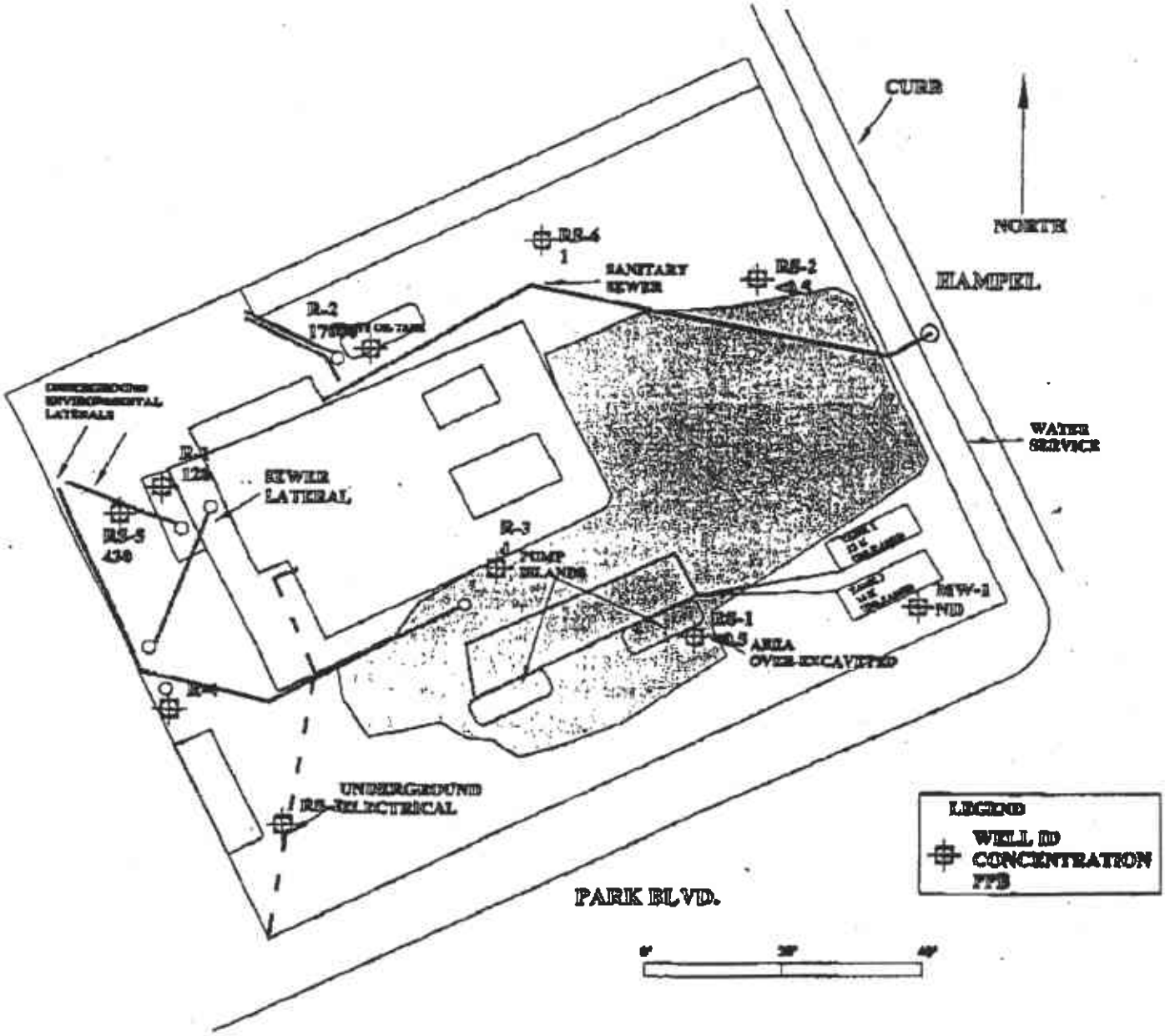

FIGURE 2

LOCATION OF PROPOSED USTs

MANSOUR SEPEHR, Ph.D., P.E.
President and Principal Hydrogeologist

Hydrogeology
Chemical Fate & Transport Modeling
Water Resources
Civil Engineering

EDUCATION

Utah State University, Ph.D., Hydrology and Water Resources Engineering, Department of Civil and Environmental Engineering, 1984.

Utah State University, M.S., Irrigation Engineering, 1980.

Tehran University, Iran, B.S., Soil Science, 1970.

PROFESSIONAL HISTORY

SOMA Environmental Engineering, President and Principal Hydrogeologist, 1991-date

Levine-Fricke, Senior Associate Hydrogeologist, 1986-1991

Dames & Moore, Project Hydrologist, 1985-1986

Utah State University Post-Doctoral Fellow, 1984-1985

Utah Water Research Laboratory Research Assistant, 1981-1984

Agricultural Development Bank of Iran, Soil Scientist, 1972-78
Soil Institute of Iran, Soil Analyst 1970-1972.

List of Selected Publications:

Sepehr, M., James D., Duffy., C., 1985. " Hydrogeologic Modeling for Identification of Salinity Sources in a Stream Aquifer System", Proceeding of the Association of Groundwater Scientists and Engineers Western Regional Groundwater Conference Eldorado Hotel Reno, Nevada January 15-16 1985.

Sepehr M., Samani A., 1993, "In Situ Soil Remediation Using Vapor Extraction Wells, Development and Testing of a Three-Dimensional Finite-Difference Model", May-June 1993, Volume 31, Number 3 Issue of Groundwater.

Sepehr, M., 1994., "Simulation of Groundwater Flow, Saltwater Intrusion and Chemical Transport in Coastal Aquifers", The Proceedings of 1994 Groundwater Modeling Conference August 10-12, 1994, Colorado State University, Fort Collins, Colorado.