



EQUITY LLC

401 Roland Way, Suite 220  
Oakland, CA 94621 USA  
Tel: 510.430.2400 x186  
Fax: 415.738.5407

May 3, 2012

2012 AUG 15 AM 11: 57

Jerry Wickham  
Alameda County Environmental Health Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502

Alameda County

AUG 15 2012

Re: 1549 32<sup>nd</sup> Street, Oakland  
ACEH Case No. RO0002508

Environmental Health

Dear Mr. Wickham:

I forwarded a version of this letter back in May; I'm not sure it made it safely to your desk. If it did, my apologies for sending it twice. This version amends and updates my earlier correspondence.

I am a partner in this property, though have not been actively engaged in the environmental project or previously contemplated redevelopment efforts. In the past your agency has worked with Mr. Frances Rush. This circumstance has changed – I am now principally involved in this property (Mr. Rush is no longer the primary point of contact) and want to do all I can to help you help us bring the project to its proper conclusion. I am in the process of screening consultants for the implementation of the additional investigative activities described in the workplan prepared by ERS and approved by Mr. Khatri on April 22, 2009. I do not anticipate ERS involvement in this project going forward.

We are currently evaluating options for the redevelopment of this property. Our work to revitalize this building is an important element in the redevelopment of the neighborhood; we're very appreciative of your assistance with the important pre-development work. Our current plan involves the rehabilitation of the existing building and the utilization of the adjoining vacant parcel south of the building for surface parking. Prior redevelopment strategies included the construction of structures on the vacant parcel.

From my review of the recent reports and correspondence (specifically the ACEH letter to Mr. Walter Craven dated March 27, 2009) it appears as if prior studies and remedial excavations have demonstrated that the portion of the site occupied by the structure requires no further environmental attention. As we prepare to move forward I would greatly appreciate your concurrence on this. For your information, we hope to be able to build on the property that contains the existing structure in the near term and use the vacant parcel as a parking lot. With your assistance, we would attend to the environmental issues beneath the planned parking lot over the coming years.

Additionally, as described in the ERS workplan and Mr. Khatri's concurrence letter, the only remaining environmental issues are:

1. The determination of the extent of hydrocarbon contamination to the east of the existing structure (on neighboring parcels) and,
2. The examination of the magnitude and extent of TCE detected in ERS boring EB6.

I received a copy of your June 13, 2012 letter by forward regarding the balance due in this file's account, and am enclosing herewith the check you requested. Recognizing the amount of time that has passed, I plan on doing all in my power to see that these funds are invested as efficiently as possible. Redevelopment projects in West Oakland still operate on a shoestring budget.

Once the administrative matters have been satisfied our new consultant will prepare a workplan addendum/update for your review. From my review of the file and my understanding of regulatory requirements, I believe a few small modifications to the previously contemplated scope of work may be in order. If you could offer your opinion on your willingness to consider the following suggested modifications I could offer the appropriate guidance to our consultant.

1. With respect to the solvents detected in groundwater on the vacant parcel, the former consultant proposed further evaluation using soil borings, discrete medial samples (soil, groundwater, soil vapor), and analytical testing. In reviewing the proposal I noticed that there was no discussion of groundwater monitoring wells. I believe it might be useful to exchange the borings for wells. Monitoring wells would allow us to calculate the direction of groundwater movement and be more precise in further investigation, should additional sampling be required. The suite of analysis would remain the same.

Additionally, given our plan to use the lot for surface parking, the soil vapor sampling does not seem necessary. Our objective is to identify the magnitude and extent of contamination and mitigate to the degree required for use of this land as a parking lot. We understand that additional investigation or cleanup may be required to certify the property as suitable for unrestricted redevelopment.

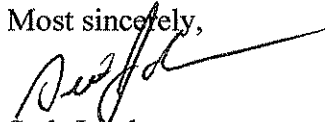
2. With respect to the hydrocarbon contamination detected in borings in the neighboring backyards, Mr. Khatri requested that the proposed borings be taken to a depth greater than that proposed in the workplan. I believe that sampling at this greater depth will require mechanical equipment (as opposed to samples collected by hand). Access to the backyards of the residential properties is complicated. Based on the results of prior sampling and the nature of the presumed release, we believe that work in one of the backyards would have predictive value for the others. We'd like to request that we be allowed to collect the samples in the manner requested by Mr. Khatri in the yard of 2851 Helen first, and use the results of observation and sampling to guide what additional backyard work, if any, would be needed. The facility and the presumed release points are not such that a chaotic or unpredictable distribution of hydrocarbons beneath these upgradient backyards would be expected.

3. There is mention of the fact sheet 2009 file material, but I can't be certain that it was ever submitted or finalized. Please let us know if this still needs to be done. We would like to distribute the sheet to the parcels that adjoin our site to the east, to the property across Hannah Street to the west, and to the owner of the vacant land to the south. I understand there has been difficulty gaining access to the backyard of 2851 Helen Street. We will use the Fact Sheet as the means to communicate our need to access their land for sampling. If access is denied, we would ask that the agency consider relying on data already in hand (the samples collected in the backyard of 2859 Helen show that lateral upgradient migration of hydrocarbons is limited to the area nearest the property line).

Thank you again for all your help. I realize that for a variety of reasons this project has taken longer to complete than any involved party preferred. I am committed to bringing this undertaking to an expedient conclusion, and will work with you to see that we devise and execute the work required to ensure a safe and environmentally protective redevelopment effort.

Please change the address for file point of contact to my letterhead address. I look forward to hearing from you soon.

Most sincerely,



Seth Jacobson

PLEASE NOTE EMAIL

epicurasia@gmail.com