



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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July 31, 2008

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

Subject: Fuel Leak Case No. RO0002508 and Geotracker Global ID T06019741226, Rush Property Group 32nd Street / Precision Lofts, 1549 32nd Street, Oakland, CA 94608

Dear Mr. Rush:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted document entitled, "Revised Work Plan Additional Subsurface Soil and Groundwater Investigation," dated April 4, 2008, which was prepared by ACC Environmental Consultants (ACC) for the subject site. ACC proposes to install eight borings to characterize the soil and groundwater impact on and off-site as well as address comments presented in our July 17, 2007 correspondence.

The proposed scope of work may be implemented provided that the modifications requested in the technical comments below are addressed and incorporated during the field implementation. Submittal of a revised Work Plan is not required unless an alternate scope of work outside that described in the Work Plan and technical comments below is proposed.

We request that you incorporate the following technical comments, perform the proposed work, and send us the technical reports requested below.

TECHNICAL COMMENTS

1. **Fill Material & Contaminant Source Area Characterization** – ACC proposes to install one continuously-cored boring (EB1) within the former north excavation and another continuously-cored boring (EB2) in the former middle excavation to characterize the fill material. ACC proposes to collect one discrete soil sample from 4 feet and one from 8 feet bgs from each boring for analysis of TEPH, LUFT metals, and VOCs and if odors or elevated PID readings are encountered, soil samples will be analyzed for TPH-g and BTEX. Elevated concentrations of lead have been detected in fill material soil as high as 84.8 mg/kg. There is a concern for potential leaching of lead from soil to groundwater. Therefore, in addition to LUFT metals analyses please include soluble threshold limit concentration (STLC) method (i.e. WET) with the analytical suite for soil samples slated for LUFT metals analyses.

Since vertical characterization has not been conducted and appears to be a data gap at the site, please extend the soil borings to at least 20 feet bgs and collect soil samples at four foot intervals, elevated PID readings or visual and olfactory observations of impact, and/or distinct

changes in lithology. You may place the 20 ft bgs soil sample on hold pending the analysis of the shallower soil sample collected above the 20 ft soil sample. If contamination is detected in the shallower soil sample collected above the 20 ft interval, then please analyze the soil sample collected at the 20 foot interval to define the vertical extent of contamination.

2. **Off-site Soil and Groundwater Characterization** – ACC proposes to advance three continuously-cored borings (EB3 through EB5) to a depth of 12 feet bgs, with two located at 2859 Helen Street, and one located at 2851 Helen Street, adjacent to the middle excavation at the subject site. Please note that TPH-ho was detected at 1,900 mg/kg in B5 located adjacent to 2863 Helen Street and a boring to delineate impact in that direction has not been proposed and the proposed borings do not appear to provide additional data needed to delineate the vertical and lateral impact toward the property at 2863 Helen Street. Off-site characterization at adjacent properties located at 2863, 2859, and 2851 Helen Street was requested in our July 17, 2007 correspondence and was agreed upon in a meeting held at ACEH on April 2, 2008. Collecting soil and groundwater analytical data at the adjacent properties mentioned above appears crucial in completing site characterization for the subject site. To address this potential data gap, please include an additional boring at the property located at 2863 Helen Street. Also, extend the depths of the proposed borings to 20 feet bgs and collect soil samples at four foot intervals, elevated PID readings or visual and olfactory observations of impact, and/or distinct changes in lithology. You may place the 20 ft bgs soil sample on hold pending the analysis of the shallower soil sample collected above the 20 ft soil sample. If contamination is detected in the shallower soil sample collected above the 20 ft interval, then please analyze the soil sample collected at the 20 foot interval to define the vertical extent of contamination.
3. **Former Putty and Paint Factory at 2885 Hannah Street** – Two continuously-cored borings to a depth of 12 feet bgs are proposed at the former putty and paint factory located at 2885 Hannah Street by ACC. To adequately characterize the vertical extent of potential impact at the site, please extend the depths of the borings to 20 feet bgs and collect soil samples at four foot intervals, elevated PID readings or visual and olfactory observations of impact, and/or distinct changes in lithology. You may place the 20 ft bgs soil sample on hold pending the analysis of the shallower soil sample collected above the 20 ft soil sample. If contamination is detected in the shallower soil sample collected above the 20 ft interval, then please analyze the soil sample collected at the 20 foot interval to define the vertical extent of contamination.
4. **"Dist" Tank** – Boring EB8 is proposed to be installed in vicinity of the former "Dist" tank area. As stated above, please extend the depth of the proposed boring to 20 feet bgs and collect soil samples at four foot intervals, elevated PID readings or visual and olfactory observations of impact, and/or distinct changes in lithology. You may place the 20 ft bgs soil sample on hold pending the analysis of the shallower soil sample collected above the 20 ft soil sample. If contamination is detected in the shallower soil sample collected above the 20 ft interval, then please analyze the soil sample collected at the 20 foot interval to define the vertical extent of contamination.
5. **Risk Evaluation** – ACC proposes to evaluate estimated human health risk by preparing a Tier 1 Risk Evaluation using RWQCB ESLs and comparing them to high and average concentrations of constituents of concern. Please note that ESLs must be justified to be applicable to your site based on a comparison of site conditions to assumptions used to

derive the ESL. Also, please compare only the highest concentration of the contaminant of concern detected at the site to the applicable ESL for that contaminant of concern.

NOTIFICATION OF FIELDWORK ACTIVITIES

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

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Paresh Khatri), according to the following schedule:

- **August 28, 2008** – Complete Fieldwork
- **October 27, 2008** – Soil and Water Investigation Report

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover

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letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

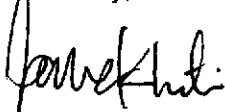
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

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

If you have any questions, please call me at (510) 777-2478 or send me an electronic mail message at pareskhatri@acgov.org.

Sincerely,



Pares C. Khatri
Hazardous Materials Specialist



Donna L. Drogos, PE
Supervising Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Dave DeMent, Environmental Risk Services Corp., 1600 Riviera Avenue, Walnut Creek, CA 94596
Adam Kaye, Market Holdings, LLC, 401 Roland Way, Suite 220, Oakland, CA 94621
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032
Donna Drogos, ACEH (sent via electronic mail)
Pares Khatri, ACEH (sent via electronic mail)
File

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: December 16, 2005
	PREVIOUS REVISIONS: October 31, 2005
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

Effective **January 31, 2006**, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

REQUIREMENTS

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- Signature pages and perjury statements **must** be included and have either original or electronic signature.
- **Do not password protect the document**. Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:
RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

Submission Instructions

- 1) Obtain User Name and Password:
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to dehloptoxic@acgov.org
 - or
 - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of Alicia Lam-Finneke.
 - b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses, and the Case Numbers (RO# available in Geotracker) you will be posting for.**
- 2) Upload Files to the ftp Site
 - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape and Firefox browsers will not open the FTP site.
 - b) Click on File, then on Login As.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
 - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to dehloptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name at acgov.org. (e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload)