

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

June 7, 2006

Mr. Chong Kim
2601 Telegraph Ave.
Oakland, CA 94612

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

Dear Mr. Kim:

Subject: Leak Case RO0002514, 925-949 W. Grand Ave., Oakland, CA 94607

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the subject site including the May 5, 2006 Report on the Search for Underground Storage Tanks and Environmental Site Condition at the Commercial Retail Center Located at 925-949 West Grand Avenue Oakland, California, prepared by Golden Gate Tank Removal. This report provides a historical background, a summary of historical investigations, a report summarizing the results of an investigation to locate underground storage tanks and recommendations to complete the assessment of petroleum and chlorinated solvent impacts to soil and groundwater. We generally concur with the approach to install additional monitoring wells, determine the vertical extent of the contamination, perform a sensitive receptor survey and prepare a Site Conceptual Model (SCM). We have the following technical comments and request you submit the technical reports requested below.

TECHNICAL COMMENTS

1. It would be appropriate to perform your vertical delineation of contamination prior to installing the proposed monitoring wells. This information can identify the presence of multiple permeable lenses, water-bearing zones and also identify where the contaminant exists vertically. We recommend that the proposed cone penetration-testing (CPT) also use technology that can identify the presence of volatile compounds, both petroleum and chlorinated. Your work plan, requested below, should identify appropriate locations, methods and depths for your CPT borings.
2. Seven monitoring wells have been proposed in the referenced report. We believe that the exact number, location and construction of monitoring wells should be determined after performing preliminary CPT borings. Some of the proposed locations may not require a monitoring well, particularly in the presumed up-gradient direction, where soil and groundwater data may be all that is needed. We encourage using expedited site assessment techniques such as the proposed CPT and an on-site laboratory to make real time decisions. Well construction and locations may be recommended and approved for installation during the same field event. Your preliminary site conceptual model should be confirmed or modified based upon the results of this investigation and determines your next actions.

TECHNICAL REPORT REQUEST

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

- July 7, 2006- Work plan for CPT investigation and soil and groundwater investigation.
- July 7, 2006- 2nd Quarter 2006 monitoring report
- October 7, 2006- 3rd Quarter 2006 monitoring report
- January 7, 2007- 4th Quarter 2006 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).

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 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.

Mr. Kim
925-949 W. Grand Ave.
Page 3 of 3

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

C: files, D. Drogos
Mr. Sami Malaeb, Golden Gate Tank Removal, Inc., 255 Shipley St., San Francisco,
CA 94107
Mr. Don Kim, 1580 Taraval Street, San Francisco, CA 94116
0_7_00 925_949 W Grand

Pollution Prevention Practices in Auto Body and Paint Shops

Sanding Waste Management

Sanding body panels is essential for proper surface preparation and to promote paint adhesion. The process produces airborne dust particles from body filler, welding, body surface, and old coatings. These fine particles are inhaled by workers and may cause health or breathing problems. Sanding waste may be toxic if it contains heavy metals such as cadmium, chromium, nickel, copper, lead, and zinc. Exposure to these toxic contaminants can cause serious illness to workers and the toxic particles may be taken home on clothing. If not collected, sanding dust is tracked around the shop floor and to outside areas. Sanding waste should not be tracked or washed to areas outside the shop, even if the sanding dust is considered nonhazardous.

Dry Sanding Best Practices

Dry sanding is preferred over wet sanding because it does not introduce an additional waste stream, contaminated water.

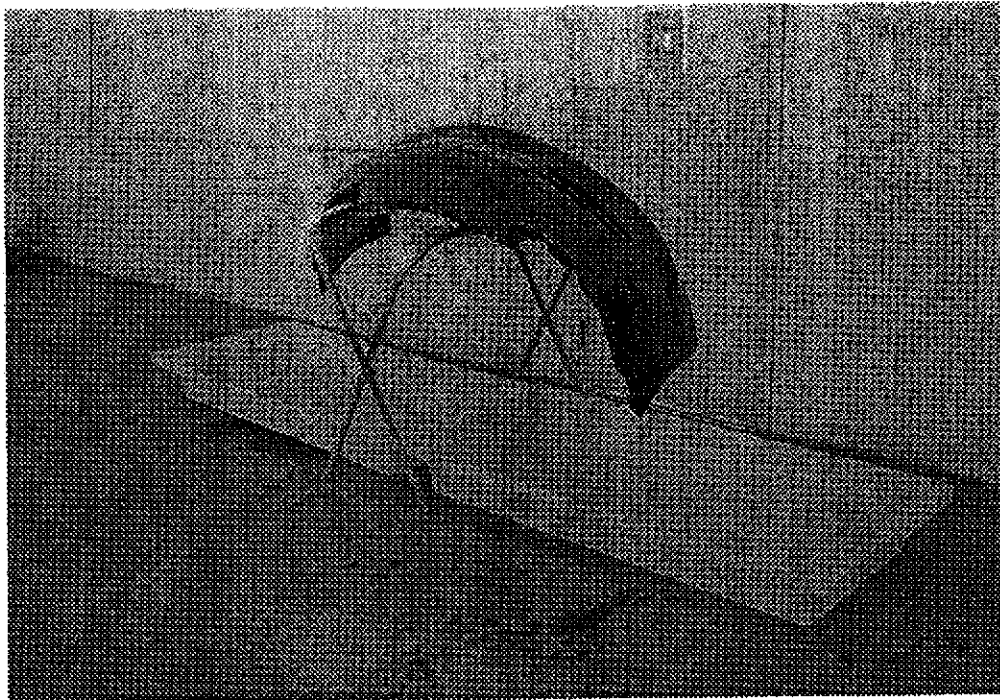
- Use vacuum sanding to collect dust as you work. Many sanding tools are available for every kind of job. This practice will reduce clean up time and reduce worker exposure to airborne pollutants. Some examples are:
 - A high velocity, low volume (HVLV) ventilated sanding system;
 - A vacuum unit with HEPA filtration; and
 - A low cost portable vacuum or a commercial grade vacuum system with HEPA filtration.
- Collect dust as sanding tasks are completed to prevent tracking to areas inside and outside the shop.
- Do not wash dust to the ground outside the shop or into storm drains.
- Avoid excessive sweeping which will send small particles into the air to be inhaled.
- Sand only in designated areas to avoid spreading the waste around the shop.
- Wear disposable (tyvek) or cloth coveralls and leave them at work to prevent toxic particles from being taken home.
- Protect your health by wearing a respirator. Be sure staff is properly trained, fit tested, and have regular medical monitoring. See the Health and Safety fact sheet for more information.

Wet Sanding Best Practices

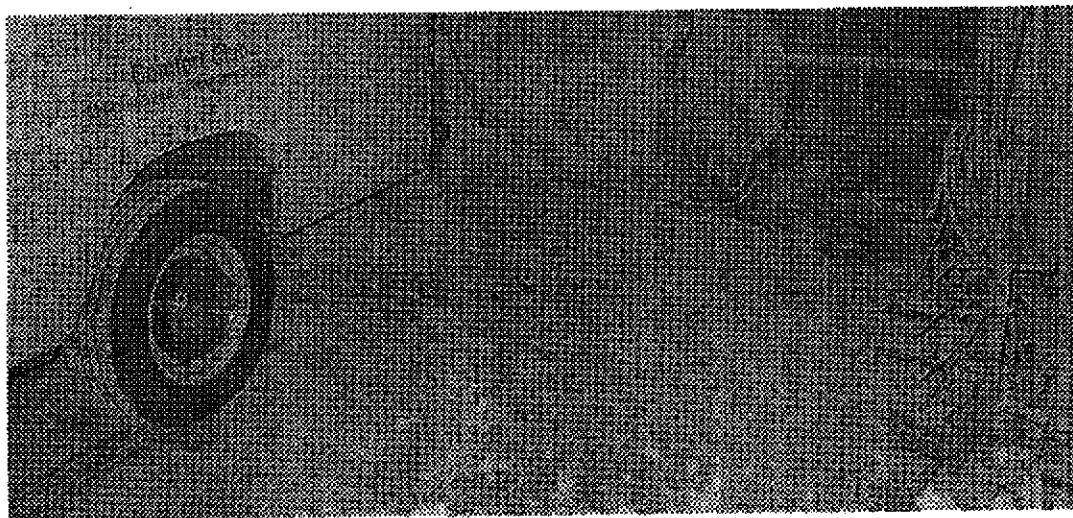
If you need to wet sand some parts, such as bumpers, control the waste water so it does not flow to gutters, streets or storm drains.

- Use a spray bottle to wet a small surface area and collect it in a drip pan.
- Install a clarifier to collect wet sanding waste. This will separate the solids before discharging water to the sewer.
 - Be sure the clarifier is designed for your specific needs. For example, is the capacity and design of the clarifier adequate to separate solids?
 - Do not dispose of sludge or hazardous waste to the sewer.
 - Have clarifier sludge removed by a service contractor that properly disposes of the waste.
 - Dispose of clarifier sludge as hazardous waste unless you have done an analysis or have information showing that it is nonhazardous waste.
- Do not sweep or wash sanding dust to storm drains or outside areas.

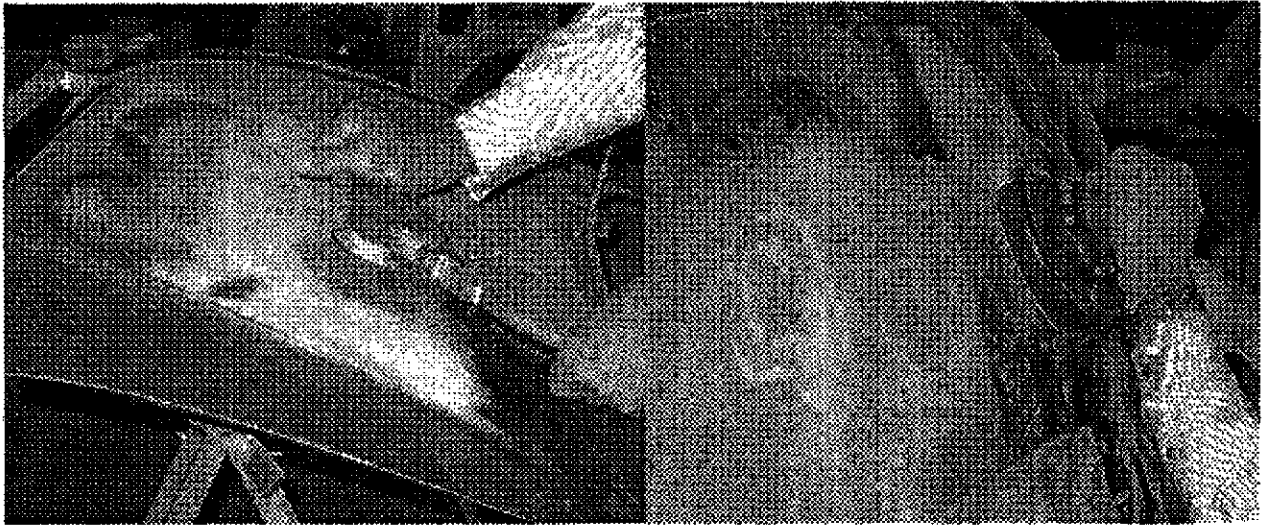
For more information on oil/water separator maintenance, see the DTSC Fact Sheet "Oil/Water Separators" in the Pollution Prevention for Auto Repair and Fleet Maintenance Toolkit. <http://www.dtsc.ca.gov/PollutionPrevention/VSR/upload/OilWaterSep02.pdf>



Drip pans collect wet sanding waste



Unmanaged sanding dust falls on the floor and is tracked out of the shop.



Most of the dust is collected with vacuum sanding.

Vendor Contact Information

(Other vendors may provide similar or identical products and services. Mention of trade names, products, or services does not convey, and should not be interpreted as conveying any government approval, endorsement, or recommendation.)

Equipment Trade Service Co. Inc.	http://www.etscompany.com/vacuum/index.html	877-824-7763	Vacuum systems
On Site Waste Management	http://www.onsitewastemgmt.com	800-255-6073	Vacuum systems
Eurovac	http://www.eurovac.com	800-265-3878	Vacuum systems
Precision for Collision	http://www.pfcoequipment.com	800-922-5501	Vacuum systems
Dynabrade	http://www.dynabrade.com	800-828-7333	Vacuum sanding tools
Tiger-Vac Inc.	http://www.tiger-vac.com	800-668-4437	Vacuum sanding systems and industrial vacuum cleaners
Clayton	http://www.jclayton.com	800-248-8650	Vacuum sanding systems
Lab Safety Supply	http://www.labsafety.com	800-356-0783	"Dixie Econo-Dikes" containment used as drip pan for wet sanding

Is your sanding waste hazardous?

You may assume that all the sanding waste you generate is hazardous waste and manage and dispose of it as such. Disposable wipes, such as those used to wipe after sanding zinc-based primer, should also be assumed to be hazardous waste. If you work on older cars and/or do complete jobs, it is more likely that the sanding waste is hazardous.

Alternatively, you may test a minimum number of representative samples of your waste sanding dust and wipes to characterize the waste. If you determine that the waste is not hazardous, you need to show that your current process is consistent with those results. Follow the procedures listed in the box to determine if your sanding waste is hazardous.

See the "Hazardous Waste in Auto Body and Paint Shops" fact sheet for more information on hazardous waste determination.

How to determine if sanding waste is hazardous

- Find an accredited lab that tests environmental samples. Go to <http://www.dhs.ca.gov/ps/ls/elap/html/lablist.htm> or call (510) 540-2800 to find an accredited lab.
- Work with the lab to identify sampling and testing criteria.
- Test for total metals limit concentrations (TTLIC).
- Test for soluble threshold limit concentrations (STLC), if necessary.
- Take representative samples on at least 2 different occasions and send them to the lab.
- Keep test results in shop records and make them available upon request to local and state inspectors.
- If you have questions, contact your local hazardous waste agency.
<http://www.calepa.ca.gov/CUPA/CUPAMail.htm>

Hazardous Waste Regulatory Requirements

For information on regulatory requirements contact your local CUPA online at http://www.dtsc.ca.gov/InformationResources/local_contacts.cfm or contact the Department of Toxic Substances Control (DTSC) at (800) 728-6942, http://www.dtsc.ca.gov/ContactDTSC/duty_officers.cfm

To get an EPA ID number, contact:

DTSC
Generator Information Services Unit
(916) 255-1136
(800) 618-6942

For additional information on auto body and paint shop pollution prevention practices and a list of available publications contact:

DTSC
Office of Pollution Prevention and Technology Development
P.O. Box 806
Sacramento, CA 95812-0806
(916) 322-3670
(800) 700-5854
<http://www.dtsc.ca.gov/PollutionPrevention/index.cfm>

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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



SENT
4-20-05

April 19, 2005

Mr. Chong Kim
2601 Telegraph Ave.
Oakland, CA 94612

ENVIRONMENTAL HEALTH SERVICES

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

Dear Mr. Kim:

Subject: Leak Case RO0002514, 925-949 W. Grand Ave., Oakland, CA 94607

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the subject site including the March 16, 2005 Aqua Science Engineers (ASE) *Workplan for Additional Soil and Groundwater Assessment*. The work plan intentions are to define the extent of petroleum and halogenated volatile organic compounds (HVOCs) in soil and groundwater and to investigate areas of potential chemical use/storage. We request that you address the following technical comments and submit the technical reports requested below.

TECHNICAL COMMENTS

1. We recommend that the locations of the northernmost borings be adjusted to provide coverage of the entire northern boundary along W. Grand Ave. To accomplish this, the three borings should be located on the east and west property boundaries and the third boring in the middle of these two. We further recommend an additional boring be located adjacent to the existing building, approximately 40' south of the above referenced middle boring. Data from this boring will further clarify the extent and number of sources affecting this site. Please provide a work plan addendum (preferably by e mail) reflecting these changes as requested below.
2. We note that the 1st quarter 2005 monitoring report has not yet been submitted to our office. Please submit as requested below.

TECHNICAL REPORT REQUEST

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

- April 26, 2005- Groundwater Monitoring report for 1st quarter 05 and work plan addendum
- 90 days after work plan addendum submittal- Soil and Groundwater Investigation report

Please call me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, D. Drogos
Mr. Robert Kitay, ASE, 208 W. El Pintado Rd., Danville, CA 94526
Mr. Don Kim, 80 Grand Ave., Ste. 205, Oakland, CA 94612

4_19_05 925WGrand

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



sent
01-14-05

January 13, 2005

Mr. Chong Kim
2601 Telegraph Ave.
Oakland, CA 94612

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

Dear Mr. Kim:

Subject: Leak Case RO0002514, 925-949 W. Grand Ave., Oakland, CA 94607

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the subject site including the September 30, 2004 Soil and Groundwater Assessment prepared by Aqua Science Engineers (ASE) and determined that additional information is needed at your site to progress towards case closure. We request that you address the following technical comments and submit the technical reports requested below.

TECHNICAL COMMENTS

1. Groundwater Monitoring- Please perform groundwater monitoring at this site on a quarterly basis. Please analyze groundwater samples for TPH as diesel, TPH as gasoline, BTEX, MTBE and halogenated volatile organic compounds (HVOCs). EPA Method 8260 is recommended for this analysis.
2. Phase I information- We request that you provide figure(s) of the historical locations of buildings and all known uses within the buildings and on the property. It appears that there may be areas of potential chemical use or storage, which have not yet been investigated. The use of Sanborn maps is advisable. Please include a sampling proposal for any areas of concern identified in the report requested below.
3. The extent of the petroleum and HVOC releases has not been defined. In addition, off-site sources of these releases have been alluded to but have not been verified. Additional investigation will be required to define the extent of the releases and identify other sources of contamination. Please include a proposal for additional plume definition in the report requested below.
4. Utility/preferential pathway investigation- our office previously requested that you perform a utilities investigation within and adjacent to the site, particularly near the former dry cleaning units. Please provide this information and propose, as necessary, any sampling along identified utilities in the technical report requested below.
5. We understand that you would like a meeting to discuss the potential residential development of this property. We suggest that a meeting be scheduled at the same time you submit the requested technical reports.

TECHNICAL REPORT REQUEST

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

January 13, 2005
Mr. Chong Kim
RO0002514, 925-949 W. Grand Ave., Oakland, CA 94607
Page 2

- February 15, 2005- Groundwater Monitoring report for 1st quarter 05, Phase I figures and sampling proposal, plume definition work plan and utilities investigation report.
- May 15, 2005- Groundwater Monitoring report for 2nd quarter 05
- August 15, 2005- Groundwater Monitoring report for 3rd quarter 05
- November 15, 2005- Groundwater Monitoring report for 4th quarter 05

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

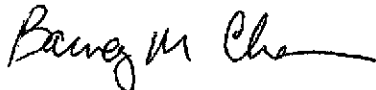
The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For 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.

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.

Please call me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, D. Drogos
Mr. Robert Kitay, ASE, 208 W. El Pintado Rd., Danville, CA 94526
Mr. Don Kim, 80 Grand Ave., Ste. 205, Oakland, CA 94612

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



ENT
02-23-04

February 20, 2004

Mr. Chong Kim
949 W. Grand Ave.
Oakland, CA 94607

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

Dear Mr. Kim:

Subject: Leak Case RO0002514, 949 W. Grand Ave., Oakland, CA 94607

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the subject site including the January 28, 2004 *Workplan for a Soil and Groundwater Assessment* by Aqua Science Engineers Inc., (ASE). This work plan proposes investigation to determine the extent and magnitude of releases of petroleum and halogenated volatile organic compounds (HVOCS) in soil and groundwater from this site. Three monitoring wells and three borings are proposed in this work plan. We request that you address the following technical comments prior to and while performing this work.

TECHNICAL COMMENTS

1. As previously stated in our April 16, 2003 letter to Mr. Steven Burke, our office requests the investigation of the utilities (particularly sanitary sewer) within and adjacent to this property. Such utilities are known to be sources of HVOC releases as a result of disposal of chemical waste. A boring(s) along the utility may be necessary to determine if this is a potential source of contamination.
2. In regards to soil sampling from the proposed borings and monitoring wells, we request that soil samples be screened every five feet and continued vertically until the extent of contamination is determined. Screening results shall dictate the samples to be analyzed. This may result in extending soil sampling beneath the first encountered groundwater and may also require the analysis of more than one sample per borehole.
3. We approve the installation of the proposed wells and chemical analyses, however, based upon the groundwater gradient determined for the site, additional borings and/or wells may be necessary. Please review previous data from samples GW1 and GW2 plus the data from the well installations prior to installing additional borings. Once this has been done, please confirm the number and locations of the additional borings.

Please notify our office when this work is scheduled. You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, D. Drogos
Mr. R. Kitay, ASE Inc., 208 W. El Pintado, Danville, CA 94526

Wpap949WGrandAve

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



00-03-03

ENVIRONMENTAL HEALTH SERVICES

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

June 3, 2003

Mr. Steven Burke
Burke Commercial Real Estate
2030 Franklin, 4th Floor
Oakland, CA 94612

Dear Mr. Burke:

Subject: Fuel Leak Case RO0002514, 925 West Grand Ave., Oakland, CA 94607

Alameda County Environmental Health, Local Oversight Program (LOP) staff has recently reviewed the May 27, 2003 Limited Soil and Groundwater Investigation 925-949 West Grand Ave. prepared by Eras Environmental. This report provides analytical and geologic data from four borings (A-E). These borings were advanced to further investigate the release of gasoline and halogenated volatile organic compounds (HVOCs) previously identified. We request that you address the following technical comments below and submit the requested technical report.

Technical Comments

1. Based upon the results of this investigation the extent of the release to groundwater has not been defined nor has the groundwater gradient. Therefore, additional groundwater investigation will be required as will be the installation of monitoring wells.
2. Although the report states that sewer and water lines are not likely influencing the migration of contamination, we request that the sanitary sewer lateral from this building within the former dry cleaner be investigated for leaks as this is a common source of contamination.

Technical Report Request

- July 7, 2003- Work plan for additional groundwater and sanitary sewer investigation.

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

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, D.Drogos

Mr. D. Siegel, Eras Environmental, Inc., 20861 Wilbeam Ave., Suite 4, Castro Valley,
CA 94546-5832

Mr. Don Kim, 740 Great Highway, #3, San Francisco, CA 94121

Wprq925 WestGrand

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



04-7-03

April 16, 2003

Mr. Steven Burke
Burke Commercial Real Estate
2030 Franklin, 4th Floor
Oakland, CA94612

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

Dear Mr. Burke:

Subject: Fuel Leak Case RO0002514, 925 West Grand Ave., Oakland, CA 94607

Alameda County Environmental Health, Local Oversight Program (LOP) staff has recently reviewed the case file for the referenced site including the April 8, 2003 Workplan Summary from Eras Environmental. We have discussed the work plan with your consultant and understand the intentions of it are to determine the limits of the fuel release and determine whether further investigation and remediation will be required for case closure. The work plan is approved, however, we request that you address the following technical comments when performing the work.

Technical Comments

1. The location of the borings should be modified. There are indications that the groundwater gradient may be southwesterly, therefore, one boring should be moved within the former Dip Paint Area, either inside or immediately adjacent to the existing building. The other boring locations should be shifted accordingly using field screen results as guidance. To best determine gradient, we recommend installing temporary well casings into these borings and surveying the top of each casing.
2. Please run your soil and grab groundwater samples for the following analytes: TPHg, and by EPA Method 8260, BTEX, MTBE and the other ether oxygenates and lead scavengers and halogenated volatile compounds.
3. Please include a cross-sectional diagram(s) using the past and new boring log data.
4. Please investigate the presence of all utilities within and adjacent to this site and determine if they may act as preferential pathways for contaminant migration.

Technical Report Request

- Please submit your investigation report within 45 days of completion of your field work.

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

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, D. Drogos

Ms. Gail Jones, ERAS Environmental, 20861 Wilbeam Ave., Ste. 4, Castro Valley, CA 94546-5832

Wpap925WestGrand

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



03-17-03

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

March 17, 2003

Mr. Stephen Burke
Burke Commercial Real Estate
2030 Franklin, 4th Floor
Oakland CA 94612

Subject: RO0002514, 925-949 W. Grand Ave., Oakland 94607

LANDOWNER NOTIFICATION AND PARTICIPATION REQUIREMENTS

Dear Mr. Burke:

This letter is to inform you of new legislative requirements pertaining to cleanup and closure of sites where an unauthorized release of hazardous substance, including petroleum, has occurred from an underground storage tank (UST). Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code requires the primary or active responsible party to notify all current record owners of fee title to the site of: 1) a site cleanup proposal, 2) a site closure proposal, 3) a local agency intention to make a determination that no further action is required, and 4) a local agency intention to issue a closure letter. Section 25297.15(b) requires the local agency to take all reasonable steps to accommodate responsible landowners' participation in the cleanup or site closure process and to consider their input and recommendations.

For purposes of implementing these sections, you have been identified as the primary or active responsible party. Please provide to this agency, within twenty (20) calendar days of receipt of this notice, a complete mailing list of all current record owners of fee title to the site. You may use the enclosed "list of landowners" form (sample letter 2) as a template to comply with this requirement. If the list of current record owners of fee title to the site changes, you must notify the local agency of the change within 20 calendar days from when you are notified of the change.

In addition, our office is considering your request for site closure. Please also complete and submit a "notice of proposed action submitted to local agency" form. You may use sample letter 3, enclosed.

If you are the sole landowner, please indicate that on the landowner list form. The following notice requirements do not apply to responsible parties who are the sole landowner for the site.

Mr. Stephen Burke
LANDOWNER NOTIFICATION
Re: 925-949 W. Grand Ave., Oakland CA 94607
March 17, 2003
Page 2 of 2

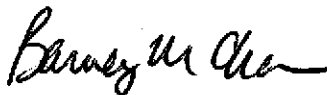
In accordance with Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code, you must certify to the local agency that all current record owners of fee title to the site have been informed of the proposed action before the local agency may do any of the following:

- 1) consider a cleanup proposal (corrective action plan)
- 2) consider a site closure proposal
- 3) make a determination that no further action is required
- 4) issue a closure letter

You may use the enclosed "notice of proposed action" form (sample letter 3) as a template to comply with this requirement. Before approving a cleanup proposal or site closure proposal, determining that no further action is required, or issuing a closure letter, the local agency will take all reasonable steps necessary to accommodate responsible landowner participation in the cleanup and site closure process and will consider all input and recommendations from any responsible landowner.

Please call me at (510) 567-6765 should you have any questions about the content of this letter.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

Attachments

c: B. Graham, RWQCB

SAMPLE LETTER (2): LIST OF LANDOWNERS FORM

Name of local agency
Street address
City

SUBJECT: CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR (*Site Name and Address*)

(Note: Fill out item 1 if there are multiple site landowners. If you are the sole site landowner, skip item 1 and fill out item 2.)

1. In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (*name of primary responsible party*), certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site:

2. In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (*name of primary responsible party*), certify that I am the sole landowner for the above site.

Sincerely,

Signature of primary responsible party

Name of primary responsible party

SAMPLE LETTER 3: NOTICE OF PROPOSED ACTION SUBMITTED TO LOCAL AGENCY

Name of local agency
Street address
City

SUBJECT: NOTICE OF PROPOSED ACTION SUBMITTED TO LOCAL AGENCY
FOR *(Site Name and Address)*

In accordance with section 25297,15(a) of Chapter 6.7 of the Health & Safety Code, I, *(name of primary responsible party)*, certify that I have notified all responsible landowners of the enclosed proposed action. Check space for applicable proposed action(s):

- cleanup proposal (corrective action plan)
- site closure proposal
- local agency intention to make a determination that no further action is required
- local agency intention to issue a closure letter

Sincerely,

Signature of primary responsible party

Name of primary responsible party

cc: Names and addresses of all record fee title owners