

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



7

July 24, 2006

Mr. Tom McCoy
Brush Street Partners
1155 3rd St., Suite 230
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. McCoy:

Subject: Toxics Case ~~XXXXXXXXXX~~, 751-785 7th St., Oakland, CA 94607,
Former Francis Plating

Alameda County Environmental Health staff has received and reviewed the June 5, 2006 Transmittal of Report on Phase II and Focused Phase III Investigation and Frog Pond Removal Workplan, 751-785 Seventh Street, Oakland, California prepared by Baseline Environmental Consulting. The report provides the results of the Phase III investigation of the Frog Pond area. Six borings were proposed to investigate the presence of halogenated volatile compounds (HVOCs) previously detected in boring B-FP14. A soil gas survey was also proposed to evaluate potential risk from volatilization from the detected HVOCs, however, this was not performed. Boring B-FP23A was attempted within the former Frog Pond, however, was unsuccessful in drilling through the concrete bottom. Boring FP23 was ultimately drilled just south of this attempted boring, just outside the Frog Pond perimeter. HVOCs were detected in both soil and groundwater samples in these samples. The source of this contamination remains unclear, however, it does not appear that the contamination is the result of an up-gradient source. In addition, during this investigation, water sampled from boring B-FP23 appeared greenish yellow and therefore was analyzed for metals. Elevated total chromium and hexavalent chromium was detected in the water sample. These results are indicative of a source of dissolved chromium contamination, coming likely from beneath the former Frog Pond area, a known storage area for metal waste materials. The subject report also recommends the demolition, sampling and potential excavation of the soils beneath the former Frog Pond. Our office believes there is a potential source of HVOCs, as well as metals contamination beneath the former Frog Pond area, therefore, our office approves the work plan.

Please address the following technical comments when performing this work.

TECHNICAL COMMENTS

1. After the Frog Pond inspection is completed the floor and sidewalls will be inspected for cracks, drains, openings, etc. Soil beneath any identified potential leak area should be sampled in addition to the proposed random locations.
2. The exposed soil screening process is proposed to be done visually. Because the contaminant may contain HVOCs, we recommend screening soils using a PID instrument. In addition, because of potential metal sludge contamination, we suggest screening for pH and extracting soil with distilled water and observing for

potential coloration from dissolved metals. We suggest that the screening be done in at least two locations within the proposed five cells proposed.

3. After the excavation of the Frog Pond, monitoring well(s) will be required in this area to determine groundwater impacts to metals and HVOCs, as well as determining what monitoring requirements are necessary for the rest of the site.

TECHNICAL REPORT REQUEST

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

- 45 days after completion of investigation- Phase II and Phase III report and monitoring well work plan

GEOTRACKER EDF SUBMITTALS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) now request submission of reports in electronic form. The electronic copy is intended to replace the need for a paper copy 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 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, electronic submittal of a complete copy of all reports (UST & non-UST) is required in Geotracker (in PDF format). Please visit the State Water Resources Control Board at (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting) for more information on these requirements.

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 case.

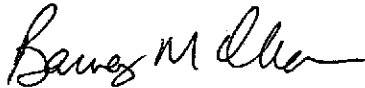
Mr. McCoy
July 24, 2006
Page 3 of 3

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 case meet this requirement.

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

C: files, D.Drogos, A. Levi
Ms. Lydia Huang, Baseline, 5900 Hollis St., "D", Emeryville, CA 94608-2008
7_19_06 751-785 7th St

Drogos, Donna, Env. Health

From: Drogos, Donna, Env. Health
Sent: Thursday, June 22, 2006 3:49 PM
To: Pitcher, Bill, Env. Health
Cc: Levi, Ariu, Env. Health; Kears, Dave, HCSA
Subject: RO2586 - 751-785 7th St, Oakland

Importance: High

Attachments: RO2586-751 7TH ST Oakland DirLtrs.pdf



RO2586-751 7TH
ST Oakland DirL...

Bill,

I met with Leroy Griffin from Oakland Fire today & we discussed the site. I gave him copies of our directive letters (listed below & attached to this e-mail).

E-mail dated August 31, 2004
October 1, 2004
March 1, 2005
July 21, 2005
October 7, 2005
February 15, 2006
March 17, 2006

ACEH has actively worked on this case beginning with a July 2004 meeting with the RP and their consultant. Our most recent report from the RP was received on June 7, 2006 and is currently under review by our office.

Significant delay on the project has occurred due to the reluctance of the RP to submit reports and obtain appropriate site investigation (contaminant testing) data. This culminated in a request from Mark Gomez of the City of Oakland (during a meeting on July 24, 2005) that ACEH close the site with a deed restriction without knowing what contaminants are present or where they are located on the site. Mark's rationale for this request was that we all know the site is contaminated so just put a deed restriction on the property. ACEH found this argument flawed as it is necessary to know what type of pollution is present and where is it located (e.g., are carcinogenic substances present at depths that can cause volatilization to indoor air) before risk can be evaluated and appropriate site restrictions detailed in the deed restriction. This cannot be determined without site data. Additionally, the site is proposed to be developed into affordable housing. It is located in a West Oakland neighborhood that has a community group that is very active in environmental justice issues pertaining to contaminated sites.

Leroy is going to provide our directive letters to Margot Lederer Prado at the City of Oakland this afternoon. He indicated that she likely is not aware that ACEH has been reviewing reports and issuing directive letters for this site. Leroy will try to arrange a meeting with himself, Margot, Ariu & I tomorrow to address this issue.

Additional Site Background: The site is a metals plating facility that also accepted toxic waste (without the appropriate Haz Mat licenses) from numerous sources. In 1998 the USEPA undertook emergency hazardous materials removal actions to dispose of the stored toxic materials after the plating shop bankrupted and shutdown the facility without proper closure procedures.

If you need further information please let me know.

Donna

Donna L. Drogos, PE
LOP Program Manager
Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502

510-567-6721
donna.drogos@acgov.org

-----Original Message-----

From: Pitcher, Bill, Env. Health
Sent: Wednesday, June 21, 2006 1:57 PM
To: Kears, Dave, HCSA
Cc: Levi, Ariu, Env. Health; Drogos, Donna, Env. Health
Subject: FW: City of Oakland

Hi Dave: I talked to Donna Drogos about this. Ariu Levi is off until Friday and will then be off on vacation for two weeks. He has been working on this project with field staff. According to Donna, this site was an illegal Haz-Mat Facility (plating), which has a waste disposal area that has not been evaluated with sampling. The responsible parties are reluctant to do the chemical tests, and are pressuring the City of Oakland to coerce us to sign it off without the necessary evaluation. The City wants to construct low cost housing on the site. Donna will contact the Oakland Fire/Haz-Mat Department, because she is confident that they support our position. Apparently Ariu is considering transferring the cast to the Department of Toxics to force the owners to conduct the necessary soil tests. They are looking forward to meeting with the City to resolve this matter. Bill

-----Original Message-----

From: Linder, Sarah, HCSA
Sent: Wednesday, June 21, 2006 1:12 PM
To: Pitcher, Bill, Env. Health
Subject: FW: City of Oakland

-----Original Message-----

From: Kears, Dave, HCSA
Sent: Wednesday, June 21, 2006 12:07 PM
To: Linder, Sarah, HCSA
Subject: Fw: City of Oakland

Forward to Bill Pitcher. Dave

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Kern, Bruce - EDAB
To: Kears, Dave, HCSA
Sent: Wed Jun 21 11:13:11 2006
Subject: City of Oakland

Hi Dave – Here is the letter I referenced with regard to Brownfield environmental site assessment in the City of Oakland. When your schedule permits, I would like to arrange for us to meet with the City of Oakland Department Heads to explore ways to improve our working relationship. Please let me know and I will coordinate the meeting. Thanks, Bruce

Tracking:

Recipient

Pitcher, Bill, Env. Health
Levi, Ariu, Env. Health
Kears, Dave, HCSA

Read

Read: 6/22/2006 3:57 PM
Read: 6/22/2006 3:53 PM

Pitcher, Bill, Env. Health

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Forward to Bill Pitcher. Dave



ltr to Bruce Kern re
ACEHA (2)...

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Kern, Bruce - EDAB
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Sent: Wed Jun 21 11:13:11 2006
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Bruce



URBAN LAND REDEVELOPMENT TEAM/ BROWNFIELDS PROGRAM
250 FRANK H. OGAWA PLAZA, 3th FLOOR • OAKLAND, CALIFORNIA
94612-2032

June 15, 2006

Bruce Kern, Executive Director, East Bay EDA
 County of Alameda/Contra Costa

Dear Bruce,

This letter is in reference to our experiences with the Alameda County Environmental Health Agency (ACEHA) in regards to oversight of brownfield environmental site assessments within the City of Oakland. The Public Works Agency, Fire Department/Hazardous Materials unit and Community & Economic Development Agency have all experienced tremendous challenges working with ACHEA on the expedient clearance and oversight of the private development projects that are required to receive approvals from the ACHEA on their environmental clean up plans. An illustration of the types of problems experienced follows:

Case Example:: 20,000 sf site in West Oakland (.785 7th Street) Former plating factory.

- Case submitted to ACHEA June 03
- Oct 03 Staff shortages at ACHEA noted- no progress
- Jan 04 Still no progress
- March 04 Conversations between ACHEA and the City re staffing gaps and potential for city-funded staff to review
- June 04 MOU between City and County mentioned in conversations
- Aug 04 owner provides deposit of \$6,000 as requested by ACHEA for review
- Oct 04 Still not response to environmental clean up work plan

This goes on and on with documentation by the Owner stopped but can be relayed verbally (now its June 06 and still the County has not yet signed off on the consultants environmental work plan for clean up). This story is repeated many-fold. Fire and Public Works personnel can document or relay these cases as needed, but the point is clear... the rehabilitation and redevelopment of contaminated sites in the City of Oakland is extraordinarily hampered when the regulatory sign off agency for clean up is Alameda County Environmental Health Agency. In-fill development of vacant and former commercial/industrial sites forms the majority of the development applications for new construction in Oakland as well as other Alameda County cities today. The Smart Growth movement mandates this and it is the current thinking of all cities to preserve our last remaining open space. Please help insure that Alameda County continues to grow "smartly" by amending the current mode of operation within the ACEHA and expediting the approval of Remediation Action Plans for the cleanup of brownfield sites in the City of Oakland.

Sincerely,

Margot Lederer Prado, AICP
 Brownfield Administrative Manager, City of Oakland

Cc: Mark Gomez, Manager, Environmental Services, PWA
 Leroy Griffin, Hazardous Material Program Manager, Fire Department

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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March 17, 2006

Mr. Tom McCoy
Brush Street Partners
1155 3rd St., Suite 230
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. McCoy:

Subject: Toxics Case RO0002586, 751-785 7th St., Oakland, CA 94607,
Former Francis Plating

Alameda County Environmental Health staff has received and reviewed the February 24, 2006 Work Plan for Phase III Investigation, 751-785 Seventh Street, Oakland, Toxics Case RO0002586 prepared by Baseline Environmental Consulting. The work plan responds to comments to Baseline's January 20, 2006 Memorandum in the County's February 15, 2006 letter. The work plan is approved. We have the following comments. The scope of work now includes the following:

- Every attempt will be made to core through the bottom of the Frog Pond and sample soil and groundwater from boring B-FP23, located near boring B-FP14A. In the event this is not possible the proposed alternative location immediately outside the Frog Pond is acceptable.
- Baseline, in their #3 footnote, states that requesting soil samples from the capillary fringe may yield data whose origin is unclear ie this may result from either soil or groundwater contamination. Therefore, they recommend not sampling from this zone. The County requests the determination of the vertical extent of contamination and does not distinguish its source (soil or groundwater), therefore, we still request that these samples be taken for chemical analysis. As a note, Baseline states that the groundwater level is expected to be higher in March due to winter rains, therefore the capillary fringe may be even shallower than previously encountered and may be at the 15' depth already proposed for sampling.
- Specific soil vapor sampling methods have been provided in the new work plan consistent with guidance documents. Soil vapor samples are proposed for sampling from each of the six borings. In the event that all soil and groundwater samples from a boring do not detect volatiles organic compounds and no preferential pathways are observed, there would appear no need to sample soil vapor from such a boring.

TECHNICAL REPORT REQUEST

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

- 45 days after completion of investigation- Phase II and Phase III report

GEOTRACKER EDF SUBMITTALS

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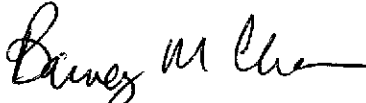
PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

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Mr. Tom McCoy
March 17, 2006
Page 3 of 3

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

C: files, D.Drogos, A. Levi
Ms. Lydia Huang, Baseline, 5900 Hollis St., "D", Emeryville, CA 94608-2008
3_17_06 751-785 7th St

Drogos, Donna, Env. Health

From: Tom McCoy [tmccoy@bbiconstruction.com]
Sent: Wednesday, March 15, 2006 6:04 AM
To: Chan, Barney, Env. Health
Cc: Lydia Huang; bill@baseline-env.com; Levi, Ariu, Env. Health; Mark Gomez; Yane Nordhav; Drogos, Donna, Env. Health
Subject: Re: Phase III Work Plan - 751-785 7th Street, Oakland

Dear Barney,

I want to confirm that you received a check for \$6,000.00 yesterday. Please advise me when you anticipate completing the review of the work plan that was submitted to you on February 24, 2006. Your timely response will be appreciated.

Best Regards,
Tom

Chan, Barney, Env. Health wrote:

Mr. Mc Coy:

I have been instructed to cease work on sites with negative balance. This site currently has a negative balance of \$1647.20. Please submit a check for \$6000.00 payable to Alameda County Environmental Health so we can continue to work on the site. Please put RO2586, 751-785 7th St., AR0310608 on the check.

Thank you,
Barney Chan
510-567-6765

From: Lydia Huang [mailto:lydia@baseline-env.com]
Sent: Friday, February 24, 2006 12:58 PM
To: Chan, Barney, Env. Health
Cc: tmccoy@bbiconstruction.com; bill@baseline-env.com
Subject: Phase III Work Plan - 751-785 7th Street, Oakland

Hi Barney,

Please find attached a revised Phase III work plan. We have also posted this on the County's ftp site as required. We have a mobile lab scheduled to perform the soil gas survey on March 13th so your prompt review of the work plan would be appreciated. Please call if you have any questions. Thank you.

-Lydia Huang
Senior Engineer
BASELINE Environmental Consulting

6/22/2006

5900 Hollis Street, Suite D
Emeryville, CA 94608
(510) 420-8686
fax: (510) 420-1707
email: lydia@baseline-env.com

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Tom McCoy
BBI Construction
1155 Third Street, Suite 230
Oakland, CA 94607

Tel: 510/286-8200 x 216
Fax: 510/286-8210

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



7

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

March 10, 2006

Mr. Tom McCoy
Brush St. Group
1155 3rd St., Suite 230
Oakland, CA 94607

Dear Mr. McCoy:

Subject: Toxics Cas [REDACTED], 751-785 7th St., Oakland, CA 94607

Our records indicate that the current balance on the above-referenced Toxics oversight account is -\$1647.20. In order to continue to provide regulatory oversight we are requesting the submittal of a check made payable to Alameda County Environmental Health in the amount of \$6000.00. Please send your check to the attention of our Finance Department.

This initial deposit may or may not be sufficient to provide all necessary regulatory oversight. ACEH will deduct actual costs incurred based upon the hourly rate specified below. If these funds are insufficient, additional deposit will be requested. Otherwise, any unused monies will be refunded to you or your designee.

The deposit is authorized in Section 6.92.040L of the Alameda County Ordinance Code. Work on this project is being debited at the Ordinance specified rate, currently \$166.00 per hour.

Please write "TOXICS" (the type of project), the site address and the AR# 0310608 on your check.

If you have any questions, please contact me at (510) 567-6862.

Sincerely,


Aru Levi
Division Chief

cc: D. Drogos, B. Chan, J. Jacobs

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



7

February 15, 2006

Mr. Tom McCoy
Brush Street Partners
1155 3rd St., Suite 230
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. McCoy:

Subject: Toxics Cas [REDACTED] 751-785 7th St., Oakland, CA 94607,
Former Francis Plating

Alameda County Environmental Health staff has received and reviewed the January 20, 2006 Memorandum from Baseline, your consultant. We note that this memo did not come with a cover letter signed by you, was not submitted to Geotracker or the County's FTP site, nor was it stamped or identified with a professional registration number of the project manager. Please be informed these items must be done and the report resubmitted before the document is acceptable by our office as a technical report. Please insure all future submissions meet these requirements. This memo proposes additional focused investigations near a boring B-FP14, where elevated trichloroethene (TCE) and cis-1,2-dichloroethene (c-TCE) was detected in groundwater. Baseline has determined that this area is the only area of concern in regards to the planned site development. Because the County has not received a copy of the 11/05 Phase II investigation report, we cannot comment nor concur with this conclusion. We do have the following comments to the memorandum, which we request you address in your resubmission prior to performing this work.

TECHNICAL COMMENTS

1. The focused investigation proposes to answer these posed questions: Is the unsaturated soil near B-FP14 a source of chlorinated compounds? Do the chlorinated compounds in soil or groundwater pose a risk to future site users? and What is the extent and concentration of soil and groundwater contamination in this area? One boring adjacent to and four borings, approximately 10' from boring B-FP14 in the four compass directions are proposed for soil and soil vapor sampling. Soil samples will be collected and analyzed for VOCs. In addition, soil gas samples would be collected from ~5' from the five borings for VOC analysis.

Evidence of an on-site source is the presence of contaminants in soil and groundwater in the same general area. However, this is evidence is not conclusive. Soil impact is dependent on the release scenario. As an example, releases from underground tanks and/or piping, subsurface utilities or from depressed vaults may cause groundwater impact without exhibiting shallow contamination. Therefore, the absence of significant soil contamination in the unsaturated soil in the area of B-FP14 would not rule out a source of HVOCs

being present onsite. Another characteristic of an on-site release is the presence of high contaminant concentration on-site with lower concentrations as you move away from the source. On the other hand, high concentrations off-site with lower concentrations down-gradient and on-site is indicative of an off-site source. At this time, elevated HVOCs have not been detected up-gradient nor off-site of the area in question, B-FP14. Therefore, to determine the extent of contamination in groundwater, we require groundwater sampling in addition to soil sampling from the proposed borings. Assuming a southwest gradient like that of the neighboring Shell Station at 610 Market St., to determine the extent of the contamination detected in B-FP14, a transect of borings down-gradient of this point would be appropriate. The proposed borings should have a boring immediately down-gradient of B-FP14, with the borings spaced further apart (~15'), in line with the former boring, B-FP3. An additional boring is recommended near former boring B-FP3, since HVOCs were not run on soil or groundwater samples from this boring originally. Based on your results, additional delineation may be needed. Soil samples should be collected at 5, 10, 15'bgs and at the capillary fringe for HVOC analysis. Because the area immediately up-gradient of B-FP14 was not investigated we request that a shallow soil and groundwater sample be taken from B-FP14A, after coring through the Frog Pond foundation.

We concur that the best evaluative tool to estimate risk from VOCs is to take soil vapor samples above the contaminant. We request that you follow the guidance document from DTSC, December 15, 2004. The description of the sampling procedures from Baseline does not specify their sampling method. We note that the guidance document recommends taking samples from greater than 5', while Baseline states that samples will be collected from about 5 feet. We further note that 3 volumes will be purged before sampling. Please insure this is consistent with DTSC methodology and that appropriate QC data is presented to verify appropriate sampling procedure.

TECHNICAL REPORT REQUEST

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

- February 28, 2006- Appropriately resubmitted work plan addendum addressing technical comments plus specific soil vapor sampling procedures.

GEOTRACKER EDF SUBMITTALS

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Sincerely,



Barney M. Chan
Hazardous Materials Specialist

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Ms. Lydia Huang, Baseline, 5900 Hollis St., "D", Emeryville, CA 94608-2008

Chan, Barney, Env. Health

To: Tom McCoy

Cc: Yane Nordhav (yane@baseline-env.com)

Subject: Workplan Addendum, Toxics Case RO0002586, 751-785 Seventh St., Oakland, CA 94607, Former Francis Plating

Dear Mr. McCoy:

Alameda County Environmental Health (ACEH) has received the October 14, 2005 Workplan Addendum from Baseline, which responds to my 10/7/05 letter. The addendum is approved with the condition that an additional groundwater sample be collected from SS-FP9 for chemical analysis. Our rationale is that a sample from this area represents the potential impact from contaminants from the site which have been deposited on exposed soil on the western edge of the property. Such contamination would be more likely to impact groundwater than that released on the surfaced portion of the site. Please contact me if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist
Alameda County Environmental Health
510-567-6765

11/3/2005

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

October 7, 2005

Mr. Tom McCoy
Brush Street Partners
1155 3rd St., Suite 230
Oakland, CA 94607

Dear Mr. McCoy:

Subject: Toxics Case # [REDACTED] 751-785 7th St., Oakland, CA 94607,
Former Francis Flating

Alameda County Environmental Health staff has received and reviewed the September 2005 report entitled *Work Plan for Phase II Soil and Groundwater Investigation* from Baseline, your consultant. This report follows our August 24, 2005 meeting at the County offices. We request that you address the following technical comments when performing the proposed work.

TECHNICAL COMMENTS

PROPOSED SOIL BORING SAMPLING

1. The nine proposed additional soil sample locations were based upon the prior E&E report depicting source areas and upon the "screening" as well as laboratory analytical results. Based upon these results, we request that an additional soil sample be taken in the northern portion of the Front Yard, in the location of former SED sample, located between the two former trailers. Sample SED reported elevated metal concentrations in "screening" results.

We request that the two proposed soil samples from these borings be analyzed discretely and not as a composite. This will allow vertical contaminant delineation and the data will also be used in determining remedial options for the site.

It is proposed that should the total concentration of a metal contaminant indicate a potential hazardous concentration of soluble metals, either a WET (Waste Extraction Test) or a TCLP (Toxicity Characteristic Leaching Procedure) be performed on the sample. Such extractions are over-estimations of the leaching potential of the soil, therefore, we recommend a distilled water extraction be done instead. Actual groundwater sample results are the most representative of true conditions.

Only the shallow soil sample is proposed for volatile organics analysis by EPA Method 8260, however, the deeper sample should also be analyzed if contaminants are detected.

SURFACE SOIL SAMPLING

2. Three areas where surface soils are present at the site are proposed for sampling. Composites of surface and near surface soil samples are proposed for metals analysis. Additionally, samples may be analyzed for volatile organics if staining, odors or PID readings above background are observed. Please be aware that composite samples conservatively estimate only (1/# of samples) the highest possible chemical concentration. In addition, because this soil represents surface soils exposed to receptors, the metals concentrations should be compared with appropriate cleanup standard ie RBSLs, ESLs and/or background levels. These soil samples should be kept by the laboratory in the event discrete sampling is necessary.

GROUNDWATER SAMPLING

3. The proposed groundwater sampling is not sufficient to characterize groundwater conditions at the site. Additional groundwater sampling besides that from the two monitoring wells and boring B-FP7A is necessary. We recommend that groundwater samples be taken in and down-gradient of potential source areas. In the absence of installing additional monitoring wells, the southwest gradient from the adjacent Shell station may be assumed. Please note that this gradient would put the Shell station cross and down-gradient from this site and not a likely source of fuel contaminants. However, the presence of MTBE in groundwater samples maybe indicative of offsite contamination. Please provide an additional groundwater sampling plan as requested below.

GEOTRACKER EDF SUBMITTALS

4. ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) now request submission of reports in electronic form. The electronic copy is intended to replace the need for a paper copy 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 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, electronic submittal of a complete copy of all reports (UST & non-UST) is required in Geotracker (in PDF format). Please visit the State Water Resources Control Board at ([http://www.swrcb.ca.gov/ust/cleanup/electronic reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic%20reporting)) for more information on these requirements.

TECHNICAL REPORT REQUEST

- November 7, 2005- Supplemental Groundwater Monitoring Plan
- 60 days after SWI- Soil and Groundwater Investigation Report

PERJURY STATEMENT

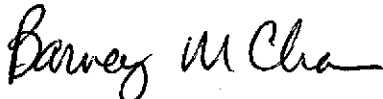
All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or 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 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 case meet this requirement.

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

C: files, D.Drogos, A. Levi

Ms. Lydia Huang, Baseline, 5900 Hollis St., "D", Emeryville, CA 94608-2008

10_6_05 751-785 7th St

Drogos, Donna, Env. Health

From: Levi, Ariu, Env. Health
Sent: Tuesday, August 30, 2005 4:33 PM
To: 'Gomez, Mark'
Cc: Drogos, Donna, Env. Health; Chan, Barney, Env. Health; Griffin, Leroy
Subject: RE: Francis Plating, 751-785 7th St., Oakland: follow-up to last mtg

Great! Leroy indicated he will make it and my group is available too. We'll see you at your office on the 5th at 9:30

From: Gomez, Mark [mailto:mmgomez@oaklandnet.com]
Sent: Tuesday, August 30, 2005 3:58 PM
To: Levi, Ariu, Env. Health; Griffin, Leroy
Cc: Drogos, Donna, Env. Health; Chan, Barney, Env. Health
Subject: RE: Francis Plating, 751-785 7th St., Oakland: follow-up to last mtg

That time works for me. We can do it in one of my office's conference rooms, if that's acceptable to everyone.

Mark

-----Original Message-----

From: Levi, Ariu, Env. Health [mailto:ariu.levi@acgov.org]
Sent: Tuesday, August 30, 2005 3:05 PM
To: Gomez, Mark; Griffin, Leroy
Cc: Drogos, Donna, Env. Health; Chan, Barney, Env. Health
Subject: RE: Francis Plating, 751-785 7th St., Oakland: follow-up to last mtg

The first week of October it is. How about Wednesday morning (10/5) at 9:30? Your place or Leroy's?

From: Gomez, Mark [mailto:mmgomez@oaklandnet.com]
Sent: Monday, August 29, 2005 5:57 PM
To: Levi, Ariu, Env. Health; Griffin, Leroy
Cc: Drogos, Donna, Env. Health; Chan, Barney, Env. Health
Subject: RE: Francis Plating, 751-785 7th St., Oakland: follow-up to last mtg

I'm out the last week of September, back the first week of October.

Mark

-----Original Message-----

From: Levi, Ariu, Env. Health [mailto:ariu.levi@acgov.org]
Sent: Monday, August 29, 2005 9:40 AM
To: Leroy Griffin; mmgomez@oaklandnet.com
Cc: Drogos, Donna, Env. Health; Chan, Barney, Env. Health
Subject: Francis Plating, 751-785 7th St., Oakland: follow-up to last mtg

I'm forwarding the attached message to give you a sense of the agreements reached and follow-up to the meeting Mark attended here at my office on August 24th. As further follow-up, and as response to concerns expressed by Mark on the level of oversight provided by the county to Oakland cases, I suggest we meet to share ideas and perceptions on how best to provide client service and to clarify the priority of needs within the client base when the client base includes our

residents and communities, our property owners and developers. I'll throw out the last week of September to start. Any days not work?

From: Tom McCoy [mailto:tmccoy@bbiconstruction.com]
Sent: Friday, August 26, 2005 11:21 AM
To: Chan, Barney, Env. Health
Cc: yane@baseline-env.com; Levi, Ariu, Env. Health; Drogos, Donna, Env. Health; Mark Gomez
Subject: Re: Next Step, Francis Plating, 751-785 7th St.

Hello Barney,

Thank you for providing me with a clear protocol that we need to follow to receive a "No further Action" letter on this site. We shall submit the formal work plan to you within a two week period. Please make allowances in your schedule to respond to the plan in a timely fashion once you have received it.

Tom McCoy

Chan, Barney, Env. Health wrote:

Mr. McCoy & Ms. Nordhav: The next step at this site should be the submittal of a **formal work plan**, which addresses the points within the County's July 21, 2005 letter. Specifically, a work plan should be submitted to complete soil and groundwater evaluation at the site in accordance to points 4,5 and 6 of the letter. This should include existing data and insure that both areas of unknown and known or highly probable release areas are investigated. Both soil and groundwater should be sampled. Based upon the results of this investigation (no inconsistent data), you may then proceed to the **Soil Management and Removal Report**. In this report, the items in point 1 of the letter should be addressed ie those items following site characterization. This would include your Risk Assessment/Evaluation, Release/receptor evaluation, evaluation of corrective action options (feasibility study) and deed restriction(as part of your feasibility study). This document should include background information, pre and post development conditions figures, soil management requirements including health and safety requirements, capping,maintenance & inspection requirements, focussed excavation/cleanup where necessary and deed restriction. After completion of the development, a **Final Soil Management Plan** should be provided confirming what has been completed during the development was done in accordance with the SMRR. I hope this clarifies the anticipated next steps for the site.

Barney M. Chan
Hazardous Materials Specialist
Alameda County Environmental Health
510-567-6765

--
Tom McCoy

Drogos, Donna, Env. Health

From: Tom McCoy [tmccoy@bbiconstruction.com]
Sent: Friday, August 26, 2005 11:21 AM
To: Chan, Barney, Env. Health
Cc: yane@baseline-env.com; Levi, Ariu, Env. Health; Drogos, Donna, Env. Health; Mark Gomez
Subject: Re: Next Step, Francis Plating, 751-785 7th St.

Hello Barney,

Thank you for providing me with a clear protocol that we need to follow to receive a "No further Action" letter on this site. We shall submit the formal work plan to you within a two week period. Please make allowances in your schedule to respond to the plan in a timely fashion once you have received it.

Tom McCoy

Chan, Barney, Env. Health wrote:

Mr. McCoy & Ms. Nordhav: The next step at this site should be the submittal of a **formal work plan**, which addresses the points within the County's July 21, 2005 letter. Specifically, a work plan should be submitted to complete soil and groundwater evaluation at the site in accordance to points 4,5 and 6 of the letter. This should include existing data and insure that both areas of unknown and known or highly probable release areas are investigated. Both soil and groundwater should be sampled. Based upon the results of this investigation (no inconsistent data), you may then proceed to the **Soil Management and Removal Report**. In this report, the items in point 1 of the letter should be addressed ie those items following site characterization. This would include your Risk Assessment/Evaluation, Release/receptor evaluation, evaluation of corrective action options (feasibility study) and deed restriction(as part of your feasibility study). This document should include background information, pre and post development conditions figures, soil management requirements including health and safety requirements, capping,maintenance & inspection requirements, focussed excavation/cleanup where necessary and deed restriction. After completion of the development, a **Final Soil Management Plan** should be provided confirming what has been completed during the development was done in accordance with the SMRR. I hope this clarifies the anticipated next steps for the site.

Barney M. Chan
Hazardous Materials Specialist
Alameda County Environmental Health
510-567-6765

--

Tom McCoy
BBI Construction
1155 Third Street, Suite 230

6/22/2006

Drogos, Donna, Env. Health

From: Chan, Barney, Env. Health
Sent: Monday, August 08, 2005 8:54 AM
To: Levi, Ariu, Env. Health
Cc: Drogos, Donna, Env. Health
Subject: RE: Request for a meeting to discuss Toxins Case RO0002586

Donna,
 Would a morning meeting work for you? That would be my preference.
 Thanks
 Barney

From: Levi, Ariu, Env. Health
Sent: Friday, August 05, 2005 1:24 PM
To: Chan, Barney, Env. Health
Subject: FW: Request for a meeting to discuss Toxins Case RO0002586

first try didn't go though to you (not sure why)

From: Levi, Ariu, Env. Health
Sent: Friday, August 05, 2005 1:20 PM
To: Barney Chan; Drogos, Donna, Env. Health
Cc: 'Tom McCoy'; Lydia Huang; Yane Nordhav
Subject: RE: Request for a meeting to discuss Toxins Case RO0002586

Please message Tom with a time on Wednesday the 24th that works for both of you. My schedule for Monday and Tuesday is booked but Wednesday of completely open.

From: Tom McCoy [mailto:tmccoy@bbiconstruction.com]
Sent: Friday, August 05, 2005 11:05 AM
To: Levi, Ariu, Env. Health; Lydia Huang; Barney Chan; Yane Nordhav; Drogos, Donna, Env. Health
Subject: Re: Request for a meeting to discuss Toxins Case RO0002586

Dear Ariu,

Thank you for you response. I spoke to my consultants we are available to meet anytime on Monday, 8/22, Tuesday, 8/23 and Wednesday, 8/24. Please let me know when you are available.

Tom

Levi, Ariu, Env. Health wrote:

Hello Tom:

I agree, the interested parties should meet to go over what is being asked for by the county and why. I am scheduled to be out of the office for the next two weeks (August 8 - 19). Please suggest a couple of dates and times after the 19th that work for yourself and your team.

From: Tom McCoy [mailto:tmccoy@bbiconstruction.com]
Sent: Wednesday, August 03, 2005 12:41 PM
To: Levi, Ariu, Env. Health
Cc: Chan, Barney, Env. Health
Subject: Request for a meeting to discuss Toxins Case RO0002586

Dear Ariu,

I would like to kindly request that we meet to discuss the slow progress on Toxins Case RO0002586, (aka 751-785 7th St. Oakland). To date we have submitted to your agency a substantial amount of technical information about this site, and we believe we have provided timely and thorough responses to requests from your office. The latest exchanges relate to your office's insistence on additional subsurface information following a rigid approach which we do not believe is appropriate for this site and which is so open-ended that we may still be in the investigative phase several years into the future. I am not opposed to conducting sufficient investigation to allow us to progress to the next phase of risk screening and identifying risk management measures, as necessary, to allow for development of the site. I am opposed to the current directive from your office of requiring investigation for investigation-sake, rather than identifying data needs based on conceptual development plans for the site, and focusing an investigation to meet those needs. In response to your office request for additional investigation, we have submitted a work plan developed based on an alternative strategy, which we believe is appropriate for this site and which will augment existing data. However, we do not believe that the data from this proposed work plan would significantly increase our knowledge of the subsurface at the site. We believe that we have enough information to assess potential human health risk and to identify appropriate risk management measures.

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We have provided your agency \$12,000 in fees to review the case and it has been over 2 years since we initially sought oversight from your office. We do not appear be much closer to reaching a point in this process so that we can proceed with redevelopment of this abandoned site.

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<!--[endif]-->

I would like to meet with you, Barney Chan, and my consultants to discuss the direction that this case is moving in and define an end point to the investigative phase.

Please let me when you will be available to meet. Thanks you for your consideration on this matter.

6/22/2006

Tom McCoy

--

Tom McCoy
BBI Construction
1155 Third Street, Suite 230
Oakland, CA 94607

Tel: 510/286-8200 x 216
Fax: 510/286-8210

--

Tom McCoy
BBI Construction
1155 Third Street, Suite 230
Oakland, CA 94607

Tel: 510/286-8200 x 216
Fax: 510/286-8210

Chan, Barney, Env. Health

To: Tom McCoy; Yane Nordhav (yane@baseline-env.com)
Cc: Levi, Ariu, Env. Health; Drogos, Donna, Env. Health
Subject: Next Step, Francis Plating, 751-785 7th St.

Mr. McCoy & Ms. Nordhav: The next step at this site should be the submittal of a **formal work plan**, which addresses the points within the County's July 21, 2005 letter. Specifically, a work plan should be submitted to complete soil and groundwater evaluation at the site in accordance to points 4,5 and 6 of the letter. This should include existing data and insure that both areas of unknown and known or highly probable release areas are investigated. Both soil and groundwater should be sampled. Based upon the results of this investigation (no inconsistent data), you may then proceed to the **Soil Management and Removal Report**. In this report, the items in point 1 of the letter should be addressed ie those items following site characterization. This would include your Risk Assessment/Evaluation, Release/receptor evaluation, evaluation of corrective action options (feasibility study) and deed restriction(as part of your feasibility study). This document should include background information, pre and post development conditions figures, soil management requirements including health and safety requirements, capping,maintenance & inspection requirements, focussed excavation/cleanup where necessary and deed restriction. After completion of the development, a **Final Soil Management Plan** should be provided confirming what has been completed during the development was done in accordance with the SMRR. I hope this clarifies the anticipated next steps for the site.

Barney M. Chan
Hazardous Materials Specialist
Alameda County Environmental Health
510-567-6765

8/25/2005



U.S. Environmental Protection Agency Superfund Redevelopment Program

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CERCLA - Sec. 9605. National Contingency Plan

- (a) Revision and republication

Within one hundred and eighty days after December 11, 1980, the President shall, after notice and opportunity for public comments, revise and republish the national contingency plan for the removal of oil and hazardous substances, originally prepared and published pursuant to section 1321 of title 33, to reflect and effectuate the responsibilities and powers created by this chapter, in addition to those matters specified in section 1321(c)(2) ^[1] of title 33. Such revision shall include a section of the plan to be known as the national hazardous substance response plan which shall establish procedures and standards for responding to releases of hazardous substances, pollutants, and contaminants, which shall include at a minimum:

 - (1) methods for discovering and investigating facilities at which hazardous substances have been disposed of or otherwise come to be located;
 - (2) methods for evaluating, including analyses of relative cost, and remedying any releases or threats of releases from facilities which pose substantial danger to the public health or the environment;
 - (3) methods and criteria for determining the appropriate extent of removal, remedy, and other measures authorized by this chapter;
 - (4) appropriate roles and responsibilities for the Federal, State, and local governments and for interstate and nongovernmental entities in effectuating the plan;
 - (5) provision for identification, procurement, maintenance, and storage of response equipment and supplies;
 - (6) a method for and assignment of responsibility for reporting the existence of such facilities which may be located on federally owned or controlled properties and any releases of hazardous substances from such facilities;
 - (7) means of assuring that remedial action measures are cost-effective over the period of potential exposure to the hazardous substances or contaminated materials;
 - (8)
 - (A) criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable taking into account the potential urgency of such action, for the purpose of taking removal action. Criteria and priorities under this paragraph shall be based upon relative risk or danger to public health or welfare or the environment, in the judgment of the President, taking into account to the extent possible the population at risk, the hazard potential of the hazardous substances at such facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems, the damage

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

July 21, 2005

Mr. Tom McCoy
Brush Street Partners
1155 3rd St., Suite 230
Oakland, CA 94607

Dear Mr. McCoy:

Subject: Toxics Case RO0002586, 751-785 7th St., Oakland, CA 94607,
Former Francis Plating

Alameda County Environmental Health staff has received and reviewed the June 2, 2005 letter report from Baseline, your consultant. This report follows our May 13, 2005 site visit and meeting at your offices. We discussed the existing data, its presentation and the appropriate characterization necessary to evaluate the site before approval for residential development of the site could be given by our agency. The letter report recommends either no further investigation or consideration of the previously submitted draft work plan be implemented. Our office requests that you respond to the following technical comments and provide the technical report requested below.

TECHNICAL COMMENTS

DEED RESTRICTION

1. Our office finds the argument for no further investigation flawed. One cannot reduce the characterization phase for the site by using a deed restriction. The proper order of site evaluation includes site characterization, risk evaluation/site conceptual model, feasibility study/corrective action plan, remediation, confirmation sampling, groundwater monitoring, risk evaluation/deed restriction, then lastly, when warranted, No Further Action.

PERJURY STATEMENT

2. 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 case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

3. 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. Note, work plans which are labeled "Draft" or which are unsigned are not acceptable.

DATA EVALUATION

4. Our office finds the evaluation of analytical data to be incomplete. The June 2, 2005 letter report provides in Figure 1, a site map and indicates the location and analytical results of samples. Figure 1 is lacking information and data. Known areas of potential concern ie drums, tanks, containment areas, etc are not shown. This information is necessary to determine the appropriate location and sample analysis for your investigation. Please revise Figure 1 to include the historical site usage information. Figure 1 does not include sampling data where analytical results were not performed by a certified laboratory. Therefore, screening data, which indicated elevated metal concentrations was ignored. Our prior March 1, 2005 letter recommended that this data be used to indicate areas of potential concern for re-sampling. Strictly speaking, even the data from the 1993 Versar report, reportedly analyzed by a certified lab, , is unacceptable, since the entire report was never submitted to our office under the signature and stamp of a registered professional. We recommend that you evaluate the areas of concern and determine if adequate sampling of soil and groundwater has been done. The random sampling proposed in your draft work plan is more appropriate in areas of no known storage/use of hazardous materials.

GROUNDWATER SAMPLING

5. The current and proposed groundwater sampling is not sufficient to characterize groundwater conditions at the site. Groundwater sampling now consists of a single sampling the two monitoring wells and grab groundwater samples from three borings. One of the grab samples, B-FP3-grab was analyzed for TPH as gasoline only, while the others were analyzed for an entire suite of analytes. These samples were taken along the southern property boundary and in the northwest corner of the site. Although somewhat informative, samples closer to areas of potential concern plus additional well(s) to determine gradient is recommended. The draft proposal to resample the two wells and take a grab groundwater sample near the area where PAHs (polyaromatic hydrocarbons) were detected is insufficient. Please propose additional groundwater sampling.

July 21, 2005
RO0002586
751-785 7th St., Oakland
Page 3

AREAS OF CONCERN

6. Clearly at least two areas of potential concern are the former depressed vault, the "Pit" and the containment sump called the "Frog Pond", both of which were, at times, several feet deep in hazardous waste liquids. It is not obvious that the Frog Pond area was proposed for sampling in your draft work plan.

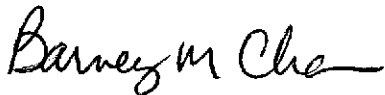
Other areas of concern are the exposed soil perimeters around the building, which detected metals exceeding background levels. This could have been the result from historic surface releases over many years or from the run-off generated from the 1992 fire. These areas are not addressed in the draft work plan. Please consider sampling in these areas of concern.

TECHNICAL REPORT REQUEST

- August 22, 2005- Revised work plan to address all above items.

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: files, D.Drogos, A. Levi
Ms. Lydia Huang, Baseline, 5900 Hollis St., "D", Emeryville, CA 94608-2008
Mr. Lisa Motoyama, RCD, 2730 Telegraph Ave., Berkeley, CA 94705

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



March 1, 2005

Mr. Tom McCoy
Brush Street Group
1155 3rd St., Suite 230
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. McCoy:

Subject: Toxics Case RO0002586, 751-785 7th St., Oakland, CA 94607

Alameda County Environmental Health (ACEH) staff has received and reviewed the January 10, 2005 Site History and Data Summary Report for the referenced site prepared by Baseline Environmental Consulting and have determined that the data provided is unacceptable for the determination of site closure. Additional information is required to adequately comment on the environmental condition of the site. We offer the following technical comments and request that you provide the technical report requested below.

TECHNICAL COMMENTS

1. The reports describing previous site investigations are inadequate for use in determining whether site conditions have been met for regulatory approval for residential development. The 1993 Versar report are presented as a "draft", without any certified analytical reports, without a stamp or signature from a registered professional and without specific data explaining how results were determined to be "significant" or not. As such, these results are not acceptable. The Ecology and Environment report (2000) was performed as part of the 1999 emergency response action at the site. The sampling included the characterization of stored liquids, sludge and sediment at the site. In addition, soil samples were collected from the north, east and west property boundaries and analyzed for selected metals and cyanide. The metals results from these samples were determined using the technique, X-ray Fluorescence (XRF), a semi-quantitative analytical method. This method was deemed appropriate by the EPA for determining if the samples exceeded EPA PRG-Ind (industrial) concentrations. However, there is significant uncertainty in this method and it is not an acceptable method for determining if residential clean up levels have been met. As such, this report is not acceptable. The Baseline 2003 investigation is the only investigation where analytical results are acceptable, however, the extent of this investigation is too limited to characterize the soil and groundwater at this site.
2. Although the analytical data, as mentioned, is unacceptable, it can be used to perform a focused investigation using acceptable analytical methods ~~are used~~. Your work plan must evaluate all areas where contaminants were used, stored or released. A soil and groundwater investigation must be performed to determine the lateral and vertical extent of contamination. Previous "screening" results may be used to determine the most likely impacted areas. In addition confirmation samples may be used to verify previous "screening" results. Sampling will also be required beneath existing structures which previously held waste including sumps, tanks, vaults, drains, drums, baths, utilities etc. An inspection report of these structures should be used to develop a sampling plan. Samples from temporary borings can be used to assess impact to groundwater and the potential need for permanent wells.

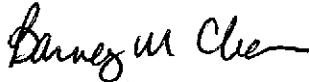
March 1, 2005
RO0002586, 751-785 7th St., Oakland, CA 94607
Page 2

TECHNICAL REPORT REQUEST

- April 4, 2005- Phase II Soil and Groundwater Investigation Work plan

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. Lydia Huang, Baseline Environmental Consulting, 5900 Hollis Street, "D"
Emeryville, CA 94608-2008
Ms. Lisa Motoyama, Resources for Community Development, 2730 Telegraph Ave.
Berkeley, CA 94705

3_1_05 785 7th St

BRUSH STREET GROUP, LLC

1155 THIRD STREET, SUITE 230

OAKLAND, CA 94607

Phone: 510/286-8200

Fax: 510/286-8210

December 8, 2004

Finance Department
Alameda County Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Subject: Oversight Account – Second Deposit
751-785 Brush St., Oakland, CA
Toxics Case: RO0002586
AR# 0310608


Alameda County
DEC 11 2004
Environmental Health

To Whom It May Concern,

Enclosed is a check for an additional \$6000 for deposit into oversight fund on this case as requested by Ariu Levi in a letter dated November 17, 04.

In addition, I am requesting a report outlining the expense details for the initial check deposited to this fund, in the amount of \$6000, issued to Alameda County in August 2004. Thank you.

Sincerely,


Tom McCoy
Managing Partner

Enclosure

cc: Ariu Levi, Division Chief
Donna Drogos, Supervising Hazardous Material Specialist ✓
Property File

70506

BRUSH STREET GROUP, LLC

1155 THIRD STREET
SUITE 230
OAKLAND, CA 94607-2617

SCOTT VALLEY BANK
OAKLAND, CA 94607
90-625-1211

12/8/2004

PAY TO THE
ORDER OF

Alameda County Environmental Health

\$**6,000.00

Six Thousand and 00/100*****

DOLLARS

Alameda County Environmental Health
Attn: Finance Dept.
1131 Harbor Bay Parkway
Suite 250

MEMO

Alameda, CA 94502-6577
"Toxics"=751-785 7th St., Oakland, AR#0310608



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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

November 17, 2004

Mr. Tom McCoy
Brush St. Group
1155 3rd St., Suite 230
Oakland, CA 94607

Dear Mr. McCoy:

Subject: Toxics Case RO0002586, 751-785 7th St., Oakland, CA 94607

Our records indicate that the current balance on the above-referenced Toxics oversight account is -\$959.60. In order to continue to provide regulatory oversight we are requesting the submittal of a check made payable to Alameda County Environmental Health in the amount of \$6000.00. Please send your check to the attention of our Finance Department.

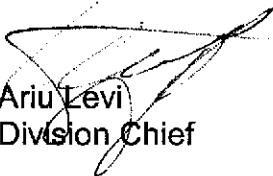
This initial deposit may or may not be sufficient to provide all necessary regulatory oversight. ACEH will deduct actual costs incurred based upon the hourly rate specified below. If these funds are insufficient, additional deposit will be requested. Otherwise, any unused monies will be refunded to you or your designee.

The deposit is authorized in Section 6.92.040L of the Alameda County Ordinance Code. Work on this project is being debited at the Ordinance specified rate, currently \$160.00 per hour.

Please write "TOXICS" (the type of project), the site address and the AR# 0310608 on your check.

If you have any questions, please contact me at (510) 567-6862.

Sincerely,


Ariu Levi
Division Chief

cc: D. Drogos, B. Chan, J. Jacobs

Drogos, Donna, Env. Health

From: Chan, Barney, Env. Health
Sent: Tuesday, November 16, 2004 3:04 PM
To: 'Ellen Piepenbrink'
Cc: Drogos, Donna, Env. Health
Subject: RE: 751-785 Brush St., Oakland - Toxic Case #RO00002586

After receiving the additional information from Baseline, we find that it still is insufficient to render an opinion. I will be detailing the problems as I see them and you can expect a written response by early next week.

Barney Chan
510-567-6765

-----Original Message-----

From: Ellen Piepenbrink [mailto:ellen@shoresbookkeeping.com]
Sent: Monday, November 15, 2004 9:31 AM
To: Chan, Barney, Env. Health
Cc: Drogos, Donna, Env. Health; Tom McCoy; Lydia Huang; Lisa Motoyama; Linda Shores
Subject: 751-785 Brush St., Oakland - Toxic Case #RO00002586

Dear Mr. Chan,

I am writing to you on behalf of the Brush Street Group (BSG) owners of the property located at 751-785 Brush Street in Oakland. As you recall in February 2004 the BSG entered into a purchase agreement with the Resources for Community Development (RCD) to develop 50 affordable housing units on this site. We have been working in earnest with the City of Oakland and Alameda County EHS since March of this year in an effort to receive a letter of clearance. We understand EHS has a heavy case load.

On October 1, 2004 we received your correspondence requesting additional technical information relating to the site, by November 1, 04, so EHS could adequately comment on the environmental condition. On October 22, 04 Lydia Huang of Baseline Environmental Consulting drafted and mailed a detailed response to your request for information.

On October 12, I received an email from you requesting information regarding the City of Oakland's funding application deadlines. On Oct. 13, 04 Lisa Motoyama from RCD responded to your request via email. The application due date is tomorrow, November 16, 04.

I would appreciate it if you would tell me today when we can expect your official response to our case.

Thank you for your continued assistance in this important matter.

Cordially,
Ellen J. Piepenbrink

Ellen J. Piepenbrink
Shores Bookkeeping Service

California Home

Monday, Nov 11, 2002

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Department of Toxic Substances Control

 My CA

DTSC: Site Cleanup

Site Cleanup - Site Mitigation and Brownfields Reuse Program Database

All public inquiries regarding data should be directed to the Site Mitigation and Brownfields Reuse Program Database (CalSites) Helpdesk at (916) 323-3400.

Profile Report --

ID:01330049 - FRANCIS PLATING

785 7TH STREET
OAKLAND CA 94607

County: ALAMEDA

Branch: NORTH COAST

DTSC Region:

Status: 06/12/2002 - NO FURTHER ACTION FOR DTSC

Lead: ENVIRONMENTAL PROTECTION AGENCY

Type: N/A

NPL: N/A

Project Manager: Katharine Hilf - (510) 540-3817 Email: KHILF@dtsc.ca.gov

SIC: 33 - MANU - PRIMARY METAL INDUSTRIES

Assembly District: Senate District: 9

Site History

The site occupies 5,638 square feet in an urban, commercial, industrial, residential area. The site is north by a Shell gas station and Market Street, on the west by a closed auto parts store, 6th Street and Freeway, on the south by Brush Street and the 980 Freeway, and on the east by a shopping center on Market Street. The site currently consists of a building, and various sheds in a fenced area. Francis Plating operated the site as plating shop beginning in 1957 and was owned by Wallace and Kathryn Francis. There was a fire in November 1992. Part of the building was burned, which later was razed and rebuilt. Some of the fire contaminated with hazardous substances reached the Oakland Estuary though the sanitary system. Ownership was transferred to Earthco Environmental Services in 1994. In 1997, the company went into liquidation (filed for bankruptcy). The operations were shut down without proper closure procedures, leaving hazardous substances in place. Starting in 1998, the United States Environmental Protection Agency (US EPA) conducted an emergency removal of the hazardous substances. In October 1999, soil was removed in selected areas up to 2 feet. There are no current operations at the site. Francis Plating used various plating solutions including aluminum anodizing, nickel and cadmium plating, and chromic acid passivation for stainless steel plating. Bases, and dyes were used in the operation. Copper, lead, cadmium, nickel, cyanides, silver, zinc, and phosphates, chlorides, and soap solutions located in tanks and vats were some of the many chemicals used in the plating process. Some of these were located in a stainless steel containment tank 32 feet by 15 feet next to the building. There was a concrete pit area 15 feet by 68 feet by 3.5 feet outside in the "front yard" called "Pond". In the Front Yard along the 7th Street (east side) and along the fence next to the Shell Gas Station (west side) were limited areas of exposed soil. Most of the site was either paved, or had concrete or buildings. Francis Plating had a discharge permit and sent treated wastewater to the municipal sanitary system.

BASELINE

R02586

ENVIRONMENTAL CONSULTING

22 October 2004
Y0323-01

Mr. Barney Chan
Alameda County Health Care Services
Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Alameda County

OCT 26 2004

Environmental Health Services

Re: 751-785 Brush Street, Oakland, CA 94607

Dear Mr. McCoy:

On behalf of the Brush Street Group, BASELINE Environmental Consulting has prepared this letter to address technical comments pertaining to the referenced site contained in the letter from the Alameda County Environmental Health Services (ACEHS), dated 1 October 2004. The Brush Street Group acquired the property in 2003 after the former plating operation had ceased and the U.S. EPA had completed an emergency response action to remove all chemicals from the site. Therefore, current knowledge of former activities is limited to those described in the documentation that the Brush Street Group was able to locate prior to acquiring the property. Copies of all available historic documents are enclosed with this letter.

The comments contained in the ACEHS letter are reproduced below, followed by BASELINE's responses.

"1. Please provide a Phase I report for this site including the site description, site vicinity and historical property use, name(s) of business and operator and referenced City Directories, dates of operation, historical chemical storage and use, Sanborn maps, aerial photos, and list of prior assessments, release and cleanup reports, etc. In addition, please provide a detailed description of how plating activities worked. Where were the chemicals, tanks, vats, sumps, etc. located? Where was the waste generated and how was it disposed? What permits did the business have?"

Two Phase I Environmental Site Assessments appeared to have been completed. The first was completed by Versar Engineering in 1993, and the second by Hillmann Environmental in 1997. In addition, Versar appeared to have completed a Phase II investigation at the site. **The final and complete Versar Phase I and II assessment reports are not available; only excerpts and drafts of findings from the Versar Phase I and II assessments are contained in Appendix E.4 of the Hillmann Phase I report.** Hillmann Environmental attempted to locate a complete copy of the reports during their 1997 Phase I assessment, but was unsuccessful. The Phase I assessment appeared to have included a review of Sanborn maps. Aerial photographs were also reviewed in the preparation of the Hillmann report. These documents

Mr. Chan
22 October 2004
Page 2

contain available information pertaining to site description, vicinity and historical property use, business names and operators, prior assessments, release and cleanup reports and supporting documentation including a description of plating operations, locations of key equipment, and permits.

A report was prepared by Ecology and Environment for the U.S. EPA which documented an emergency response action conducted in 1999 during which all chemicals that were abandoned at the site were profiled and removed from the site for disposal (2000). This report provides the most detailed description of what chemicals were present, where plating operations were located, and where chemicals and waste were stored.

"2. Please submit all prior reports, which should include at a minimum, all historical environmental correspondences ie violations, inspections (generator, business plan, storm water, underground tank, TSD, air board, EBMUD, etc), regulatory submissions (including Hazardous Materials Management Plan (HMMP), waste disposal and treatment reports and all past environmental reports including the referenced 1993 Versar Phase I and II Site Assessments. I understand that the City of Oakland Hazardous Materials Division has files on this site. "

Available historical records, reports, correspondence, regulatory database searches, and associated materials reviewed by BASELINE are enclosed with this letter. In Appendix E.4 of the Hillmann Phase I report, a memorandum documents an emergency response action conducted for the U.S. EPA by Ecology and Environment to a fire at the site in 1992; the ACEHS also responded to this incident. BASELINE is not aware of any other inspections, business plans or waste disposal, and treatment reports other than those included with these materials. Given the age and circumstances of the operating business, bankruptcy, and multiple transfers of the property, it is likely that some of the materials listed in the request can no longer be located.

"3. Our office has the following comments to the referenced Baseline Report: "

"a. The rationale for the investigation, which included seven borings and two wells, was not provided. As a consequence of not being able to install the third monitoring well site specific gradient cannot be determined."

The rationale for BASELINE's investigation was drawn from information in the Phase I and Phase II Site Assessments of Versar (1993), the Phase I Site Assessment prepared by Hillmann Environmental (1997), and from the Assessment and Removal Report prepared by Ecology and Environment, Inc. (2000) documenting EPA's emergency response. The latter report, in particular, was useful in identifying former uses of the site, areas of concern as indicated by previous sampling locations, and remedial activities completed at the site.

Mr. Chan
22 October 2004
Page 3

BASELINE's work plan for the investigation, which contains the rationale used to design the investigation, is enclosed with this letter: BASELINE proposed characterization of the soil to a depth of seven to eight feet below ground surface (bgs), which might be anticipated to be disturbed during any future site redevelopment. An inventory of average daily chemical storage for Francis Plating is included in the Hillmann Site Assessment report (Appendix E.3). **BASELINE included analyses for all chemicals known to have been used or stored at the site.**

Soil samples were analyzed for Title 22 metals, total petroleum hydrocarbons (TPH), volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), pH, and cyanide. Soluble metals were analyzed if the total metals concentrations were greater than ten times the corresponding Soluble Threshold Limit Concentration (STLC). Soil samples were collected at approximately two feet and five feet bgs (in the fill and just beneath the fill/native material interface, respectively). Soil samples from these shallow intervals were analyzed initially. Two composite samples of the native material made up from the seven-foot interval were collected; one a composite of seven-foot interval samples from the "front yard" and the second from seven-foot samples collected in the "rear yard." Both composites were analyzed. **All deeper soil samples (to approximately 16 to 25 feet bgs) were screened in the field, but analyses were not performed based on the analytical results from shallower intervals.**

BASELINE intended to install three groundwater monitoring wells offsite, two just outside of the property boundary. One well was to be located upgradient of the site and two wells in downgradient directions. The wells were originally proposed to be installed offsite because of uncertainties related to property ownership at the time of the investigation. However, because completion of the investigation was required under a very short time-frame, City of Oakland encroachment and excavation permits for offsite wells could not be obtained. As a result, two of the wells were installed onsite and the third offsite well was omitted. **General groundwater gradient is known by combining data from the neighboring Shell Service Station located on Market Street between Sixth and Seventh streets, where nine wells monitor shallow groundwater.**

Grab groundwater samples were collected from two boreholes to supplement groundwater quality data in areas away from the two monitoring wells, as well as to assess groundwater quality directly beneath the property (B-FP4 and B-FP5). These groundwater samples were analyzed for TPH, VOCs, PAHs, PCBs, and cyanide. In addition, a grab groundwater sample was also collected from boring B-FP3 to assess the potential presence of petroleum hydrocarbons, which may have migrating on-site from the adjacent Shell Service Station.

"b. Without a historical record of prior chemical use from all past site operators, tenants and squatters, it is not possible to determine completeness of the chemical analysis. The report states that chemicals used at Francis Plating include acids, ketones, cyanide and metals. Please indicate how this list was generated. Did other plating businesses operate at this site? And, if so what type of plating did they perform?"

Mr. Chan
22 October 2004
Page 4

Site histories, documentation, inventories and interviews included in the Hillmann Phase I report and in the U.S. EPA emergency response report provide a reasonable record of prior operations and chemical use, including detailed location maps of specific operations. In addition, the Phase II investigation conducted by Versar and the EPA emergency response action collected samples to characterize constituents of concern. The 1997 Hillmann Phase I report included an inventory of average daily chemical storage for Francis Plating in Appendix E.3. BASELINE included analyses for all known chemicals used or stored at the site.

Phase I reports and records searches indicate a portion of the site may have been operated as a plating facility between 1955 and 1957 by Spar-Tan Engineering Co. prior to being operated as Francis Plating. Nothing is known about the Spar-Tan operations. Since 1957, the site has been operated as Francis Plating. According to interviews with Mr. Francis, he acquired the site in 1957. However, land title records reported in the Hillmann Phase I report indicate the title was transferred to Mr. Francis from Gordon F. Cronkhite in 1967.

"c. Without the aid of a HMMP or similar reference material, it is not possible to identify all the likely areas of chemical concern. If waste material was generated, where was it stored and how was it disposed? Where are the subsurface utilities located at this site?"

Locations of areas of chemical concern, waste material, storage, disposal, and subsurface utility locations are all addressed by the documents enclosed with this letter. The plating operation appeared to have been mostly confined to inside the vault in the building, but chemicals and waste appeared to have been stored across much of the site.

"d. The report states that the site was used to store wastes from other facilities in the 1990s. Ultimately, US EPA performed the removal of the waste materials. Please provide a summary of the amounts and types of wastes disposed and a copy of the removal inspection report. Was any post follow-up or clean-up action requested?"

The presence of materials stored on-site by EARTHCO Environmental Services, Inc., the owner of the site after 1994, is known only anecdotally, and described in the U.S. EPA emergency response report. The EPA emergency response in 1999 removed all chemicals and waste that were present at the site. BASELINE is not aware of any agency request for follow-up or clean-up actions since the completion of the emergency response action.

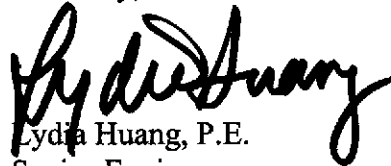
"e. The report noted at least two areas of potential concern, the depressed vault inside the plating building and an outdoor waste pond. Please describe what activities occurred at these locations and what chemicals were used/stored. The outdoor waste pond was not depicted in the figure within the report."

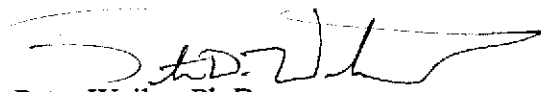
Mr. Chan
22 October 2004
Page 5

The depressed vault inside the plating building was used to contain most of the plating operations, and the outdoor waste pond ("Frog Pond") was used as a collection area for liquid wastes and sludge. Specific activities are detailed and mapped in the U.S. EPA emergency response report. The "Frog Pond" is located along the western perimeter of the existing building in the "Front Yard," and is depicted in the 2002 emergency response report.

Please do not hesitate to call if you have questions regarding these responses.

Sincerely,


Lydia Huang, P.E.
Senior Engineer


Peter Weiler, Ph.D.
Hydrogeophysicist

LH:PW:cr

Enclosures: Ecology and Environment, Inc., 2000, Francis Plating Assessment and Removal Report, Volume I, April.

U.S. EPA, 1998, Memorandum to Keith A. Takata, Division Director Hazardous Waste Management Division, 23 December.

BASELINE Environmental Consulting, 2002, Letter to Tom McCoy, BBI Construction, 4 September.

Hillmann Environmental Company, Inc., 1997, Letter Summary for Francis Plating, 8 July.

Drogos, Donna, Env. Health

From: Lisa Motoyama [LMotoyama@rcdev.org]
Sent: Wednesday, October 13, 2004 9:57 AM
To: Chan, Barney, Env. Health; Ellen Piepenbrink
Cc: Drogos, Donna, Env. Health; Tom McCoy; Lydia Huang; Linda Shores; Andrea Cohen
Subject: RE: 751-785 Brush Street, Oakland - Toxic Case #RO00002586

Hi Barney,

It is nice to be working with you again. Please find below the link to the City of Oakland website that has their current funding application deadline, November 16, 2004.

<http://www.oaklandnet.com/government/hcd/projects/NOFA2004.html>

The City of Oakland only has one funding round per year so it is critical for us to be able to apply now. We have been working very hard to put together the materials for the application and we had an internal deadline to assemble everything for review by the end of the month. We could wait for your review if it could be done in time to make the November 16th deadline, but we would need to have any documentation from you by November 12th, the Friday before the Tuesday deadline, in order to finalize our application.

I hope this is a realistic deadline for the County. Thanks for your consideration.

Lisa Motoyama
 Resources For Community Development
 (510) 841-4410 x 21

From: Chan, Barney, Env. Health [mailto:barney.chan@acgov.org]
Sent: Tuesday, October 12, 2004 2:45 PM
To: 'Ellen Piepenbrink'
Cc: Drogos, Donna, Env. Health; Tom McCoy; Lydia Huang; Lisa Motoyama; Linda Shores
Subject: RE: 751-785 Brush Street, Oakland - Toxic Case #RO00002586

Ms. Piepenbrink:

It doesn't appear that there will be enough time to review documents and schedule a meeting the week of October 25. Primarily because of the substantial amount of information requested and the time necessary to review the material. Please provide our office copies of the documents (applications etc) showing their due dates and I can tell you which ones the County may reasonably help you meet.

Sincerely,

Barney Chan
 ACEH
 510-567-6765

-----Original Message-----

From: Ellen Piepenbrink [mailto:ellen@shoresbookkeeping.com]
Sent: Tuesday, October 12, 2004 9:27 AM
To: Chan, Barney, Env. Health
Cc: Drogos, Donna, Env. Health; Tom McCoy; Lydia Huang; Lisa Motoyama; Linda Shores
Subject: 751-785 Brush Street, Oakland - Toxic Case #RO00002586

Good Morning Barney,

I wanted to let you know that Lydia Huang, from Baseline Environmental Consulting, will

prepare and forward a response to your questions the week of October 18, 04. Tom McCoy, Lydia Huang, Lisa Motoyama and I would like to schedule a meeting with you the week of October 25 to review and discuss our case. I would appreciate it if you could provide me several dates and times that you are available in order to schedule this meeting with all involved parties. In addition we would like know the next steps in the process of reviewing our case and the timeframe of receiving an opinion from EHS. As you recall the Brush Street Group and RCD need to prepare and submit a funding application to the City of Oakland by the end of October.

Thank you in advance for your continued assistance in this matter.

Cordially,
Ellen

Ellen J. Piepenbrink
Shores Bookkeeping Service
1326 So. 51st Street
Richmond, CA 94804

Tel: 510-236-9300
Fax: 510-236-9305

Drogos, Donna, Env. Health

From: Ellen Piepenbrink [ellen@shoresbookkeeping.com]
Sent: Thursday, October 07, 2004 11:05 AM
To: Chan, Barney, Env. Health
Cc: Tom McCoy; Lydia Huang; Lisa Motoyama; Levi, Ariu, Env. Health; Drogos, Donna, Env. Health
Subject: Toxic Case # RO0002586, 751-785 Brush St, Oakland

Barney,

On behalf of Tom McCoy and the Brush Street Group, I would like to thank you for your review of our case and timely response. Lydia Huang of Baseline Environmental Consulting is preparing a detailed response to the technical comments portion of your letter. Ms. Huang will submit the response to you well before the November 1, 04 deadline.

Cordially,
Ellen

Ellen J. Piepenbrink
Shores Bookkeeping Service
1326 So. 51st Street
Richmond, CA 94804

Tel: 510-236-9300
Fax: 510-236-9305

Drogos, Donna, Env. Health

From: Ellen Piepenbrink [ellen@shoresbookkeeping.com]
Sent: Friday, October 01, 2004 9:55 AM
To: Chan, Barney, Env. Health
Cc: Tom McCoy; Drogos, Donna, Env. Health
Subject: 751-785 Brush St., Oakland, Environ. Review - Contacts

Barney,

Thank you for your call this morning. As I understand it, Resources for Community Development has entered into a purchase agreement with the Brush Street Group, LLC for the property located at 785 7th St in Oakland. Escrow opened in February 2004 with Chicago Title.

Listed below are the names and address of the parties that should receive the EHS report:

Address report to:

Tom McCoy, Managing Partner
Brush Street Group, LLC
1155 Third St., Suite 230
Oakland, CA 94607

Copy Report to:

Lydia Huang, P.E.
Baseline Environmental Consulting
5900 Hollis Street, "D"
Emeryville, CA 94608-2008

Lisa Motoyama
Resources for Community Development
2730 Telegraph Ave.
Berkeley, CA 94705

Please let me know if I can be of further assistance. Thank you.

Cordially,
Ellen

Ellen J. Piepenbrink
Shores Bookkeeping Service
1326 So. 51st Street
Richmond, CA 94804

Tel: 510-236-9300
Fax: 510-236-9305

Drogos, Donna, Env. Health

From: Ellen Piepenbrink [ellen@shoresbookkeeping.com]
Sent: Friday, October 01, 2004 9:17 AM
To: Drogos, Donna, Env. Health
Cc: Levi, Ariu, Env. Health; Tom McCoy; Chan, Barney, Env. Health
Subject: 751-785 Brush St., Oakland, Environmental Review

Good Morning Donna,

I am writing to you on behalf of Tom McCoy, Managing Partner of the Brush Street Group. I know your department's case load is tremendous and we appreciate the time spent to review our situation. In your email on September 7, 04 you advised me that EHS "will be issuing an initial regulatory request for work (as appropriate) letter for this site" by the end of the month.

Please advise when we can anticipate receiving this review of our case as the BSG and the Resources for Community Development have to prepare and submit the funding application to the City of Oakland this month. As you recall this report is an important part of the current plan to develop this site into fifty affordable housing units.

Thank you in advance for your continued assistance in this matter.

Cordially,
Ellen J. Piepenbrink

Ellen J. Piepenbrink
Shores Bookkeeping Service
1326 So. 51st Street
Richmond, CA 94804

Tel: 510-236-9300
Fax: 510-236-9305

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 1, 2004

Mr. Tom McCoy
Brush Street Group
1155 3rd St., Suite 230
Oakland, CA 94607

Dear Mr. McCoy:

Subject: Toxics Case RO0002586, 751-785 Brush St., Oakland, CA 94607

Alameda County Environmental Health (ACEH) staff has received and reviewed the April 2003 Baseline Soil and Groundwater Investigation report for the referenced site and have determined that additional information is required to adequately comment on the environmental condition of the site. We request that you address the following technical comments and provide the technical reports requested below.

TECHNICAL COMMENTS

1. Please provide a Phase I report for this site including the site description, site vicinity and historical property use, name(s) of business and operator and referenced City Directories, dates of operation, historical chemical storage and use, Sanborn maps, aerial photos, and list of prior assessments, release and cleanup reports, etc. In addition, please provide a detailed description of how the plating activities worked. Where were the chemicals, tanks, vats, sumps, etc located? Where was waste generated and how was it disposed? What permits did the business have?
2. Please submit all prior reports, which should include at a minimum, all historical environmental correspondences ie violations, inspections (generator, business plan, storm water, underground tank, TSD, air board, EBMUD, etc), regulatory submissions (including Hazardous Materials Management Plan (HMMP), waste disposal and treatment reports and all past environmental reports including the referenced 1993 Versar Phase I and II Site Assessments. I understand that the City of Oakland Hazardous Materials Division has files on this site.
3. Our office has the following comments to the referenced Baseline Report:
 - a. The rationale for the investigation, which included seven borings and two wells, was not provided. As a consequence of not being able install the third monitoring well site specific gradient cannot be determined.
 - b. Without a historical record of prior chemical use from all past site operators, tenants and squatters, it is not possible to determine the completeness of the chemical analysis. The report states that chemicals used at Francis Plating include acids, ketones, cyanide and metals. Please indicate how this list was generated. Did other plating businesses operate at this site? And, if so what type of plating did they perform?

October 1, 2004
Mr. Tom McCoy
RO0002586
751-785 Brush St., Oakland, CA 94607
Page 2

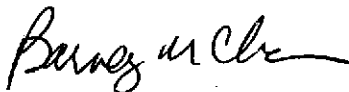
- c. Without the aid of a HMMP or similar reference material, it is not possible to identify all the likely areas of chemical concern. If waste material was generated, where was it stored and how was it disposed? Where are the subsurface utilities located at this site?
- d. The report states that the site was used to store wastes from other facilities in the 1990s. Ultimately, US EPA performed the removal of the waste materials. Please provide a summary of the amounts and types of wastes disposed and a copy of the removal inspection report. Was any post follow-up or clean-up action requested?
- e. The report noted at least two areas of potential concern, the depressed vault inside the plating building and an outdoor waste pond. Please describe what activities occurred at these locations and what chemicals were used/stored. The outdoor waste pond was not depicted in the figure within the report.

TECHNICAL REPORT REQUEST

Please provide the requested technical information by November 1, 2004, so our office may proceed with the evaluation of the referenced report.

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. Lydia Huang, Baseline Environmental Consulting, 5900 Hollis Street, "D"
Emeryville, CA 94608-2008

Ms. Lisa Motoyama, Resources for Community Development, 2730 Telegraph Ave.
Berkeley, CA 94705

Drogos, Donna, Env. Health

From: Ellen Piepenbrink [ellen@shoresbookkeeping.com]
Sent: Thursday, September 23, 2004 11:05 AM
To: Drogos, Donna, Env. Health
Cc: Levi, Ariu, Env. Health; Chan, Barney, Env. Health; Tom McCoy
Subject: 751-785 Brush Street, Oakland, Environmental Review

Good Morning Donna,

As the end of September grows near the Tom McCoy, Managing Partner of the Brush Street Group, is looking forward to receiving a letter from ACEH evaluating the Baseline Environmental report we submitted to you. I would sure appreciate it if you could give me a sense when this evaluation might be available. Thank you for your continued assistance in this matter.

Cordially,
Ellen

Ellen J. Piepenbrink
Shores Bookkeeping Service
1326 So. 51st Street
Richmond, CA 94804

Tel: 510-236-9300
Fax: 510-236-9305

Drogos, Donna, Env. Health

From: Drogos, Donna, Env. Health
Sent: Tuesday, September 07, 2004 10:44 AM
To: 'Ellen Piepenbrink'; Levi, Ariu, Env. Health
Cc: Tom McCoy; Lydia Huang; Lisa Motoyama; Chan, Barney, Env. Health
Subject: RE: 751-785 Brush Street, Oakland - Environmental Review

Tracking:

Recipient	Read
'Ellen Piepenbrink'	
Levi, Ariu, Env. Health	Read: 9/7/2004 3:36 PM
Tom McCoy	
Lydia Huang	
Lisa Motoyama	
Chan, Barney, Env. Health	Read: 9/7/2004 1:41 PM

Hello Ellen,

During the meeting referenced below I committed to a review of your case by Sept 30. Barney has the information related to this case.

Ariu & I met with you and are aware of your priorities. I took your concerns into account in addition to Barney's current caseload when establishing the timeline for review by our agency, based upon your stated application due date of October. As we discussed we will be issuing an initial regulatory request for work (as appropriate) letter for this site as it is a new case within our program.

Donna

Donna L. Drogos, PE
 LOP/TOXICS Program Manager
 Alameda County Environmental Health
 1131 Harbor Bay Parkway
 Alameda, CA 94502

510-567-6721
 donna.drogos@acgov.org

-----Original Message-----

From: Ellen Piepenbrink [mailto:ellen@shoresbookkeeping.com]
Sent: Tuesday, September 07, 2004 10:20 AM
To: Levi, Ariu, Env. Health
Cc: Tom McCoy; Lydia Huang; Lisa Motoyama; Drogos, Donna, Env. Health; Chan, Barney, Env. Health
Subject: 751-785 Brush Street, Oakland - Environmental Review

Good Morning Ariu,

In your correspondence dated July 29, 04 you stated that ACEH would review Baseline Environmental Consulting's report and to comment on the completeness of investigation and the appropriate response based on their findings and conclusions. In addition, you will recall that during our meeting on July 28, 2004 you agreed to provide the Tom McCoy, Managing Partner of the Brush Street Group, with this review no later than September 15, 2004 in order to meet the City of Oakland's deadline for the submission of funding applications. As required by ACEH on August 12, 2004 we mailed a deposit

6/22/2006

check of \$6000 to use as an oversight account.

Imagine my disappointment when Barney Chan returned my phone call of August 25 on August 31, 2004 stating nothing had been done on our case. He explained that he did have Baseline Environmental Consulting report but his supervisor, Donna Drogos, had not spoken to him about our case, nor had she clarified the status of priority. Mr. Chan assured me he would talk with Ms. Drogos about this. However, five weeks have now passed, no forward progress has been made and the deadline of September 15 is only seven days away.

I would greatly appreciate it if you could look into this important matter. It is imperative that we know the status of our case. Thank you.

Cordially,
Ellen J. Piepenbrink

Ellen J. Piepenbrink
Shores Bookkeeping Service
1326 So. 51st Street
Richmond, CA 94804

Tel: 510-236-9300
Fax: 510-236-9305

Drogos, Donna, Env. Health

From: Drogos, Donna, Env. Health
Sent: Tuesday, August 31, 2004 3:31 PM
To: Chan, Barney, Env. Health
Subject: RE: 751 Brush St., RO2586, Francis Plating

Tracking: Recipient Read
Chan, Barney, Env. Health Read: 9/1/2004 8:36 AM

This was the site I mentioned to you last week.

At the meeting Ariu & I had with them we committed to giving them an initial letter for the site by Sept. 30. (They should not be expecting it from you now.)

You should have info re: the site that I gave you after the meeting & a conceptual plan for the development that I received last week.

Donna L. Drogos, PE
LOP/TOXICS Program Manager
Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502

510-567-6721
donna.drogos@acgov.org

-----Original Message-----

From: Chan, Barney, Env. Health
Sent: Tuesday, August 31, 2004 3:11 PM
To: Drogos, Donna, Env. Health
Subject: 751 Brush St., RO2586, Francis Plating

Donna: I got a call from Ellen Pebrenbrink on behalf of Mr. McCoy inquiring on the status of our review of this site. Is this a site that should be worked on as a priority?

Barney

BRUSH STREET GROUP, LLC
1155 THIRD STREET, SUITE 230
OAKLAND, CA 94607
Phone: 510/286-8200
Fax: 510/286-8210

Alameda County

AUG 13 2004

Environmental Health

August 11, 2004

Ariu Levi
Division Chief
Alameda County Health Care Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Subject: RO 2586, Oversight Account Set Up
Environmental Review

Dear Mr. Levi,

As requested the Brush Street Group (BSG) is sending a check to the Finance Department in the amount of \$6,000 to open an oversight account. As you indicated these funds will enable ACEH to provide an adequacy of review determination for the "Soil and Groundwater Investigation" report, dated April 2003 and prepared by Baseline Environmental Consulting, for the site located at 751 – 785 Brush Street, Oakland.

As you will recall during our meeting on July 28, 2004 you agreed to provide the BSG with the review no later than September 15, 2004 so we may meet the City of Oakland's' October deadline for all the submission of funding applications. The Resources for Community Development and the BSG also need this information in order to proceed with the current plan of developing this site into fifty (50) affordable housing units.

We greatly appreciate ACEH's assistance and eagerly await this review.

Cordially,



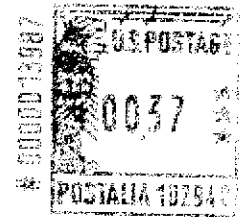
Tom McCoy

cc: Lydia Huang, Baseline Environmental
Barbara Sanders, RCD
Lisa Montoya, RCD

BBI CONSTRUCTION
1155 Third St. Suite 230
Oakland, CA 94607



Check w/ Finance
A 35V 1-



ARIU LEVI
ALAMEDA COUNTY HEALTH CARE SERVICES
1131 HARBOR BAY PARKWAY, SUITE 250
ALAMEDA, CA 94502-6577

94502+6540 39



ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



July 29, 2004

Mr. Tom McCoy,
Principal
BBI CONSTRUCTION
1155 Third St. Suite 230
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

Subject: RO 2586
Contamination Detected at Former Francis Plating, 751 Brush St., Oakland, California

Dear Mr. McCoy:

ACEH has received your request for input regarding residential land use at the above-referenced site and the potential need for mitigation to address volatile organic compounds (VOCs) and metals detected in site subsurface soil and groundwater. Under California Health and Safety Code Section 101480, ACEH has the authority to establish site cleanup goals and to certify cleanup of a contaminated site. ACEH is willing to review your consultant's reports and to comment on the completeness of investigation and the appropriate response based on your consultant's findings and conclusions. Please be aware that ACEH will only comment on the validity and appropriateness of the technical conclusions and recommendations by responsible professionals, with respect to the data submitted to ACEH. It is not within ACEH's authority to issue any blanket statements regarding the suitability of the site for residential development.

In order for ACEH to review reports relevant to the site, we would require an oversight account for the above-referenced site. To set up your account, please send a check in the amount of \$6,000 payable to Alameda County Environmental Health. Please send your check to the attention of our Finance Department.

This initial deposit may or may not be sufficient to provide all necessary regulatory oversight. ACEH will deduct actual costs incurred based upon the hourly rate specified below. If these funds are insufficient, additional deposit will be requested. Otherwise, any unused monies will be refunded to you or your designee.

The deposit is authorized in Section 6.92.040 of the Alameda County Ordinance Code. Work on this project is being debited at the Ordinance specified rate, currently \$160.00 per hour.

Please write "Toxics" (the type of project), the site address and AR# 0310608 on your check.

If you have any questions regarding this request, please call Barney Chan at (510) 567-6765.

Sincerely,



Ariu Levi
Division Chief

cc: Donna Drogos, ACEH
Barney Chan, ACEH

CITY OF OAKLAND FIRE DEPARTMENT
Office of Emergency Services
 1605 Martin Luther King Jr. Way, Oakland, CA 94612

Hazardous Materials Program

Contaminated Site Case Transfer Form

Referral To:

Date	07/14/03
Agency	Alameda County Environmental Health, 1131 Harbor Bay Parkway, Alameda, CA 94502
Attention	Donna L. Drogos, LOP/SLIC Program Manager

Site Information:

7TH ST

Site Responsible Party(s)	
Site Name	Francis Plating
Site Address	751 -785 Brush Street
Site Phone	510-420-8686
Site Contractor/Consultant (if available)	Baseline Environmental
Site DBA	

Site Conditions:

UST			
USTs removed? # removed: _____ Date removed: _____	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
Contents (circle): gasoline diesel waste oil heating oil solvents kerosene stoddard solvent other (specify) _____	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
Observations of system (holes, leaks)?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
Observed contamination (free product, smell, soil/water discoloration)?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
Detectable concentrations of soil and/or groundwater contamination?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
o Highest Concentration Detected in Soil Contaminant (specify) _____ Concentration _____ ppm			
o Highest Concentration Detected in Water Contaminant (specify) _____ Concentration _____ ppb			
Unauthorized Release Form filed?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
Future intended use if known? Specify _____	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
NON-UST			
Former industrial use?	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
Detectable concentrations of soil and/or groundwater contamination?	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
o Highest Concentration Detected in Soil Contaminant (specify) _____ Concentration _____ ppm			
o Highest Concentration Detected in Water Contaminant (specify) _____ Concentration _____ ppb			
Future intended use if known? Specify _____	Yes	<input checked="" type="checkbox"/>	No <input type="checkbox"/>
<i>If available, attach pertinent reports</i>			

Transferred as: LOP SLIC x

Level of Update requested: x distribution list all meetings all site visits closure sign off all the above

Transfer requested by Inspector: [Signature] Date: 7/14/03

Transfer accepted by (ACEH): _____ Date: _____

Drogos, Donna, Env. Health

From: Levi, Ariu, Env. Health
Sent: Friday, December 19, 2003 9:07 AM
To: Drogos, Donna, Env. Health
Subject: FW: County Environmental Health review of Clean up of 751-785 Brush St., Oakland

Attachments: Mee Ling Tung 10-24-03.PDF



Mee Ling Tung
10-24-03.PDF (45...

FYI

-----Original Message-----

From: Tom McCoy [mailto:tmccoy@bbiconstruction.com]
Sent: Thursday, December 18, 2003 11:58 PM
To: alevi@co.alameda.ca.us
Cc: Beratta, Mark; Lydia Huang
Subject: County Environmental Health review of Clean up of 751-785 Brush St., Oakland

Dear Mr. Levi,

I am writing this e-mail to find out if the Alameda County Environmental Health Services Division has made any progress negotiating an agreement with the City of Oakland to oversee the clean up of non petroleum based contaminated sites. I have attached a letter from Ms. Tung, the Environmental Health Director, sent to me in October that describes the problem between the County and the City.

I recently spoke to Leroy Griffen with the City of Oakland Fire Department. He stated that progress is being made to reach an agreement with the County but he was unclear as to when we can expect a resolution.

I would like to obtain an opinion from you as to when your division expects to be able to begin the review of our case. It is my understanding that the primary issue between the County and City has to do with the City's reimbursement of the County's oversight costs. I do not care to whom we pay the oversight fees. We are prepared to by pass the City and reimburse the County for its costs by paying our fees directly to the County if this will move our situation forward.

I hope the County and City can straighten out their relationship soon. We would like to begin the planning for the development of our site. Please let me know whether you anticipate any progress soon.

Thank you for your help.

Best Regards,

--
Tom McCoy
The Brush Street Group
1155 Third Street, Suite 230
Oakland, CA 94607

Tel: 510/286-8200 x 216
Fax: 510/286-8210

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 24, 2003

Mr. Tom McCoy
Brush Street Group
1155 3rd St., Suite 230
Oakland, CA 94607

RE: 751-785 Brush Street, Oakland

Dear Mr. McCoy:

Please note that the response time to your environmental clean up project by Alameda County Environmental Health is temporarily longer than normal due to a shortage in staffing. The County is already well along the civil service process to fill one of its vacancies, and is engaged in negotiations with local government such as the City of Oakland to create funding for a second position. If the negotiations prove fruitful, the second position shall have as its first responsibility the clean up of re-development sites where leaking underground fuel tanks were not the primary source of contamination.

In order for the County be as responsive to your needs as possible, be sure and provide information that identifies your project timeline. If your project is extremely time sensitive the County will present your case to its state level counterparts for their evaluation and possible acceptance as a case. At this time please accept the County's apology for whatever inconveniences this delay creates.

If you have any questions concerning the status of your case feel free to call or e-mail Ariu Levi, Division Chief at (510) 567-6862 or alevi@co.alameda.ca.us.

With Regards;

A handwritten signature in cursive script that reads "Mee Ling Tung".

Mee Ling Tung, Director
Environmental Health

C: Leroy Griffen, City of Oakland
Donna Drogos, EHS

TOM McCOY
Principal



BBI CONSTRUCTION
1155 Third St. Suite 230
Oakland, CA 94607
Tel (510) 286-8200, ext 216
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tmccoy@bbiconstruction.com
License No. 767890

BSA

Barbara Sanders and Associates
Affordable Housing and Community Development Consultants

P.O. Box 27253
Oakland, CA 94602
(510) 261-9509 Fax 536-2503
email: barbsa9509@aol.com

Barbara Sanders,
Principal

B A S E L I N E

ENVIRONMENTAL
CONSULTING

5900 Hollis Street, "D"
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TEL: (510) 420-8686
FAX: (510) 420-1707
e-mail: lydia@baseline-env.com
Emeryville • Petaluma
San Francisco

Lydia Huang, P.E.
Senior Engineer

510-286-8200

Ruep

Tom

- Brush St. Group - McCoy
- RCD - partnership

Ellen Peberbrink ? 510-236-9300

X2