R02728

Law Offices of James E. Reed 5460 Carlton Street Oakland, California 94618



Telephone: (510) 601-0700 Fax: (510) 601-0709

October 31, 2006

E-MENVIRONMENTAL HEALI'M SERVICE. jreed@reedlaw.com

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

> Re: SLIC Case RO000278 1201 32nd Street Oakland, CA

Dear Mr. Wickham:

Enclosed please find my client's check payable to Alameda County Environmental Health in the amount of \$3,000.00 representing my client's share of the \$6,000.00 requested in your letter of May 25, 2006. We trust that you will collect the balance of the requested amount from Mary Sue Little the former owner of the property.

Please call me if you have any questions.

Very truly yours,

James E. Reed

cc: Star Canyon LLC

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Alomeda County

Environmental Health

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

December 27, 2006

Star Canyon LLC C/o Mr. James E. Reed 2831 Telegraph Avenue Oakland, Ca 94609-3606

Ms. Mary S. Little 886 McElroy Street Oakland, CA 94607-1304

Subject: SLIC Case RO0002728 and Geotracker Global ID T06019780605, Little Property, 1201 32nd Street, Oakland, CA

Dear Mr. Reed and Ms. Little:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above-referenced site. Two reports have been submitted to ACEH files for the site; an undated report entitled, "Summary Report, Soil and Groundwater Sampling Conducted as Part of a Property Transaction Screen," prepared by International Geologic and a report entitled, "Subsurface Investigation Report (B1 through B3)," dated November 29, 2004 and prepared by RGA Environmental, Inc. These reports indicate that elevated concentrations of up to 17 milligrams per kilogram of trichloroethene (TCE) were detected in soils in the southeastern portion of the site. The highest concentration of TCE was detected in a soil sample collected at a depth of 15.5 feet bgs from soil boring B1, which was advanced in the southeastern portion of the property. No soil samples were apparently analyzed for depths shallower than 15.5 feet bgs from boring B1. TCE was also detected at highly elevated concentrations of up to 1,100 milligrams per liter (mg/L) in groundwater samples from two soil borings in the southeastern portion of the site (borings B1 and B3). TCE was also detected at lower concentrations in groundwater samples collected from three other soil borings in the central and northern portions of the site. Tetrachloroethene (PCE) was detected in groundwater samples collected from two of the borings in the northern portion of the site.

The "Subsurface Investigation Report (B1 through B3)," dated November 29, 2004 and prepared by RGA Environmental, Inc. recommended additional investigation within the southeastern portion of the site to identify the source of TCE and PCE in soil and groundwater. The RGA report recommended excavation of a shallow trench for soil sample collection. We concur that additional investigation of the southern portion of the site is required to find the source of TCE and PCE in soil and groundwater. Therefore, we request that you submit a Work Plan to conduct additional investigation within the southern portion of the site by March 20, 2007. The RGA report also recommended six off-site soil borings to evaluate the extent of TCE and PCE in groundwater. We concur that off-site borings will be needed; however, we request that the off-site borings be located in significantly closer proximity to the site than those boring locations proposed by RGA.

Mr. James E. Reed Ms. Mary S. Little December 27, 2006 Page 2

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

TECHNICAL COMMENTS

- 1. Boring Logs. The undated report entitled, "Summary Report, Soil and Groundwater Sampling Conducted as Part of a Property Transaction Screen," prepared by International Geologic does not include boring logs for the two soil borings completed at the site. The lack of boring logs to describe subsurface conditions and soil screening is a data gap that limits the value of the information collected, particularly for shallow soils in the southeastern portion of the site. Characterization of the site geology and hydrogeology is a requirement for the site that must be addressed during future site investigation. Preparation of boring logs is a fundamental step required in the characterization of site geology and hydrogeology and is required for all future investigations.
- 2. Geotracker EDF Submittals. Pursuant to CCR Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the LUFT program, must be transmitted electronically to the SWRCB Geotracker website via the internet. Additionally, beginning January 1, 2002, all permanent monitoring points utilized to collected groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude accurate to within 1-meter accuracy, using NAD 83, and transmitted electronically to the SWRCB Geotracker website. Beginning July 1, 2005, electronic submittal of a complete copy of all reports (LUFT or SLIC) is required in Geotracker (in PDF format). In order to remain in regulatory compliance, please upload all SLIC analytical data and copies of reports post July 1, 2005, to the SWRCB's Geotracker database website in accordance with the above-cited regulation.

TECHNICAL REPORT REQUEST

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

March 20, 2007 – Work Plan for Site Investigation

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

ELECTRONIC SUBMITTAL OF REPORTS

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

Mr. James E. Reed Ms. Mary S. Little December 27, 2006 Page 3

Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

PERJURY STATEMENT

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

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

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

AGENCY OVERSIGHT

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

Mr. James E. Reed Ms. Mary S. Little December 27, 2006 Page 4

If you have any questions, please call me at (510) 567-6791.

Sincerely,

Jerry Wickham

Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

CC:

Donna Drogos, ACEH Jerry Wickham, ACEH

File

Law Offices of James E. Reed 5460 Carlton Street Oakland, California 94618

Telephone: (510) 601-0700 Fax: (510) 601-0709

E-Mail: ireed@reedlaw.com

July 6, 2006

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

2728

Re: SLIC Case R0000278 1201 32nd Street Oakland, CA

Dear Mr. Wickham,

In response to Mr. Levi's letter of May 25, 2006 in connection with the above property, this will confirm my telephone conversation with you some weeks ago in which I requested the following:

- 1. A correct citation, or a copy of, the Alameda County Ordinance which authorizes your collection of a deposit to establish an oversight account. As I indicated, I could not locate a Section 6.92.040L in the Code;
- 2. A copy, or instructions on access to, the Environmental Health Services file on the subject property. We are particularly interested in knowing whether the Agency has a record of prior owners of the property and whether any determination has been made as to the original cause or source of the identified groundwater contamination.
- 3. Copies of any orders requiring remedial action with respect to the subject property.

I will look forward to your response.

Very truly yours

James E. Reed

cc: Star Canyon LLC

Wickham, Jerry, Env. Health

From:

Wickham, Jerry, Env. Health

Sent:

Wednesday, June 21, 2006 5:53 PM

To:

'jreed@reedlaw.com'

Subject: Alameda County

In response to your phone call, Section 6.92.040 of the Alameda County General Ordinance Code can be found in Title 6 Health and Safety on this website. Section 6.92.170, which describes the Deposit/refund procedure is also on this website.

http://www.acgov.org/admin/admincode/index.htm

Regards,
Jerry Wickham
Hazardous Materials Specialist
Alameda County Environmental Health
1131 Harbor Bay Parkway
Suite 250
Alameda, CA 94502-6577
510-567-6791 phone
510-337-9335 Fax
jerry.wickham@acgov.org

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

May 26, 2006

Mr. James E. Reed Star Canyon LLC 2831 Telegraph Avenue Oakland, Ca 94609-3606

Ms. Mary S. Little 886 McElroy Street Oakland, CA 94607-1304

Subject: SLIC Case Control of the Property, 1201 32nd Street, Oakland, CA

Dear Mr. Reed and Ms. Little:

Alameda County Environmental Health (ACEH) staff has received a letter dated July 6, 2006 from Mr. James Reed requesting information. The letter requested information regarding three items: 1) the Alameda County Ordinance for oversight accounts; 2) file review; and 3) orders requiring remedial action. In response to your request for a copy of the Alameda County Ordinance, which authorizes collection of a deposit to establish an oversight account, the Alameda County General Ordinance Code may be viewed at http://www.acgov.org/admin/admincode/index.htm. Sections 6.92.040 and 6.92.170, which describe the deposit/refund account procedure can be found on this website.

ACEH files can be reviewed in our offices by requesting an assigned review time. Public file reviews typically take place each Thursday and Friday. Please send a fax (Fax number 510-337-9335) or otherwise contact Roseanna Garcia-LaGrille (510-777-2149) to reserve a review time. Please specify case file RO0002728 when requesting the file review.

No orders requiring remedial action have been issued for the site to date. In order for ACEH to provide regulatory oversight for your site, we require a deposit to establish an oversight account. Since no oversight account has been established, regulatory directives requiring remedial action have not been issued. However, this site remains an open case with soil and groundwater contamination. If it appears as though significant delays are occurring in establishing an oversight account or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

To set up your oversight account, please send a check in the amount of \$6,000.00 payable to Alameda County Environmental Health. Please send your check to the attention of our Finance Department. Please write "SLIC" (the type of project), the site address, and the AR# 312667 on your check.

Mr. James E. Reed Ms. Mary S. Little July 26, 2006 Page 2

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.

If you have any questions, please call me at (510) 567-6791.

Sincerely,

Perry Wickham, P.G.

Hazardous Materials Specialist

CC:

Donna Drogos, ACEH Jerry Wickham, ACEH

File

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

May 25, 2006

Mr. James Reed Star Canyon LLC 2831 Telegraph Avenue Oakland, Ca 94609-3606

Ms. Mary S. Little 886 McElroy Street Oakland, CA 94607-1304

Little Property, 1201 32nd Street, Oakland, CA Subject: SLIC Case RO

Dear Mr. Reed and Ms. Little:

The above-referenced site is a Spills, Leaks, Investigations, and Cleanup (SLIC) case due to the presence of soil and groundwater contamination on the property. Alameda County Environmental Health is the agency providing regulatory oversight for this case. In order for ACEH to provide regulatory oversight for your site, we would require a deposit to establish an oversight account. To set up your account, please send a check in the amount of \$6,000.00 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 6.92.040L 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 "SLIC" (the type of project), the site address, and the AR# 312667 on your check.

If you have any questions, please contact Jerry Wickham at (510) 567-6791.

Sincerely

Ariu Levi Division Chief

cc: D. Drogos, J. Jacobs, Jerry Wickham

AGENCY





December 3, 2004

Juan J. Perez Perez Design & Build 3355 Rubin Dr. Oakland, CA 94602 ENVIRONMENTAL HEALTH SERVICES

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

Subject:

Toxics Case RO0002728, 1201 32nd Street, Oakland, California - Request for

Funds

Dear Mr. Perez:

ACEH has received RGA Environmental's request for input regarding residential land use at the above-referenced site and the potential need for mitigation to address volatile organic compounds (VOCs) detected in the site subsurface. 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. In order for ACEH to review reports and oversee environmental work at the site, we require an oversight account for the above-referenced site. To set up your account, please send a check for \$6,000 to Alameda County Environmental Health, attn. Finance Department. Please make your check payable to Alameda County Environmental Health.

This 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 by Section 6.92.040 of the Alameda County Ordinance Code. Work on this project will be debited at the Ordinance specified rate, currently \$160.00 per hour.

Please write "Toxics" (the type of project), the site address and AR# 11667 on your check.

If you have any questions regarding this request, please call Bob Schultz at (510) 567-6719.

Sincerely,

Ariu_evi 💆

Division Chief

cc: Paul King, RGA Environmental, 1466 66th St., Emeryville, CA 94608

Donna Drogos, ACEH Bob Schultz, ACEH

Schultz, Robert, Env. Health

From: Schultz, Robert, Env. Health

Sent: Wednesday, December 01, 2004 4:22 PM

To: 'PDKing0000@aol.com'

Cc: Karin@RGAEnv.com; Wakaluk1@aol.com

Subject: RE: 1201 32nd Street, Oakland Request for Meeting

Hi Paul:

As discussed, let's meet once your report is complete and you prepare a workplan to complete delineation of the contamination (horiz, and vertical in both soil and groundwater). Your proposal to use a backhoe to assist with soil investigation in the source area sounds good - please include proposed methodology for source delineation in your workplan, so that I may give you Alameda County's perspective on the likelihood of your proposal suitably defining the contamination. I will send Mr. Perez a request for funds (\$6k) to proceed with County oversight of investigation and cleanup. I will be available to review reports once an account is established. Please be aware that due to current workload, you and your client should anticipate up to 60 days for review of any documents submitted. Accordingly, to save both time and money, I suggest we limit the number of iterations and field mobilizations by addressing all known data gaps at each phase of work. When you submit your report, I recommend that it be cumulative, including consideration of all previous work at the site.

Sincerely, Bob

----Original Message----

From: PDKing0000@aol.com [mailto:PDKing0000@aol.com]

Sent: Wednesday, December 01, 2004 11:42 AM

To: Schultz, Robert, Env. Health

Cc: Karin@RGAEnv.com; Wakaluk1@aol.com

Subject: 1201 32nd Street, Oakland Request for Meeting

Hi Bob.

We recently drilled at 1201 32nd Street in Oakland and a prospective buyer, Juan Perez, would like to meet with you to discuss the results. I spoke to Betty Graham about the site this morning, and she said that you're probably the lead on the case. Are you available to speak with Mr. Perez regarding possible requirements for investigation and clean up at the property? I would be at the meeting to present and summarize the historical and recent subsurface investigation findings.

Best Regards, RGA Environmental, Inc. Paul King 510-658-4363

Drogos, Donna, Env. Health

From:

Schultz, Robert, Env. Health

Sent:

Monday, November 29, 2004 9:23 AM

To:

'PDKing0000@aol.com'

Cc:

Karin@RGAEnv.com; Wakaluk1@aol.com

Subject: RE: 1201 32nd Street, Oakland Case Number

Hi Paul:

Yes, we oversee non-petroleum cases. The case number for the subject site is RO-2728. I do not recall a conversation with Willy re. that site.

Also, I received a copy of your report for RO-2511 on 11/22, I will continue to work on that case this week.

Thanks,

Bob

----Original Message----

From: PDKing0000@aol.com [mailto:PDKing0000@aol.com]

Sent: Monday, November 29, 2004 7:23 AM

To: Schultz, Robert, Env. Health

Cc: Karin@RGAEnv.com; Wakaluk1@aol.com Subject: 1201 32nd Street, Oakland Case Number

Hi Bob,

Willy Welzenbach spoke with you regarding opening a new case for 1201 32nd Street in Oakland. The property owner wants to perform whatever work is necessary to obtain case closure. The contaminants at the site are primarily TCE, and to a lesser degree PCE. Is Alameda County taking the lead for investigations and cleanups for non-petroleum cases, or are those still going over to RWQCB SLIC Dept? Please let me know at your earliest conveneince.

Best Regards, RGA Environmental, Inc. Paul King 510-658-4363



Alameda County

OCT 1 5 2004

Attorney At Law

September 11, 2004

Environmental Health

Thomas E. Ho'okano, Esq 44 Montgomery Street, Suite 1300 San Francisco, CA 94104 tel 415.362.6939 fax 415.362.6818

VIA FACSIMILE (510) 337 -9335 & UNITED STATES MAILS

Ms. Donna Drugos Alameda County Health Services -Department of Environmental Health 1131 Harbor Bay Parkway Alameda, CA 94502-6577

Re: Request For Meeting - Groundwater Contamination 1201 32nd Street

Dear Ms. Drugos:

I represent the owner of property located within the City of Oakland at 1201 32nd Street. The owner is Ms. Mary Sue Little. The owner has requested that I set a meeting with you and the buyer of the subject property. I have called your office today and yesterday to learn when you may have time to meet with us. I have not received a return telephone call. The purpose of this meeting is to learn the procedures that will be employed and possible requirements that may be imposed by the county in regard to the groundwater contamination at 1201 32nd Street, Oakland, California. This is a legitimate subject of inquiry. Will you please call my office to let me know dates and time available to meet with you? Please do not ignore this request. It is made in the spirit of promoting the public interest in resolving the present contamination problem at the subject site. I can be reached at (415) 362-6939.

Very truly yours,
LAW OFFICES OF THOMAS E. HO'OKANO

Thomas E. Ho'okano

cc Mary Sue Little Ms Whitney Nelson



Attorney At Law

Thomas E. Hoʻokano, Esq. 44 Montgomery Street, Suite 1300 San Francisco, CA 94104



Ms. Donna Drugos Alameda County Health Services -Department of Environmental Health 1131 Harbor Bay Parkway Alameda, CA 94502-6577

94502+6540 Nhahdaldhaddhaddhadlaadhadla

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 Agency Alameda County Environmental Health, 1131 Harbor Bay Parkway, 1131 Harbor Bay Parkway, 1131 Harbor Bay Parkway, 1131 Harbor Bay Parkway, 1131 Harbor Bay Parkway				V				
Date	- Symmetric Symm		ا المذ					
Agency	Alamada County Environmental Health, 1121 Herber Ray Barlayey, M	Annada	~	EAR				
Attention	Alameda County Environmental Health, 1131 Harbor Bay Parkway, Alameda, CA 94502 Donna L. Drogos, LOP/SLIC Program Manager nation:							
Attention	Donna L. Diogos, LOF/SLIC Frogram Manager		11-					
Site Information:				5				
Site Responsible Party(s)								
Site Name	Resolution Alondones	5,0	<u>Ce</u>	ITTLE	PROP			
Site Address 1201 32nd SD.					1			
Site Phone								
	tor/Consultant (if available)							
Site DBA								
Site Conditions:								
	ed? # removed: Date removed:	Yes		No				
<u> </u>	cle): gasoline diesel waste oil heating oil solvents	Yes		No				
kerosene	stoddard solvent other (specify)	162	- 🗆	INO				
Observations of system (holes, leaks)?				No				
Observed co	ntamination (free product, smell, soil/water discoloration)?	Yes		No				
Detectable concentrations of soil and/or groundwater contamination? o Highest Concentration Detected in Soil Contaminant (specify) Concentration ppm o Highest Concentration Detected in Water Contaminant (specify) Concentration ppb				No				
Unauthorized	Release Form filed?	Yes		No				
	ed use if known? Specify	Yes		No				
NON-UST	,	163		110				
Former indus	trial use?	Yes	X	No				
Detectable co	oncentrations of soil and/or groundwater contamination?	Yes		No				
Contamir o Highest (Concentration Detected in Soil nant (specify) TCE Concentration 1700 ppm Concentration Detected in Water nant (specify) TCE Concentration 11000 ppb		_		_			
Future intend	ed use if known? Specify	Yes		No	X			
	If available, attach pertinent reports							
Transferred as: LOP SLIC Level of Update requested: distribution list all meetings all site visits closure sign off all the above								
Transfer requested by Inspector: H. Semby Date: 9/16/4								
Transfer acce	epted by (ACEH): Date:	10/6	104	<u>.</u>				