

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

June 8, 2007

Ms. Marilyn Ponte
BayRock Residential
1300 Clay St., Suite 620
Oakland, CA 94612

Dear Ms. Ponte:

Subject: Site Cleanup Program Case RO0002733, Oak Walk Redevelopment Site, 4090 San Pablo Ave., Emeryville, CA 94608

In order for ACEH to continue our oversight of the subject site, we request a check in the amount of \$6000 be submitted to Alameda County Environmental Health. The current balance of this account is -\$1434.40. Please send your check to the attention of our Finance Department 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 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 "Site Cleanup Program" (the type of project), the site address and AR0312399 on your check.

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

Sincerely,

Ariu Levi
Director, Department of Environmental Health

cc: D. Drogos, B. Chan
Mr. John Tibbetts, Oak's Club Room, 4097 San Pablo Ave., Emeryville,
CA 94608

2DepRqOakWalkRedevelopment

ALAMEDA COUNTY
HEALTH CARE SERVICES

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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

March 30, 2007

Ms. Marilyn Ponte
Bay Rock Residential LLC
1300 Clay St., Suite 620
Oakland, CA 94612-1427

Dear Ms. Ponte:

Subject: Toxics Case RO0002733 & Global ID T06019705080, Oak Walk Development,
4090 San Pablo Ave., Emeryville, CA 94608

Alameda County Environmental Health (ACEH) has received the February 12, 2007, Regional Release Sites and Proposed Off-Site Well-Oak Walk Redevelopment Site Emeryville, CA as requested in the County's December 1, 2006. We have also received and approved the December 15, 2006 Monitoring Well Installation Work Plan, Former Cellis' Alliance Service Station, 4000 San Pablo Avenue, Emeryville, California submitted by URS on both the City of Emeryville and Mr. John Tibbetts' behalf, which was also requested in the County's letter.

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

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

cc: files, D. Drogos
list of interested parties (sent by e mail)
Mr. Constantino Cellis, 2319 Monte Vista Dr., Pinole, CA 94564

3_30_07 Oak Walk Development

(w2733)



Alameda County

FEB 20 2007

Alameda County Environmental Health Care Services
Local Oversight Program
1131 Harbor Way Parkway, Suite 250
Alameda, California 94502-6577

Environmental Health

Date: February 12, 2007 **7**

Your Reference: RO2733

Attn. Mr. Barney Chan, REHS

**SUBJECT: Regional Release Sites and Proposed Off-Site Well
- Oak Walk Redevelopment Site Emeryville, CA**

Dear Mr. Chan:

As you requested, our consultants, The San Joaquin Company Inc., have prepared a letter report titled "Regional Release Sites and Proposed Off-Site Well - Oak Walk Redevelopment Site Emeryville, CA" dated February 12, 2007. That report includes an update to their drawing "Unauthorized Release Sites in Neighborhood of Subject Property - Oak Walk Redevelopment Project" and describes the arrangements that have been made with the City of Emeryville for a proposed groundwater quality monitoring well to be located south the former site of the San Francisco French Bread Company's underground storage tanks at 4070 San Pablo Avenue. The report will be uploaded to the Alameda County Environmental Health Care Agency's web site.

Please note that as the developer BayRock Residential, LLC has no responsibility either as discharger or property owner in relation to any of the unauthorized releases of regulated materials that occurred on or off site from the Oak Walk property or the former San Francisco French Bread tank site. Our undertaking of site characterization and environmental corrective action work on the property is strictly voluntary in nature.

With respect to the engineering letter report sited above, I state the following:

"I declare, under penalty of perjury, that the information and recommendations contained in the cited document are true and correct to the best of my knowledge"

If you have any technical questions about the material contained in the engineering letter report please call Dr. Dai Watkins of The San Joaquin Company Inc. For administrative questions please call me at (510) 873-8880

Sincerely,
BayRock Residential, LLC

Marilyn Ponte
Senior Development Manager
cc: Dr. Dai Watkins- The San Joaquin Company Inc.

2007 FEB 20 PM 4:09

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



7

December 1, 2006

Mr. Peter Schellinger
Bay Rock Residential LLC
1300 Clay St., Suite 620
Oakland, CA 94612-1427

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

Dear Mr. Schellinger:

Subject: Toxics Case [REDACTED] Walk Development, 4090 San Pablo Ave.,
Emeryville, CA 94608

Alameda County Environmental Health (ACEH) has reviewed the case file for the subject and adjacent sites including the November 2006 Addendum to Corrective Action Plan prepared by The San Joaquin Company Inc. in response to the County's October 12, 2006 letter. The County Technical Comments have been addressed and the Corrective Action Plan is approved. However, we have the following technical comments, which must be addressed when performing the proposed work.

TECHNICAL COMMENTS

1. Grout Curtain Installation- We have reviewed your evaluation of the potential consequences of the installation of the proposed grout curtains and believe that unless the barriers include some type of chemical remediation, there appears to be little benefit to their installation. As stated in the addendum, the grout curtains will cause contaminants to move into adjacent less permeable soils, slightly alter the flow path around the barrier and slow the transport of contaminants down-gradient of the barrier. This may result in the increase of contaminant concentration up-gradient of the grout curtain. Therefore, higher contamination in soil may result up-gradient of the curtains than had they not been installed. We believe, the up-gradient areas may be "innocent" parties and should not be exposed to this potential. The other elements of your CAP are sufficiently protective to allow your proposed development.
2. Groundwater Remediation- We concur that after the proposed groundwater extraction, monitoring well sampling will be indicative of the effectiveness of this remediation. The anticipated reduction in concentration to 40% of original is your consultant's professional estimate based upon his experience. It is not a target goal and represents a "best effort" to remediate groundwater. The 20,000 gallons proposed for removal is based upon what is technically and economically feasible. We concur that the proposed groundwater removal from the extraction ponds is an acceptable remedial effort coupled with the other elements of your CAP.
3. Additional Monitoring Wells- We requested an additional monitoring well in the location of MWT-7. Your Addendum provides clarification that a replacement well in this location would be located beneath a principal building. Proposed post-remediation well, MW-14 will be located down-gradient of MWT-7, within the same

permeable channel and will serve as a suitable replacement. Providing this is the case, this alternative is acceptable.

To verify actual groundwater concentration entering the site and assess the need for remediation, we request two additional post-remediation wells be installed north of proposed well, MW-9, in a transect in the assumed down-gradient location of the Ennis boring within the stream-bed channel as verified by exploratory Trench 10. These wells will provide an estimate of the contamination entering the site through the channel and indicate the need, if any, for additional remediation. If groundwater remediation is shown necessary by groundwater monitoring, one reasonable approach is to use the stream-bed channel as a treatment area for the plume. The responsible parties could then treat the contamination within the stream-bed channel as part of their corrective action plan (CAP).

4. Vertical Delineation of Groundwater Contamination- We shall defer to your consultant's interpretation of the existing boring logs at this site and his professional judgment in determining the need for depth discrete monitoring wells. Since it is unclear if multiple water bearing zones exist and whether they are continuous beneath the site, we concur with the proposal to install a well cluster in MW-16 as a site surrogate and installing depth discrete short screen wells sufficient to delineate the vertical extent of contamination. Sampling results from this well cluster will be considered representative and will be used to determine if the other post-remediation well clusters are necessary.
5. Monitoring of Groundwater Release from former SFFBC- The Addendum points out existing and future wells down-gradient of the former SFFBC that can and will be used to monitor the plume. However, the County is concerned about the contamination from the former SFFBC tanks that may have migrated through the former stream-bed channel to the west of San Pablo Ave. This potential is seen in the results from former well, MW-2 located on 3999 San Pablo Ave. We recommend co-operation with the City of Emeryville in well placements as they have been requested to complete the evaluation of the fuel release from the former Celis Service Station located at 4000 San Pablo Ave.
6. Request for Updated Figure of Unauthorized Release Sites in Neighborhood- Our office has provided your consultant with reports for the former Boysen Paint (ONE) site, 1001 42nd St., Oakland. We request that you update the "Unauthorized Release Sites in Neighborhood" figure to include this information since this site has been indicated to be one of the sources of contamination which has impacted the Oak Walk site.

TECHNICAL REPORT REQUEST

Please provide the following technical reports according to the following schedule:

- December 29, 2006- Work Plan for monitoring well(s) down-gradient of the former SFFBC (in co-operation with the City of Emeryville)
- December 29, 2006- Updated Figure of Unauthorized Release Sites in Neighborhood

ELECTRONIC SUBMITTAL OF REPORTS

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

In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at barney.chan@acgov.org.

PERJURY STATEMENT

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

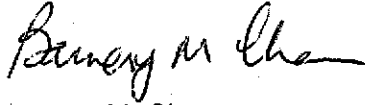
PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

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

Mr. Peter Schellinger
RO 2733, Oak Walk Development
Page 4 of 4

If you have any questions, please call me at (510) 567-6765.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

cc: files, D. Drogos, A. Levi
list of interested parties (sent by e mail)
Mr. Constantino Cellis, 2319 Monte Vista Dr., Pinole, CA 94564

11_15_06 Oak Walk CAP

List of Interested Parties for Commingled Investigations:

cc: Ms. Ami Ebright
Green City Lofts, LLC
c/o Monterey Bay Resources
4601 W. Walnut Street
Soquel, CA 95703

Mr. Jon Benjamin
Farella Braun & Martel, LLP
Russ Building
235 Montgomery St.
San Francisco, CA 94104

Mr. Terry Turner
Dunne Quality Paints

Mr. Edward Kozel
20 Oak Knoll Drive
Healdsburg, CA, 95448-3108

Ms. Deborah Castles
McGrath Properties
130 Webster St., Suite 200
Oakland, CA, 94607

Mr. Brian S. Houghton
Barg Coffin Lewis & Trapp, LLP
One Market, Steuart Tower, Ste
2700
San Francisco, CA 94105-1475

Mr. Robert Kitay
ASE
208 W. El Pintado Road
Danville, CA, 94526

Mr. Peter Schellinger
Bay Rock Residential, LLC
5801 Christie Ave., Suite 455
Emeryville, CA 94608

Mr. Dai Watkins
The San Joaquin Co. Inc.
1120 Hollywood Ave., Suite 3,
Oakland, CA 94602

Mr. Ignacio Dayrit
City of Emeryville
1333 Park Ave.
Emeryville, CA 94608

Messrs. Jon Rosso and Timothy Bodkin
Clayton Group Services, A Bureau Veritas
Company
6920 Koll Center Parkway, Suite 216
Pleasanton, CA 94566

Mr. Matt Oliver
Oliver & Associates
66 Bovet Road, Suite 325
San Mateo, CA 94402

Mr. Thomas J. Puette, Esq.
The Glidden Co.
925 Euclid Ave., Ste. 900
Cleveland, OH 44115-1487

Ms. Catherine W. Johnson
Wendel Rosen Black & Dean LLP
1111 Broadway, 24th Floor
Oakland, CA 94111

Mr. John Cavanaugh
ERM
1777 Botelho Drive, Suite 260
Walnut Creek, CA, 94596

Mr. John Tibbetts
4097 San Pablo Ave.
Emeryville, CA 94608

Mr. Constantino Cellis
2319 Monte Vista Drive
Pinole, CA 94564

List of Interested Parties for Commingled Investigations:

cc:

Mr. George Muehleck
URS Corporation, 1333
Broadway, Suite 800
Oakland, 94612

Mr. Xingang Tong
464 19th St., Suite 206
Oakland, CA 94612

Mr. John Wolfenden, SFRWQCB

Mr. Dave Ennis
P.O. Box 10985
South Lake Tahoe, CA 96158-3985

Files, D. Drogos, A. Levi



2006 NOV 15 PM 2:27

Alameda County Environmental Health Care Services
Local Oversight Program
1131 Harbor Way Parkway, Suite 250
Alameda, California 94502-6577

Date: November 13, 2006

Your Reference: RO2733

Attn. Mr. Barney Chan, REHS

**SUBJECT: Addendum to Corrective Action Plan
- Oak Walk Redevelopment Site Emeryville, CA**

Dear Mr. Chan:

A copy of the *Addendum to Corrective Action Plan - Oak Walk Redevelopment Site, Emeryville California*, that was prepared by our consultants The San Joaquin Company Inc. (SJC) is enclosed with this letter.


Please note that as the developer BayRock Residential, LLC has no responsibility either as discharger or property owner in relation to any of the unauthorized releases of regulated materials that occurred on and off site from the subject property. Our undertaking of environmental corrective action work on the property is strictly voluntary in nature.

With respect to the Addendum to Corrective Action Plan transmitted herewith I state the following:

"I declare, under penalty of perjury, that the information and recommendations contained in the document transmitted herewith are true and correct to the best of my knowledge"

If you have any technical questions about the plan please call Dr. Watkins at questions, or if I can be of assistance to you in any way, please call me at (510) 336-9118. For administrative questions please call me at (510) 873-8880 ext. 205.

Sincerely,
BAYROCK RESIDENTIAL, LLC


Peter Schellinger
Development Manager

Enc: Report: *Addendum to Corrective Action Plan - Oak Walk Redevelopment Site, Emeryville, California*

cc: Dr. Dai Watkins- The San Joaquin Company Inc.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



7

October 12, 2006

Mr. Peter Schellinger
BayRock Residential, LLC
5801 Christie Ave., Ste. 455
Emeryville, CA 94608

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

Dear Mr. Schellinger:

Subject: Toxics Case # [REDACTED] Oak Walk Development, 0 San Pablo Ave.,
Emeryville, CA 94608

Alameda County Environmental Health (ACEH) has reviewed the case file for the subject and adjacent sites including the July 2006 Corrective Action Plan Oak Walk Redevelopment Site prepared by The San Joaquin Company, Inc. The Corrective Action Plan (CAP) includes a Site Description and History, Site Setting and Regional Hydrogeology, Results of Site Characterization, Tier 2 Risk Assessment, Proposed Corrective Action and Post Remediation Monitoring. We generally concur with the proposed Corrective Action Plan and Post Remediation Monitoring, however, we request that you address the following technical comments when performing the proposed work and submit the technical reports requested below.

TECHNICAL COMMENTS

- 1. Identification of Sources of Contamination-** It appears that coarse-grained sand and gravel channels exist up-gradient of the site and are likely the sources of TPH as mineral spirits identified in soil and groundwater on-site. It also appears that the former Celis Service Station and former San Francisco French Bread (SFFB) sites have caused TPHg, BTEX and TPHd contamination to portions of the site and are responsible for contamination which has migrated off-site. It also appears that sources of contamination likely exist on-site (in addition to the SFFB site) which have commingled with the known releases. To determine which parties are responsible for which contamination may be academically challenging, however, it may not be the best use of resources and would significantly delay site remediation and development, therefore, we encourage all responsible parties to co-operate in terms of generating compatible and comprehensive CAPs. We acknowledge that the overall understanding of releases and their migration beneath this site and nearby properties has been greatly enhanced by your consultant.
- 2. Proposed Corrective Action-** The proposed CAP includes multiple actions. These actions target the highest known impacted areas and will reduce contamination and potential risk in these areas. However, the affect on the total residual mass of contamination at the site is unknown. We have the following comments to the CAP components:

Grout Curtain Installation- Three grout curtains are proposed, along the eastern and western boundaries and near the southeastern corner of the site, in the assumed areas of the permeable channels. Because the installation of grout curtains will have

the effect of decreasing groundwater flow beyond this barrier, please explain what will be the effect on the adjacent subsurface properties. How would this affect the health risk to these neighboring properties? Were other alternatives considered to treat groundwater as opposed to blocking and redirecting it? To ensure that the locations of the proposed trenches are appropriate, three trenches (9-11) will be excavated to verify the presence of paleo streambed channels. We approve this action since this will provide additional information and understanding to the site conceptual model and hydrogeology of the site.

Groundwater Remediation- Two groundwater extraction ponds are proposed in locations near MWT-7 and MW-2, areas where elevated TPH gasoline range and benzene concentrations were detected, respectively. An estimated 20,000 gallons of groundwater is proposed for extraction from each pond. It is estimated that the concentrations of groundwater contamination will be reduced to 40% of the original. How will this determination be done? Will more groundwater be extracted if needed to reach this goal? Given the unknown mass of contaminant, is this a realistic goal?

Excavation of Hydrocarbon Impacted Soil- Soil excavation is proposed in two areas to facilitate the development, Remedial Excavation No. 1 and No. 2, which will be excavated to 7' and 6', respectively. Since these areas may encounter hydrocarbon impacted soil, soil sampling and analysis on 25' grids will be done after soil excavation. This data should be used in your post-remediation risk assessment.

Install Engineered Vapor Barrier- As added insurance to indoor air exposure to organic volatiles, an impermeable membrane, Liquid Boot, is proposed for installation beneath the floor slabs of all buildings at the site. The only exception will be the parking garage. We concur with this action.

Administrative Control- We agree that a deed restriction be placed on the property limiting the future use of the property and ensuring the integrity of the impermeable membrane. The specifics contents of the deed restriction will be determined with discussion with our agency but may include detailed figures of initial and post-remediation soil and groundwater concentration and site use restrictions using Alameda County format.

Post Remediation Monitoring- Ten monitoring wells, seven individual well locations and one well cluster of three wells with varying screen intervals are proposed for post-remediation groundwater monitoring. The fully screened monitoring well diagram indicates a screen interval of 15'. Our office prefers the use of shorter screened wells (3' to 5' sand pack) to isolate the contaminated interval and reduce dilution effects of the long screened wells. Proposed wells 16A-16C, are proposed as fully screened 5-15', 15-20' and 20-25' screened wells to compare groundwater concentrations with depth. We suggest drilling a pilot boring to take depth discrete soil and groundwater samples and we request further vertical delineation if contamination is detected in the deepest screened depth. We recommend that multi-channeled wells be installed if multiple water bearing zones are detected and determined necessary to monitor. We request that another well be installed in the area of former well MWT-7, where elevated TPHg was previously detected. Because the SFFB release has not been adequately investigated, there is a

possibility that off-site contamination resulted from this release. Therefore, we request you co-operate with the Green City, ONE, and Celis properties to insure off-site monitoring is coordinated and is sufficient to monitor the plume(s) down-gradient of this site. This request is also made of the Green City, ONE, and Celis properties by copy of this letter.

Soil Gas Survey- Our office appreciates your consultant's opinions doubting the reliability and site applicability for soil vapor samples but does agree that the proposed soil vapor sampling and soil sampling will be useful to supplement the rest of data being accumulated for the site. Because residential buildings are being proposed, unknown amounts of residual hydrocarbons will be left in-place, the complex nature of the releases, and that site closure will ultimately be requested, our office concurs with the proposed soil gas survey.

Post-Remediation Risk Assessment- Prior to your recommendation for site closure, we request that you submit a post remediation risk assessment using current analytical data and site conditions.

3. **Public Notification for CAP-** We request that you provide our office with the names, addresses and parcel numbers for those neighboring sites which might have direct or indirect impacts from the proposed corrective actions. We shall notify these individuals that the CAP may be reviewed for comment either remotely or at the County offices. Only those corrective actions, which might have some impact on the neighboring property require notification prior to their initiation.

TECHNICAL REPORT REQUEST

Please provide the following technical reports according to the following schedule:

- **November 13, 2006-** CAP Addendum responding to technical comments above and proposal for off-site well(s).
- **November 13, 2006-** list of neighboring sites for public notification.
- **November 13, 2006-** tentative schedule for the submittal of the Remediation Completion Report, Soil Gas Survey Report, Post-remediation Monitoring Reports, Post-remediation Risk Assessment and proposed Deed Restriction

ELECTRONIC SUBMITTAL OF REPORTS

Effective **January 31, 2006**, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Please do not submit reports as attachments to electronic mail.

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources

Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting). In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at barney.chan@acgov.org.

We note that not all reports have been submitted to the Geotracker database. Please submit them immediately to this database.

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.

If you have any questions, please call me at (510) 567-6765.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

Mr. Schellinger
October 12, 2006
Page 5 of 5

cc: files, D. Drogos

Mr. Dai Watkins, The San Joaquin Co. Inc., 1120 Hollywood Ave., Suite 3,
Oakland, CA 94602

Mr. John Tibbetts, 4097 San Pablo Ave., Emeryville, CA 94608

Mr. Ignacio Dayrit, City of Emeryville, 1333 Park Ave., Emeryville, CA 94608

Mr. Constantino Cellis, c/o Mr. Ignacio Dayrit, City of Emeryville, 1333 Park Ave.,
Emeryville, CA 94608

Mr. Martin Samuels, Green City Development Group, 3675 Del Monte Ave.,
Oakland, CA 94608

Mr. Terry Turner, Dunne Quality Paints, 707 Glenside Circle, Lafayette, CA 94599

Mr. Dave Ennis, P.O. Box 10985, South Lake Tahoe, CA 96158-3985

Mr. Edward Kozel, 20 Oak Knoll Drive, Healdsburg, CA, 95448-3108

Mr. David Russell, The Grow Group, Pan American Building, 200 Park Ave.,
New York, New York, 10166

Ms. Deborah Castles, AEGIS, 130 Webster St., Suite 200, Oakland, CA 94607

Mr. John Cavanaugh, ERM, 1777 Botelho Drive, Suite 260, Walnut Creek,
CA, 94596

Mr. Xingang Tong, 464 19th St., Suite 206, Oakland, CA 94612

Mr. George Muehleck, URS Corporation, 1333 Broadway, Suite 800, Oakland, 94612

Mr. Jon Rosso, Clayton Group Services, A Bureau Veritas Company, 6920 Koll Center
Parkway, Suite 216, Pleasanton, CA 94566

Mr. Robert Kitay, ASE, 208 W. El Pintado Road, Danville, CA, 94526

Mr. John Wolfenden, SFRWQCB

9_15_06 Oak Walk CAP

RECEIVED

By dehloptoxic at 8:03 am, Feb 20, 2007



Alameda County Environmental Health Care Services
Local Oversight Program
1131 Harbor Way Parkway, Suite 250
Alameda, California 94502-6577

Date: February 12, 2006

Your Reference: RO2733

Attn. Mr. Barney Chan, REHS

**SUBJECT: Regional Release Sites and Proposed Off-Site Well
- Oak Walk Redevelopment Site Emeryville, CA**

Dear Mr. Chan:

As you requested, our consultants, The San Joaquin Company Inc., have prepared a letter report titled "Regional Release Sites and Proposed Off-Site Well - Oak Walk Redevelopment Site Emeryville, CA" dated February 12, 2007. That report includes an update to their drawing "Unauthorized Release Sites in Neighborhood of Subject Property - Oak Walk Redevelopment Project" and describes the arrangements that have been made with the City of Emeryville for a proposed groundwater quality monitoring well to be located south the former site of the San Francisco French Bread Company's underground storage tanks at 4070 San Pablo Avenue. The report will be uploaded to the Alameda County Environmental Health Care Agency's web site.

Please note that as the developer BayRock Residential, LLC has no responsibility either as discharger or property owner in relation to any of the unauthorized releases of regulated materials that occurred on or off site from the Oak Walk property or the former San Francisco French Bread tank site. Our undertaking of site characterization and environmental corrective action work on the property is strictly voluntary in nature.

With respect to the engineering letter report cited above, I state the following:

"I declare, under penalty of perjury, that the information and recommendations contained in the cited document are true and correct to the best of my knowledge"

If you have any technical questions about the material contained in the engineering letter report please call Dr. Dai Watkins of The San Joaquin Company Inc. For administrative questions please call me at (510) 873-8880

Sincerely,
BayRock Residential, LLC

Marilyn Ponte
Senior Development Manager
cc: Dr. Dai Watkins- The San Joaquin Company Inc.

THE SAN JOAQUIN COMPANY INC.
1120 HOLLYWOOD AVENUE, SUITE 3, OAKLAND, CALIFORNIA 94602

Alameda County Environmental Health Care Services
Local Oversight Program
1131 Harbor Way Parkway, Suite 250
Alameda, California 94502-6577

Date: February 12, 2007

Your Reference: RO2733

Attn. Mr. Barney Chan, REHS

**SUBJECT: Regional Release Sites and Proposed Off-Site Well
- Oak Walk Redevelopment Site Emeryville, CA**

Dear Mr. Chan:

In your December 1, 2006 letter to our client, BayRock Residential LLC, you requested that SJC prepare an updated figure of the unauthorized release sites in the neighborhood of the Oak Walk redevelopment site. In addition, you requested that we, in conjunction with the City of Emeryville, propose a location for a groundwater-quality monitoring well designed to investigate groundwater quality down gradient from the former San Francisco French Bread Company (SFFBC) tank site that is located on the 40th Street frontage of 4070 San Pablo Avenue. Specifically, the proposed well would be located in the paleo streambed channel that crosses the southern boundary of the Oak Walk redevelopment site at the location of the SFFBC tanks and continues from there across 40th Street to the Andante property located to the south of that thoroughfare.

Unauthorized Release Sites in the Neighborhood of the Oak Walk Redevelopment Property

In response to your request for an update to our drawing *Unauthorized Release Sites in Neighborhood of Subject Property – Oak Walk Redevelopment Project*, we have completed revision and extension of the drawing and the new edition is enclosed with this letter. At full size, the drawing is 15.5 in. by 24 in. We based the revised drawing on the information provided in reports and other documents available in our files and on reports by others that you provided to us that relate to the Boysen Paint (ONE) site at 1001 42nd Street, Oakland and to the former Frank Dunne Paint Manufacturing site at 1007 41st Street in Emeryville.

It is essential to recognize that the updated drawing of the unauthorized release sites presents our best estimates of the courses of the paleo streambed channels that pass through the area and the continuity of the high permeability sand and gravel deposits that are characteristic of those channels. It was necessary to make interpretations based on a preponderance of the available stratigraphic, hydrogeologic and geochemical data. While we believe that the distribution of the high permeability channel deposits shown on the drawing are reliable representations of the principal pathways that permit the migration of groundwater contaminants through the neighborhood, we do not claim that the details of the continuity and distribution of those deposits as they appear on the drawing precisely reflect what is actually present in the underground. Specifically, except for the paleo streambed that crosses from the northern to western boundaries

remediated in 2003, the location and continuity of the streambed deposits on the other properties and streets as shown on the drawing have not been exposed in excavations or by other means of exploration that would permit their precise delineation to be ascertained.

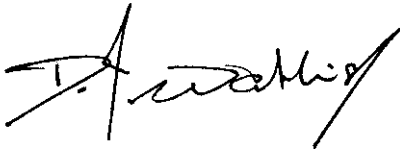
We also note that because subsurface investigations have not been conducted on the southern portion of the Ennis property, it is not possible to make even the most preliminary assessment of the distribution of paleo streambed deposits, if any, that may be present beneath that area.

Proposed Off-site Groundwater-quality Monitoring Well

As you requested, we met with City of Emeryville staff and their consulting engineers, the URS Corporation (URS), to select the location for a proposed groundwater-quality monitoring well to be located off-site from the former location of the former SFFBC tanks. It will be located within the boundaries of the paleo streambed channel in the southern sidewalk of 40th Street adjacent to the frontage of the Andante property. We are aware that a formal work plan that provides *inter alia* for the proposed monitoring well in the paleo streambed channel has been submitted to your office by URS under the title *Monitoring Well Installation Work Plan Former Celis' Alliance Service Station, 4000 San Pablo Avenue, Emeryville, California* and dated December 15 2006. URS will monitor groundwater quality in that well as part of their work for the City of Emeryville that is related to the former Celis Site at 4000 San Pablo Avenue. When data is available from the monitoring program described in the corrective action plan for the Oak Walk redevelopment site, the data from the Celis Site investigations will be integrated with that from the Oak Walk redevelopment site and provided to your office in a comprehensive database.

If you have any questions about this submittal, please call me at (510) 336-9118.

Sincerely,

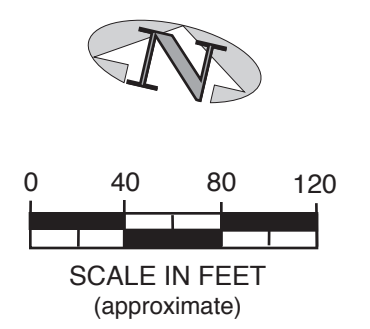
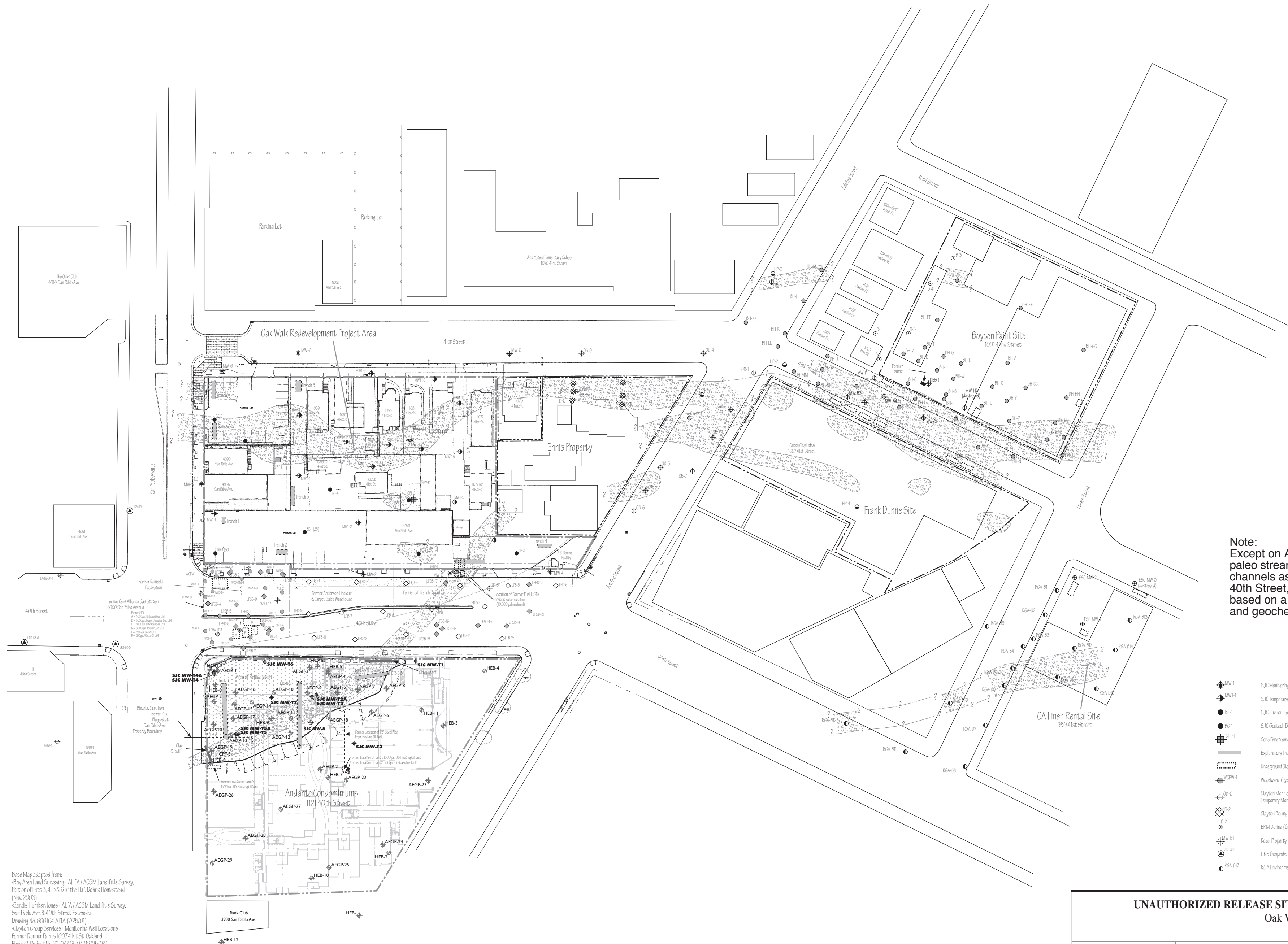


DJ Watkins PhD.PE.
Geotechnical Engineer
The San Joaquin Company Inc.



cc: Ms Katy Ford, BayRock Residential LLC

encl.: Drg.: *Unauthorized Release Sites in Neighborhood of Subject Property - Oak Walk Redevelopment Project*



Note:
 Except on Andante and Frank Dunn sites, location and continuity of paleo streambed deposits are tentative. Continuity of paleo streambed channels as shown on Boyson Paint Site, 41st Street, Ennis Property, 40th Street, California Linen Rental, and Adeline Street are assumed based on a preponderance of available boring log, hydrostratigraphic and geochemical data.

EXPLANATION	
	SJC Monitoring Well (Oak Walk)
	SJC Temporary Monitoring Well (Oak Walk)
	SJC Environmental Boring (Oak Walk)
	SJC Geotech Boring (Oak Walk)
	Cone Penetrometer Test Location (Oak Walk)
	Exploratory Trench
	Underground Storage Tank (removed)
	Woodward-Clyde Extraction Well
	Clayton Monitoring Well (CM) & Temporary Monitoring Well (TP)
	Clayton Boring
	ERM Boring (GI/OG)
	Kazell Property Monitoring Well
	URS Geoprobe Soil Boring
	RGA Environmental boring
	Woodward-Clyde Soil Sample
	Levine - Fricks Soil Boring
	Levine - Fricks Soil Boring
	Levine - Fricks Monitoring Well
	Harza Exploratory Boring
	SECOR Monitoring Well
	AFEX Envirotech, Inc. Boring
	SJC Temporary Monitoring Well (SNK Andante)
	Paleo Streambed, Gravelly Areas
	Trench Soil Sample Location
	Dunne Paints Monitoring Well
	ASE Boring
	ASE Temporary Well
	Environmental Strategies Corp Monitoring Well

Base Map adapted from:
 -Bay Area Land Surveying - ALTA / ACSM Land Title Survey; Portion of Lots 3, 4, 5 & 6 of the H.C. Dotz's Homestead (Nov. 2003)
 -Santitas Humbler, Jones - ALTA / ACSM Land Title Survey; San Pablo Ave. & 40th Street Extension Drawing No. 600104.ALTA (7/25/01)
 -Clayton Group Services - Monitoring Well Locations Former Dunner Paints 1007 41st St. Oakland, Figure 2, Project No. 70-03365.04 (12/05/03)
 -Clayton Group Services - Historical Subject Property Plan 1007 41st St & 4050 Adeline St., Oakland, Figure 3, Project No. 70-03365.00 (09/06/02)

UNAUTHORIZED RELEASE SITES IN NEIGHBORHOOD OF SUBJECT PROPERTY
 Oak Walk Redevelopment Project
 Emeryville, California

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

September 21, 2005

Mr. Peter Schellinger
Bay Rock Residential, LLC
5801 Christie Ave., Suite 455
Emeryville, CA 94608

Mr. John Tibbetts
4097 San Pablo Ave.
Emeryville, CA 94608

Dear Messrs. Schellinger and Tibbetts:

Subject: Toxics Cas [REDACTED] Oak Walk Redevelopment Site, Emeryville, 94608

Alameda County Environmental Health has been informed that monitoring wells MWT-1 through MWT-14 are scheduled for decommissioning because the demolition of the existing buildings could compromise these wells. We, therefore, approve of the well destructions with the condition that replacement wells be installed, as necessary, to monitor the contaminant plume beneath the site after remediation has occurred.

Please contact me at 510-567-6765 with questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: files, D. Drogos
Mr. Dai Watkins, The San Joaquin Co. Inc., 1120 Hollywood Ave., Suite 3,
Oakland, CA 94602

9_21_05Oak Walk

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



7

July 11, 2005

Mr. Peter Schellinger
Bay Rock Residential, LLC
5801 Christie Ave., Suite 455
Emeryville, CA 94608

Mr. John Tibbetts
4097 San Pablo Ave.
Emeryville, CA 94608

Dear Messrs. Schellinger and Tibbetts:

Subject: Toxics Case [REDACTED], Oak Walk Redevelopment Site, Emeryville, 94608

Alameda County Environmental Health staff has received and reviewed the *April 2005 Environmental Site Characterization* report for the subject site prepared by The San Joaquin Company, Inc. As you are aware, this report is a comprehensive site characterization to determine the presence of contaminants in soil and groundwater beneath the site and their affect on the development ability of the site. A complex conceptual model of the releases, which have affected the site, is presented. Several sources of releases have been identified and/or proposed. Our office requests that you address the following technical comments and submit the technical reports requested below.

TECHNICAL COMMENTS

1. Prior to development of the site, the extent of contamination in soil and groundwater must be determined and a corrective action plan must be provided.
2. Releases from on and off-site sources have affected the property. Suspected sources include former underground storage tanks on the former Celis Alliance Service Station at 4000 San Pablo Ave., former underground storage tanks at the San Francisco French Bread Co., 4070 San Pablo Ave., up-gradient former USTs at the former Dunne Paint and Boysen Paint sites and on-site releases from the former USTs on the northwest corner of the site. These source areas and their impacts will require adequate characterization. Therefore, there must be co-operation from all parties to assess and potentially remediate the various impacted areas.
3. It appears that contamination has migrated onto this site from up-gradient and adjacent sources, therefore, both on and off-site remediation may be required. The up-gradient investigation is both complex and incomplete. Little is known of the subsurface beneath the Ennis property. The exact flow path of contaminants on and off-site is uncertain at this time.

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July 11, 2005
Messrs. Schellinger and Tibbetts
RO0002733
Page 2

4. Free product and highly contaminated soil and groundwater should be considered for remediation to the extent possible.
5. The groundwater contaminant plume must be defined and monitored. Because it appears that contamination is moving through narrow lenses of permeable material additional investigation is needed to determine the flow path of the plume. In addition, a monitoring program must be initiated to determine the stability of the plume.
6. The use of presence of benzene and MTBE in groundwater to estimate the extent of the plume from the former Celis fuel tanks is reasonable. Therefore, only the southern portion of the site appears to have been impacted from this release.
7. Based upon the site-wide impact to the petroleum plume, it appears that in addition to active remediation, engineered controls and a risk assessment will be required prior to development.

TECHNICAL REPORT REQUEST

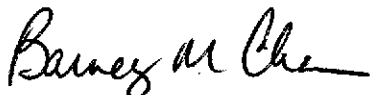
- August 12, 2005- Work plan for additional site characterization and groundwater monitoring.
- August 12, 2005- Corrective Action Plan and Risk Assessment

PERJURY STATEMENT

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

Please contact me at 510-567-6765 with questions.

Sincerely,



Barney M.Chan
Hazardous Materials Specialist

July 11, 2005
Messrs. Schellinger and Tibbetts
RO0002733
Page 3

C: files, D. Drogos, A. Levi

Mr. Ignacio Dayrit, City of Emeryville, 1333 Park Ave., Emeryville, CA 94608

Mr. Constantino Cellis, c/o Mr. Ignacio Dayrit, City of Emeryville, 1333 Park Ave.,
Emeryville, CA 94608

Mr. Martin Samuels, Green City, 4048 Adeline St., Emeryville, CA 94608

Mr. Terry Turner, Dunne Quality Paints, 707 Glenside Circle, Lafayette, CA 94599

Mr. Dave Ennis, P.O. Box 10985, South Lake Tahoe, CA 96158-3985

Mr. Edward Kozel, 20 Oak Knoll Drive, Healdsburg, CA, 95448-3108

Mr. Dai Watkins, The San Joaquin Co. Inc., 1120 Hollywood Ave., Suite 3,
Oakland, CA 94602

Mr. Xingang Tong, 464 19th St., Suite 206, Oakland, CA 94612

Mr. Jon Rosso, Clayton Group Services, 6920 Koll Center Parkway, Suite 216,
Pleasanton, CA 94566

Mr. Robert Kitay, ASE, 208 W. El Pintado Road, Danville, CA, 94526

Mr. John Wolfenden, SFRWQCB

7_8_05 Oak Walk

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

September 15, 2004

Mr. Peter Schellinger
BayRock Residential
5801 Christie Ave., Suite 455
Emeryville, CA 94608-1937

Dear Mr. Schellinger:

Subject: TOXICS Case RO0002733, Oak Walk Redevelopment Site, San Pablo
Ave. at 40th and 41st Streets, Emeryville, CA 94608

Alameda County Environmental Health (ACEH) staff has received the April 29, 2004 *Results of Preliminary Subsurface Investigation: The Oak Walk Site Emeryville California* prepared by The San Joaquin Company Inc. Contamination consisting of Total Petroleum Hydrocarbons in the gasoline and diesel range and volatile aromatic hydrocarbons have been identified in soil and groundwater samples from Trenches 1-7. Our office is also in receipt of preliminary data from borings and monitoring wells located on the remainder of the property (BE-1 through BE-4, MW-2 through MW-7 and MWT-1 through MWT-10). Please submit the formal reports for the installation, sampling, analysis of these data points and provide interpretations and recommendations for further work. The April 29, 2004 report provides estimates for soil removal based upon several scenarios. Please provide contaminant isoconcentration maps to justify the proposed excavation limits of each proposed scenario.

Please provide the requested technical reports to our office by September 30, 2004.

If you have any questions, please contact me at (510) 567-6765.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

cc: D. Drogos, B. Chan

Mr. John Tibbetts, Oak's Club Room, 4097 San Pablo Ave., Emeryville,
CA 94608

Mr. Dai Watkins, The San Joaquin Co. Inc., 1120 Hollywood Ave., Suite 3,
Oakland, CA, 94602

RepRqOakWalkRedevelopment 9/15/04



RECEIVED
AUG 31 2004
EMERYVILLE, CA

August 27, 2004

Mr. Ariu Levi
Division Chief
Alameda County HCS
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Mr. Barney Chan
Hazardous Materials Specialist
Alameda County HCS
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

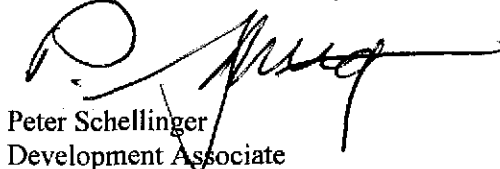
RE: TOXICS Case RO0002733, Oak Walk Redevelopment Site
San Pablo Avenue at 40th and 41st Streets

Dear Messrs. Levi and Chan:

In connection with the above-referenced case number, we have enclosed a check in the amount of \$10,000 for the review of reports submitted to Ms. Drogos on June 16, 2004 by Dr. Dai Watkins of The San Joaquin Company, Inc ("SJC"). We respectfully request that the ACEH establish an oversight account on behalf of BayRock Residential, LLC whereby the oversight work associated with our case can subsequently commence. Additionally, we would appreciate that a copy of all communications authored by ACEH regarding our case be sent to the attention of Dr. Dai Watkins at SJC.

We appreciate your attention to our request and look forward to working with you during the review process.

Sincerely,
BAYROCK RESIDENTIAL, LLC



Peter Schellinger
Development Associate

cc: Mr. John Tibbetts – Oaks Club Room, 4097 San Pablo Avenue, Emeryville, CA 94608
Dr. Dai Watkins – SJC, 1120 Hollywood Avenue, Suite 3, Oakland, CA 94602

BAYROCK RESIDENTIAL LLC.

PH. 510-594-8811
5801 CHRISTIE AVE. STE. #455
EMERYVILLE, CA 94608

THE MECHANICS BANK
90-203-1211

2903

8/24/2004

PAY TO THE
ORDER OF

Alameda County Enviromental Health

\$**10,000.00

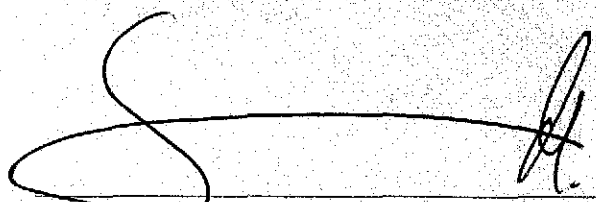
Ten Thousand and 00/100*****

DOLLARS

Alameda County Enviromental Health
1131 Harbor Bay Pkwy, Suite 250
Alameda, CA 94502-6577

MEMO

Toxics Case RO0002733, San Pablo Ave @ 40th & 41st Streets,



⑈002903⑈ ⑆121102036⑆ 014⑈018338⑈

Security Features Included. Details on back.

BAYROCK RESIDENTIAL LLC.

Alameda County Enviromental Health

8/24/2004

2903

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
08/24/2004	Bill	Toxics Case RO000273	10,000.00	10,000.00		10,000.00
				Check Amount		10,000.00

Alameda County
AUG 31 2004

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



SENT
8-19-04

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

August 16, 2004

Mr. Peter Schellinger
BayRock Residential
5801 Christie Ave., Suite 455
Emeryville, CA 94608-1937

Dear Mr. Schellinger:

Subject: TOXICS Case RO0002733, Oak Walk Redevelopment Site, San Pablo Ave. at 40th and 41st Streets, Emeryville, CA 94608

In order for ACEH to review reports for your site, we require an oversight account for the above-referenced site. To set up your account, please send a check in the amount of \$10,000 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 6.92.040L 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) and the site address on your check.

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

Sincerely,


Ariq Levi
Division Chief

cc: D. Drogos, B. Chan
Mr. John Tibbetts, Oak's Club Room, 4097 San Pablo Ave., Emeryville,
CA 94608

DepRqOakWalkRedevelopment