

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Alameda County
OCT 25 2006
Environmental Health

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

October 12, 2006

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

Dear Mr. Schellinger:

Subject: Toxics Case RO0002733, 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-channelled 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

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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.

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PERJURY STATEMENT

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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
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cc: files, D. Drogos

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9_15_06 Oak Walk CAP

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

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

Dear Mr. Dayrit:

Subject: Fuel Leak Case RO000453, Celis Service Station, 4000 San Pablo Ave.
Emeryville, CA 94608

Alameda County Environmental Health (ACEH) has reviewed the case file for the subject site including the May 31, 2006 Additional Investigation at Former Celis' Alliance Service Station, prepared by URS Corporation. We have also reviewed reports for the neighboring sites including the Oak Walk property, located between 40th, 41st and San Pablo Ave., Emeryville, former Oakland National Engravers (ONE) at 1001 42nd St., Oakland and the former Dunne Paint Company aka Green City development, located at 1007 41st St., Oakland. The URS report includes a summary of the releases from these and other sites plus an interpretation of the distribution of contaminants. It appears that the plume(s) from these sites have commingled via preferential pathways that include coarse-grained soils, buried stream channels, and utility conduits.

The Oak Walk property has proposed limited remediation and development of its site. This remediation, which includes soil and groundwater removal, will remove some of the contamination from the Celis release, but much contamination remains beneath 40th St. from both the Celis and San Francisco French Bread (SSFB) sites. Corrective actions and ultimately closure of your site is linked with corrective actions at the Oak Walk site, which is linked with corrective actions at the ONE and Green City sites. Therefore, it is critical that you and your consultants work co-operatively with these other sites to complete the investigation, cleanup, and/or monitoring of all the releases. Based upon the following technical comments, we do not concur with your recommendation for site closure once the Oak Walk site is completed. Please address the following technical comments and submit the technical report requested below.

TECHNICAL COMMENTS

1. **Items of concern-** The following outstanding issues exist at this site:

- MW-2 located on the 3999 San Pablo Ave. site reported elevated TPHg, BTEX likely from the Celis site and/or the SFFB site.
- Soil contamination was excavated only to the depth of groundwater, 9.5' bgs, therefore impacted saturated soil and groundwater remains beneath the site.
- The presence of utilities, storm drain and sewer main, not only prevented additional sampling but provides a preferential pathway, which has not been investigated.

- The apparent north-south migration of TPH contamination indicates additional potential of preferential pathway migration
- The initial scope of the investigation was to collect soil and groundwater samples from eight Geoprobe borings to 20', however, due to the presence of utilities only three of the borings were completed and only two yielded groundwater.
- High benzene in soil was left within 40th St., which is likely from both the Celis and SFFB site releases.
- There is a lack of groundwater monitoring data at the site and both adjacent and down-gradient of the site.

Based upon these issues, we request that additional monitoring wells be installed to determine the plume extent and provide a historic trend to support future trend conclusions. We request that your wells and monitoring schedule be coordinated with that of the Green City, ONE, and Oak Walk properties. This request is also made of the Green City, ONE, and Oak Walk properties by copy of this letter.

TECHNICAL REPORT REQUEST

- **November 1, 2006-** Work plan for monitoring well installation
- **45 days after approval of Work Plan – SWI Report**

ELECTRONIC SUBMITTAL OF REPORTS

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We notice that not all reports have been submitted to the Geotracker database. Please insure that all reports to date since the compliance date of July 1, 2005 are submitted immediately.

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UNDERGROUND STORAGE TANK CLEANUP FUND

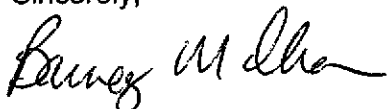
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

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

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

Sincerely,



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C: files, D. Drogos

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

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

Mr. John Wolfenden, SFRWQCB

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Alameda County
NOV 01 2006
Environmental Health

October 12, 2006

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

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

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

Dear Messrs. Samuels and Turner:

Subject: Fuel Leak Case No. RO0000073, Former Dunne Quality Paints, 1007 41st. St.,
Oakland, CA 94608

Alameda County Environmental Health staff has reviewed reports prepared by Clayton Group Services and reports for the neighboring properties; Oakland National Engravers (ONE) located at 1001 42nd St. Oakland and the Oak Walk Property, located between 40th, 41st Streets and San Pablo Ave, Emeryville. These reports indicate that releases of mineral spirits from both the former Dunne Quality Paints and 1001 42nd Street (ONE) have commingled and impacted down-gradient properties including the Ennis Property at 1069 41st St., Emeryville and the Oak Walk property. It appears that mineral spirits releases from underground tank releases from both former Dunne Paints and Oakland National Engravers have migrated beneath these down-gradient properties via buried stream channels. Up to 4,900 ppm TPH as mineral spirits (TPHms) in soil and up to 49,000 ppb TPHms in groundwater was detected in borings on the Ennis property. Based upon these results, additional investigation/remediation is required on the Ennis properties. As you may be aware, the Oak Walk property has proposed to remediate and develop their site independently. Though no further action is required on your site, additional work is needed to address off-site contamination. We request that you address the following technical comments and submit the technical reports requested below.

TECHNICAL COMMENTS

1. **Off-site Plume Characterization-** We request that you and the property owner of the former ONE (by copy of this letter) work co-operatively together to further investigate the groundwater contaminant plume down gradient of your properties. Initially, the plume must be defined and monitored. We recommend that you examine existing data from off-site properties while preparing your work plan. Note that groundwater sampling beyond the Oak Walk property boundary appears necessary to delineate the releases. Please provide a work plan to determine the extent of the hydrocarbon plume as requested below. We request that you immediately pursue any off-site access agreements that you may need to complete your investigation activities.

Groundwater Monitoring- A groundwater monitoring program must be initiated to determine the extent and stability of the plume. Please submit a co-operative and

collaborative work plan for monitoring well(s) installation upon completion of plume delineation.

2. **Coordinated Groundwater Monitoring of All Sites-** We request that groundwater monitoring of your wells be coordinated with that of the ONE, Celis, and Oak Walk properties. This request is also made of the ONE, Celis, and Oak Walk properties by copy of this letter.
3. **Request for Corrective Action Plan (CAP)-** After you have completed plume delineation, we request that you provide a Corrective Action Plan for the off-site petroleum impacts from your sites. Your CAP shall include and assessment of impacts of the release to human health and the environment, a feasibility study which examines at least three alternatives besides natural attenuation, for restoring or protecting the beneficial uses and proposes applicable cleanup levels. A joint CAP will be required from Green City and ONE. In an effort to expedite your CAP, please provide a list of properties with their APN, property owner name, mailing address and map showing the location of each property which is or may be affected by the petroleum release from your sites and which might have direct or indirect impacts from the proposed corrective actions

TECHNICAL REPORT REQUEST

- **November 13, 2006-** Work plan for off-site plume characterization (joint submittal with ONE).
- **60 days after approval of Work Plan for Evaluation of Neighboring Properties-** Work Plan for monitoring well installation and CAP for off-site impacts due to mineral spirits releases, (joint submittal with ONE).
- **60 days after approval of Work Plan for Evaluation of Neighboring Properties-** List of neighboring properties, owners, addresses and parcel map for public notification for CAP for off-site impacts.

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 at ([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.

We note your reports have not been submitted electronically to the Geotracker database. Please submit all reports to date since the compliance date of July 1, 2005 immediately.

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.

UNDERGROUND STORAGE TANK CLEANUP FUND

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

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement

Messrs. Samuels and Turner
October 12, 2006
Page 4 of 4

including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: files, D. Drogos

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

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, NY 10166

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

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

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

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ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

October 12, 2006

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

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

Dear Mr. Russell and Mr. and Mrs. Kozel :

Subject: Fuel Leak Case No. RO0000079, Oakland National Engravers (ONE),
1001 42nd St., Oakland 94608

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the subject site including the June 2006 Limited Soil and Groundwater Investigation Report prepared for AEGIS by ERM. In this report, ERM provides the results of five borings drilled on the western property boundary for the collection of soil and groundwater samples. The intent of the investigation appears to be to evaluate potential impacts to the northern portion of neighboring residential properties and delineation of the on-site releases to soil and groundwater however, no conclusions nor recommendations were presented in the report. Of the five borings only three were able to collect groundwater samples, B-1, B-2 and B-4 and only B-1 and B-2 yielded enough water for chemical analysis. Groundwater appeared in B-2 at the time of the drilling, in B-1 after 24 hours and in B-4 after one week. No water was found in either B-3 or B-5 after one week. Soil contamination was detected up to 480 and 620 ppm TPH as mineral spirits in borings B-1 and B-2, respectively. TPHms in groundwater was detected in B-1 at 460 ppb and in B-2 at 120 ppb. We have the following technical comments and request that you submit the technical reports requested below.

TECHNICAL COMMENTS

- 1. Evaluation of Risk to Residential/Neighboring Properties-** The risk to on-site occupants, immediate adjacent properties and all affected down-gradient properties must be evaluated. Although the soil borings were installed in the northern portions of the property boundaries no work was performed in the southern areas where high concentrations of contaminants were detected. Specifically, the presence of up to 1,600,000 ppb TPHms detected in boring BH-J may pose a potential human health risk to nearby residential properties which must be further evaluated. Please address this concern in the CAP requested below.
- 2. Site Characterization-** The source(s) of the release and their methods of migration are not well understood at your site. As an example, the source of the elevated concentration of TPHms detected on the eastern boundary of the property is yet unknown. Contamination appears to have migrated through preferential pathways including coarse-grained soils, buried stream channels, and utility conduits. Your consultant, Aqua Science Engineers, maintains that the buried stream channels were not encountered at your site. A review of your consultant's boring logs indicates sands and gravels consistent with the channel deposits observed at the Dunne site

were encountered at your site. Further, we note that many of your on-site borings were terminated too shallow to encounter anticipated coarse grained deposits. Because of this, further investigation may be warranted as your SCM (site conceptual model) is further developed.

3. **Regional and Site Specific Hydrogeology-** We recommend that you review the regional hydrogeology. Much information is known about the following neighboring properties: Dunne Quality Paint aka Green City (1007 41st St., Oakland), California Linen Rental (989 41st St., Oakland), Oak Walk Redevelopment Site (0 San Pablo Ave, Emeryville) and the SNK Andante Project (3992 San Pablo Ave., Emeryville). The existence of gravel deposits consistent with buried stream channels has been mapped on several of these sites and appears to be a contaminant migration pathway. We have examined the logs from borings and monitoring wells at these sites as well as the subject site. We notice similarities in the boring logs from your site and that of monitoring well CW-2, located within the gravel channel extending from the Dunne Quality Paint site. A large number of borings that logged sand and gravel appear within the estimated free product plume shown in Figure 2 of the ASE October 14, 2005 report. Sand and gravel channel deposits also appear along the northern property boundary of the former Dunne Quality Paint and within the former Dunne Quality Paint property, which was exposed during the site-wide excavation. These results indicate a high likelihood of commingled plumes from the ONE and the Dunne sites. The plume appears to have migrated westerly off-site beneath the Ennis Property (1069 41st St., Emeryville) and the Oak Walk property. Because of this, we request that both ONE and Dunne (by copy of this letter) co-operate to perform a comprehensive investigation and/or remediation of off-site affected properties, particularly beneath the Ennis property and further down-gradient of the Oak Walk project.
4. **Request for Corrective Action Plan (CAP)-** We request that you provide a Corrective Action Plan for both on and off-site petroleum impacts from your site. Your CAP shall include an assessment of impacts of the release to human health and the environment, a feasibility study which examines at least three alternatives besides natural attenuation, for restoring or protecting the beneficial uses and proposes applicable cleanup levels. It appears that you will need a remediation plan for the contamination beneath and immediately adjacent to your property and another for down-gradient impacts of the release. A joint CAP will be required for the latter contamination beneath off-site properties, which we have requested parties (Dunne Quality Paints aka Green City and ONE) to co-operate. Clayton Environmental has previously identified TPH as mineral spirits in groundwater beneath the Ennis property. The Oak Walk property appears also to have been impacted by the mineral spirits release. Their consultants have proposed numerous corrective actions to handle their on-site subsurface contamination, but do not address nor are they responsible for delineating the mineral spirits release. Thus, you will need to also include discussion with Oak Walk property owner and his consultant to complete plume delineation. It is imperative that the CAP addressing contamination on and adjacent to your property be expedited to prevent further down-gradient migration. Please provide your CAPs for public response as requested below.

5. **Request for Identification of Nearby Property Owners-** As required as part of the public participation process for a CAP, please provide a list of all properties with their APN, property owner name and mailing address and a map showing the locations of each property which is or may be affected by the petroleum release from your site and which might have direct or indirect impacts from the proposed corrective actions
6. **Request Coordinated GW Monitoring of All Sites-** We request that your wells and monitoring schedule be coordinated with that of the Green City, Celis, and Oak Walk properties. This request is also made of the Green City, Celis, and Oak Walk properties by copy of this letter.

TECHNICAL REPORT REQUEST

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

- **November 13, 2006-** Work Plan Report for Evaluation of Neighboring Properties and off-site plume characterization (joint submittal with Green City).
- **November 13, 2006-** Corrective Action Plan for on and immediate off-site release
- **November 13, 2006-** List of Properties, Property Owners, Addresses and Map for Public Notification for on-site and immediate off-site release.
- **60 days after approval of Work Plan for Evaluation of Neighboring Properties-** CAP for off-site properties and work plan for monitoring well installation, (joint submittal with Green City).
- **60 days after approval of Work Plan for Evaluation of Neighboring Properties-** List of Properties, Property Owners, Addresses and Map for Public Notification for CAP for off-site impacts.

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

Mr. Russell and Mr. and Mrs. Kozel

October 12, 2006

Page 4 of 5

required in Geotracker (in PDF format). Please visit the SWRCB website for more information at ([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.

We notice that your site has not submitted electronic copies of reports to the Geotracker website as required. Please submit copies of all reports issued to date since the compliance date, July 1, 2005, immediately.

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.

UNDERGROUND STORAGE TANK CLEANUP FUND

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

AGENCY OVERSIGHT

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

Mr. Russell and Mr. and Mrs. Kozel
October 12, 2006
Page 5 of 5

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

cc: files, D. Drogos

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

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

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Mr. John Wolfenden, SFRWQCB

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Environmental Health Services Administration
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

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Mr. Terry Turner
Dunne Quality Paints
707 Glenside Circle
Lafayette, CA 94509

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