

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



SENT  
9-7-06

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

September 6, 2006

Voila Juices  
510 Derby Avenue  
Emeryville, CA 94601

Gary Boland  
3049 Halcyon Court  
Berkeley, CA 94705-1913

Barton and Shirley Bennett  
1225 Alpine Road, Suite 202  
Walnut Creek, CA 94596-4400

Subject: SLIC Case RO0002866, F&F Precision Grinding, 510 Derby Avenue, Emeryville, CA

Dear Mr. Boland and Mr. and Ms. Bennett:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above-referenced site, which includes the report entitled, "Site Investigation Report, 510 Derby Avenue and Ford Street, Oakland, CA," dated August 13, 2004, prepared for Voila Juices by Professional Service Industries, Inc. The report identified four areas of concern at the site: two concrete sumps that contained a viscous sludge that appeared to be petroleum hydrocarbons and metals and two areas of stacked drums. A site investigation conducted on June 8, 2004 included the collection of four shallow groundwater samples in the areas of concern. Total petroleum hydrocarbons (TPH) as diesel, TPH as motor oil, metals, volatile organic compounds, and semi-volatile organic compounds were detected in the groundwater samples. Cobalt and nickel were detected in groundwater at concentrations exceeding Regional Water Quality Control Board Environmental Screening Levels (ESLs). No soil or soil vapor samples were collected during the investigation.

The site investigation did not evaluate whether residual contamination is present in soil beneath the building. Investigation of shallow soil is required to assess whether shallow soils beneath the building have been impacted by previous site activities. Therefore, we request that you submit a Work Plan by **November 30, 2006** to investigate shallow soil conditions beneath the building.

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

### **TECHNICAL COMMENTS**

1. **Soil Boring Logs.** The Site Investigation report indicates that soil borings were logged according to the Unified Soil Classification System. However, no soil boring logs were presented in the report. Submittal of soil boring logs is a standard industry practice. We request that you submit the soil boring logs from the site investigation in the Work Plan requested below.

### **TECHNICAL REPORT REQUEST**

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

- **November 30, 2006 – Work Plan**

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

### **ELECTRONIC SUBMITTAL OF REPORTS**

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

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

### **PERJURY STATEMENT**

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be

Gary Boland  
Barton and Shirley Bennett  
September 6, 2006  
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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

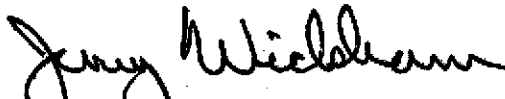
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

#### 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.

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

Sincerely,



Jerry Wickham  
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Frank Poss  
Professional Service Industries, Inc.  
4703 Tidewater Avenue, Suite B  
Oakland, CA 94601

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



SENT  
8-21-06

August 18, 2006

Voila Juices  
510 Derby Avenue  
Emeryville, CA 94601

Gary Boland  
3049 Halcyon Court  
Berkeley, CA 94705-1913

Barton and Shirley Bennett  
1225 Alpine Road, Suite 202  
Walnut Creek, CA 94596-4400

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

Subject: SLIC Case RO0002866, F&F Precision Grinding, 510 Derby Avenue, Emeryville, CA

Dear Mr. and Ms. Bennett:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced Spills, Leaks, Investigations, and Cleanup (SLIC) case and correspondence entitled "Case RO0002866," dated August 11, 2006, written by Mr. Barton Bennett. In the August 11, 2006 correspondence, Mr. Bennett indicates that he is not involved with the above referenced property and requests that his name be removed from ACEH files. As a former owner of the property, Mr. Bennett is a responsible party for this open SLIC case. ACEH correspondence is directed to all responsible parties regardless of any private arrangements made between the responsible parties. Therefore, Mr. and Ms. Bennett's names cannot be removed from the file or from ACEH directives for this site.

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

Sincerely,

Jerry Wickham  
Hazardous Materials Specialist

cc: Frank Poss  
Professional Service Industries, Inc.  
4703 Tidewater Avenue, Suite B  
Oakland, CA 94601

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



SENT  
8-9-06

August 9, 2006

Voila Juices  
510 Derby Avenue  
Emeryville, CA 94601

Gary Boland  
3049 Halcyon Court  
Berkeley, CA 94705-1913

Barton and Shirley Bennett  
1225 Alpine Road, Suite 202  
Walnut Creek, CA 94596-4400

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1131 Harbor Bay Parkway, Suite 250  
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Subject: SLIC Case RO0002866, F&F Precision Grinding, 510 Derby Avenue, Emeryville, CA

Dear Mr. Boland and Mr. and Ms. Bennett:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced Spills, Leaks, Investigations, and Cleanup (SLIC) case and correspondence entitled "File Review," dated July 6, 2006 and submitted on your behalf by Frank R. Poss of Professional Service Industries. ACEH previously requested a check for \$6,000 for regulatory oversight of this case. The July 6, 2006 correspondence from Professional Service Industries indicates that since the site has been purchased by Voila Juices, review of the existing report by ACEH is not necessary. We are sending you this correspondence to inform you that review of the case file and existing reports by ACEH is necessary for this site. A SLIC case is currently open and will remain open for the above-referenced site until a review is completed and the site is evaluated for closure or additional characterization or cleanup. If you do not submit funds to set up an oversight account, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions.

In order for Alameda County Environmental Health (ACEH) to review the case, we require an oversight account. To set up an oversight account, please send a check made payable to Alameda County Environmental Health in the amount of \$6,000. Please send your check to the attention of our Finance Department.

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, an additional deposit will be requested. Otherwise, any unused monies will be refunded to you or your designee.

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

Please write "SLIC" (the type of project), the site address, and the AR# 0314795 on your check.

Gary Boland  
Voila Juices  
Barton and Shirley Bennett  
August 9, 2006  
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If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham  
Hazardous Materials Specialist

cc: Frank Poss  
Professional Service Industries, Inc.  
4703 Tidewater Avenue, Suite B  
Oakland, CA 94601

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



SENT  
06-08-06

June 5, 2006

Voila Juices  
510 Derby Avenue  
Emeryville, CA 94601

Gary Boland  
3049 Halcyon Court  
Berkeley, CA 94705-1913

Barton and Shirley Bennett  
1225 Alpine Road, Suite 202  
Walnut Creek, CA 94596-4400

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Subject: SLIC Case RO0002866, F&F Precision Grinding, 510 Derby Avenue, Emeryville, CA

To Whom It May Concern:

A Spills, Leaks, Investigations, and Cleanup (SLIC) case is currently open for the above-referenced site. In order for Alameda County Environmental Health (ACEH) to review the case, we require an oversight account. To set up an oversight account, please send a check made payable to Alameda County Environmental Health in the amount of \$6,000. Please send your check to the attention of our Finance Department.

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, an additional deposit will be requested. Otherwise, any unused monies will be refunded to you or your designee.

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

Please write "SLIC" (the type of project), the site address, and the AR# 0314795 on your check.

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

Sincerely,

  
Ariu Levi  
Division Chief

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

Frank Poss, PSI, 4703 Tidewater Avenue, Suite B, Oakland, CA 94601