



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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August 1, 2011

Mr. David R. Lukens (*Sent via E-mail to: DLukens@themichaelsorg.com*)
Red Star-Michaels LLC
Oakland Housing Investors, L.P.
2010 Main Street, Suite 1250
Irvine, CA 92614

Mr. Curtis Eisenberger
1396 Fifth Street LLC
1357 5th Street, Suite B
Oakland, CA 94607

Subject: Conditional Approval for Revised Remedial Action Plan for SLIC Case RO0002896 and GeoTracker Global ID T06019794669, Red Star Yeast/1396 Fifth Street LLC, 1396 5th Street, Oakland, CA 94607

Dear Mr. Lukens and Mr. Eisenberger:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above referenced site including the recently submitted reports entitled, "*Revised Remedial Action Plan*," dated July 7, 2011 (RAP) and received by ACEH on July 15, 2011. The RAP, which was prepared on your behalf by Citadel Environmental Services, Inc., proposes excavation and removal of contaminated shallow fill material. The fill material contains elevated concentrations of lead, cadmium, and petroleum hydrocarbons.

Public participation is a requirement for the corrective action process. ACEH notified potentially affected members of the public who live or own property in the surrounding area of the proposed remedial action in a Fact Sheet dated April 28, 2011. No public comments were received on the proposed remedial action during the 30-day public comment period, which extended from April 30, 2011 to May 30, 2011. Therefore, the proposed remedial excavation is conditionally approved for implementation provided that the technical comments below are addressed and incorporated into the proposed action.

TECHNICAL COMMENTS

1. **Extent of Excavation.** The RAP currently proposes excavation of fill material to a depth of 5 feet within the western portion of the site and a depth of 4 feet within the eastern portion of the site. Targeted areas including borings CB-1 through CB-4, pit 4, and MW-5 will be excavated deeper to remove contaminated soil below depths of 4 to 5 feet bgs. The proposed extent of excavation is acceptable. Please present the results in the Excavation Report requested below.
2. **Excavation on East Side of Site.** Based on a telephone conversation with Mr. Alan Coffee of Citadel Environmental on July 27, 2011, we understand that excavation on the east side of the site will be conducted with the targeted areas first with confirmation sampling to

determine the depth and extent of excavation outward from the targeted areas. This proposal is acceptable.

3. **Screening and Possible Reuse of Excavated Soil.** All fill material excavated from the west side of the site is to be disposed off-site. All excavated material from the targeted areas and any fill material with obvious debris is to be disposed off-site. Based on a telephone conversation with Mr. Alan Coffee of Citadel Environmental on July 27, 2011, we understand that some soils excavated from the east side of the site outside the targeted areas may be considered for reuse. This proposal may be acceptable for excavated material from the east side of the site outside of the targeted areas with the following conditions:
 - The material does not have any evidence of staining, odor, or debris.
 - The material does not contain metals or petroleum hydrocarbons at concentrations exceeding the screening levels discussed in technical comment 4. The concentrations of metals in the material proposed for reuse are to be evaluated based on screening in the field with an X-ray fluorescence device and laboratory analysis of confirmation soil samples. The concentrations of petroleum hydrocarbons in the material proposed for reuse are to be evaluated based on laboratory analysis of confirmation soil samples. The number of confirmation samples submitted for laboratory analysis is to be proposed for ACEH approval at a future date.
 - No soil is to be reused on site without ACEH approval of the screening and analytical results.
 - All results are to be presented in the Excavation Report requested below.

4. **Screening Levels for Possible Reuse of Excavated Soil.** The concentrations of metals in soil proposed for possible reuse must not exceed the screening levels for inhalation, ingestion, and dermal absorption) developed by the California Office of Environmental Health Hazard Assessment (OEHHA). These soil screening values can be found in Table 1 on the OEHHA website (<http://oehha.ca.gov/risk/chhsltable.html#table1>). The screening values for lead in soil were updated on September 23, 2010 to 80 milligrams per kilogram (mg/kg) for residential land use. The concentrations of petroleum hydrocarbons in soil proposed for possible reuse must not exceed the Environmental Screening Levels for residential land use developed by the San Francisco Bay Regional Water Quality Control Board (May 2008).

TECHNICAL REPORT REQUEST

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

- **December 3, 2011** – Excavation Report

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If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org. Case files can be reviewed online at the following website: <http://www.acgov.org/aceh/index.htm>.

Sincerely,

Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

Attachments: Responsible Party(ies) Legal Requirements/Obligations

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 (*Sent via E-mail to: lgriffin@oaklandnet.com*)

Harvey Fernebok, Red Star-Michaels LLC, 2010 Main Street, Suite 1250, Irvine, CA 92614
(*Sent via E-mail to: HFernebok@themichaelsorg.com*)

Alan Coffee, Citadel Environmental Services, Inc., 400 North Tustin Avenue, Suite 340, Santa Ana, CA 92705 (*Sent via E-mail to: acoffee@CitadelEnvironmental.com*)

Donna Drogos, ACEH (*Sent via E-mail to: donna.drogos@acgov.org*)
Jerry Wickham, ACEH (*Sent via E-mail to: jerry.wickham@acgov.org*)

GeoTracker, e-File

Attachment 1

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

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

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) GeoTracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and [other](#) data to the GeoTracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in GeoTracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

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.

REQUIREMENTS

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection.**
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- **Signature pages and perjury statements must be included and have either original or electronic signature.**
- **Do not password protect the document.** Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:

RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Submission Instructions

- 1) Obtain User Name and Password
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to deh.loptoxic@acgov.org
 - b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses,** and the **Case Numbers (RO# available in Geotracker) you will be posting for.**
- 2) Upload Files to the ftp Site
 - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
 - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to deh.loptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @acgov.org. (e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload.** (e.g., Subject: RO1234 Report Upload) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.