



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

December 9, 2015

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: Case File Review 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 report entitled, "*Soil Excavation Report*," dated September 22, 2015 and received by ACEH on October 8, 2015 (Revised Excavation Report). The Revised Excavation Report, which was prepared on your behalf by Citadel Environmental Services, Inc, presents results from excavation of shallow soil containing elevated concentrations of metals, confirmation sampling, and soil disposal conducted in August 2011. In correspondence dated April 18, 2013 (attached), ACEH provided technical comments on a version of this report dated March 21, 2013. ACEH's April 18, 2013 correspondence identified several major and minor items that required additional information, clarification, or correction.

The Revised Excavation Report addresses several of ACEH's previous comments. However, the Report did not address several major items that are necessary to evaluate this case for closure. It appears that the required information may not be available to address these issues. Therefore, we request that additional site assessment activities be conducted as described in the Technical Comments below in order to provide the information necessary to evaluate the case for closure. Please submit a Work Plan no later than January 22, 2016 to conduct the site assessment activities described in the Technical Comments below.

TECHNICAL COMMENTS

1. **Fill Material.** The Revised Excavation Report indicates that Citadel Environmental was not responsible for and had no direct control of the material used for backfilling the excavation. The source and types of quality control used for the imported fill appear to be unknown. Additional soil sampling is necessary to verify that the imported fill material is suitable for the site. Therefore, we request that submit a Work Plan by the date indicated below to conduct soil sampling for characterization of the fill material. The proposed soil sampling should include sampling of shallow soil in areas outside the building where fill material or contaminated soil potentially may be contacted directly.

2. **Oil Seepage from North Sidewall.** The Revised Excavation Report indicates that oil was observed oozing from the north side wall of the excavation near the west side of the property. The oil and contaminated soil was reported to be removed from on-site soil but there is no discussion of placement of any barriers to prevent further migration of oil beneath the site. In the Work Plan requested below, please include advancement and sampling of one soil boring to assess whether oil continues to seep into the site at the location of the observed oil seepage.
3. **Underground Storage Tanks.** ACEH's December 18, 2012 correspondence (attached) requested revision of the "*Underground Storage Tank Removal and Closure Report*," dated August 23, 2012 (UST Removal Report). To date, we have not received the Revised Tank Removal Report. The technical comments in our December 18, 2012 correspondence have not been addressed and remain items that are necessary to evaluate this case for closure. In order to assess current site conditions in the areas the USTs discovered at the site, we request that you propose soil and groundwater sampling in the areas of each of the three USTs. Please include these plans in the Work Plan requested below.
4. **GeoTracker Compliance** – A review of the State Water Resources Control Board's (SWRCB) GeoTracker website indicates that only two reports have been uploaded to GeoTracker for this site with the most recent report uploaded July 14, 2011. Several reports prepared for this site have not been uploaded to GeoTracker as required. No electronic data files for laboratory analytical data or other required files have been uploaded. Because this is a state requirement, ACEH requests that all technical reports be uploaded to GeoTracker by the date identified below. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SLIC programs. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please upload all required submittals to GeoTracker. Electronic reporting is described below on the attachments.

Additional information regarding the SWRCB's GeoTracker website may be obtained online at http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/ and http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml) or by contacting the GeoTracker Help Desk at geotracker@waterboards.ca.gov or (866) 480-1028.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Jerry Wickham), and to the State Water Resources Control Board's GeoTracker website according to the following schedule and file-naming convention:

- **January 15, 2016** – Upload required reports to GeoTracker
- **January 22, 2016** – Work Plan
File to be named: WP_R_yyyy-mm-dd RO2896

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
ACEH Correspondence dated April 18, 2013
ACEH Correspondence dated December 18, 2012

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Michael Boettger, Michaels Development, 2020 W. Kettleman Lane, P.O. Box 1570, Lodi, CA 95241

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

Mark Drollinger, Citadel Environmental Services, Inc., 111 North Market Street, Suite 300, San Jose, CA 95113 (Sent via E-mail to: mdrollinger@CitadelEnvironmental.com)

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: May 15, 2014 |
| | ISSUE DATE: July 5, 2005 |
| | PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 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.



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April 18, 2013

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
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1357 5th Street, Suite B
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Subject: Case File Review 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 report entitled, "*Soil Closure Report*," dated August 21, 2012 and Revised March 21, 2013 (Revised Excavation Report). The Revised Excavation Report, which was prepared on your behalf by Citadel Environmental Services, Inc, presents results from excavation of shallow soil containing elevated concentrations of metals, confirmation sampling, and soil disposal conducted in August 2011. In correspondence dated December 18, 2012 (attached), ACEH provided technical comments on a version of this report dated August 21, 2012 and received by ACEH on October 15, 2012. ACEH's December 18, 2012 correspondence identified several major and minor items that required additional information, clarification, or correction.

The Revised Excavation Report addresses several of ACEH's previous comments. However, the Report did not address or was unclear on several major items that are necessary to understand what occurred and the effectiveness of the excavation. ACEH had hoped to have more complete and accurate information to evaluate this case for closure. Until the items identified in the technical comments below are addressed, we are unable to advance this case towards closure. Therefore, we request that you address the technical comments below and submit a revised report for ACEH review **no later than June 18, 2013**. Please be complete in your response.

ACEH's December 18, 2012 correspondence also requested revision of the "*Underground Storage Tank Removal and Closure Report*," dated August 23, 2012 (UST Removal Report) and received by ACEH on November 13, 2012. A Revised Tank Removal Report was requested no later than February 21, 2013. To date, we have not received the Revised Tank Removal Report. The technical comments in our December 18, 2012 correspondence (attached) must still be addressed in a Revised Tank Removal Report.

TECHNICAL COMMENTS ON REVISED EXCAVATION REPORT DATED MARCH 21, 2013

1. **Overall Scope of Report.** The “*Soil Closure Report*,” revised March 21, 2013 (Revised Excavation Report) is generally limited in scope to discussion of results from the excavation conducted in 2011. The Revised Excavation Report does not consider many of the issues typically discussed in a closure report.
2. **Figure 4 - Confirmation Sampling Results.** Please revise Figure 4 to include the following:
 - Accurate boundaries for the excavation including depiction of sloped surfaces at the edge of the excavation.
 - Clear indication on Figure 4 or a separate figure where fill material was left in place.
 - Sidewall sample locations in addition to bottom sample locations.
3. **Excavation on East Side of Site.** Figure 4 of the Revised Excavation Report shows the site being divided into three sections for the purpose of illustrating the extent of excavation. The “West Side Excavation” and “East Side Excavation” are generally consistent with the proposed removal of contaminated fill material. The easternmost section of the site labeled “Target Excavation of CB1-CB3” shows an outline that does not extend to the edges of the site. This extent is not consistent with the proposed extent of excavation shown on Figure 4 of the “Revised Remedial Action Plan” dated July 7, 2011 (attached) and Figure 4 shown in the previous report. This extent is also not consistent with the removal of contaminated fill material throughout the site. Six sidewall confirmation samples appear to have been collected from the Targeted Excavation on August 18, 2011. Lead concentrations in two of the six confirmation soil samples exceeded the screening level of 80 milligrams per kilogram. Please revise the report to include the following information or clarifications:
 - Confirm whether fill material was left in place outside the boundary of the Targeted Excavation shown on Figure 4.
 - Prepare a separate figure that clearly shows the depth of excavation throughout the site including sloped surfaces.
 - Were the sidewall confirmation samples in the Targeted Excavation Area collected from fill material or native soil?
 - Why was further excavation not conducted if the sidewall samples exceeded screening criteria?
 - If fill material was left in place within the Targeted Area of Excavation by the remedial excavation, was it later removed for geotechnical purposes?
 - If fill material was left in place within the Targeted Area of Excavation, will any of the fill be exposed in landscaped areas of the development?
4. **Excavation on West Side of Site.** Figure 4 of the Revised Excavation Report shows an approximately 10 foot-wide area parallel to Mandela Parkway that appears to be outside the area of excavation. This area is not discussed in the report text. In the Revised Excavation Report requested below, please include the following:
 - Please check the excavation boundary along Mandela Parkway and indicate whether the 10-foot wide strip represents fill at the surface or whether the excavation was sloped away from Mandela Parkway.
 - If fill material was left in place along the strip parallel to Mandela Parkway by the remedial excavation, was it later removed for geotechnical purposes?

- If fill material was left in place along the strip parallel to Mandela Parkway, will any of the fill be exposed in landscaped areas of the development?
5. **Screening and Possible Reuse of Excavated Soil.** Thank you for providing the total volume of soil disposed and the Soil Disposal Weight Tickets in Appendix M. The Revised Excavation Report indicates that approximately 12,862 tons (8,575 cubic yards) of non-hazardous soil and approximately 46 tons of California hazardous soil were disposed off-site. Technical comment 13 from our December 18, 2012 correspondence requested confirmation that all excavated soils were disposed off-site and not re-used on site. In the Revised Excavation Report requested below, please clarify whether or not any excavated soils were re-used on-site.
6. **Groundwater Sampling Results; Page 5.** In our December 18, 2012 correspondence, we noted that groundwater samples had been collected on multiple occasions and requested that you include an expanded discussion of groundwater sampling results that presents and evaluates all groundwater data from previous sampling events. This section of the Revised Excavation Report still refers only to groundwater samples collected on March 5, 2011 from five temporary sampling points. The only modification to this section appears to be speculation that the March 5, 2011 groundwater sampling results are likely to be artificially high due to shallow water levels and that "Future excavation activities would likely eliminate the source of this groundwater contamination." The basis for both these added statements is not clear, particularly since no future excavation is planned for the site. In concluding that the March 5, 2011 results were artificially high, we would expect a comparison to previous data and the water level conditions at the time of the previous sampling events at a minimum. Nevertheless, ACEH is not requesting further groundwater investigation or cleanup for this site. We are simply requesting that consistent with industry standards, relevant data be reviewed and considered when making conclusions regarding the site. In the Revised Excavation Report requested below, please include presentation of the previous groundwater sampling results from Remediation Services, Inc. (2005) and Treadwell and Rollo (2006).
7. **Source of Imported Fill.** ACEH requested that you provide further information on the nature, source, and volume of the imported backfill. The text in the last paragraph of page 8 indicates that "Citadel was not informed of the source of the fill material." The text also refers to "Sample A" and "Sample B" material being used for different purposes at the site. Since approximately 8,575 cubic yards of soil was removed from the site, we assume a similar volume was imported. It is not acceptable to conclude that the source of the backfill material is unknown. In the Revised Excavation Report requested below, please include the following:
- The volume(s) of the backfill imported to the site from each source.
 - The location(s) where the backfill originated.
 - The site history for each source of backfill.
 - A description of the types of backfill material and methods for screening the material.
 - All sample results for the backfill material.
 - A discussion of how the samples were collected and how representative the samples are. Are two samples adequate to represent the volume of material imported to the site?

- The text in the last paragraph on page 8 indicates that sample results for Samples A and B are included in Appendix L. Appendix L appears to present results for soil piles and we were not able to locate these results.
- .
8. **Oil Oozing from Sidewalls.** The Daily Field Log for 8/22/11 in Appendix J includes a description and photo of oil oozing from the northwest sidewall at 3 feet bgs. We did not find a discussion of this observation in the text. In the Revised Excavation Report requested below, please include the following information:
 - Show the location of the oil on a site map.
 - Was the source of the oil investigated?
 - Was any remediation attempted?
 - Were samples of the oil or surrounding soil collected?
 - What was the lateral and vertical extent of the oil?
 - Was the oil oozing from fill material or native soil?
 - Was this seep location part of the area covered by the geophysical survey?
 9. **Water Supply Wells.** Thank you for including the water supply well survey as Appendix B. The survey confirms that two water supply wells were installed at the site. Documentation exists for the proper decommissioning of one water supply well (likely well 1S/4W 34 F2) on February 13, 2004. However, there is no evidence to indicate that the second water supply well was properly decommissioned.
 10. **Final Results.** The Final Results section indicates that only one sample (S31-3) exceeded the screening criteria and requests unconditional closure since the target remediation goals have been met. However, it appears that sidewall samples from the Targeted Excavation Area also exceed the screening level. Please modify the Final Results section as appropriate.
 11. **GeoTracker Compliance** – A review of the State Water Resources Control Board's (SWRCB) GeoTracker website indicates that not all reports including the *Soil Closure Report,* dated August 21, 2012 and Revised March 21, 2013 have been uploaded to GeoTracker. Because this is a state requirement, ACEH requests that all technical reports be uploaded to GeoTracker by the date identified below. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SLIC programs. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a

paper copy. Please upload all required submittals to GeoTracker. Electronic reporting is described below on the attachments.

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TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Jerry Wickham), and to the State Water Resources Control Board's GeoTracker website according to the following schedule and file-naming convention:

- **May 18, 2013** – Upload required reports to GeoTracker
- **June 18, 2013** – Revised Excavation Report
File to be named: EX_ADEND2_R_YYYY-mm-dd RO2896
- **Report is Late** – Revised Tank Removal Report
File to be named: TNK_R_YYYY-mm-dd RO2896

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
Figure 4 of the "Revised Remedial Action Plan" dated July 7, 2011
ACEH Correspondence dated December 18, 2012

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

Responsible Parties
RO0002896
April 18, 2013
Page 6

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*)

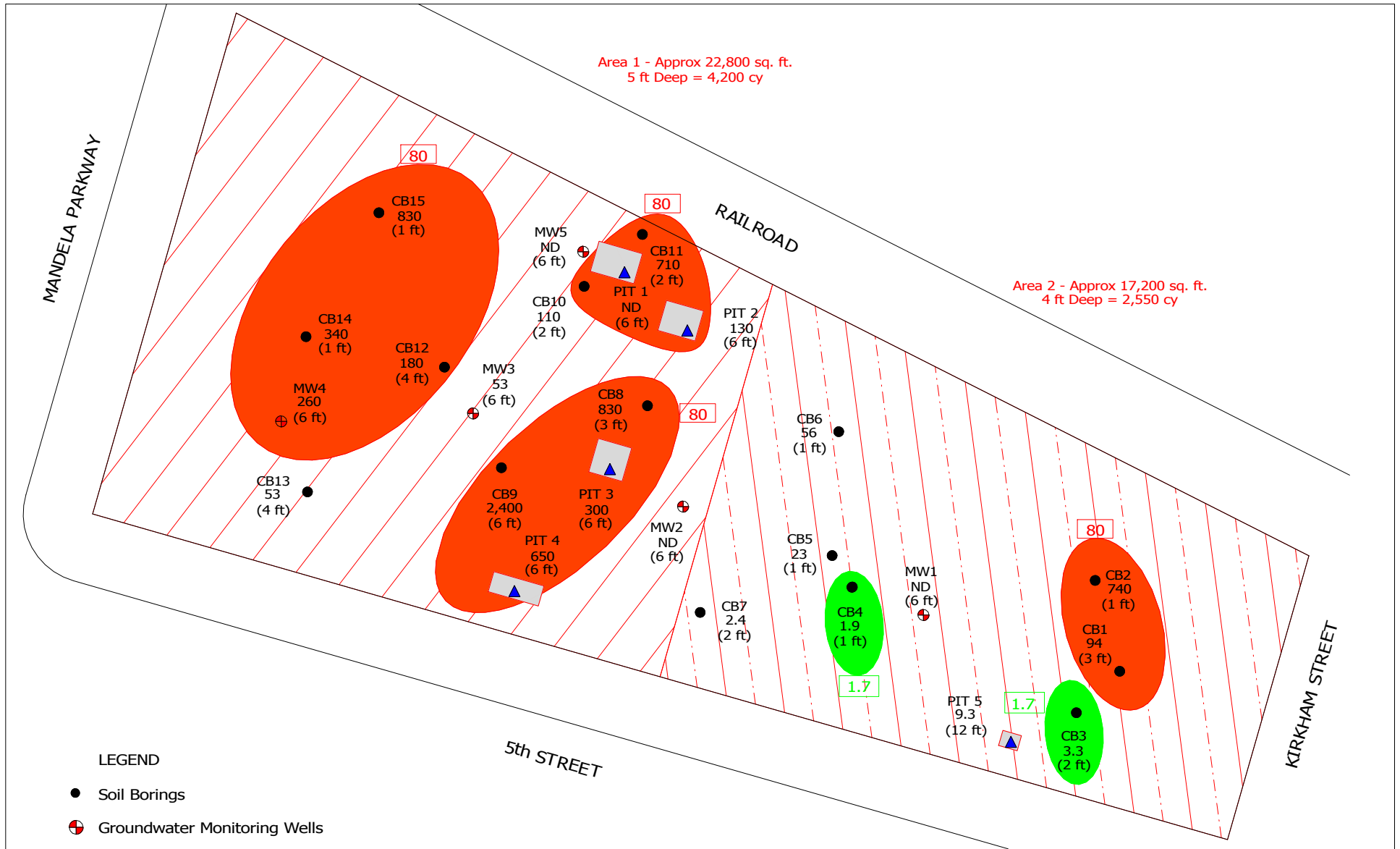
Harvey Fernebok, Red Star-Michaels LLC, 2010 Main Street, Suite 1250, Irvine, CA 92614
(*Sent via E-mail to: Hfernebok@themichaelsorg.com*)

Mark Drollinger, Citadel Environmental Services, Inc., 111 North Market Street, Suite 300, San Jose, CA 95113 (*Sent via E-mail to: mdrollinger@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



LEGEND

- Soil Borings
- ⊕ Groundwater Monitoring Wells
- ▲ Soil Samples

FIGURE 4
AREAS OF EXCAVATION
COMMERCIAL PROPERTY
1396 5th Street
Oakland, California

Maximum Lead Concentrations Shown
 in mg/Kg (Depth of Sample).
 Green Areas Show Additional Cadmium
 Zones Requiring Excavation and Removal.

| | | | | |
|------------|-------------|--------|-------|--|
| SCALE | | | NORTH | |
| DRAWN BY | J. NICOLICH | 3/7/11 | | |
| CHECKED BY | D. LOUKS | 3/9/11 | | |
| REVISED BY | | | | |

CITADEL
 ENVIRONMENTAL SERVICES, INC.



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During review of these reports, we have identified several items that require additional information, clarification, or correction. Until the items identified in the technical comments below are addressed, we are unable to adequately evaluate the effectiveness of the soil excavation and UST removals. The case cannot be evaluated for closure unless more complete and accurate information is provided. Therefore, we request that you address the technical comments below and submit a Revised Excavation Report and Revised Tank Removal Report for ACEH review **no later than February 21, 2013**.

TECHNICAL COMMENTS ON EXCAVATION REPORT

1. **Tidal Influence – 4th paragraph, page 1.** The Excavation Report indicates that groundwater at the site is "affected by tidal forces." The nearest surface water body appears to be Oakland Inner Harbor, which is 3,225 feet from the site. We are not aware of sites that are similar distances from a surface water body and are tidally influenced. Please provide some corroboration of this statement regarding tidal influence.

2. **Water Supply Well Survey – last paragraph, page 1 and Appendix B.** In correspondence dated April 20, 2011, ACEH indicated that a data base search by Environmental Data Resources did not meet ACEH requirements for a well survey and requested that a water supply well survey be completed for the site using records from Alameda County Public Works and the California Department of Water Resources. Citadel presented the results of the updated water supply well survey in a “*Revised Remedial Action Plan*,” dated July 7, 2011. The Excavation Report refers to a water supply well survey in Appendix B. However, the water supply well survey presented in Appendix B is the EDR search that does not qualify as a well survey. In the Revised Excavation Report requested below, please present the more recent and complete well survey from the July 7, 2001 Revised Remedial Action Plan.
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sampling of the UST contents. In the text, please describe how the samples were collected from the tanks.

17. **Analyses for Waste Oil or Unknown Contents.** Based on the sampling of the UST contents, it appears that some of the USTs may have been used for waste oil or unknown contents. Please describe why the soil and groundwater samples collected in the areas of the tanks were not analyzed for the Recommended Minimum Verification Analyses for Underground Storage Tanks (*Tri-Regional Board Staff Recommendations for Preliminary Investigation and Evaluation of Underground Storage Tank Sites, April 16, 2004*) for waste oil or unknown contents.
18. **Soil Analytical Results Table.** In the Revised Tank Removal Report requested below, please revise the Soil Analytical Results table to include a table number and title for reference, sample IDs, sampling date, corresponding tank numbers, depth collected, and analytical results. The values should be presented in the same units as the results in the Laboratory Analytical Reports in the appendices without rounding.
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22. **Groundwater Sampling – 1st paragraph, page 6.** In the Revised Tank Removal Report requested below, please describe the method for collection of the groundwater samples. In addition, please describe the rationale for analyzing the groundwater samples only for VOCs and not petroleum hydrocarbons given that the tank contents were petroleum hydrocarbons.

23. **Tank and Soil Disposal.** In the Revised Tank Removal Report requested below, please present information and documentation regarding the disposal and destination for the tanks and soil generated during tank removals.
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25. **TK-4 Soil Sample.** Soil sample TK-4 has elevated detection limits for the volatile organic compounds. A note on the laboratory analytical report indicates that the reporting limits are raised due to a significant amount of heavy non-target compounds. In the Revised Tank Removal Report requested below, please discuss how these results were evaluated and what steps were taken to identify the heavy non-target compounds.
26. **Closure by City of Oakland Fire Department.** Please include the closure documentation for the underground storage tanks (USTs) from the City of Oakland Fire Department (OFD) as an appendix to the Revised Tank Removal report requested below. If the USTs have not been closed by OFD, the closure documentation must be provided at a later date. However, closure of the SLIC case will not be considered until the USTs are closed by OFD.

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Please upload technical reports to the ACEH ftp site (Attention: Jerry Wickham), and to the State Water Resources Control Board's GeoTracker website according to the following schedule and file-naming convention:

- **February 21, 2013** – Revised Excavation Report
File to be named: EX_R_YYYY-mm-dd RO2896
- **February 21, 2013** – Revised Tank Removal Report
File to be named: TNK_R_YYYY-mm-dd RO2896

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.

Responsible Parties
RO0002896
December 18, 2012
Page 6

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*)

Mark Drollinger, Citadel Environmental Services, Inc., 111 North Market Street, Suite 300, San Jose, CA 95113 (*Sent via E-mail to: mdrollinger@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



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

December 18, 2012

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: Case File Review 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 reports entitled, "*Soil Closure Report*," dated August 21, 2012 (Excavation Report) and received by ACEH on October 15, 2012 and "*Underground Storage Tank Removal and Closure Report*," dated August 23, 2012 (UST Removal Report) and received by ACEH on November 13, 2012. The Excavation Report presents results from excavation of shallow soil containing elevated concentrations of metals, confirmation sampling, and soil disposal conducted in August 2011. The UST Removal Report presents results from removal or closure in place of three underground storage tanks (USTs). Both reports were prepared on your behalf by Citadel Environmental Services, Inc.

During review of these reports, we have identified several items that require additional information, clarification, or correction. Until the items identified in the technical comments below are addressed, we are unable to adequately evaluate the effectiveness of the soil excavation and UST removals. The case cannot be evaluated for closure unless more complete and accurate information is provided. Therefore, we request that you address the technical comments below and submit a Revised Excavation Report and Revised Tank Removal Report for ACEH review **no later than February 21, 2013**.

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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*)

Mark Drollinger, Citadel Environmental Services, Inc., 111 North Market Street, Suite 300, San Jose, CA 95113 (*Sent via E-mail to: mdrollinger@CitadelEnvironmental.com*)

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GeoTracker, e-File