

WILLIAM SPENCER COMPANY
CONTRACTORS • REAL ESTATE

99 SOUTH HILL DRIVE • BRISBANE, CALIFORNIA, 94005-1215
TEL: (415) 468-5000 • FAX: (415) 468-4579
CALIFORNIA CONTRACTORS LICENSE #334263

March 4, 2009

Jerry Wickham
Senior Hazardous Materials Specialist
Environmental Health Services
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

RE: 1424 Harrison Street
Oakland, CA 94612

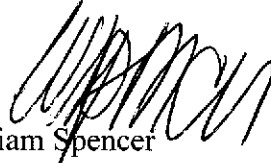
SUBJ: Fuel Leak Case No. RO0002992
Geotracker Global ID T0600100961
Sparks Property

Gentleman:

With regard to the above subject please note the enclosed report and reply to your January 8, 2009 letter. Please advise how you want to proceed with the subject. I note the facts stated on the Aquifer Sciences, Inc. report is to the point. Please feel free to give me a call at (415) 468-5000 x3010.

Sincerely yours,

WILLIAM SPENCER COMPANY


William Spencer

WDS/tc

cc: William Spencer

February 27, 2009
209528

2009 11/27 - 1 21 2 11

William Spencer
William Spencer Company
99 South Hill Drive
Brisbane, CA 94005

Subject: 1424 Harrison Street, Oakland, California

Dear Mr. Spencer:

I have reviewed the letter from Alameda County Environmental Health Services dated January 8, 2009, regarding the property at 1424 Harrison Street, Oakland, California. I have researched regulatory case files for the site and nearby vicinity, and have reviewed data, maps, and reports at the GeoTracker website and the Alameda County Environmental Health website. Based on this review, the following conclusions are offered.

1. Two underground fuel tanks located beneath the sidewalk were closed in place by 1991.
2. According to a report by Paul Smith, the inspector from the Alameda County Department of Environmental Health overseeing the closure, one tank was filled according to the Oakland Fire Department protocol, and the second tank was emptied prior to being filled with cement slurry.
3. Although no soil or groundwater samples were collected at the time of tank closure, several samples have been collected since then in conjunction with the adjacent site at 1432 Harrison Street. The data for soil and groundwater samples are listed in Tables 1 and 2.
4. A total of 16 soil samples have been collected beneath or in the immediate vicinity of the two closed-in-place tanks. Twelve of these samples contained no petroleum hydrocarbons or only low concentrations. Of the other four samples, two were collected below the water table and do not represent soil quality. The other two samples contained TPH-gasoline at 1,500 and 1,900 mg/kg.
5. A total of four groundwater samples have been collected in the vicinity of the two closed-in-place tanks. Three of the four samples were collected in the immediate vicinity. All of these groundwater samples were collected as grab samples.
6. The data show that soil contains elevated TPH-gasoline at depths of 20 feet or more, which is below the water table.

AQUIFER SCIENCES, INC.

7. At deeper depths, but above the water table, the data also show that soil samples contained no TPH-gasoline or only low concentrations.

8. This signifies that the two closed-in-place tanks may not be the cause of the TPH-gasoline concentrations in soil at the deeper depths above the water table, nor the TPH-gasoline concentrations in groundwater.

9. Two underground fuel tanks were also present at the adjacent site at 1432 Harrison Street. The positions of the adjacent site's tanks were also under the sidewalk, approximately 10 feet the north of the two tanks at 1424 Harrison Street. TPH-gasoline is present in soil and groundwater at 1432 Harrison Street as a result of releases from the tanks. The TPH-gasoline concentrations in soil and groundwater at 1432 Harrison Street are higher than at 1424 Harrison Street.

10. Underground utilities are common conduits for groundwater and contaminant migration. The city streets are likely underlain by utilities. It is likely that contaminants are moving along these preferential pathways.

11. Chevron operated a service station at the southwest corner of Harrison and 14th streets, approximately 200 feet upgradient of 1424 Harrison Street. Gasoline was released from tanks at the Chevron site. Soil and groundwater remediation were performed, and the environmental case was closed in 2004. Gasoline remained in the groundwater at concentrations of 7,500 $\mu\text{g/L}$ at the time the case was closed. It is possible that gasoline from the Chevron site has migrated to the area of 1424 Harrison Street with groundwater and through underground utility trenches.

12. The original inspection report for 1424 Harrison Street by Paul Smith of the Alameda County Department of Environmental Health states "The tank was emptied prior to filling w/ cement slurry." A copy of this inspection report is included as an attachment in a Conestoga-Rovers report dated 7/23/07. However, a year later the same inspection report was included in another Conestoga-Rovers report, dated 4/22/08, with a handwritten alteration of the word "was" to "not" in darker ink! This alteration appears to be a deliberate attempt to deceive, not to mention tampering with the inspector's official document. (Conestoga-Rovers is the environmental consultant for the owner of 1432 Harrison Street.)

Please feel free to call me if you have any questions about these conclusions.

Respectfully yours,



Rebecca A. Sterbentz, PG, CHG
President



Table 1. ANALYTICAL DATA FOR SOIL - Petroleum Hydrocarbons
1424 Harrison Street, Oakland, California

Sample Name	Sampling Location	Date	Depth (feet)	TPH-gasoline (mg/kg)	Benzene (mg/kg)	Toluene (mg/kg)	Ethyl-benzene (mg/kg)	Total Xylenes (mg/kg)	MTBE (mg/kg)
SB-L	20 feet north of tank area	7/7/95	20	220	1.6	4.1	4.8	24	NA
SB-P-3.75	angle under tank area	10/3/96	3.75	3.8	ND	0.016	0.017	0.084	ND
SB-P-12.7	angle under tank area	10/3/96	12.7	1,500	0.55	14	25	100	2.0
SB-Q-3.75	angle under tank area	10/3/96	3.75	43	0.006	0.024	0.027	0.11	ND
SB-Q-9.6	angle under tank area	10/3/96	9.6	1,900	0.95	15	43	200	ND
VES-2-16.5	2 feet east of tank area	7/22/99	16.5	2.2	ND	0.018	ND	0.050	ND
VES-2-26.5	2 feet east of tank area	7/22/99	26.5	4300 *	35 *	260 *	74 *	310 *	ND
VES-2-30	2 feet east of tank area	7/22/99	30.0	ND	ND	ND	ND	ND	ND
CB-1-10	2 feet east of tank area	7/23/99	10	ND	ND	ND	ND	ND	ND
CB-1-16	2 feet east of tank area	7/23/99	16	ND	ND	ND	ND	ND	ND
CB-1-20	2 feet east of tank area	7/23/99	20	ND	ND	ND	ND	ND	ND
CB-1-24	2 feet east of tank area	7/23/99	24	1500 *	2.3 *	6.8 *	12 *	58 *	ND
CB-2-12	5 feet south of tank area	7/23/99	12	ND	ND	ND	ND	ND	ND
CB-2-15	5 feet south of tank area	7/23/99	15	ND	ND	ND	ND	ND	ND
CB-2-20.5	5 feet south of tank area	7/23/99	20.5	4.2 *	ND	0.01 *	0.007 *	0.025 *	ND
CB-2-24	5 feet south of tank area	7/23/99	24	4.8 *	0.006 *	ND	0.026 *	0.03 *	ND

mg/kg = milligrams per kilogram (parts per million or ppm)

NA = not analyzed

ND = not detected above reporting limit

TPH-gasoline = total petroleum hydrocarbons quantified as gasoline

MTBE = methyl tertiary butyl ether

* Denotes concentrations from soil sample collected below the water table.

Table 2. ANALYTICAL DATA FOR GROUNDWATER - Petroleum Hydrocarbons
1424 Harrison Street, Oakland, California

Sample Name	Sample Type	Sampling Location	Date	TPH-gasoline (µg/L)	Benzene (µg/L)	Toluene (µg/L)	Ethyl-benzene (µg/L)	Total Xylenes (µg/L)	MTBE (µg/L)
SB-D	grab	50 feet west of former tank area	7/7/95	70,000	7,400	10,000	1,600	7,200	NA
SB-E	grab	15 feet northwest of former tank area	7/7/95	25,000	1,000	3,000	610	2,700	NA
CB-1-W	grab	2 feet east of tank area	7/22/99	110,000	1,300	16,000	2,700	12,000	< 3,000
CB-2-W	grab	5 feet south of tank area	7/22/99	4,700	21	13	170	76	< 50
MCL		--	--	100	1	40	30	200	5

µg/L = micrograms per liter (parts per million or ppn)

ND = not detected above reporting limit

TPH-gasoline = total petroleum hydrocarbons quantified as gasoline

MTBE = methyl tertiary butyl ether

MCL = Maximum Contaminant Level, November 2007

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH
 Hazardous Materials Inspection Form

80 Swan Way, #200
 Oakland, CA 94621
 (415) 271-4320

II, III

- II.A BUSINESS PLANS (Title 19)**
- ___ 1. Immediate Reporting 2703
 - ___ 2. Bus. Plan Sids. 25503(b)
 - ___ 3. RR Cas > 30 days 25503.7
 - ___ 4. Inventory Information 25504(a)
 - ___ 5. Inventory Complete 2730
 - ___ 6. Emergency Response 25504(b)
 - ___ 7. Training 25504(c)
 - ___ 8. Deficiency 25505(a)
 - ___ 9. Modification 25505(b)
- II.B ACUTELY HAZ. MATS**
- ___ 10. Registration Form filed 25533(a)
 - ___ 11. Form Complete 25533(b)
 - ___ 12. RMPP Contents 25534(c)
 - ___ 13. Implement Sch. Req'd? (Y/N)
 - ___ 14. OffSite Canseq. Assess. 25534(d)
 - ___ 15. Probable Risk Assessment 25534(d)
 - ___ 16. Persons Responsible 25534(g)
 - ___ 17. Certification 25534(i)
 - ___ 18. Exemption Request? (Y/N) 25534(b)
 - ___ 19. Trade Secret Requested? 25538

Site ID # _____ Site Name B. H Sparks Today's Date 9/21/91

Site Address 1424 Harrison St
 City Oakland Zip 94612 Phone 593-5855
 ___ MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

- Inspection Categories:**
- ___ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
 - ___ II. Business Plans, Acute Hazardous Materials
 - III. Underground Tanks

- III. UNDERGROUND TANKS (Title 23)**
- General**
- ___ 1. Permit Application 25284 (H&S)
 - ___ 2. Pipeline Leak Detection 25292 (H&S)
 - ___ 3. Records Maintenance 2712
 - ___ 4. Release Report 2651
 - ___ 5. Closure Plans 2670
- Monitoring for Existing Tanks**
- ___ 6. Method
 - 1) Monthly Test
 - 2) Daily Vadose
Semi-annual groundwater
One time soil
 - 3) Daily Vadose
One time soil
Annual tank test
 - 4) Monthly Gndwater
One time soil
 - 5) Daily Inventory
Annual tank testing
Cont pipe leak det
Vadose/gndwater mon.
 - 6) Daily Inventory
Annual tank testing
Cont pipe leak det
 - 7) Weekly Tank Gauge
Annual tank testing
 - 8) Annual Tank Testing
Daily Inventory
 - 9) Other _____
 - ___ 7. Precs Tank Test 2643
Date: _____
 - ___ 8. Inventory Rec. 2644
 - ___ 9. Soil Testing 2646
 - ___ 10. Ground Water 2647
- New Tanks**
- ___ 11. Monitor Plan 2632
 - ___ 12. Access, Secure 2634
 - ___ 13. Plans Submit 2711
Date: _____
 - ___ 14. As Built 2635
Date: _____

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments: Info w/ regard to underground tanks or unknown
 1979 12 yrs ago I just was filed as per volume
 Oakland fire protocol

Mr Sparks doesn't have any paperwork on the premises but he will look for any in the building purchase paperwork

Mr Sparks is the current owner of the above facility. During building remodeling permits were taken for reconstruction & for in place closure

Mr Sparks states that a fire dept representative was present during slurry fill in tank.

The tank was emptied prior to filling w/ cement slurry

I will check back next Monday 9/24/91 to inquire as to the paperwork

Rev 6/88
 City of Oakland permit to
 accounts / 8/11/91

Contact: Mr Paul Sparks
 Title: Owner
 Signature: Paul Sparks

Inspector: Paul Smith
 Signature: Paul M Smith

II, III

Paul Smith 2/2/91

white -env.health
yellow -facility
pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Inspection Form

80 Swan Way, #200
Oakland, CA 94621
(415) 271-4320

II, III

Site ID # _____ Site Name Bill Sparks Today's Date 1/24/91

- II.A BUSINESS PLANS (Title 19)
- 1. Immediate Reporting 2703
 - 2. Bus. Plan Stds. 25503(b)
 - 3. RR Cons > 30 days 26500.7
 - 4. Inventory Information 25504(a)
 - 5. Inventory Complete 2730
 - 6. Emergency Response 25504(c)
 - 7. Training 25504(c)
 - 8. Deficiency 26505(a)
 - 9. Modification 25505(b)

Site Address 1424 Harrison St
City Oakland Zip 94612 Phone 843-5855
MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

- II.B ACUTELY HAZ. MATLS
- 10. Registration Form Filed 25533(a)
 - 11. Form Complete 25533(b)
 - 12. RMPP Contents 25534(a)
 - 13. Implement Sch. Req'd? (Y/N)
 - 14. Offsite Corres. Assess. 25524(c)
 - 15. Probable Risk Assessment 25534(d)
 - 16. Persons Responsible 25534(e)
 - 17. Certification 25534(f)
 - 18. Exemption Request? (Y/N) 25536(a)
 - 19. Trade Secret Requested? 25536

- Inspection Categories:
- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
 - II. Business Plans, Acute Hazardous Materials
 - III. Underground Tanks

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments: Inq w/ regard to underground tanks or unknown
1979
12 yrs ago IUST was filed as per volume
Oakland Fire protocol

- III. UNDERGROUND TANKS (Title 23)
- General
- 1. Permit Application 25264 (HS&C)
 - 2. Pipeline Leak Detection 25292 (HS&C)
 - 3. Records Maintenance 2712
 - 4. Release Report 2651
 - 5. Closure Plans 2679

Mr Sparks doesn't have any paperwork on the premises but he will look for any in the building purchase paperwork

- Monitoring for Existing Tanks
- 6. Method
 - 1) Monthly Test
 - 2) Daily Vadose
Yearly annual groundwater
One time soil
 - 3) Daily Vadose
One time soil
Annual tank test
 - 4) Monthly Groundwater
One time soil
 - 5) Daily Inventory
Annual tank testing
Cont pipe leak det
Vadose/groundwater mon.
 - 6) Daily Inventory
Annual tank testing
Cont pipe leak det
 - 7) Weekly Tank Gauge
Annual tank testing
 - 8) Annual Tank Testing
Daily Inventory
 - 9) Other _____

Mr Sparks is the current owner at the above facility. During building remodeling permits were taken for reconstruction of tank in place closure.

Mr Sparks states that a fire dept representative was present during slurry fill in tank.

The tank was emptied prior to filling w/ cement slurry.

I will check back next Monday 5/1/91 to inquire as to the paperwork

- 7. Preci Tank Test 2643
 - Date: _____
 - 8. Inventory Rec. 2644
 - 9. Soil Testing 2646
 - 10. Ground Water 2647
- New Tanks
- 11. Monitor Plan 2632
 - 12. Access, Secure 2634
 - 13. Plans Submit 2711
 - Date: _____
 - 14. As Built 2635
 - Date: _____

Rev 086
City of Oakland permit to
circulate / fill 11, 1986

Contact: Mr Bill Sparks
Title: owner
Signature: [Signature]

Inspector: Paul Smith
Signature: [Signature]

II, III

Send permit for volume 5/7/91