



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

January 12, 2015

Daniel Rabin  
475 Lesser Street, LLC  
731 Sansome Street, 2<sup>nd</sup> Floor  
San Francisco, CA 94111

Flavor Right Foods NW, Inc.  
c/o William E. Grieshaber, Jr.  
1 Robert Rich Way  
Buffalo, NY 14213

Tip Top Foods, Inc.  
c/o Tom Michaelides  
Instantwhip Foods  
2200 Cardigan Avenue  
Columbus, OH 43215-1092

Subject: Case File Review for Fuel Leak Case No. RO0003135 and GeoTracker Global ID T10000005847, Lesser Commercial Property, 475 Lesser Street, Oakland, CA 94601

Dear Responsible Parties:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above referenced site including the recently submitted document entitled, "*Vapor Intrusion Assessment Report (IA1, IA1-DUP, IA2, and AA1)*," dated December 8, 2014 (Report). The Report, which was prepared by P&D Environmental, Inc. on behalf of 475 Lesser Street, LLC, presents results from indoor air samples, one ambient air sample, and one sub-slab soil vapor sample from Building 2. Indoor air samples from Building 2 contained up to 200 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) of Total Petroleum Hydrocarbons as gasoline and 1.4  $\mu\text{g}/\text{m}^3$  of benzene. The concentration of benzene detected in indoor air from Building 2 exceeds applicable human health risk-based screening levels.

Based on these results, the Report recommends that: the entrances to Building 2 be sealed to prevent entry with signs indicating that entry is prohibited; the property owner annually provides certification that the entries and notices were inspected and intact; and a deed notification be recorded that identifies the vapor intrusion concerns. The proposed approach is acceptable to ACEH. Therefore, we request that you submit the following items in order to implement this approach:

- Written verification that the entrances to Building 2 have been sealed
- Copies of the notices identifying vapor intrusion concerns and prohibiting entry.
- We request that you use the Alameda County template (attached) to prepare a draft Covenant and Environmental Restriction on Property for ACEH review. Please submit the draft Covenant and Environment Restriction on Property in Microsoft Word format directly by email to [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org). ACEH will provide an electronic copy of the Alameda County Model Covenant and Environmental Restriction to P&D Environmental or any other party upon request.

### **List of Landowners Form**

Pursuant to Section 25297.15 (a), Alameda County Environmental Health (ACEH), the local agency, shall not consider cleanup or site closure proposals from the primary or active responsible party, issue a closure letter, or make a determination that no further action is required with respect to a site upon which there was an unauthorized release of hazardous substances from an underground storage tank subject to this chapter unless all current record owners of fee title to the site of the proposed action have been notified of the proposed action by the primary or active responsible party. ACEH is required to notify the primary or active responsible party of their requirement to certify in writing to the local agency that the notification requirement in the above-mentioned regulation has been satisfied and to provide the local agency with a complete mailing list of all record fee title owners.

To satisfy this requirement, please complete the enclosed *List of Landowners Form*, and mail or e-mail it back to ACEH by the date identified below. Also your comments, if any, must be considered prior to the proposed closure. Please respond within 30 days from the date of this letter for your comments to be considered.

### **Public Participation**

Public participation is a requirement for the case closure process. In order to notify potentially affected members of the public of the potential fuel leak case closure, ACEH has distributed the attached *Invitation to Comment - Potential Case Closure* to the addresses shown on attached mailing list. If you are aware of any other residents, landowners, or other interested persons, corporations, or government agencies that are not on the mailing list but may have an interest in this fuel leak case, please provide their names and addresses as soon as possible. The attached *Invitation to Comment - Potential Case Closure* requests that landowners or residents submit any comments or questions to ACEH regarding potential case closure. ACEH will consider all comments from the public prior to potential case closure.

### **TECHNICAL REPORT REQUEST**

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

- **February 13, 2015** – List of Landowners Form  
File to be named: LNDOWNR\_F\_yyyy-mm-dd RO3135
- **February 15, 2015** – Written verification that the entrances to Building 2 have been sealed and copies of the notices identifying vapor intrusion concerns and prohibiting entry  
File to be named: CORRES\_yyyy-mm-dd RO3135
- **March 14, 2015** – End of Public Comment Period
- **March 14, 2015** – Draft Covenant and Environmental Restriction on Property  
To be submitted in Microsoft Word format directly by email to [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org).

Responsible Parties  
RO0003135  
January 12, 2015  
Page 3

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org). Online case files are available for review 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: Invitation to Comment – Potential Case Closure  
Mailing List  
List of Landowners Form

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

Kendra Marshall, 475 Lesser Street LLC, 731 Sansome Street, 2<sup>nd</sup> Floor, San Francisco, CA 94111

Paul King, P & D Environmental, 55 Santa Clara Avenue, Suite 240, Oakland, CA 94610  
(*Sent via E-mail to [PDKing0000@aol.com](mailto:PDKing0000@aol.com)*)

Steve Carmack, P & D Environmental, 55 Santa Clara Avenue, Suite 240, Oakland, CA 94610  
(*Sent via E-mail to [steven.carmack@pdenviro.com](mailto:steven.carmack@pdenviro.com)*)

Jerry Wickham, ACEH (*Sent via E-mail to: [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org)*)

GeoTracker, File



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**INVITATION TO COMMENT – POTENTIAL CASE CLOSURE**

**LESSER COMMERCIAL PROPERTY  
475 LESSER STREET  
OAKLAND, CA 94601  
FUEL LEAK CASE RO0003135  
GEOTRACKER GLOBAL ID T10000005847**

**JANUARY 12, 2015**

The above referenced site is a fuel leak case that is under the regulatory oversight of the Alameda County Environmental Health (ACEH) Local Oversight Program for the investigation and cleanup of a release of petroleum hydrocarbons from an underground storage tank system. Site investigation and cleanup activities have been completed and the site has been evaluated in accordance with the State Water Resources Control Board Low-Threat Closure Policy. The site appears to meet all of the criteria in the Low-threat Closure Policy provided that site management requirements are implemented for one of the buildings used for storage (Building 2). Therefore, ACEH is considering closure of the fuel leak case. Due to the potential for vapor intrusion to Building 2, the site would be closed with site management requirements that restrict access to Building 2 and require further evaluation if the site is to be redeveloped in the future.

The public is invited to review and comment on the potential closure of the fuel leak case. This notice is being sent to the current occupants and landowners of the site and adjacent properties and other known interested parties. The entire case file can be viewed over the Internet on the ACEH website (<http://www.acgov.org/aceh/lop/ust.htm>) or the State of California Water Resources Control Board GeoTracker website (<http://geotracker.waterboards.ca.gov>). Please send written comments to Jerry Wickham at the address below; all comments will be forwarded to the responsible parties. Comments **received by March 14, 2015** will be considered and responded to prior to a final determination on the proposed case closure.

If you have comments or questions regarding this site, please contact the ACEH caseworker, Jerry Wickham at 510-567-6791 or by email at [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org). Please refer to ACEH case RO0003135 in any correspondence.

Parcel_APN	Name	StreetAddress	City	Zip
34-2304-13-1	486 LESSER STREET LLC	486 LESSER ST	OAKLAND CA	94601
34-2304-1-2	BAYOVISTA CONSTRUCTION & MAINTENANCE	10 HARVARD WAY	WALNUT CREEK CA	94597
34-2304-12-2	CROMER MARSHALL T	4701 OAKPORT ST	OAKLAND CA	94601
34-2304-3	ELBECK EINER C & ARVID I	499 LESSER ST	OAKLAND CA	94601
34-2304-6	FIGUEROA JUAN D & ROMO MARIA D	4611 MALAT ST	OAKLAND CA	94601
34-2304-5-1	KOSMOS CHRIS G TR	6021 OLD QUARRY LOOP	OAKLAND CA	94605
34-2304-2-3	MCCLURE DOUGLAS C & SCOTT M O	25205 OLD BETHEL RD	AMITY OR	97101
34-2304-2-3	OCCUPANT	4445 JENSEN ST	OAKLAND CA	94601
34-2304-1-2	OCCUPANT	4600 MALAT ST	OAKLAND CA	94601
34-2304-7-1	OCCUPANT	4601 MALAT ST	OAKLAND CA	94601
34-2304-5-1	OCCUPANT	445 LESSER ST	OAKLAND CA	94601
34-2304-12-2	OCCUPANT	488 LESSER ST	OAKLAND CA	94601
34-2304-4-2	OCCUPANT	475 LESSER ST	OAKLAND CA	94601
34-2304-7-1	WESTERN DOOR & SASH CO	PO BOX 20287	OAKLAND CA	94620
	CHERIE MCCAULOU, SF REGIONAL WATER BOARD	1515 CLAY STREET, SUITE 1400	OAKLAND CA	94612
	LEROY GRIFFIN, OAKLAND FIRE DEPARTMENT	250 FRANK OGAWA PLAZA, SUITE 3341	OAKLAND CA	94612
	THOMAS FRANCIS, EBMUD	375 11TH STREET, MS. 407	OAKLAND CA	94607

# LIST OF LANDOWNERS FORM

County of Alameda  
Environmental Health Services  
Environmental Protection 1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

## CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR:

Site Name: Lesser Commercial Property  
Address: 475 Lesser Street  
City, State, Zip: Oakland, CA 94601  
Record ID #: RO00003135

Please fill out item 1 if there are multiple site landowners (attach an extra sheet if necessary). If you are the sole site landowner, skip item 1 and fill out item 2.

1. In accordance with Section 25297.15(a) of Chapter 6.7 of the California Health & Safety Code, I, \_\_\_\_\_ (name of primary responsible party), certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site:

Name: 475 Lesser Street, LLC  
Address: 731 Sansome Street, 2<sup>nd</sup> Floor  
City, State, Zip: San Francisco, CA 94111  
E-mail Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

2. In accordance with Section 25297.15(a) of Chapter 6.7 of the California Health & Safety Code, I \_\_\_\_\_, certify that I am the sole landowner for the above site.

Sincerely,

\_\_\_\_\_  
Signature of Primary Responsible Party      Printed Name      Date      E-mail Address