

## Wickham, Jerry, Env. Health

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**From:** Moira Duvernay [moira@schwartzlaw.com]  
**Sent:** Friday, August 01, 2014 5:23 PM  
**To:** Wickham, Jerry, Env. Health  
**Cc:** Soby, Matthew, Env. Health  
**Subject:** UST closure report for 811 Paramount Rd Oakland

Hello Jerry, and thank you Matthew for putting us in touch.

Jerry,

For your background, I have attached the following email trail between my client, the property owner at 811 Paramount, Mark Jacobson, who tried to follow up with Donna Drogos but heard nothing back. Also, if you scroll all the way down, you will see that Sheryl Skillern, Senior Hazardous Materials Inspector, City of Oakland, Fire Prevention Bureau, indicated back in January that she would be referring this case to your agency.

Thank you in advance for helping us move forward with the process and securing a closure letter.

Please let me know if you need additional information from me or the property owner. You can use me as the point of contact.

All the best and have a great weekend,  
Moira Duvernay

Moira Duvernay  
Law Offices of Amitai Schwartz  
2000 Powell St., Ste 1286  
Emeryville, CA 94608-1860  
(510) 597-1775, ext. 107

-----Original Message-----

From: Jacobson, Mark  
Sent: Thursday, April 17, 2014 8:51 AM  
To: '[donna.drogos@acgov.org](mailto:donna.drogos@acgov.org)'  
Cc: Frieden, Ilona  
Subject: FW: Accutest e-Hardcopy 2.0 Report C31576: 811 Paramount Rd. - Oakland, CA, sampled on 12/24/2013

Dear Ms. Drogos,

My wife and I own a home at 811 Paramount Road in Oakland which we are renovating. The foundation has been flooding for years, so it was replaced last fall as part of the work. During the foundation excavation, an old underground fuel storage tank was discovered. Appropriate permits were obtained and the tank was removed by Golden Gate Tank Removal. Afterwards, a large amount of earth surrounding the tank site was also excavated and removed. Final soil sampling showed one area (now 15 feet underground) which remained above action levels. The closure report for the tank removal and the results of the final soil analysis were sent to the Oakland Fire Department which then forwarded the material to your office in January, 2014. As noted in the email stream below, the Oakland Hazardous Material Inspector told me she would provide me with a letter

and contact information for follow-up. However, we never received it.

I found your name on the Alameda County Environmental Health Services Agency and also discovered a report you co-authored in 2012 about low-threat underground storage tank case closure policy. I'm not sure I understand the criteria for case closure correctly, but it does seem to me that our situation would meet all the general criteria, although I can't tell if the Accutest report includes MTBE results or whether such results are relevant in our case. I'm now writing you to inquire whether our underground storage tank case can be closed. Since we may be eligible for reimbursement from the state Underground Storage Tank Cleanup Fund, having a UST Closure Letter from your office would be helpful; it may be necessary. Are we eligible for case closure, and if so could we receive a UST closure letter from you?

Of note, in the email stream below, Whitney Collins is our general contractor.

Thanks for your time and consideration.

Mark A. Jacobson

-----Original Message-----

From: Skillern, Sheryl [mailto:[SSkillern@oaklandnet.com](mailto:SSkillern@oaklandnet.com)]

Sent: Thursday, January 16, 2014 4:37 PM

To: Jacobson, Mark

Subject: RE: Accutest e-Hardcopy 2.0 Report C31576: 811 Paramount Rd. - Oakland, CA, sampled on 12/24/2013

I just received the final report. This site will be forwarded to Alameda County Environmental Health for followup. I will provide you with a letter and contact information which will be completed early next week.

Sincerely,

Sheryl Skillern

Senior Hazardous Materials Inspector

City of Oakland

Fire Prevention Bureau

250 Frank H Ogawa Plaza, Suite 3341

Oakland, Ca 94612

Tel: 510 238-7253

Fax: 510 238-6739

-----Original Message-----

From: Jacobson, Mark [mailto:[mjacobson@php.ucsf.edu](mailto:mjacobson@php.ucsf.edu)]

Sent: Thursday, January 16, 2014 3:08 PM

To: Skillern, Sheryl

Cc: Frieden, Ilona

Subject: FW: Accutest e-Hardcopy 2.0 Report C31576: 811 Paramount Rd. - Oakland, CA, sampled on 12/24/2013

Hi Sheryl,

My wife and I are the home owners of 811 Paramount Road in Oakland. Per the email stream below, we understand that you passed the soil contamination assay report conducted after a fuel oil tank was removed from our front yard as part of house foundation repair on to Alameda County. The tank removal contractor has told us (see below) that the Alameda County agency now responsible for reviewing the report is ACEHSA (Alameda County Environmental Health Services Agency). However, I am unable to find such an agency on

the internet. I am able to find the Alameda County Department of Environmental Health (ACDEH) Certified Unified Program Agency (CUPA) which deals with UST systems used to store hazardous materials, but that agency states it does not include Oakland in its jurisdiction. Perhaps you are asking that agency or another agency to review the report and get back to you before the Oakland Fire Department CUPA makes a decision? Or is there an Alameda County agency that will make a decision?

We're confused and are hoping you can explain the process to us.

Best regards,

Mark Jacobson and Ilona Frieden

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-----Original Message-----

From: Whitney Collins [<mailto:whitney@whitneycollins.net>]

Sent: Wednesday, January 08, 2014 5:04 PM

To: Frieden, Ilona; Jacobson, Mark

Cc: Chris Lauderdale

Subject: FW: Accutest e-Hardcopy 2.0 Report C31576: 811 Paramount Rd. - Oakland, CA, sampled on 12/24/2013

Mark and Ilona,

FYI from GGTR.

Best regards,

Whitney Collins

(510) 504-7345

[www.whitneycollins.net](http://www.whitneycollins.net)

-----Original Message-----

From: Tim Hallen [<mailto:tim@ggtr.com>]

Sent: Wednesday, January 08, 2014 5:02 PM

To: Whitney Collins

Subject: FW: Accutest e-Hardcopy 2.0 Report C31576: 811 Paramount Rd. - Oakland, CA, sampled on 12/24/2013

Dear Whitney,

I would like to help with the soil sample analysis protocol for 811 Paramount Rd, Oakland.

When contamination exceeds action levels the local regulators (Oakland Fire

Dept) are required to have highly impacted "source" material removed the soil near the tank, acts like a sponge holding residual product. If that effort successfully brings the confirmation samples below action levels then the case is closed. In this event, one end of the tank did clean up nicely.

The other end (I think it is the one under the fill pipe) remained above action levels.

It now becomes the responsibility of the ACEHSA (Alameda County Environmental Health Services Agency)to

carry the ball. Their determination depends on the distance to any source of useable groundwater or the distance to what are termed "sensitive receptors" (like a school or other facility).

In this case, the contamination is now 15 feet or more beneath the surface.

It will eventually recede naturally under a process called "natural attenuation". There is no way I can predict the results of the ACEHSA review. They operate under strict guidelines put in place by the SWRCB, (State Water Resource Control Board). They are very approachable and would be happy to discuss the situation directly with the responsible parties. It is usually helpful to do so.

Our report is, or will soon be in your hands. A copy will go to ACEHSA as well.

Respectfully,

Tim Hallen  
Golden Gate Tank Removal, Inc.  
1455 Yosemite Ave.  
San Francisco, CA 94124  
415-512-1555 (office)  
415-512-0964 (fax)

-----Original Message-----

From: Annette Chen [<mailto:annettechen@ggtr.com>]

Sent: Tuesday, January 7, 2014 11:51 AM

To: [tim@ggtr.com](mailto:tim@ggtr.com); 'Gina Wee'; [4155590499@vtext.com](mailto:4155590499@vtext.com)

Subject: FW: Accutest e-Hardcopy 2.0 Report C31576: 811 Paramount Rd. - Oakland, CA, sampled on 12/24/2013

Tim,

Pls reply.

Tks,  
Annette

-----Original Message-----

From: Whitney Collins [<mailto:whitney@whitneycollins.net>]

Sent: Tuesday, January 7, 2014 11:35 AM

To: Annette Chen; Ry Miller; 'Chris Lauderdale'

Cc: [tim@ggtr.com](mailto:tim@ggtr.com)

Subject: RE: Accutest e-Hardcopy 2.0 Report C31576: 811 Paramount Rd. - Oakland, CA, sampled on 12/24/2013

Can you let me know how this is likely to play out and a timeline?

Best regards,

Whitney Collins

(510) 504-7345

[www.whitneycollins.net](http://www.whitneycollins.net)

-----Original Message-----

From: Annette Chen [<mailto:annettechen@ggtr.com>]

Sent: Tuesday, January 07, 2014 11:34 AM

To: Whitney Collins; Ry Miller; 'Chris Lauderdale'

Cc: [tim@ggtr.com](mailto:tim@ggtr.com)

Subject: FW: Accutest e-Hardcopy 2.0 Report C31576: 811 Paramount Rd. - Oakland, CA, sampled on 12/24/2013

Whitney,

City of Oakland Fire Dept will refer this site to Alameda County for review.

Thank you,

Annette Chen

-----Original Message-----

From: Skillern, Sheryl [<mailto:SSkillern@oaklandnet.com>]

Sent: Tuesday, January 7, 2014 10:35 AM

To: Annette Chen

Subject: RE: Accutest e-Hardcopy 2.0 Report C31576: 811 Paramount Rd. - Oakland, CA, sampled on 12/24/2013

Annette,

Yes. Based on results, I will refer this site to Alameda County.

Sincerely,

Sheryl Skillern

Senior Hazardous Materials Inspector

City of Oakland

Fire Prevention Bureau

250 Frank H Ogawa Plaza, Suite 3341

Oakland, Ca 94612

Tel: 510 238-7253

Fax: 510 238-6739