

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

COLLEEN CHAWLA, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
FOR HAZARDOUS MATERIALS RELEASES
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

October 24, 2018

Mr. Mike Adams
Huntleigh Development, Inc.
101 Linden Street
Oakland, CA 94607
(sent via electronic mail to: mike@huntleighdev.com)

Subject: Landowner Identification for Case Closure Consideration for Site Cleanup Program Case No. RO0003261 and GeoTracker Global ID T10000010916, East Oakland International LLC & MRSBJ LLC, Burger King Property located at 4200 International Boulevard, Oakland, CA 94601, Assessor's Parcel No. 35-2354-1-2

Dear Mr. Adams:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the recently submitted document entitled, *Soil Gas Sampling and Analysis Report* (Report), dated July 13, 2018 (electronically transmitted to GeoTracker on July 13, 2018), prepared by Environmental Risk Assessors (ERA) for the subject site. ERA oversaw the temporal sampling of sub-slab vapor pins to evaluate seasonal variation in volatile organic compound (VOC) concentrations reported in the subsurface beneath the onsite building. Analytical results presented in this report were collected in June 2018 during dry season subsurface conditions at the Site. These results were compared to sub-slab results collected previously in November 2017 during wet season subsurface conditions. Sub-slab VOC concentrations detected during both the wet and dry seasons were below their respective San Francisco Bay Regional Water Board February 2016 revision 3 commercial/industrial and Tier 1 Environmental Screening Levels (ESLs), except for Chloroform which was detected above the Tier 1 ESL of 61 (microgram per cubic meter; $\mu\text{g}/\text{m}^3$) but below the commercial/industrial ESL of $530 \mu\text{g}/\text{m}^3$. Based on the analytical results from both the dry and wet seasons, ERA requests case closure.

Based on review of the above-mentioned report, ACDEH generally concurs with ERA's recommendation for no additional investigation and is considering the Site for potential case closure. As you are aware site investigations have been performed at the subject property to which you are named as the primary or active responsible party.

Prior to case closure, ACDEH requests the following actions:

1. Notify all current record owners of fee title to the site in accordance with Section 25297.15 (a) of the California Health and Safety Code; and
2. Preparation of a Site Management Plan (SMP)

Therefore at this juncture, ACDEH requests that you address the following *Comments* below and submit the documents requested by the associated compliance dates. Upon completion of the public comment period and receipt of the requisite documents, ACDEH will close the case and issue a Remedial Action Completion Certificate.

COMMENTS

1. **Landowner Notification Form** – Pursuant to Section 25297.15 (a) of the California Health and Safety Code, ACDEH, 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 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. Although the release was not from an underground storage tank, ACDEH adheres to the intent of the above-mentioned code and ACDEH is notifying 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* (Attachment 1), and mail or email it back to ACDEH by **Thursday, November 8, 2018**.

2. **Site Management Plan** - ACDEH staff has evaluated the case file and believes the case may be eligible for closure. Closure would be under a commercial land use scenario with site management requirements, as residual soil vapor contamination remains in the subsurface beneath the site. Therefore, ACDEH will require preparation of a Site Management Plan addressing potential contaminants of concern should excavation or construction activities occur in areas of residual contamination. These activities require planning and implementation of appropriate health and safety procedures by the responsible party (or current property owner/developer) prior to and during excavation and construction activities.

Re-evaluation of this case is required if land uses changes to any residential or other conservative land use, or any redevelopment occurs as residual contamination is documented to remain in the soil beneath the site.

This site is to be entered into the City of Oakland Permit Tracking System due to the residual contamination on site.

3. **Public Participation** - Public participation is a requirement for the case closure processes. In order to notify potentially affected members of the public of the potential site cleanup program case closure, *Notification of Potential Case Closure* (Attachment 2) will be distributed to addresses in the immediate vicinity. The *Notification of Potential Case Closure* requests that landowners or residents submit any comments or questions to ACDEH regarding potential case closure. ACDEH will consider all comments from the public prior to potential case closure.

Prior to distribution of the notification, please return the List of Landowner form to ensure that the current landowner is included in this process.

Mr. Adams
RO0003261
October 24, 2018, Page 3

Thank you for your cooperation. ACDEH looks forward to working with you and your environmental consultant to close the case. If you have any questions, please call me at (510) 639-1276 or send me an email message at andrew.york@acgov.org

Sincerely,



Drew J. York
Senior Hazardous Materials Specialist



Dilan Roe, PE, C73703
Chief - Land Water Division

Encl.: Attachment 1 - List of Landowners Form
Attachment 2 - Notification of Potential Case Closure

cc: Lita D. Freeman, Environmental Risk Assessors (Sent via E-mail to: litafreeman@gmail.com)
Jay Hagglund, Cushman & Wakefield (Sent via E-mail to: jay.hagglund@cushwake.com)
Alan Tam, AC Building Department (Sent via E-mail to: alant@acpwa.org)
Andrew Young, AC Planning Department (Sent via E-mail to: andrew.young@acgov.org)
James Yoo, AC Public Works (Sent via E-mail to: jamesy@acpwa.org)
Dilan Roe, ACDEH, Chief Land, Water Division (Sent via E-mail to: dilan.roe@acgov.org)
Paresh Khatri, ACDEH (Sent via E-mail to: paresh.khatri@acgov.org)
Drew York, ACDEH (Sent via E-mail to: andrew.york@acgov.org)
Electronic File, GeoTracker

ATTACHMENT 1

County of Alameda
Department of Environmental Health
1131 Harbor Bay Parkway, Suite 133
Alameda, CA 94502-6577

CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR:

Site Name: East Oakland International LLC & MRSBJ LLC
Address: 4200 International Boulevard
City, State, Zip: Oakland, CA 94601
Record ID #: RO0003261

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: _____
Address: _____
City, State, Zip: _____
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

ATTACHMENT 2



INVITATION TO COMMENT – POTENTIAL CASE CLOSURE

**EAST OAKLAND INTERNATIONAL LLC & MRSBJ LLC
4200 INTERNATIONAL BOULEVARD, OAKLAND, CA 94601
SITE CLEANUP PROGRAM CASE RO0003261
GEOTRACKER GLOBAL ID T10000010916**

OCTOBER XX, 2018

The above referenced site is a Site Cleanup Program (SCP) case that is under the regulatory oversight of the Alameda County Department of Environmental Health (ACDEH) for the investigation of petroleum hydrocarbons and volatile organic compounds from previous site operations as an automotive repair business. Site investigation activities have been completed and it does not appear that residual contamination presents a risk to human health and the environment. Therefore, ACDEH is considering closure of the case. Due to the residual contamination on site, the site would be closed with site management requirements that require further evaluation if the site is to be redeveloped in the future.

This notice is being sent to the current occupants and landowners of adjacent properties and known interested parties for this site. The public is invited to review and comment on the potential closure of the case. The entire case file can be viewed over the Internet on the ACDEH 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 Drew York at ACDEH, 1131 Harbor Bay Parkway, Alameda, CA 94502; all comments will be forwarded to the responsible parties. Comments **received by Friday, November XX, 2018** 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 ACDEH caseworker, Drew York at 510-639-1276 or by email at andrew.york@acgov.org. Please refer to ACDEH case RO0003261 in any correspondence.