

**From:** [Roger Papler](#)  
**To:** [Nowell, Keith, Env. Health](#)  
**Cc:** [jprall@portoakland.com](mailto:jprall@portoakland.com)  
**Subject:** P/O - TOFC: Regulatory Jurisdiction  
**Date:** Thursday, March 15, 2012 5:59:23 PM

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Hello Keith:

Thank you for the notification.

After carefully reviewing the forwarded email clarification from John Prall (Port of Oakland) and checking our records, it appears that the UST case you cited is actually one of our Site Cleanup Program or SCP (formerly SLIC) sites. So the Port of Oakland's perspective appears to be accurate. To avoid future confusion, please provide the GeoTracker global identity number so that we can delete the apparent duplicative GeoTracker website.

Respectfully,

Roger W. Papler, P.G.  
San Francisco Regional Water Quality Control Board  
1515 Clay Street, Suite 1500  
Oakland, CA 94612

>>> John Prall <[JPrall@portoakland.com](mailto:JPrall@portoakland.com)> 3/14/2012 3:45 PM >>>  
Mr. Papler-

The email below just came in to me as a cc. I need to clarify what was said in Mr. Nowell's email. First, the County has not made it clear to the Port that the TOFC is a UST site. The TOFC did contain a UST which the Union Pacific Railroad removed from service in 1993. The UST was used for temporarily holding recovered diesel fuel skimmed from the surface of the groundwater inside a deep and large diameter sump. The sump and UST were part of a locomotive fueling facility installed and operated by the railroad. The UST was not the fault of the release of diesel fuel; the diesel fuel was already in the ground apparently due to leaks in a drip pan and Transite pipe recovery system that delivered diesel to the sump. The diesel fueling system resulted in a release in 1991 and the project that Alameda County initially oversaw included the railroad's site investigations and early remediation efforts. However, when the Port acquired the Union Pacific Railroad lease, the TOFC, which was a part of the lease area, the TOFC project became part of RWQCB Order 99-045 as the Port was converting the former Union Pacific Railyard and adjoining former FISCO US Navy base, approximately 200 acres, into new marine cargo terminals. Because of the diesel release at the former locomotive fueling facility, Greg Bartow, RWQCB case work for the Order, directed the Port to install a slurry wall to keep the diesel plume out of San Francisco Bay and Mr. Bartow oversaw the installation of the new, improved, and larger, diesel fuel recovery system, and installation of new monitoring wells. The Port is now well along in the regulatory process with the RWQCB and has no desire to return to the regulatory purview of Alameda County. Another reason for maintaining RWQCB oversight is the constant turnover in County staff assigned to the Port of Oakland. For example the recent past regulators have included Barney Chan, Steve Plunkett, Paresh Khatri, a hiatus of about 1-1/2 years with no assigned staff, and now Mr. Nowell.

John Prall, PG  
Port Associate Environmental Scientist  
Environmental Programs & Planning Division

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Oakland, CA 94607

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**From:** Nowell, Keith, Env. Health [mailto:Keith.Nowell@acgov.org]  
**Sent:** Wednesday, March 14, 2012 2:20 PM  
**To:** 'RPapler@waterboards.ca.gov'  
**Cc:** John Prall  
**Subject:** Port of Oakland / Union Pacific Railroad site

Hello Roger,

Paresh forwarded me this email as I am the new case worker for several of ACEHs' Port of Oakland sites. I confirmed am the new case worker for the Port of Oakland / Union Pacific Railroad site. It took me some time to track it down as I have no sites identified as 'Trailer-on-Flat-Car'. The site, RO0000035 with the address of 1717 Middle Harbor Rd, is listed in Geotracker as Alameda County LOP lead with myself as the case worker. Geotracker has a 1717-A Middle Harbor Rd- Berth 57- and 1717 Middle Harbor Rd – Berth 59, both SLIC cases with the Regional Board (specifically you) as the lead for both. Our case is a LUST case, not to be confused with your SLICs. I understand this was made clear to the Port in correspondence much earlier to my assuming the case and is the reason why ACEH is pursuing the LUST case.

Respectfully,

Keith

Keith Nowell PG, CHG  
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PDF copies of case files can be reviewed/downloaded at:

<http://www.acgov.org/aceh/lop/ust.htm>

**From:** Roger Papler [mailto:RPapler@waterboards.ca.gov]  
**Sent:** Tuesday, October 18, 2011 4:27 PM  
**To:** Khatri, Paresh, Env. Health  
**Cc:** jprall@portoakland.com; Max Shahbazian  
**Subject:** Port/Oakland - TOFC: Agency Jurisdiction

Hello Paresh:

Thank you for overseeing sites that would otherwise have to be overseen by Regional Water Board (Board) staff.

John Prall (Port of Oakland) indicated that the Alameda County Department of Environmental Health (ACDEH) sent the Port of Oakland (Port) a Notice of Violation regarding the subject Trailer-on-Flat-Car (TOFC) site at the Port. It is our understanding here at the Board that we have been regulating the Port's TOFC site since ACDEH transferred the site to us over five years ago.

It's good to know that ACDEH takes action when the regulated party is not responding. However, the Port has probably not been responding to your letters because the Board regulate the subject site.

You may want to check in with Board staff Max Shahbazian regarding the Union Pacific Motor Freight (UPMF) site. I vaguely recall that he regulates the UPMF site, but he can verify whether this is true.

The Port indicated that there is some email correspondence documenting the transfer of jurisdiction from ACDEH to the Regional Water Board. That correspondence will be forwarded to you for review.

Please contact me if you have any questions.

Respectfully,

Roger W. Papler, P.G.  
San Francisco Regional Water Quality Control Board  
1515 Clay Street, Suite 1500  
Oakland, CA 94612