

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY  
DAVID J. KEARS, Agency Director



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

November 14, 2008

F P LATHROP  
GOLDSMITH LATHROP  
Address Unknown

MARCIA F & SANDRA HYDE  
MARCIA F & SANDRA HYDE TRUST  
Address Unknown

BRE PROPERTIES  
525 MARKET ST., 4<sup>th</sup> FL  
SAN FRANCISCO, CA 94105

C/O PROP TAX DEPT  
SPK INDUSTRIAL PORTFOLIO LLC  
PO BOX A-3879  
CHICAGO, IL 60690

Subject: Fuel Leak Case No. RO0000071 and Geotracker Global ID T0600102203, Goldsmith Lathrop, 5813-5815 San Pablo Avenue, Oakland, CA 94608

Dear Gentleman and Ladies:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the site including the *Ground Water Monitoring and Risk-Based Corrective Action (RBCA)* Evaluation dated April 14, 1998 and the groundwater monitoring report dated August 10, 1998 prepared by Cambria Environmental Technology, Inc. Maximum contaminant concentrations in groundwater were reported at 16,000 micrograms per liter ( $\mu\text{g/L}$ ) total petroleum hydrocarbons as gasoline (TPHg), 11,000  $\mu\text{g/L}$  TPH as creosote (TPHcr), 7,500 TPH as diesel (TPHd), 1,500  $\mu\text{g/L}$  benzene and 8,000  $\mu\text{g/L}$  naphthalene. The RBCA that was submitted requested case closure for the site. A comparison with the ASTM RBCA model indicates that the maximum contaminant concentrations in soil and groundwater at the site exceed the calculated commercial site specific target levels for soil vapor intrusion. Therefore, ACEH cannot consider case closure for the subject site at this time. This decision to deny closure is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39.2(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Please contact the SWRCB Underground Storage Tank Program at (916) 341-5851 for information regarding the appeals process.

**TECHNICAL COMMENTS**

1. **Soil Vapor Sampling.** As stated above, case closure was requested for the site based on the results of the RBCA. A review of the site using the ASTM RBCA model indicates that vapor intrusion into indoor air exceeds the site specific target level at this site. ACEH requests that you evaluate the vapor intrusion pathway by performing soil vapor sampling at the locations with the maximum detected contaminant concentrations. Please submit your proposal in the work plan requested below.

2. **Status of Groundwater Monitoring Wells.** As stated above, the maximum detected contaminant concentrations in groundwater were 16,000 µg/L TPHg, 11,000 µg/L TPHcr, 7,500 TPHd, 1,500 µg/L benzene and 8,000 µg/L naphthalene. These concentrations exceed the ESL for groundwater and the ASTM RBCA model groundwater SSTL to ambient and indoor air. We request that you evaluate current contaminant concentrations in existing wells by redeveloping and sampling all monitoring wells by the date requested below. Please include analysis for the following constituents: TPHd and TPHg by EPA Method 8015M, benzene, toluene, ethylbenzene, toluene, xylenes, methyl tertiary butyl ether (MTBE), ethyl tertiary butyl ether (ETBE), di-isopropyl ether (DIPE), tertiary amyl methyl ether (TAME), tert butyl alcohol (TBA), ethylene dibromide (EDB), and ethylene dichloride (EDC) by EPA Method 8260, and semi-volatile organic compounds and TPHcr by EPA Method 8270.
  
3. **GeoTracker Compliance.** – Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please claim your site and upload all future submittals to GeoTracker and ACEH's ftp server by the date specified below. Electronic reporting is described below.

### **TECHNICAL REPORT REQUEST**

Please submit technical reports to Alameda County Environmental Health (Attention: Barbara Jakub), according to the schedule presented below:

- **December 19, 2008** – Claim site in Geotracker
  
- **February 16, 2009** – Groundwater Monitoring Report and Soil and Water Investigation Work Plan

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

### **ELECTRONIC SUBMITTAL OF REPORTS**

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities.

Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements ([http://www.swrcb.ca.gov/ust/electronic\\_submittal/report\\_rqmts.shtml](http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml)).

#### PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

#### PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

#### UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

#### AGENCY OVERSIGHT

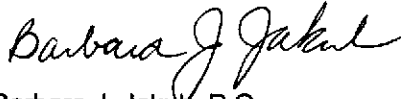
If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety

RO0000071  
November 14, 2008, Page 4

Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 639-1287 or send me an electronic mail message at [barbara.jakub@acgov.org](mailto:barbara.jakub@acgov.org).

Sincerely,



Barbara J. Jakub, P.G.  
Hazardous Materials Specialist

Enclosures: ACEH Electronic Report Upload (ftp) Instructions  
Returned letter dated July 3, 2008

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland,  
CA 94612-2032  
Donna Drogos, ACEH  
Barbara Jakub, ACEH  
File

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**  
AGENCY  
DAVID J. KEARS, Agency Director



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

July 3, 2008

F P LATHROP  
GOLDSMITH LATHROP  
2000 POWELL STREET  
EMERYVILLE, CA 94608-1804

MARCIA F & SANDRA HYDE  
MARCIA F & SANDRA HYDE TRUST  
2000 POWELL ST  
EMERYVILLE, CA 94608-1804

BRE PROPERTIES  
44 MONTGOMERY FL 36  
SAN FRANCISCO, CA 94104

C/O PROP TAX DEPT  
SPK INDUSTRIAL PORTFOLIO LLC  
PO BOX A-3879  
CHICAGO, IL 60690

SUBJECT: GEOTRACKER STATUS FOR THE LEAKING UNDERGROUND STORAGE TANK  
(UST) CASE FOR FUEL LEAK CASE #: RO0000071; Geotracker Global ID # T0600102203;  
GOLDSMITH LATHROP, 0 SHELLMOUND ST, Emeryville, CA; 94608

Ladies and Gentlemen:

A review of the case file and the State Water Resources Control Board's (SWRCB) GeoTracker website indicate that the site has not been claimed in the database; therefore electronic copies of analytical and survey data have not been uploaded to the SWRCB GeoTracker database, thus rendering the site to non-compliance status. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. Additionally, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level relative to NGVD88 and latitude and longitude to sub-meter accuracy relative to NAD 83. A California licensed surveyor may be required to perform this work. Lastly, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy.

In order to remain in compliance and maintain eligibility to receive reimbursement for investigation costs from the UST Clean-up Fund, please claim your site, upload all analytical data (EDF), beginning from September 1, 2001 to current, including monitoring well survey data (GEO\_XY and GEO\_Z), and PDF reports from July 1, 2005 to current to the SWRCB's GeoTracker database website in accordance with the above-cited regulations. Survey the monitoring well(s) (if applicable), perform the electronic submittals, and submit verification to this Agency by **AUGUST 15, 2008**. Failure to comply with this requirement will result in an issuance of a Notice of Violation and possible forfeiture of reimbursement monies.

Additional information regarding the SWRCB's GeoTracker website may be obtained online at [http://www.swrcb.ca.gov/ust/electronic\\_submittal/report\\_rqmts.shtml](http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml)) or by contacting the GeoTracker Help Desk at [geotracker@waterboards.ca.gov](mailto:geotracker@waterboards.ca.gov) or (866) 480-1028.

Thank you for your cooperation. I can be reached at (510) 639-1287 to answer any questions you may have regarding this letter.

Sincerely,

Barbara J. Jakub, PG  
Hazardous Materials Specialist

**Alameda County Environmental Cleanup  
Oversight Programs  
(LOP and SLIC)**

ISSUE DATE: July 5, 2005

REVISION DATE: December 16, 2005

PREVIOUS REVISIONS: October 31, 2005

SECTION: Miscellaneous Administrative Topics & Procedures

SUBJECT: Electronic Report Upload (ftp) Instructions

Effective **January 31, 2006**, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

**REQUIREMENTS**

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- Signature pages and perjury statements **must** be included and have either original or electronic signature.
- **Do not password protect the document**. Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:  
RO#\_Report Name\_Year-Month-Date (e.g., RO#5555\_WorkPlan\_2005-06-14)

**Additional Recommendations**

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

**Submission Instructions**

**1) Obtain User Name and Password:**

- a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
  - i) Send an e-mail to [dehloptoxic@acgov.org](mailto:dehloptoxic@acgov.org)
  - or
  - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of Alicia Lam-Finneke.
- b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses, and the Case Numbers (RO# available in Geotracker) you will be posting for.**

**2) Upload Files to the ftp Site**

- a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
  - (i) Note: Netscape and Firefox browsers will not open the FTP site.
- b) Click on File, then on Login As.
- c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
- d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
- e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.

**3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs**

- a) Send email to [dehloptoxic@acgov.org](mailto:dehloptoxic@acgov.org) notify us that you have placed a report on our ftp site.
- b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name at acgov.org. (e.g., [firstname.lastname@acgov.org](mailto:firstname.lastname@acgov.org))
- c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload)