

ALAMEDA COUNTY
**HEALTH CARE SERVICES
AGENCY**

REBECCA GEBHART, Interim Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP) FOR
HAZARDOUS MATERIALS RELEASES
1131 HARBOR BAY PARKWAY, SUITE 250
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

January 17, 2017

Palm Peninsula LLC &
7200 Bancroft Avenue LLC
201 Wilshire Blvd., 2nd Floor
Santa Monica, CA 90401-1219
Attn.: Jacob Levy & Jonathan Aryeh
(Sent via electronic mail to
jacob@levyaffiliated.com)

Phillips 66
76 Broadway
Sacramento, CA 95818
Attn.: Ed Ralston
(Sent via electronic mail to
Ed.C.Ralston@p66.com)

Atlantic Richfield Company
(A BP Affiliated Company)
6 Centerpointe Drive, LPR6-161
La Palma, CA 90623-1066
Attn: Kyle Christie

Eastmont Oakland Associates LLC
c/o TPF VI REIT
825 Third Ave., 36th Floor
New York NY 10022-7519
Attn.: Scott Schonfeld

Eastmont Oakland Associates LLC
& BDE ETC LLC
825 Third Ave.
New York NY 10022
Attn.: James Paul

BDE ETC LLC
51 Federal St., Suite 202
San Francisco, CA 94107
Attn.: Benjamin Eisler

Eastmont Oakland Associates LLC
& AO ETC LLC
825 Third Ave.
New York NY 10022
Attn.: James Paul

AO ETC LLC
51 Federal St., Suite 202
San Francisco, CA 94107
Attn.: Benjamin Eisler

ConocoPhillips
76 Broadway
Sacramento, CA 95818
Attn.: Liz Sewell

BP- dba BP West Coast Product LLC
P.O. Box 6549
Moraga, CA 94570
Attn.: Paul Supple

Tosco Corporation
3100 Zinfandel Dr., #200
Rancho Cordova, CA 95670
Attn.: Chester Bennett

Argonaut Financial Services
One Eastmont Mall
Oakland, CA 94605
Attn.: Jim Givens

Eastmont Town Center Company LLC
7200 Bancroft Ave., Suite 1
Oakland, CA 94605-2413
Attn: Ting Liu

Bancroft Oakland Investment Company
c/o SB Management Corporation
433 N. Camden Dr., Suite 1070
Beverly Hills, CA 90210-4434

Subject: Approval of Revised Work Plan; Fuel Leak Case No. RO0000356 and GeoTracker Global ID T0600100201,
BP #11117, 7210 Bancroft Avenue, Oakland, CA 94605

Dear Responsible Parties:

Alameda County Department of Environmental Health (ACDEH) has reviewed the subject case file and the recently submitted document entitled *Revised Work Plan (RWP)* prepared by Antea Group (Antea) and dated December 22, 2016 for the subject site. As presented in the RWP, Antea states it will comply with the requests presented in our letter dated December 7, 2016.

ACDEH generally concurs with the proposed scope of work and requests that you perform the proposed work and send us the technical reports described below.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACDEH ftp site (Attention: Keith Nowell) and GeoTracker in accordance with the following specified file naming convention and schedule:

- **April 6, 2017** – Soil Gas Investigation Report- (file to be named: RO0000356_SWI_R_YYYY-MM-DD)

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.

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

Please note that ACDEH has updated its Attachment 1 with regard to report submittals to ACDEH. ACDEH will now be requiring a Submittal Acknowledgement Statement, replacing the perjury statement, as a cover letter signed by the Responsible Party (RP). The language for the Submittal Acknowledgement Statement is as follows:

"I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website."

Please make this change to your submittals to ACDEH.

Thank you for your cooperation. ACDEH looks forward to working with you and your consultants to advance the case toward closure. Should you have any questions regarding this correspondence or your case, please call me at (510) 567-6764 or send an electronic mail message at keith.nowell@acgov.org.

If your email address does not appear on the cover page of this notification ACDEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

Sincerely,

Keith Nowell, PG, CHG
Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements

Cc: Lewis Mosconi, Phillips 66, 76 Broadway, Sacramento, CA 95818 *Sent via electronic mail to:*
lewis.mosconi@P66.com)

Dacre Bush, Antea Group, 3329 East Spring Street, Suite 100, Long Beach, CA 90806 (*Sent via electronic mail to:* dacre.bush@anteagroup.com)

Jeff Friedman, Antea Group, 3329 East Spring Street, Suite 100, Long Beach, CA 90806 (*Sent via electronic mail to:* Jeff.Friedman@anteagroup.com)

Kathleen Schultz, ScanlanKemperBard Companies, 1211 SW 5th, 26 Floor, Portland, OR 97204 (*Sent via electronic mail to:* kmschultz@skbcos.com)

Dilan Roe, ACDEH (*Sent via electronic mail to:* dilan.roe@acgov.org)
Paresh Khatri, ACDEH (*Sent via electronic mail to:* paresh.khatri@acgov.org)
Keith Nowell, ACDEH, (*Sent via electronic mail to:* keith.nowell@acgov.org)
GeoTracker, file

Attachment 1

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) for more information on these requirements.

ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website." 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 6731, 6735, and 7835) 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 licensed 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 case meet this requirement. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, late 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 Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions


The Alameda County Environmental Cleanup Oversight Programs (LOP and SCP) 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

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection.**
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- **Signature pages and acknowledgement 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)

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 deh.loptoxic@acgov.org.
 - 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) Open File Explorer using the Windows  key + E keyboard shortcut.
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) On the address bar, type in ftp://alcoftp1.acgov.org.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
 - d) Click Log On.
 - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - f) 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 deh.loptoxic@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 @acgov.org. (e.g., 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) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.