

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**  
AGENCY



DEPARTMENT OF ENVIRONMENTAL HEALTH  
LOCAL OVERSIGHT PROGRAM (LOP) FOR  
HAZARDOUS MATERIALS RELEASES  
1131 HARBOR BAY PARKWAY  
ALAMEDA, CA 94502

REBECCA GEBHART, Interim Director

---

September 20, 2017

Scott C. Atthowe Trust  
3924 Market Street  
Oakland, CA 94608-3828  
Attn.: Scott Atthowe  
(Sent via electronic mail to: [scott@atthowe.com](mailto:scott@atthowe.com))

Andre Boudine Bakeries  
132 Hawthorne Street  
San Francisco, CA 94107  
Attn.: Larry Strain

Toscana Baking Company /  
San Francisco French Bread Company  
Attn.: Peter H. Sher  
Address Unknown

Specialty Foods Corp.  
Attn.: Kevin Keegan  
Address Unknown

Metz Baking Company  
Attn.: Christopher Rants  
Address Unknown

Earthgrains Company  
c/o: Environmental Compliance Dept.  
Address Unknown

Subject: Case File Review, Fuel Leak Case No. RO0000490 and GeoTracker Global ID T0600101187, San Francisco French Bread, 3924 Market Street, Oakland, CA 94607

Dear Responsible Parties:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case files including the document entitled *Soil and Groundwater Investigation Report* (SWI) dated August 21, 2017 and prepared by Gribi Associates (Gribi) for the subject site. The SWI was performed at the request of ACDEH in our letter dated June 5, 2017 which conditionally approved the May 22, 2017 work plan prepared by Gribi.

As part of our review, we have determined the case may meet the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP). In order to make a determination of the closure, ACDEH requests a meeting to discuss the disposition of the case in light of the recent data. Prior to the meeting, ACDEH requests the case files for the site be updated with missing documentation as address in the technical comments below.

#### TECHNICAL COMMENTS

##### 1. Electronic Submittal of Information –

- a. **GEO\_MAP** – As part of our review of the documents recently submitted to the SWRCBs GeoTracker website, ACDEH was unable to review the GEO\_MAP associated with the August 21, 2017 SWI. ACDEH request submittal of Figure 3 of the SWI as the associated GEO\_MAP. Please submit the document by the date specified below.
- b. **Well Abandonment Report** – The case files on the ACDEH FTP site do not contain the document entitled *Well Abandonment Report* dated January 27, 2015 and prepared by Gribi. ACDEH request submittal of the document by the date specified below.

2. **Closure Meeting** – Section 4.0- Conclusions of the SWI states you expect that ACDEH will grant regulatory closure for the site. ACDEH requests a meeting to discuss the potential closure of the case. ACDEH will review our calendar and propose dates for a meeting for the closure review meeting by the date specified below.

**Technical Report Request**

Please upload technical reports to the ACDEH FTP site (Attention: Keith Nowell), and to the SWRCB's GeoTracker website, in accordance with the following specified file naming convention and schedule:

- **October 4, 2017**– ACDEH will propose meeting dates;
- **October 4, 2017**– Electronic Submittal of Information (GEO\_MAP to GeoTracker);
- **October 4, 2017**– Well Abandonment Report (Submittal to ACDEH FTP site)  
(file to be named name: RO0000490\_WELL\_DCM\_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.

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](mailto:keith.nowell@acgov.org).

Sincerely,

Keith Nowell PG, CHG  
Hazardous Materials Specialist

Enclosure: Responsible Party(ies) Legal Requirements/Obligations  
ACDEH Electronic Report Upload (FTP) Instructions

cc: James Gribi, Gribi Associates, 1090 Adams Street, Suite K, Benicia, CA 94510 (*Sent via electronic mail to:*  
[JGribi@gribiassociates.com](mailto:JGribi@gribiassociates.com))

Skadden, c/o: Mr. Ken Berlin, 1440 New York Ave, N. W., Washington D. C. 20005  
Skadden, c/o: Mr. Don Frost, 1440 New York Ave, N. W., Washington D. C. 20005

Jefferies & Co., c/o: Mr. Paul Phillips, 11100 Santa Monica Blvd., 10<sup>th</sup> Floor, Los Angeles, CA 90025

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

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> December 1, 2016
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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](mailto: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](mailto: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.