



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

April 25, 2014

Mr. Ralph Fattore and Mr. Daniel Varosh  
Classic Investments, LLC  
4145 Broadway  
Oakland, CA 94611-5111  
(Sent via e-mail to: [dvarosh@downtownautocenter.com](mailto:dvarosh@downtownautocenter.com))

Mr. Norman Alberts  
Patterson Ranch Inc.  
321 Hartz Avenue, Suite 200  
Danville, CA 94526-3336

Subject: Public Notification of Potential Case Closure for Fuel Leak Case No. RO0000509 and GeoTracker Global ID T0600102227, Downtown Toyota, 4145 Broadway, Oakland, CA 94611

Gentlemen:

Alameda County Environmental Health (ACEH) is considering closing the above referenced fuel case. As you are aware, numerous site investigations for underground storage tank leaks have been performed at the subject property to which you are named as the primary or active responsible party.

#### **List of Landowners Form**

Pursuant to Section 25297.15 (a), Alameda County Environmental Health (ACEH), 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 from an underground storage tank subject to this chapter 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. ACEH is required to notify 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*, and mail or e-mail it back to me at [karel.detterman@acgov.org](mailto:karel.detterman@acgov.org) by the date identified below. Also your comments, if any, must be considered prior to the proposed closure. Please respond within 30 days from the date of this letter for your comments to be considered.

#### **Public Participation**

Public participation is a requirement for the case closure process. In order to notify potentially affected members of the public of the potential fuel leak case closure, ACEH will distribute the attached *Invitation to Comment - Potential Case Closure* to addresses in the immediate vicinity. The *Invitation to Comment - Potential Case Closure* requests that landowners or residents submit any comments or questions to ACEH regarding potential case closure by June 27, 2014. ACEH will consider all comments from the public prior to potential case closure. ACEH will provide written notification if any comments are received.

## **Request for Waste Removal**

Local Oversight Programs are required by the State's Low Threat Closure Policy (LTCP) to issue a uniform closure letter within 30 days from the end of the public comment period and completion of associated tasks (report of waste removal) for case closures. Therefore, in order to meet this timeline ACEH requests removal of waste (as defined by the LTCP) from the site and submittal of appropriate waste removal documentation by the date specified below. After written ACEH concurrence (e-mail or other) that there have been no comments and documentation of waste removal activities is received, the site can proceed to closure.

### **TECHNICAL REPORT REQUEST**

Please submit the following documents to Alameda County Environmental Health (Attention: Karel Detterman), according to the following schedule:

- **April 29, 2014** - Public Comment Period Begins
- **May 28, 2014** - Return *List of Landowner Form*  
File to be named: RO509\_LNDOWNR\_F\_yyyy-mm-dd
- **June 27, 2014** - Public Comment Period Ends
- **June 27, 2014** - Submit the Waste Removal documentation  
File to be named: RO509\_CORRES\_yyyy-mm-dd
- **4 Weeks After Documentation of Waste Removal** – ACEH to issue uniform closure letter if all required documents are submitted

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>. Should you have any questions, please contact me at (510) 567-6708 or send me an e-mail message at [karel.detterman@acgov.org](mailto:karel.detterman@acgov.org)

Sincerely,

Karel Detterman, PG  
Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements/Obligations and Electronic Report Upload (ftp) Instructions  
Attachment 2 - *List of Landowners Form*  
Attachment 3 – *Invitation to Comment - Potential Case Closure* and Mailing List

cc: Patrick Zimski, 5767 Broadway, Suite 102, Oakland, CA 94618 (*Sent via E-mail to: [patrick@patrickzimski.com](mailto:patrick@patrickzimski.com)*)  
Paul H. King, RGA Environmental, Inc. 1466 66<sup>th</sup> St., Emeryville, CA 94608 (*Sent via E-mail to: [pdking0000@aol.com](mailto:pdking0000@aol.com)*)  
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 (*Sent via E-mail to: [lgriffin@oaklandnet.com](mailto:lgriffin@oaklandnet.com)*)  
Dilan Roe, ACEH, (sent via e-mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))  
Karel Detterman, ACEH, (sent via e-mail to: [karel.detterman@acgov.org](mailto:karel.detterman@acgov.org))  
Geotracker, Electronic File

## **Attachment 1**

### **Responsible Party(ies) Legal Requirements/Obligations**

#### **REPORT/DATA REQUESTS**

These reports/data are being requested pursuant to Division 7 of the California Water Code (Water Quality), Chapter 6.7 of Division 20 of the California Health and Safety Code (Underground Storage of Hazardous Substances), and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations (Underground Storage Tank Regulations).

#### **ELECTRONIC SUBMITTAL OF REPORTS**

ACEH's Environmental Cleanup Oversight Programs (Local Oversight Program [LOP] for unauthorized releases from petroleum Underground Storage Tanks [USTs], and Site Cleanup Program [SCP] for unauthorized releases of non-petroleum hazardous substances) require submission of reports in electronic format pursuant to Chapter 3 of Division 7, Sections 13195 and 13197.5 of the California Water Code, and Chapter 30, Articles 1 and 2, Sections 3890 to 3895 of Division 3 of Title 23 of the California Code of Regulations (23 CCR). Instructions for submission of electronic documents to the ACEH FTP site are provided on the attached "Electronic Report Upload Instructions."

Submission of reports to the ACEH FTP site is in addition to requirements for electronic submittal of information (ESI) to the State Water Resources Control Board's (SWRCB) Geotracker website. In April 2001, the SWRCB adopted 23 CCR, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1 (Electronic Submission of Laboratory Data for UST Reports). Article 12 required electronic submittal of analytical laboratory data submitted in a report to a regulatory agency (effective September 1, 2001), and surveyed locations (latitude, longitude and elevation) of groundwater monitoring wells (effective January 1, 2002) in Electronic Deliverable Format (EDF) to Geotracker. Article 12 was subsequently repealed in 2004 and replaced with Article 30 (Electronic Submittal of Information) which expanded the ESI requirements to include electronic submittal of any report or data required by a regulatory agency from a cleanup site. The expanded ESI submittal requirements for petroleum UST sites subject to the requirements of 23 CCR, Division, 3, Chapter 16, Article 11, became effective December 16, 2004. All other electronic submittals required pursuant to Chapter 30 became effective January 1, 2005. Please visit the SWRCB website for more information on these requirements. ([http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/))

#### **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, 7835, 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, 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> July 25, 2012
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (petroleum UST 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 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 [.loptoxic@acgov.org](mailto:.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) Using Internet Explorer (IE4+), go to <://alcoftp1.acgov.org>
    - (i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
  - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
  - 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 [.loptoxic@acgov.org](mailto:.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.

# ATTACHMENT 2

# LIST OF LANDOWNERS FORM

County of Alameda  
Environmental Health Services  
Environmental Protection  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

## CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR:

Site Name: Downtown Toyota

Address: 4145 Broadway

City, State, Zip: Oakland, CA 94611

Record ID #: RO0000509

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 3



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

## **INVITATION TO COMMENT – POTENTIAL CASE CLOSURE**

**DOWNTOWN TOYOTA  
4145 BROADWAY, OAKLAND, CA 94611  
FUEL LEAK CASE RO0000509  
GEOTRACKER GLOBAL ID T0600102227**

**April 25, 2014**

The above referenced site is a fuel leak case that is under the regulatory oversight of the Alameda County Environmental Health (ACEH) Local Oversight Program for the investigation and cleanup of a release of petroleum hydrocarbons from an underground storage tank system. Site investigation and cleanup activities have been completed and the site has been evaluated in accordance with the State Water Resources Control Board Low-Threat Closure Policy. The site appears to meet all of the criteria in the Low-threat Closure Policy. Therefore, ACEH is considering closure of the fuel leak 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 landowner in compliance with Health and Safety Code Section 25295.40. It is also 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 fuel leak case. The entire case file can be viewed over the Internet on the ACEH website (<http://www.acgov.org/aceh/lop/ust.htm>) or the State of California Water Resources Control Board GeoTracker website (<http://geotracker.swrcb.ca.gov>). Please send written comments to Karel Detterman, ACEH, 1131 Harbor Bay Parkway, Alameda, CA 94502; all comments will be forwarded to the responsible parties. Comments **received by June 27, 2014** 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 ACEH caseworker, Karel Detterman at 510-567-6708 or by email at [karel.detterman@acgov.org](mailto:karel.detterman@acgov.org). Please refer to ACEH case RO0000509 in any correspondence.



East Bay Municipal Utility District  
Ken Minn  
P.O. Box 24055,  
Oakland, CA 94623

[kminn@ebmud.com](mailto:kminn@ebmud.com)

City Of Oakland Fire Department  
Leroy Griffin  
150 Frank H. Ogawa Plaza Suite 3341  
Oakland CA 94612

[lgriffin@oaklandnet.com](mailto:lgriffin@oaklandnet.com)

Oakland Public Works  
Mark Gomez  
250 Frank H. Ogawa Plaza Suite 5301  
Oakland CA 94612

[mmgomez@oaklandnet.com](mailto:mmgomez@oaklandnet.com)

Cherie McCaulou  
Engineering Geologist  
Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay St, Ste 1400  
Oakland, CA 94612

[cmccaulou@waterboards.co.gov](mailto:cmccaulou@waterboards.co.gov)

CLASSIC INVESTMENTS LLC  
Parcel #: 12-999-21-1  
121 SUGAR CREEK LN  
ALAMO CA 94507

CLASSIC INVESTMENTS LLC  
Parcel #: 12-999-19  
121 SUGAR CREEK LN  
ALAMO CA 94507

CLASSIC INVESTMENTS LLC  
Parcel #: 12-999-20  
121 SUGAR CREEK LN  
ALAMO CA 94507

CLASSIC INVESTMENTS LLC  
Parcel #: 12-1001-14-2  
121 SUGAR CREEK LN  
ALAMO CA 94507

COHEN TARA H & FLINTOFT  
Parcel #: 12-1001-39  
4170 EMERALD ST #3  
OAKLAND CA 94609

CONVERYBULLOCK NORA &  
Parcel #: 12-1001-30  
4132 EMERALD ST  
OAKLAND CA 94609

CURTIS FAMILY LIMITED  
Parcel #: 12-1001-16  
1800 PERALTA ST  
OAKLAND CA 94607

CURTIS JAMES L HEIRS OF  
Parcel #: 12-1001-17  
1800 PERALTA ST  
OAKLAND CA 94607

CURTIS JAMES L HEIRS OF  
Parcel #: 12-1001-18  
1800 PERALTA ST  
OAKLAND CA 94607

ETS REALTY LLC  
Parcel #: 12-1001-7-1  
2307 PACIFIC AVE  
ALAMEDA CA 94501

FARELLA DAVID L TR  
Parcel #: 12-1001-27  
245 DARRELL RD  
HILLSBOROUGH CA 94010

GUSTAFSON PATRICK B &  
Parcel #: 12-1001-28  
5694 MARLIN DR  
DISCOVERY BAY CA 94505

HILL WADE A  
Parcel #: 12-1001-33  
4156 EMERALD ST  
OAKLAND CA 94609

HOUGHTON TIFFANY  
Parcel #: 12-1001-37  
4170 EMERALD ST  
OAKLAND CA 94609

LUSTIG LENORE  
Parcel #: 12-1001-40  
4170 EMERALD ST  
OAKLAND CA 94609

MORSE FREDERICK A TR  
Parcel #: 12-1001-42  
PO BOX 13285  
OAKLAND CA 94661

NELSON DENNIS R & LISA D  
Parcel #: 12-1001-31  
4140 EMERALD ST  
OAKLAND CA 94609

RESIDENT  
Parcel #: 12-999-21-1  
4166 BROADWAY  
OAKLAND CA 94611

RESIDENT  
Parcel #: 12-999-19  
4150 BROADWAY  
OAKLAND CA 94611

RESIDENT  
Parcel #: 12-999-20  
4160 BROADWAY  
OAKLAND CA 94611

RESIDENT  
Parcel #: 12-1001-14-2  
4145 BROADWAY  
OAKLAND CA 94611

RESIDENT  
Parcel #: 12-1001-17  
4137 BROADWAY  
OAKLAND CA 94611

RESIDENT  
Parcel #: 12-1001-7-1  
4171 BROADWAY  
OAKLAND CA 94611

RESIDENT  
Parcel #: 12-1001-16  
4141 BROADWAY  
OAKLAND CA 94611

RESIDENT  
Parcel #: 12-1001-28  
4124 EMERALD ST  
OAKLAND CA 94609

RESIDENT  
Parcel #: 12-1001-18  
4133 BROADWAY  
OAKLAND CA 94611

RESIDENT  
Parcel #: 12-1001-39  
4170 EMERALD ST  
OAKLAND CA 94609

RESIDENT  
Parcel #: 12-1001-27  
4120 EMERALD ST  
OAKLAND CA 94609

RESIDENT  
Parcel #: 12-1001-32  
4148 EMERALD ST  
OAKLAND CA 94609

RESIDENT  
Parcel #: 12-1001-42  
4166 EMERALD ST  
OAKLAND CA 94609

ROSE MILDRED  
Parcel #: 12-1001-2-1  
325 GARNET ST  
OAKLAND CA 94609

SHARMANAGIN HARISH  
Parcel #: 12-999-17-1  
4140 BROADWAY  
OAKLAND CA 94611

SIMAS JEROME C &  
Parcel #: 12-1001-29  
4126 EMERALD ST  
OAKLAND CA 94609

STRUBLE HEIDI  
Parcel #: 12-1001-34  
4160 EMERALD ST  
OAKLAND CA 94609

WEGMANN JACOB A & COOK  
Parcel #: 12-1001-38  
4170 EMERALD ST  
OAKLAND CA 94609

ZWAAL JAMES E  
Parcel #: 12-1001-32  
4146 EMERALD ST  
OAKLAND CA 94609