



October 19, 2016

Oakland Housing Investors- a California Limited Partnership  
3 E. Stow Road, Suite 100 attn: Michael Boettger  
Marlton, NJ 08053 (Sent via E-mail to: [mboettger@themichaelsorg.com](mailto:mboettger@themichaelsorg.com))

Oakland Housing Investors  
attn: Michael Boettger  
2020 Kettleman  
Lodi, CA 95242 (Sent via E-mail to: [mboettger@themichaelsorg.com](mailto:mboettger@themichaelsorg.com))

Red Star-Michaels LLC  
3 E. Stow Road, Suite 100 attn: Michael Boettger  
Marlton, NJ 08053 (Sent via E-mail to: [mboettger@themichaelsorg.com](mailto:mboettger@themichaelsorg.com))

Subject: Public Participation for Case Closure for Site Cleanup Program Case RO0002896 and GeoTracker Global ID T06019794669, Red Star Yeast/1396 Fifth Street LLC, 1396 5th Street, Oakland, CA 94607

Dear Mr. Boettger:

Alameda County Department of Environmental Health (ACDEH) is considering the above referenced site for case closure, with Site Management Requirements that require notifying ACDEH of residential or sensitive land use, or if any development occurs. Thank you for returning the List of Landowners Form to ACDEH.

### **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 SCP closure, *Notification of Potential Case Closure* will be distributed to addresses in the immediate vicinity. *The Notification of Potential Case Closure* requests that landowners or residents submit any comments or questions to ACDEH regarding potential case closure. ACDEH will consider all comments from the public prior to potential case closure. We will provide you with written notification if any comments are received during the following Public Comment Period:

- **October 20, 2016** – Public Comment Period Begins
- **November 21, 2016** – Public Comment Period Ends

### **Waste Removal Activities**

After public comments have been addressed you will be requested to destroy site monitoring wells and remove any remaining investigation, remediation, and well destruction derived waste from the site.

### **GeoTracker Compliance**

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A review of the State Water Resources Control Board's (State Water Board) GeoTracker website indicates that several reports and work plans that have been uploaded onto ACDEH's ftp site have not been uploaded onto GeoTracker as required. Please upload all reports and work plans that you have pertaining to site, including reports and work plans performed by consultants other than Citadel Environmental, Inc.

Other required files, including electronic data files for laboratory analytical data, boring logs, and site maps for all investigative work performed by Citadel Environmental, Inc. for this site have not been uploaded onto GeoTracker. Because this is a state requirement, ACDEH requests that all the above requested reports and data be uploaded to GeoTracker by **October 24, 2016**. *Failure to do this can result in delay of the closure of the site.*

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 State Water Board 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. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SCP programs. 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 upload all required submittals to GeoTracker. Electronic reporting is described below on the attachments.

If you have any questions, please call me at (510) 567-6721 or send me an electronic mail message at [anne.jurek@acgov.org](mailto:anne.jurek@acgov.org). Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>. As your email address does not appear on the cover page of this notification ACEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

Sincerely,

Anne Jurek, M.S.  
Professional Technical Specialist II (Geology)

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements/Obligations and Electronic Report Upload (ftp) Instructions

Attachment 2 - *Invitation to Comment – Potential Case Closure and Address List*

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cc:Harvey Fernebok, Red Star-Michaels LLC, 2010 Main Street, Suite 1250, Irvine, CA 92614 (sent via E-mail to: [HFernebok@themichaelsorg.com](mailto:HFernebok@themichaelsorg.com))

Mark Drollinger, Citadel Environmental Services Inc., 1725 Victory Boulevard, Suite 200, Glendale, CA 91201 (Sent via E-mail to: [mdrollinger@CitadelEnvironmental.com](mailto:mdrollinger@CitadelEnvironmental.com))

Anne Jurek, ACDEH (Sent via E-mail to: [anne.jurek@acgov.org](mailto:anne.jurek@acgov.org))

GeoTracker, eFile

## **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 [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) Using Internet Explorer (IE4+), go to <ftp://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 [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.

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

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**INVITATION TO COMMENT – POTENTIAL CASE CLOSURE**

**RED STAR YEAST / 1396 FIFTH STREET LLC  
1396 5<sup>TH</sup> STREET  
OAKLAND, CA 94607  
SITE CLEANUP PROGRAM CASE RO0002896  
GEOTRACKER GLOBAL ID T06019794669**

**OCTOBER 20, 2016**

The above referenced site is a Site Cleanup Program (SCP) case that is under the regulatory oversight of Alameda County Department of Environmental Health (ACDEH) for the investigation of Total Petroleum Hydrocarbons and metals, including lead and mercury. The site is currently a vacant lot under commercial/industrial land use.

Site investigation activities have been completed and it appears that the residual contaminants do not pose a significant risk for the current land use. ACDEH is considering closure of the case with site management requirements which would require notifying ACDEH of residential or sensitive land use, or if any development occurs.

This notice is being sent to the current occupants and landowners of surrounding properties and known interested parties for this site. The public is invited to review and comment on the potential closure of the case. The entire case file can be viewed over the Internet on the ACDEH website (<http://www.acgov.org/aceh/lop/ust.htm>) or the State of California Water Resources Control Board GeoTracker website (<http://geotracker.waterboards.ca.gov>). Please send written comments to Anne Jurek at ACDEH, 1131 Harbor Bay Parkway, Alameda, CA 94502; all comments will be forwarded to the responsible parties. Comments **received by November 21, 2016** 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 ACDEH caseworker, Anne Jurek at 510-567-6721 or by email at [anne.jurek@acgov.org](mailto:anne.jurek@acgov.org). Please refer to ACDEH case RO0002896 in any correspondence.



Name	StreetAddress/unit	City	State	Zip
STATE OF CALIFORNIA	PO BOX 23440	OAKLAND	CA	94623-0440
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT	1330 BROADWAY	OAKLAND	CA	94612-2503
STATE OF CALIFORNIA	PO BOX 7791	SAN FRANCISCO	CA	94120-7791
OCCUPANT	1304 5TH	OAKLAND	CA	94607
STATE OF CALIFORNIA	PO BOX 23440	OAKLAND	CA	94623-0440
OCCUPANT	500 KIRKHAM ST	OAKLAND	CA	94607
WEST OAKLAND DEVELOPMENT GROUP LLC	1532 9TH ST	OAKLAND	CA	94607-1910
KIRKHAM LLC	1625 CLAY ST UNIT 100	OAKLAND	CA	94612-1564
KIRKHAM LLC	1001 42ND ST UNIT 200	OAKLAND	CA	94608-3620
OCCUPANT	1533 KIRKHAM ST	OAKLAND	CA	94607
TRAN HUNG T & NGUYEN HONGHOA T TRS & TRAN TRUNG V	1604 PECAN CT	REDWOOD CITY	CA	2649-8500
OCCUPANT	1395 7TH ST	OAKLAND	CA	94607
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT	300 LAKESIDE DR UNIT 22	OAKLAND	CA	94612-3534
NORMAN R HINCK TR	2133 CAMPTON CIR	GOLD RIVER	CA	95670-8305
OCCUPANT	1403 5TH ST	OAKLAND	CA	94607
CIVICORPS SCHOOLS	101 MYRTLE ST	OAKLAND	CA	94607-2543
OCCUPANT	1417 5TH ST	OAKLAND		94607
CIVICORPS SCHOOLS	101 MYRTLE ST	OAKLAND	CA	94607-2543
CIVICORPS JOB TRAINING CENTER	1425 5TH ST	OAKLAND	CA	94607
NORMAN R HINCK TR	2133 CAMPTON CIR	GOLD RIVER	CA	95670-8305
OCCUPANT	355 MANDELA PKWY	OAKLAND	CA	94607
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT	300 LAKESIDE DR UNIT 22	OAKLAND	CA	94612-3534
STATE OF CALIFORNIA	PO BOX 23440	OAKLAND CA	CA	94623-0440