

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

REBECCA GEBHART, Interim Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

September 12, 2016

Ms. Ann Clevenger (Sent via email to: aclevenger@oaklandnet.com)
Mr. Scott Miller (Sent via email to: smiller@oaklandnet.com)
City of Oakland, Bureau of Planning
250 Frank H. Ogawa, Suite 2114
Oakland, CA 94612

Subject: Voluntary Remedial Program; Case No. RO0003207 and Closed Fuel Leak Case No. RO0003066 and GeoTracker Global ID T10000002456, Gas Station/East Bay Smog Center & Auto Repair, 6501 Shattuck Avenue, Oakland, CA 94609

Dear Ms. Clevenger and Mr. Miller:

Alameda County Department of Environmental Health (ACDEH) provided regulatory oversight for the former fuel leak case located at 6501 Shattuck Avenue, Oakland, California and issued a Remedial Action Completion Certificate (RACC) in June 2014. Mr. Athan Magganas, the Responsible Party (RP) for the closed fuel leak case, indicated to ACDEH his intent to redevelop the property as mixed use commercial and residential. ACDEH staff met with Mr. Magganas, Mr. Moshe Dinar, Dinar and Associates, and Mr. Mansour Sepehr, SOMA Environmental Engineering, Inc., on July 12, 2016 to review the proposed development plans comprised of a nine page plan set entitled "6501 Shattuck Avenue", dated May 4, 2015, generated by Dinar and Associates. The proposed redevelopment project is located on one parcel (Assessor Parcel Number 16-1428-11-2) with the address of 6501 Shattuck Avenue. The parcel is currently occupied by a building formerly used with the East Bay Smog Center and the entire site surrounded by a chain link fence.

The submitted plans indicate that the proposed redevelopment will consist of a four-story mixed use building with commercial storefronts and a parking garage on the ground floor and residential use on the three upper floors. One elevator and one stair case that terminates at grade will provide access to the upper stories. Because the construction documents have not been completed for this specific site, on August 23, 2016 Dinar and Associates e-mailed a comparable typical elevator shaft section from another project. The typical elevator shaft section indicates that the elevator pit will be four feet deep with a sump measuring two-feet deep by two feet square, for a total depth six feet. The proposed development plans do not include a basement or any other below grade elements.

ACDEH staff inquired if surface excavation was expected to occur to facilitate the construction of the building foundation. Dinar and Associates' soils and structural engineers responded that they are not projecting any significant grading or soil removal because the site is approximately 30 inches below the projected level of the slab, which will allow ample space for any foundation system that the engineer may select.

Based on data in the case files and the findings described above, the level of cleanup at the site is suitable for residential and commercial use.

Our online case file is available for review at the following website: <http://www.acgov.org/aceh/index.htm>. If you have any questions, please do not hesitate to call me at (510) 567-6876 or send me an electronic mail message at karel.detterman@acgov.org

Ms. Ann Clevenger
Mr. Scott Miller
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Sincerely,

Karel Detterman, PG
Hazardous Materials Specialist

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

cc: Athan Magganas, Bruder, LLC, 2550 Appain Way, #201 Pinole, CA 94564 (Sent via E-mail to:
magganas@prodigy.net)

Moshe Dinar, Dinar and Associates, P.O. Box 70601, Oakland, CA 94612 (Sent via E-mail to:
dinararch@sbcglobal.net)

Mansour Sepehr, SOMA Environmental Engineering, Inc., 6620 Owens Drive, Pleasanton, CA
94588 (sent via e-mail to: msepehr@somaenv.com)

Dilan Roe, ACDEH, (Sent via electronic mail to: dilan.roe@acgov.org)

Karel Detterman, ACDEH, (Sent via electronic mail to: karel.detterman@acgov.org)

Electronic File, GeoTracker

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

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.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, 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 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 SLIC)	REVISION DATE: May 15, 2014
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

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

- **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
 - 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 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.