



March 13, 2018

Ms. Hong Gardner  
Hong J. Gardner Trust  
P.O. Box 2790  
Union City, CA 94587-7790  
(Sent via E-mail to: [honggardner@gmail.com](mailto:honggardner@gmail.com))

Ms. Brittany Frost  
Chevron Environmental Management Company  
6001 Bollinger Canyon Road, C2114  
San Ramon, CA 94583  
(Sent via E-mail to: [bfrost@chevron.com](mailto:bfrost@chevron.com))

Mr. Ed Ralston - Program Manager  
Phillips 66 Company  
76 Broadway  
Sacramento, CA 95818  
Sent via e-mail to: [Ed.C.Ralston@p66.com](mailto:Ed.C.Ralston@p66.com)

Subject: Case Closure Public Notification, List of Landowners Form, Monitoring Well Destruction and Investigation Derived Waste Removal for Fuel Leak Case RO0003087 and GeoTracker Global ID T10000003434, Hong Gardner Property, 7600 MacArthur Boulevard, Oakland, CA 94605-2944

Ladies and Gentlemen:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the above-referenced fuel leak case file for proposed case closure pursuant to California Health and Safety Code (H&SC) Section 25296.10 and the State Water Board's Low-Threat Underground Storage Tank Case Closure Policy (LTCP). Based on our review, ACDEH has determined that the site appears to qualify for case closure and therefore, no further action related to the underground storage tank fuel release is required at this time.

However, due to the current land use as a vehicle storage area and the historic use of the site as a commercial service station and auto repair facility, and demolition of these facilities prior to August 2006 without oversight or documentation of the removal of associated infrastructure, ACDEH is requiring the submittal of a Site Management Plan (SMP) and recordation of a Land Use Covenant (LUC) on the property as part of the closure process. A LUC is required on sites when the property is not suitable for unrestricted use and restrictions are necessary to protect public health. Historic infrastructure that may remain at the site and therefore triggers the recordation of a LUC includes the following:

- Auto repair building slabs;
- Four (4) 1,000 gallon USTs and vent pipes;
- Dispenser islands and piping;
- One (1) 110 gallon waste oil tank and piping;
- Waste oil drain;
- Hydraulic lifts, lift control tank and piping; and
- Grease trap to sanitary sewer.

## **PATH TO CLOSURE STEPS**

### **1. ACDEH Public Notification of Potential Case Closure Requirements**

ACDEH has sent out the enclosed public participation fact sheet (**Attachment 1**), which describes the site and the proposed case closure. Public comments on the proposed case closure will be accepted for a period of sixty (60) days beginning **March 16, 2018** through **May 15, 2018**. ACDEH will send you written notification if any comments are received. ACDEH will consider all comments from the public prior to case closure and will respond to all comments prior to issuance of the Remedial Action Completion Certificate (RACC).

### **2. Responsible Party Requirements**

Prior to case closure and receipt of the RACC you must complete the following actions:

- a. Landowner Notification Form:** Provide a list of current record fee title owners and their mailing addresses for the subject site. To satisfy this requirement, please complete the List of Landowners Form in **Attachment 2** and mail or e-mail it back to ACDEH by the compliance date listed below.

- **Submittal of Landowner Notification Form – March 28, 2018**

- b. Monitoring Well Destruction:** Destroy all remediation and monitoring wells associated with this case under permit by the appropriate well permitting agency. To satisfy this requirement, please complete well destruction activities and submit a Well Destruction Report with a figure showing the location of all historic wells associated with the case, a table listing the status of all historic site wells (i.e., destroyed, lost, remaining), copies of well destruction permits, and waste manifests signed by the accepting disposal facility.

In order to expedite the case closure process, ACDEH requests that you initiate the well destruction permitting process upon receipt of this letter by contacting Alameda County Public Works Agency at (510) 567-6791 to obtain the necessary permits. Please note however, that **monitoring well destruction cannot be conducted until after the public notification period is completed and well destruction is approved by ACDEH**. Also, please note, comments received during the public notification period may impact the schedule for well destruction activities.

- **Well Destruction – May 30, 2018**
- **Submittal of Well Destruction Report – June 14, 2018**

- c. Waste Removal:** Remove and dispose of all investigation and remediation derived waste (including but not limited to drums, debris and other materials) at offsite facilities in accordance with applicable State laws. To satisfy this requirement, please complete waste removal activities and submit a Waste Removal Report documenting waste removal activities and including waste manifests signed by the accepting disposal facility by the compliance dates listed below.

- **Waste Removal – May 30, 2018**
- **Submittal of Waste Removal Report – June 14, 2018**

- d. Site Management Plan (SMP):** Prepare an SMP that provides detailed information regarding known environmental conditions at the Site. The SMP must include a figure showing the configuration of the historic site infrastructure of the commercial service station and auto repair facility as shown on the 1953 Architectural Plan and in property photographs included in the Phase I Environmental Site Assessment dated August 21, 2006 prepared on your behalf by AEI Consultants and described above. The site plan must also identify the current surface covering including the location of bare soil, degraded asphalt, and historic concrete slabs and areas where vehicles are stored. The SMP must provide guidance for construction workers about environmental conditions at the site during subsurface work including protocols for health and safety and identification and management of contaminated media, when and if it is encountered.
- e. Land Use Covenant.** Record a Land Use Covenant. To satisfy this requirement, please follow the steps below:
- i. The Covenantor (or successors in interest who hold title to all or any portion of the Burdened Property) must complete a draft LUC using the ACDEH template (provided under separate cover). The draft LUC must include the legal description for the subject property clearly identifying the property as Exhibit A;
  - ii. Once the draft LUC is completed, the Covenantor must send the document to ACDEH for review. ACDEH will notify the Covenantor upon the verification and concurrence of the draft LUC and coordinate the signing of the final LUC by the Covenantor and the Alameda County Department of Environmental Director. The Covenantor is responsible for providing a Notary service (paid by the Covenantor) during the signing of the LUC;
  - iii. The Covenantor must then record the LUC with the Alameda County Assessor's Office and provide a stamped copy of the recorded original to ACDEH;
  - iv. Upon receipt of the recorded original LUC, ACDEH will issue the RACC for the case.

#### **NOTIFICATION OF FIELDWORK ACTIVITIES**

Please provide ACDEH with at least three (3) business day notification prior to conducting the well destruction.

#### **SUBMITTAL REQUIREMENTS**

Please submit all requested documents in accordance with the requirements in **Attachment 3** (Attention: Karel Detterman).

Thank you for your cooperation. Upon completion of the public comment period including response to comments received during the public notification and receipt of the requisite documents, ACDEH will close the case and issue a RACC.

Should you have any questions or concerns regarding this correspondence or your case, please call me at (510) 567- 6708 or send me an electronic mail message at [karel.detterman@acgov.org](mailto:karel.detterman@acgov.org).

Ladies and Gentlemen  
RO0003087  
March 13, 2018, Page 4

Sincerely,

Karel Detterman, PG 5628  
Senior Hazardous Materials Specialist

Attachment 1 - *Invitation to Comment – Potential Case Closure* and Address List

Attachment 2 - *List of Landowners Form*

Attachment 3 - Responsible Party(ies) Legal Requirements/Obligations and Electronic Report  
Upload Instructions

cc: Matt Davis, LG, GHD, 732 Broadway, Suite 301, Tacoma, WA 98402 (Sent via E-mail to:  
[matthew.davis@ghd.com](mailto:matthew.davis@ghd.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))

Paresh Khatri, ACDEH, (Sent via E-mail to: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org))

Electronic File, GeoTracker

# ATTACHMENT 1



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**INVITATION TO COMMENT – POTENTIAL CASE CLOSURE**

**HONG GARDNER PROPERTY  
7600 MACARTHUR BOULEVARD, OAKLAND, CA 94605-2944  
FUEL LEAK CASE RO0003087  
GEOTRACKER GLOBAL ID T10000003434**

**March 16, 2018**

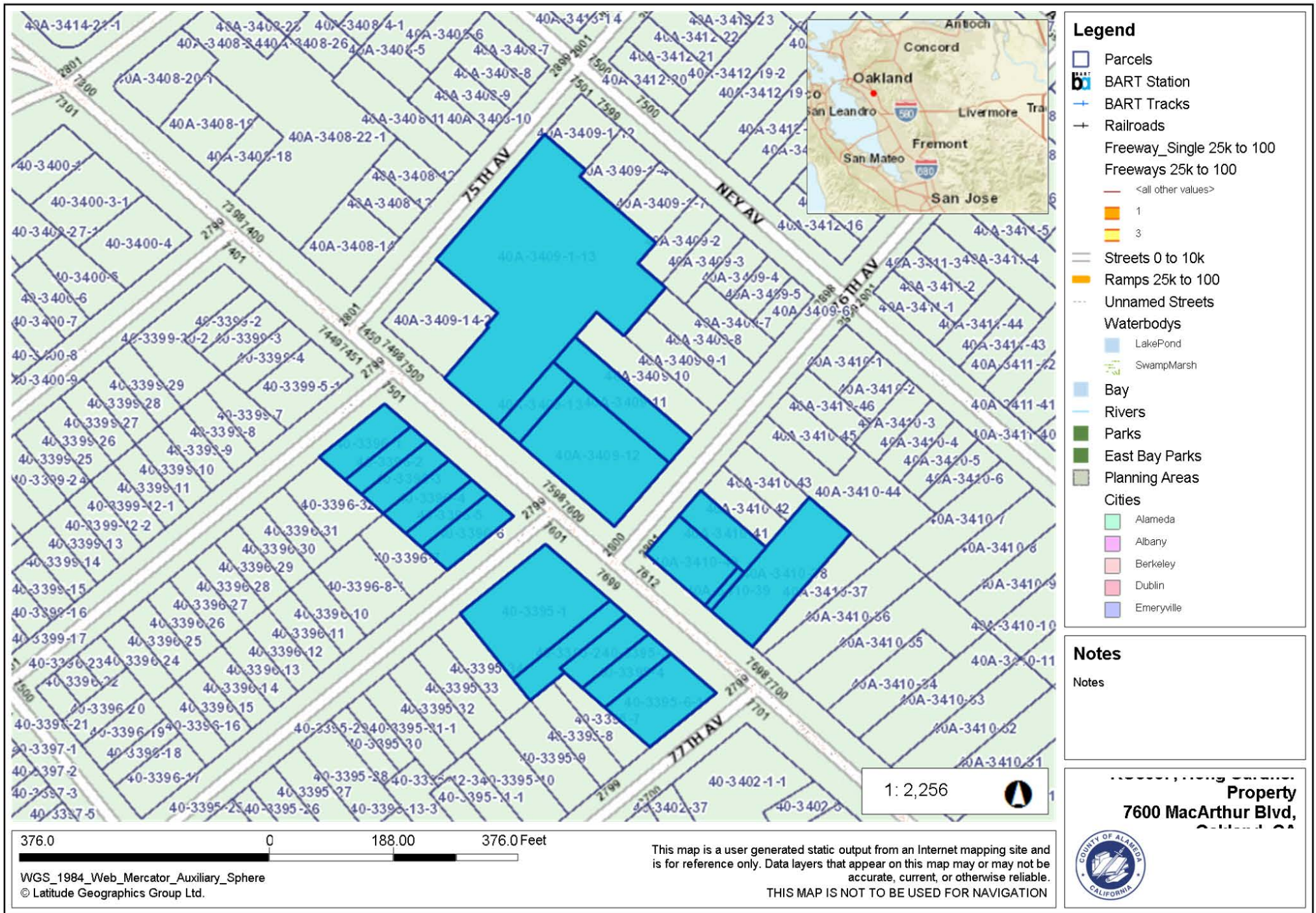
The above referenced site is a fuel leak case that is under the regulatory oversight of the Alameda County Department of Environmental Health (ACDEH) Local Oversight Program for the investigation and cleanup of a release of petroleum hydrocarbons from an underground storage tank system. Site investigation 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, ACDEH is considering closure of the fuel leak case. Due to the residual contamination on site, the site would be closed to existing use 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 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 Ms. Karel Detterman at the address below; all comments will be forwarded to the responsible parties. Comments **received by May 15 2018** 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, Karel Detterman at 510-567-6708 or by email at [karel.detterman@acgov.org](mailto:karel.detterman@acgov.org). Please refer to ACDEH case RO0003087 in any correspondence.

Sort_APN	Parcel_APN	Name	StreetAddress	Unit	City	Zip	Zip_4		
040 339500100	40-3395-1	TOTAH JOHN B & SELLWEH M TRS	125 BROADMOOR DR		SAN FRANCISCO CA	94132	2010		
040 339500100	40-3395-1	OCCUPANT	7615 MACARTHUR BLVD		OAKLAND CA	94605			
040 339500200	40-3395-2	FADHLE GAWHAR A	7629 MACARTHUR BLVD		OAKLAND CA	94605	2943		
040 339500200	40-3395-2	OCCUPANT	7621 MACARTHUR BLVD		OAKLAND CA	94605			
040 339500300	40-3395-3	FADHLE GAWHAR A	7629 MACARTHUR BLVD		OAKLAND CA	94605	2943		
040 339500300	40-3395-3	OCCUPANT	7625 MACARTHUR BLVD		OAKLAND CA	94605			
040 339500400	40-3395-4	HU WEN H & ZHAO YU Z	1541 25TH AVE		OAKLAND CA	94601	1031		
040 339500400	40-3395-4	OCCUPANT	7631 MACARTHUR BLVD		OAKLAND CA	94605			
040 339500601	40-3395-6-1	OUR HOMES GROUP LLC	699 LEWELLING BLVD	146-	SAN LEANDRO CA	94579	1831		
040 339500601	40-3395-6-1	OCCUPANT	7641 MACARTHUR BLVD		OAKLAND CA	94605			
040 339600100	40-3396-1	MT SINAI MISSIONARY BAPTIST CHURCH	7501 MACARTHUR BLVD		OAKLAND CA	94605	2935		
040 339600200	40-3396-2	PRAYER MISSION PENTECOSTAL CHURCH	11520 SUN VALLEY DR		OAKLAND CA	94605	5733		
040 339600200	40-3396-2	OCCUPANT	7509 MACARTHUR BLVD		OAKLAND CA	94605			
040 339600300	40-3396-3	SMITH COTTRELL E	7511 MACARTHUR BLVD		OAKLAND CA	94605	2935		
040 339600400	40-3396-4	BETTER OAKLAND NEIGHBORHOODS LLC	7517C MACARTHUR BLVD		OAKLAND CA	94605	2935		
040 339600400	40-3396-4	OCCUPANT	7521 MACARTHUR BLVD		OAKLAND CA	94605			
040 339600500	40-3396-5	HELLO HOUSING	1242 MARKET ST	3RD	SAN FRANCISCO CA	94102	4812		
040 339600500	40-3396-5	OCCUPANT	7525 MACARTHUR BLVD		OAKLAND CA	94605			
040 339600600	40-3396-6	HELLO HOUSING	1242 MARKET ST	3RD	SAN FRANCISCO CA	94102	4812		
040 339600600	40-3396-6	OCCUPANT	7533 MACARTHUR BLVD		OAKLAND CA	94605			
040A340900113	40A-3409-1-13	HOUSING AUTHORITY OF THE CITY OF OAKLAND	1619 HARRISON ST		OAKLAND CA	94612	3307		
040A340900113	40A-3409-1-13	OCCUPANT	7526 MACARTHUR BLVD		OAKLAND CA	94605			
040A340901100	40A-3409-11	HAILE BERHAN & WOLDEAB KIDAN	3802 MOORPARK AVE	4	SAN JOSE CA	95117	1919		
040A340901100	40A-3409-11	OCCUPANT	2821 76TH AVE		OAKLAND CA	94605			
040A340901200	40A-3409-12	76TH & MACARTHUR LLC	7532 MACARTHUR BLVD		OAKLAND CA	94605			
040A340901200	40A-3409-12	OCCUPANT	7540 MACARTHUR BLVD		OAKLAND CA	94605			
040A340901300	40A-3409-13	76TH & MACARTHUR LLC	7532 MACARTHUR BLVD		OAKLAND CA	94605			
040A341003900	40A-3410-38	BREWER AARON F & CHAMBERSBREWER DELLA A TRS	7622 MACARTHUR BLVD		OAKLAND CA	94605	2944		
040A341003900	40A-3410-39	COMMUNITY RISING INVESTMENTS LLC	3250 WYMAN ST		OAKLAND CA	94619	3434		
040A341003900	40A-3410-39	OCCUPANT	7614 MACARTHUR BLVD		OAKLAND CA	94605			
040A341004000	40A-3410-40	GARDNER HONG J TR	PO BOX 2790		UNION CITY CA	94587	7790		
040A341004000	40A-3410-40	OCCUPANT	7600 MACARTHUR BLVD		OAKLAND CA	94605			
040A341004100	40A-3410-41	WALTON MICHELE	2172 PISA CIR		STOCKTON CA	95206	6325		
040A341004100	40A-3410-41	OCCUPANT	2812 76TH AVE		OAKLAND CA	94605			
		SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD	1515 CLAY STREET	SUITE 1400	OAKLAND CA	94612			CHERIE MCCAULOU CMCCAULOU@WATERBOARDS.CA.GOV
		EAST BAY MUNICIPAL UTILITY DISTRICT INDUSTRIAL DISCHARGE SECTION	P.O. BOX 24055	MS 702	OAKLAND CA	94623	1055		CHANDRA JOHANNESSON cjohanne@ebmud.com
		CITY OF OAKLAND PUBLIC WORKS ENVIRONMENTAL SERVICES	250 FRANK H. OGAWA PLAZA	SUITE 6301	OAKLAND CA	94612			MARK JOHANNES ARNIOLA MAriola@oaklandnet.com
		ALAMEDA COUNTY DEPT OF ENVIRONMENTAL HEALTH CUPA	SUSAN.HUGO@ACGOV.ORG						SUSAN HUGO



**Legend**

- Parcels
- BART Station
- BART Tracks
- Railroads
- Freeway\_Single 25k to 100
- Freeways 25k to 100
- <all other values>
- 1
- 3
- Streets 0 to 10k
- Ramps 25k to 100
- Unnamed Streets
- Waterbodies**
  - Lake/Pond
  - Swamp/Marsh
  - Bay
  - Rivers
- Parks**
  - Parks
  - East Bay Parks
- Planning Areas**
  - Alameda
  - Albany
  - Berkeley
  - Dublin
  - Emeryville

**Notes**

Notes

**Property**  
**7600 MacArthur Blvd,**  
**Oakland, CA**



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
 © Latitude Geographics Group Ltd.



# 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: Hong Gardner Property  
Address: 7600 MacArthur Boulevard  
City, State, Zip: Oakland, CA 94605-2944  
Record ID #: RO0003087

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

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> December 14, 2017
	<b>ISSUE DATE:</b> July 25, 2012
	<b>PREVIOUS REVISIONS:</b> September 17, 2013, May 15, 2014, December 12, 2016
<b>SECTION:</b> ACDEH Procedures	<b>SUBJECT:</b> Responsible Party(ies) Legal Requirements / Obligations

**REPORT & DELIVERABLE REQUESTS**

Alameda County Department of Environmental Health (ACDEH) Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) require submission of all reports in electronic form to the State Water Board's (SWB) GeoTracker website in accordance with California Code of Regulations, Chapter 30, Division 3, Title 23 and Division 3, Title 27.

Leaking Underground Fuel Tank (LUFT) Cases

Reports and deliverable requests are 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 (RP) in conjunction with an unauthorized release from a petroleum underground storage tank (UST) system.

Site Cleanup Program (SCP) Cases

For non-petroleum UST cases, reports and deliverables requests are pursuant to California Health and Safety Code Section 101480.

ELECTRONIC SUBMITTAL OF REPORTS

A complete report submittal includes the PDF report and all associated electronic data files, including but not limited to GEO\_MAP, GEO\_XY, GEO\_Z, GEO\_BORE, GEO\_WELL, and laboratory analytical data in Electronic Deliverable Format™ (EDF). Additional information on these requirements is available on the State Water Board's website ([http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/))

- Do not upload draft reports to GeoTracker
- Rotate each page in the PDF document in the direction that will make it easiest to read on a computer monitor.

GEOTRACKER UPLOAD CERTIFICATION

Each report submittal is to include a GeoTracker Upload Summary Table with GeoTracker valid values<sup>1</sup> as illustrated in the example below to facilitate ACDEH review and verify compliance with GeoTracker requirements.

**GeoTracker Upload Table Example**

Report Title	Sample Period	PDF Report	GEO_MAPS	Sample ID	Matrix	GEO_Z	GEO_XY	GEO_BORE	GEO_WELL	EDF
<b>2016 Subsurface Investigation Report</b>	2016 S1	✓	✓	Effluent	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
<b>2012 Site Assessment Work Plan</b>	2012	✓	✓			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2010 GW Investigation Report</b>	2008 Q4	✓	✓	SB-10	W	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				SB-10-6	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				MW-1	WG	✓	✓	✓	✓	✓
				SW-1	W	✓	✓	✓	✓	✓

<sup>1</sup> GeoTracker Survey XYZ, Well Data, and Site Map Guidelines & Restrictions, CA State Water Resources Control Board, April 2005

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> NA
	<b>ISSUE DATE:</b> December 14, 2017
	<b>PREVIOUS REVISIONS:</b> September 17, 2013, May 15, 2014, December 12, 2016
<b>SECTION:</b> ACDEH Procedures	<b>SUBJECT:</b> Responsible Party(ies) Legal Requirements / Obligations

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 the State Water Board's GeoTracker website." This letter must be signed by the Responsible Party, or legally authorized representative of the Responsible Party.

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 and include the professional registration stamp, signature, and statement of professional certification. 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

For LUFT cases, RP's non-compliance with these regulations may result in ineligibility to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse the cost of cleanup. Additional information is available on the internet at: [https://www.waterboards.ca.gov/water\\_issues/programs/ustcf/](https://www.waterboards.ca.gov/water_issues/programs/ustcf/)

AGENCY OVERSIGHT

Significant delays in conducting site assessment/cleanup or report submittals may result in referral of the case to the Regional Water 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.