



June 14, 2018

Mr. Bob Winet (Sent via e-mail to: [bwinet3@verizon.net](mailto:bwinet3@verizon.net))  
California Cotton Mill Lofts  
East Bay Lofts LLC  
36966 Pinto Palm St.  
Rancho Mirage, CA 92270

Mr. Dana Dominguez (Sent via e-mail to: [dana@dldlumber.com](mailto:dana@dldlumber.com))  
DLD Lumber Company  
1755 Egbert Avenue  
San Francisco, CA 94124

Subject: Case Closure Public Notification, List of Landowners Form, Monitoring Well Destruction and Waste Removal for Fuel Leak Case No. RO0003162 and Geotracker Global ID T1000006533, California Cotton Mill, 1091 Calcot Place, Oakland, CA 94606

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 specialized vehicle restoration and storage yard and the historic use of the site as a cotton mill, welding supply, plastics manufacturer, truck rental, and personal item storage facility, 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 may remain at the site which therefore triggers the recordation of a LUC.

### **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 **June 20, 2018** through **August 19, 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 – June 29, 2018**

- b. Monitoring Well Destruction:** Destroy all 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 – September 14, 2018**

- **Submittal of Well Destruction Report – September 30, 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 – September 30, 2018**

- **Submittal of Waste Removal Report – September 30, 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 cotton mill, welding supply, plastics manufacturer, truck rental, and personal item storage facility included in the November 6, 2014 *Phase 1 Environmental Site Assessment* (Phase I) and the *Limited Soil and Groundwater Investigation Report* (Phase II) dated January 9, 2015 prepared by ERAS. 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.

- **Submittal of SMP – September 14, 2018**

- 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).

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: Francis Rush, 1091 Calcot LLC, 2200 Adeline Street, Ste. 350, Oakland, CA 94607, (Sent via E-mail to: [francis@rushproperty.com](mailto:francis@rushproperty.com))

Christine Noma, Wendel Rosen, 1111 Broadway, 24<sup>th</sup> Floor, Oakland, CA 94607, (Sent via e-mail to: [cnoma@wendel.com](mailto:cnoma@wendel.com))

Dave Siegel, ERAS Environmental, Inc., 1533 B St., Hayward, CA 94541, (Sent via E-mail to: [dave@eras.biz](mailto:dave@eras.biz))

Ladies and Gentlemen  
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June 14, 2018, Page 4

Curtis Payton, ERAS Environmental, Inc., 1533 B St., Hayward, CA 94541, (Sent via E-mail to: [tkd3dan@surewest.net](mailto:tkd3dan@surewest.net))

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**

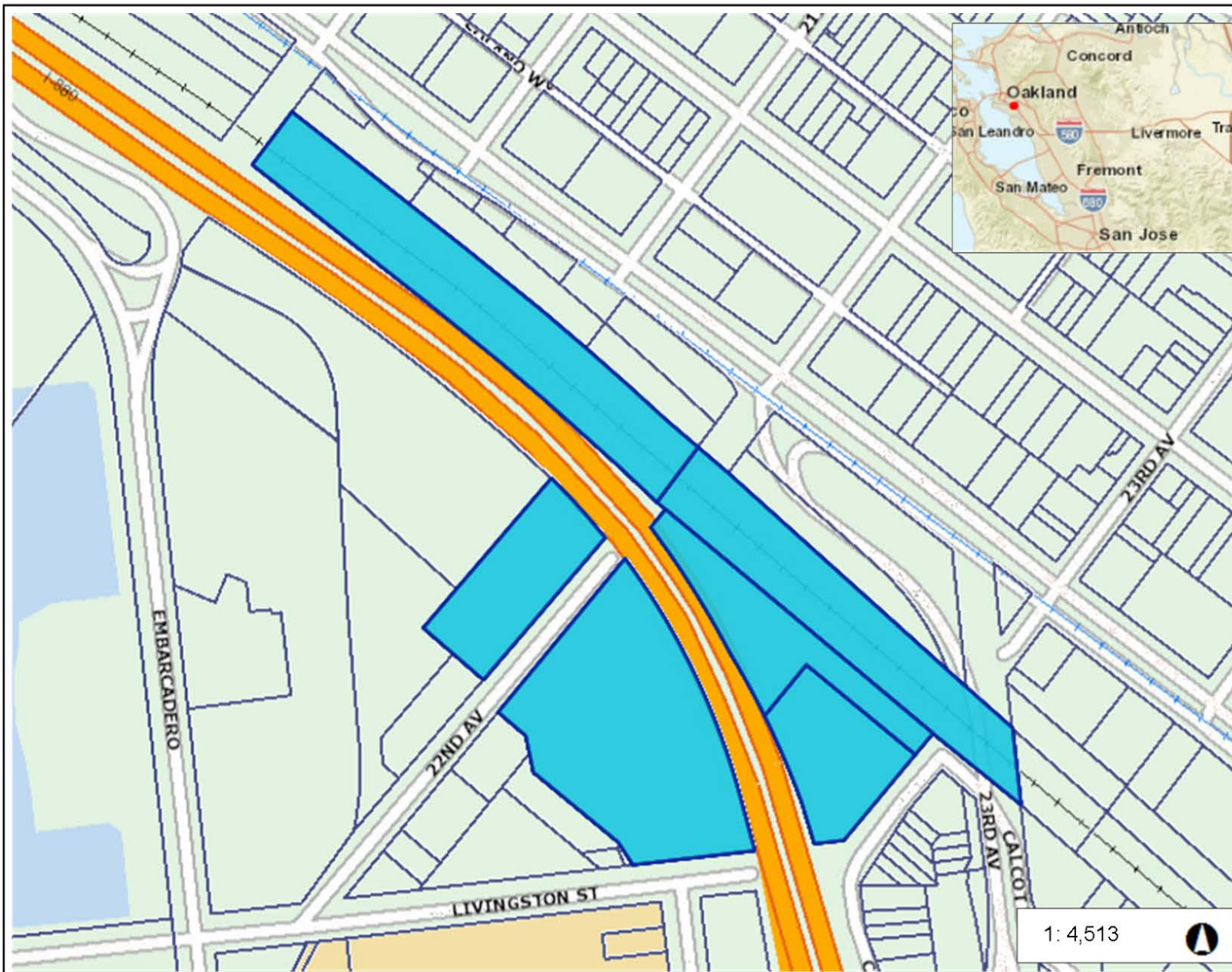
**CALIFORNIA COTTON MILL  
1091 CALCOT PLACE, OAKLAND, CA 94606  
FUEL LEAK CASE NO. RO0003162  
GEOTRACKER GLOBAL ID T1000006533  
JUNE 20, 2018**

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 August 19, 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 RO0003162 in any correspondence.



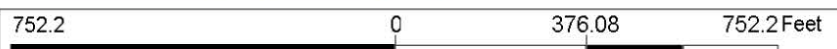
- ### Legend
- Parcels
  - BART Station
  - BART Tracks
  - Railroads
  - Freeway\_Single 25k to 100
  - Freeways 25k to 100
  - <all other values>
  - 1
  - 3
  - Streets 0 to 10k
  - Ramps 25k to 100
  - Unnamed Streets
  - Waterbodies**
    - LakePond
    - SwampMarsh
  - Bay
  - Rivers
  - Parks
  - East Bay Parks
  - Planning Areas
  - Cities**
    - Alameda
    - Albany
    - Berkeley
    - Dublin
    - Emeryville

### Notes

Notes

RO3162

1: 4,513



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

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**

Sort_APN	Parcel_APN	Name	StreetAddress	Unit	City	Zip	Zip_4
019 004800200	19-48-2	S P CO 872-1-106D-POR 9	PO BOX 2500		BROOMFIELD CO	80038	
019 004800200	19-48-2	OCCUPANT	22ND AV		OAKLAND CA	94606	
019 004800500	19-48-5	WILCOX EMBARCADERO ASSOCIATES LLC	1830 EMBARCADERO	105	OAKLAND CA	94606	5230
019 004800500	19-48-5	OCCUPANT	1001 22ND AVE		OAKLAND CA	94606	
019 004900201	19-49-2-1	COTTONMILL PROPERTIES LLC	2228 LIVINGSTON ST		OAKLAND CA	94606	5221
019 004900201	19-49-2-1	OCCUPANT	1000 22ND AVE		OAKLAND CA	94606	
019 005500200	19-55-2	S P CO 872-1-106D-POR 9	PO BOX 2500		BROOMFIELD CO	80038	
019 005500200	19-55-2	OCCUPANT	23RD AV		OAKLAND CA	94606	
019 005501000	19-55-10	1091 CALCOT LLC	2200 ADELIN ST	350	OAKLAND CA	94607	2346
019 005501000	19-55-10	OCCUPANT	1091 CALCOT PL		OAKLAND CA	94606	
019 005501100	19-55-11	DOMINQUEZ DANA & SEZA	636 SITKA DR		WALNUT CREEK CA	94598	1738
019 005501100	19-55-11	OCCUPANT	CALCOT PL		OAKLAND CA	94606	

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 5301	OAKLAND CA	94612	MARK JOHANNES ARNIOLA	MArniola@oaklandnet.com
ALAMEDA COUNTY DEPT OF ENVIRONMENTAL HEALTH CUPA					SUSAN HUGO	SUSAN.HUGO@ACGOV.ORG



# ATTACHMENT 2

# LIST OF LANDOWNERS FORM

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

## CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR:

Site Name: California Cotton Mill  
Address: 1091 Calcot Place  
City, State, Zip: Oakland, CA 94606  
Record ID #: RO0003162

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.