

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

March 15, 2017

Tudor Hall Apartments, LP  
800 Airport Boulevard, #510  
Burlingame, CA 94010  
Attention: Erik Koppl  
(Sent via electronic mail to [erik@copelandparkproperties.com](mailto:erik@copelandparkproperties.com))

Subject: Notification of Closure Review; Fuel Leak Case No. RO0003165 and GeoTracker Global ID T10000007042, Tudor Hall Apartments, 150 17<sup>th</sup> Street, Oakland, CA 94612

Dear Mr. Koppl:

Thank you for the recently submitted document entitled *Soil, Groundwater, and Soil Vapor Investigation Report (SWI)*, dated January 5, 2017, prepared by ATC Group Services LLC (ATC) and provided to Alameda County Department of Environmental Health (ACDEH). The SWI was design to evaluate the site for residual contamination following the in-place closure of a 1,500-gallon underground storage tank (UST) on March 16, 2015. The work was performed in general accordance with the work plan dated July 29, 2016 that was conditionally approved by ACDEH on August 24, 2016.

The SWI was submitted to the California State Water Resources Control Board (SWRCB) GeoTracker website on January 5, 2017. However, not all supporting documentation for the SWI was submitted and received by GeoTracker until February 22, 2017. Therefore, pursuant to California Health and Safety Code Chapter 30, Division 3 of Title 23 & Division 3 of Title 27, CCR which require electronic submission of any report or data required by a regulatory agency from a cleanup site, receipt of the GeoTracker SWI was held pending submittal of the supporting documentation. Our request listing the missing supporting documents was made on February 21, 2017. ACDEH received these submittals on GeoTracker on March 13, 2017 and released the hold on the SWI.

The scope of activities performed for the SWI included a geophysical survey, advancing five (5) soil bores for the collection of soil and grab-groundwater (GGW) samples, and the installation of two (2) temporary probes for the collection of soil vapor samples.

As expressed in the SWI, based on the Site Conceptual Model (SCM) and discussion of the site as it relates to the SWRCBs Low Threat Underground Storage Tank Case Closure Policy (LTCP), ATC requested case closure.

After preliminary review of the SWI, ACDEH is in general concurrence the site may meet the closure requirements of the LTCP. Therefore, ACDEH is considering the above referenced site for potential case closure under the LTCP. A final determination will be made following a more complete case review.

#### **Electronic Submittal of Information**

As indicated above, the Electronic Reporting Regulations (ERRs) (Chapter 30, Division 3 of Title 23 & Division 3 of Title 27, CCR) require electronic submission of any report or data required by a regulatory agency from a cleanup site. A review of the SWRCB GeoTracker website indicates the case is not in compliance with the ERRs.

At present, documentation missing from the case files on the ACDEH FTP site and GeoTracker website include the *Underground Storage Tank Abandonment Report* prepared by Golden Gate Tank Removal, and its associated GEO\_MAP and EDF files. ACDEH requests the submittal of these documents by the date specified below.

### **List of Landowners Form**

Pursuant to Section 25297.15 (a) of the California Health and Safety Code, ACDEH, 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. ACDEH 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 return it, either as an electronic mail attachment or by land mail, back to ACDEH by the date identified below.

### **SUBMITTAL ACKNOWLEDGEMENT STATEMENT**

Please note that ACDEH has updated its Attachment 1 with regard to report submittals to our FTP site. ACDEH will now be requiring a Submittal Acknowledgement Statement, replacing the Perjury Statement, as a cover letter signed by the Responsible Party (RP). The language for the Submittal Acknowledgement Statement is as follows:

*"I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website."*

Please make this change to your submittals to ACDEH.

### **TECHNICAL REPORT REQUEST**

Please submit reports to ACDEH (Attention: Keith Nowell), and upload technical reports to the ACDEH FTP site (Attention: Keith Nowell) and to the SWRCB's Geotracker website, in accordance with the following specified file naming convention and schedule:

- **April 17, 2017 – Electronic Submittal of Information:** (GeoTracker only) GEO\_MAP and EDF files
- **April 17, 2017 – Electronic Submittal of Information:** Golden Gate Tank Removal Report (to both ACDEH FTP and GeoTracker sites) (file to be named: RO0003165\_TNK\_R\_yyyy-mm-dd)
- **April 17, 2017 – List of Landowners Form:** Provided via land mail or electronic mail attachment- Attention: Keith Nowell

Thank you for your cooperation. ACDEH looks forward to working with you and your consultants to advance the case toward closure. Should you have any questions regarding this correspondence or your case, please call me at (510) 567-6764 or send an electronic mail message at [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org)

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Sincerely,

Keith Nowell, PG, CHG  
Hazardous Materials Specialist

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

Attachment 2- List of Landowners Form

cc: Bryan Campbell, ATC Group Services LLC, 2400 Camino Diablo, Suite 360, San Ramon, CA 94583  
(Sent via electronic mail to: [bryan.campbell@atcassociates.com](mailto:bryan.campbell@atcassociates.com))

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

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

Keith Nowell, ACDEH (Sent via electronic mail to: [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org))

GeoTracker / File

## 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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 ([http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)) for more information on these requirements.

#### 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 ACDEH's FTP server and the SWRCB's GeoTracker website." 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 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. 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 case meet this requirement. 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

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> December 1, 2016
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions


The Alameda County Environmental Cleanup Oversight Programs (LOP 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 acknowledgement 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) Open File Explorer using the Windows  key + E keyboard shortcut.
    - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
  - b) On the address bar, type in ftp://alcoftp1.acgov.org.
  - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
  - d) Click Log On.
  - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
  - f) 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.

# 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: Tudor Hall Apartments  
Address: 150 17<sup>th</sup> Street  
City, State, Zip: Oakland, CA 94612  
Record ID #: RO0003165

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