



ENVIRONMENTAL HEALTH SERVICES

ENVIRONMENTAL PROTECTION
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March 14, 2016

619 South 33rd LLC
C/o Mark Skolnick
930 Redwood Hwy, #B
Mill Valley, CA 94941-2374
(Sent via E-mail to: rentals@ipcap.net)

Subject: Notice of Responsibility; LOP Case No. RO0003166 and Geotracker Global ID T10000007122, Seminary Avenue UST, 1759 Seminary Avenue, Oakland, CA 94621

Dear 619 South 33rd LLC:

Thank you for your electronic mail correspondence dated March 10, 2016. Alameda County Environmental Health (ACEH) staff have reviewed the attached documents- the Underground Storage Tank (UST) Removal proposal cover letter prepared by Golden Gate Tank Removal Inc. (GGT), dated November 24, 2014, and the Buyers Final Closing Statement, dated February 19, 2015 prepared by Old Republic Title Company (ORTC), and the case file.

The date of the property transaction when 619 South 33rd LLC acquired the subject property is December 16, 2014. The report entitled *Underground Storage Tank Closure Report*, prepared by GGT and dated May 14, 2015, documented an unauthorized release occurred from the UST at the site. As 619 South 33rd LLC owned the property at the time the leak was discovered, and is the only owner since the discovery of the release, ACEH is of the opinion that 619 South 33rd LLC is the sole Responsible Party for the subject case.

Please be aware that site investigation/site cleanup costs may be reimbursable from the California Underground Storage Tank Cleanup Fund. The application and additional information is available at the State Water Resources Control Board's website at:
http://www.waterboards.ca.gov/water_issues/programs/ustcf.

Please be aware that reimbursement monies are contingent upon maintaining compliance with directives from ACEH.

Our file review has revealed an unauthorized release form (URF) has not been submitted. If you have a copy, please submit it to our ftp site. If the URF cannot be found please complete the attached form and submit it to our ftp site by the date specified below.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Keith Nowell) in accordance with the following specified file naming convention and schedule:

- **March 29, 2016** – Unauthorized Release Form – (file to be named: RO0003166_URF_R_yyyy-mm-dd)

619 South 33rd LLC
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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.

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Thank you for your cooperation. ACEH 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

Sincerely,

Keith Nowell, PG, CHG
Hazardous Materials Specialist

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

Attachment A – *Underground Storage Tank Unauthorized Release (Leak)/ Contamination Report Form*

Dilan Roe, ACEH (Sent via E-mail to: dilan.roe@acgov.org)
Keith Nowell, ACEH, (Sent via electronic mail to 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

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.

ATTACHMENT A

Underground Storage Tank Unauthorized Release Form

UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

EMERGENCY <input type="checkbox"/> Yes <input type="checkbox"/> No		HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> Yes <input type="checkbox"/> No		FOR LOCAL AGENCY USE ONLY I HEREBY CERTIFY THAT I AM A DESIGNATED GOVERNMENT EMPLOYEE AND THAT I HAVE REPORTED THIS INFORMATION TO LOCAL OFFICIALS PURSUANT TO SECTION 25180.7 OF THE HEALTH AND SAFETY CODE.	
REPORT DATE		CASE #		SIGNED _____ DATE _____	
REPORTED BY	NAME OF INDIVIDUAL FILING REPORT		PHONE ()		SIGNATURE
	REPRESENTING <input type="checkbox"/> LOCAL AGENCY <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> OTHER		COMPANY OR AGENCY NAME		
	ADDRESS				
		STREET	CITY	STATE	ZIP
RESPONSIBLE PARTY	NAME		CONTACT PERSON		PHONE ()
	<input type="checkbox"/> Unknown				
ADDRESS					
		STREET	CITY	STATE	ZIP
SITE LOCATION	FACILITY NAME (IF APPLICABLE)		OPERATOR		PHONE ()
	ADDRESS				
			STREET	CITY	COUNTY
CROSS STREET					
IMPLEMENTING AGENCIES	LOCAL AGENCY AGENCY NAME				PHONE ()
	REGIONAL BOARD				PHONE ()
SUBSTANCES INVOLVED	(1)	NAME			QUANTITY LOST (GALLONS)
					<input type="checkbox"/> Unknown
	(2)				<input type="checkbox"/> Unknown
DISCOVERY/ABATEMENT	DATE DISCOVERED		HOW DISCOVERED		
			<input type="checkbox"/> Tank Test <input type="checkbox"/> Tank Removal <input type="checkbox"/> Nuisance Conditions <input type="checkbox"/> Inventory Control <input type="checkbox"/> Subsurface Monitoring <input type="checkbox"/> Other		
	DATE DISCHARGE BEGAN		METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY)		
		<input type="checkbox"/> UNKNOWN		<input type="checkbox"/> Remove Contents <input type="checkbox"/> Close Tank <input type="checkbox"/> Repair Tank <input type="checkbox"/> Change Procedure <input type="checkbox"/> Replace Tank <input type="checkbox"/> Other <input type="checkbox"/> Repair Piping	
HAS DISCHARGE BEEN STOPPED?					
<input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE					
SOURCE/ CAUSE	SOURCE OF DISCHARGE		CAUSE(S)		
	<input type="checkbox"/> Tank Leak <input type="checkbox"/> Piping Leak <input type="checkbox"/> Unknown <input type="checkbox"/> Other		<input type="checkbox"/> Overfill <input type="checkbox"/> Corrosion <input type="checkbox"/> Rupture/Failure <input type="checkbox"/> Unknown <input type="checkbox"/> Spill <input type="checkbox"/> Other		
CASE TYPE	CHECK ONE ONLY				
	<input type="checkbox"/> Undetermined <input type="checkbox"/> Soil Only <input type="checkbox"/> Groundwater <input type="checkbox"/> Drinking Water – (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)				
CURRENT STATUS	CHECK ONE ONLY				
	<input type="checkbox"/> No Action Taken <input type="checkbox"/> Leak Being Confirmed <input type="checkbox"/> Remediation Plan <input type="checkbox"/> Preliminary Site Assessment Workplan Submitted <input type="checkbox"/> Preliminary Site Assessment Underway		<input type="checkbox"/> Case Closed (Cleanup Completed or Unnecessary) <input type="checkbox"/> Pollution Characterization <input type="checkbox"/> Post Cleanup Monitoring in Progress <input type="checkbox"/> Cleanup Underway		
REMEDIAL ACTION	CHECK APPROPRIATE ACTION(S)				
	<input type="checkbox"/> Cap Site (CD) <input type="checkbox"/> Excavate & Treat (ET) <input type="checkbox"/> Treatment At Hookup (HU) <input type="checkbox"/> Other <input type="checkbox"/> Contamination Barrier (CB) <input type="checkbox"/> No Action Required (NA) <input type="checkbox"/> Enhanced Bio Degradation (IT) <input type="checkbox"/> Vacuum Extract (VE) <input type="checkbox"/> Remove Free Product (FP) <input type="checkbox"/> Replace Supply (RS) <input type="checkbox"/> Excavate & Dispose (ED) <input type="checkbox"/> Pump & Treat Groundwater (GT) <input type="checkbox"/> Vent Soil (VS)				
COMMENTS					

Instructions for Completing UST Unauthorized Release (Leak) / Contamination Site Report

EMERGENCY: Indicate whether emergency response personnel and equipment were involved at any time. If so, a Hazardous Material Incident Report should be filed with the State Office of Emergency Services (OES). Indicate whether the OES report has been filed as of the date of this report.

LOCAL AGENCY USE ONLY: To avoid duplicate notifications pursuant to Health and safety Code Section 25180.7, a designated government employee should sign and date the form in this block. A signature here does not mean that the leak has been determined to pose a significant threat to human health or safety, only that notification procedures have been followed if required.

REPORTED BY: Enter name, telephone number, and address. Indicate which party you represent and provide company or agency name.

SIGNATURE: Sign the form in the space provided.

RESPONSIBLE PARTY: Enter the name, telephone number, contact person, and address of the party responsible for the leak. The Responsible Party would normally be the tank owner.

SITE LOCATION: Enter information regarding the tank facility. At a minimum, you must provide the facility name and full site address.

IMPLEMENTING AGENCIES: Enter the names of the local agency and Regional Water Quality Control Board having jurisdiction over the site.

SUBSTANCES INVOLVED: Enter the name and quantity lost of the hazardous substance(s) involved. If more than two substances leaked, list the two of most concern for cleanup.

DISCOVERY/ABATEMENT: Provide information regarding the discovery and abatement of the leak.

SOURCE/CAUSE: Indicate the source(s) of leak. Check box(es) indicating the cause(s) of leak.

CASE TYPE: Check one box only. Indicate the Case Type category for this leak. Case Type is based on the most sensitive resource affected. For example, if both soil and ground water have been affected, Case Type will be "Groundwater." Indicate "Drinking Water" only if one or more municipal or domestic water wells have actually been affected. A "Groundwater" designation does not imply that the affected water cannot be, or is not, used for drinking water, but only that water wells have not yet been affected. It is understood that Case Type may change upon further investigation.

CURRENT STATUS: Check one box only. Indicate the category which best describes the Current Status of the case. The response should be relative to the Case Type. For example, if the Case Type is "Groundwater," then Current Status should refer to the status of the ground water investigation or cleanup, as opposed to that of soil. Descriptions of options are as follows:

- **No Action Taken** – No action has been taken by the Responsible Party beyond initial reporting of the leak.
- **Leak Being Confirmed** – A leak is suspected at the site, but has not yet been confirmed.
- **Remediation Plan** – Remediation Plan submitted evaluating long term remediation options. Proposal and implementation schedule for appropriate remediation options also submitted.
- **Preliminary Site Assessment Workplan Submitted** – Workplan/proposal requested of/submitted by Responsible Party to determine whether ground water has been, or will be, impacted as a result of the release.
- **Preliminary Site Assessment Underway** – Workplan is being implemented.
- **Case Closed** – Regional Water Quality Control Board and local agency Local Oversight Program (LOP) agree that no further work is necessary at the site.
- **Pollution Characterization** – Responsible Party is in the process of fully defining the extent of contamination in soil and ground water and assessing impacts on surface and/or ground water.
- **Post Cleanup Monitoring in Progress** – Periodic ground water or other monitoring at site, as necessary, to verify and/or evaluate the effectiveness of remedial activities.
- **Cleanup Underway** – Remediation Plan is being implemented.

IMPORTANT: THE INFORMATION PROVIDED ON THIS FORM IS INTENDED FOR GENERAL STATISTICAL PURPOSES ONLY AND IS NOT TO BE CONSTRUED AS REPRESENTING THE OFFICIAL POSITION OF ANY GOVERNMENTAL AGENCY.

REMEDIAL ACTION: Indicate which actions have been used to clean up or remediate the leak. Descriptions of options are as follows:

- **Cap Site** – Install horizontal impermeable layer to reduce rainfall infiltration.
- **Containment Barrier** – Install vertical dike to block horizontal movement of contaminants.
- **Excavate and Dispose** – Remove contaminated soil and dispose at approved site.
- **Excavate and Treat** – Remove contaminated soil and treat (includes spreading or land farming).
- **Remove Free Product** – Remove floating product from water table.
- **Pump and Treat Groundwater** – Generally employed to remove dissolved contaminants.
- **Enhanced Biodegradation** – Use of any available technology to promote bacterial decomposition of contaminants.
- **Replace Supply** – Provide alternate water supply to affected parties.
- **Treatment at Hookup** – Install water treatment devices at each dwelling or other place of use.
- **Vacuum Extract** – Use pumps or blowers to draw air through soil.
- **Vent Soil** – Bore holes in soil to allow volatilization of contaminants.
- **No Action Required** – Incident is minor, requiring no remedial action.

COMMENTS: Use this space to elaborate on any aspects of the incident.

DISTRIBUTION: If this form is completed by the tank owner or his/her agent, retain a copy and forward the original to your local tank permitting agency for distribution.

- Original – Local UST permitting agency. (Agency contact information is available at www.unidocs.org.)
- Copy – Regional Water Quality Control Board. (Boundaries and contact information are available at www.swrcb.ca.gov/regions.html.)
- Copy – Local Oversight Program (LOP) agency. (Agency contact information is available at www.unidocs.org.)
- Copy – Local Health Officer and County Board of Supervisors or their designee to receive Proposition 65 notifications.
- Copy – Owner/Responsible Party.