



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
(510) 567-6700  
FAX (510) 337-9335

July 13, 2016

Union Pacific Railroad  
9451 Atkinson, Suite 100  
Roseville, CA 95747  
Attn.: Lauren Mancuso (*Sent via electronic mail to [lamancus@up.com](mailto:lamancus@up.com)*)

Subject: Case Closure Consideration for Voluntary Remedial Action Program Case No. RO0003169 and GeoTracker Global ID T10000006708, Locomotive Diesel Spill, 1408 Middle Harbor Road, Oakland, CA 94607

Dear Ms. Mancuso:

Alameda County Department of Environmental Health (ACDEH) is considering the above referenced site for potential case closure. As you are aware, a site investigation and cleanup has been performed at the subject property to which Union Pacific Railroad is referenced as the primary or active responsible party.

#### **Public Participation**

Public participation is a requirement for the Corrective Action Plan and case closure processes. In order to notify potentially affected members of the public of the potential fuel leak case closure, *Notification of Potential Case Closure* will be distributed to addresses in the immediate vicinity. The *Notification of Potential Case Closure* requests that landowners or residents/occupants submit any comments or questions to ACDEH regarding potential case closure. ACDEH will consider all comments from the public prior to potential case closure. The 30-day public notification period commences on July 13, 2016 and tentatively ends on **August 12, 2016**.

Should you have any questions, please contact me at (510) 567--6764 or send me an electronic mail message at [keith.nowell@acgov.org](mailto: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 – *Invitation to Comment – Potential Case Closure*  
Attachment B – Notification Distribution List

cc: Steve Pearson, Union Pacific Railroad, (*Sent via electronic mail to [sapearso@up.com](mailto:sapearso@up.com)*)

Ms. Lauren Mancuso  
RO0003169  
July 13, 2016, Page 2

Scott Hackman, ARCADIS U.S., Inc., 101 Creekside Ridge Court, Suite 200, Roseville, CA 95678  
(Sent via electronic mail to [scott.hackman@arcadis-us.com](mailto:scott.hackman@arcadis-us.com))

Dilan Roe, ACDEH, (Sent via electronic mail to [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))  
Keith Nowell, ACDEH, (Sent via electronic mail [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org))  
Geotracker, Electronic 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/](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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> May 15, 2014
	<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
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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](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) 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](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 A**

**PUBLIC NOTIFICATION**

**Invitation to Comment – Potential Case Closure**



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**INVITATION TO COMMENT – POTENTIAL CASE CLOSURE**

**LOCOMOTIVE DIESEL SPILL  
1408 MIDDLE HARBOR ROAD, OAKLAND, CA 94607  
SITE CLEANUP PROGRAM CASE RO00003169  
GEOTRACKER GLOBAL ID T10000006708**

**July 13, 2016**

The above referenced site is a Site Cleanup Program (SCP) case that is under the regulatory oversight of the Alameda County Department of Environmental Health (ACDEH) for the investigation and cleanup of petroleum hydrocarbons and metals contamination. Site investigation and cleanup activities have been completed, and it does not appear that residual contamination presents a risk to human health and the environment. Therefore, ACEH is considering closure of the case. Due to the residual contamination on site, the site would be closed 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 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 case. The entire case file can be viewed over the Internet on the ACEH 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 Keith Nowell at ACEH, 1131 Harbor Bay Parkway, Alameda, CA 94502; all comments will be forwarded to the responsible parties. Comments **received by August 12, 2016** 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 ACEH caseworker, Keith Nowell at 510-567-6764 or by email at [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org). Please refer to ACEH case RO0003169 in any correspondence.

**ATTACHMENT B**

**PUBLIC NOTIFICATION**

**Distribution List**

Parcel_APN	Name	StreetAddress	Unit	City	Zip	Zip_4
4-103-19	ACARA REAL ESTATE INVESTMENTS LLC & BOOT LLC	1526 3RD ST		OAKLAND CA	94607	1208
4-107-6-4	BEASLEY BRUCE & LAURENCE TRS	322 LEWIS ST		OAKLAND CA	94607	1236
4-103-20	BITTER SEA 4 LLC	PO BOX 1094		SAUSALITO CA	94966	1094
4-107-26-1	CHURCH OF THE LIVING GOD FAITH TABERNACLE	PO BOX 21951		SAN JOSE CA	95151	1951
18-392-4	CITY OF OAKLAND	PO BOX 23440		OAKLAND CA	94623	0440
4-103-16	DOMINGUEZ PEDRO & RUTH	1220 PARK AVE	A	ALAMEDA CA	94501	5280
18-392-6	DONALD MARY E & RUCKS MACK K	1525 3RD ST		OAKLAND CA	94607	1207
18-392-5	GUZMAN ABBY	5724 E 17TH ST		OAKLAND CA	94621	4237
18-392-8	GUZMAN RUBEN & BELIA	1519 3RD ST		OAKLAND CA	94607	1207
18-392-7	GUZMAN VICENTE G & CASTELLANOS CARMEN	1523 3RD ST		OAKLAND CA	94607	1207
18-390-10-3	NATIONAL RAILROAD PASSENGER CORPORATION	530 WATER ST		OAKLAND CA	94607	3532
4-103-18	OCCUPANT	1510 3RD ST		OAKLAND CA	94607	
18-391-3-2	OCCUPANT	1603 3RD ST		OAKLAND CA	94607	
18-390-9-2	OCCUPANT	1504 MIDDLE HARBOR RD		OAKLAND CA	94607	
4-103-20	OCCUPANT	1538 3RD ST		OAKLAND CA	94607	
6-1-1-6	OCCUPANT	1675 7TH ST		OAKLAND CA	94615	
4-107-6-4	OCCUPANT	323 LEWIS ST		OAKLAND CA	94607	
4-107-26-1	OCCUPANT	310 PERALTA ST		OAKLAND CA	94607	
4-103-16	OCCUPANT	1506 3RD ST		OAKLAND CA	94607	
18-392-15	OCCUPANT	1561 3RD ST		OAKLAND CA	94606	
18-392-5	OCCUPANT	1529 3RD ST		OAKLAND CA	94607	
4-105-29-1	OCCUPANT	1574 3RD ST		OAKLAND CA	94606	
4-105-16	OCCUPANT	1554 3RD ST		OAKLAND CA	94606	
4-105-26	OCCUPANT	303 HENRY ST		OAKLAND CA	94607	
18-380-3-6	S P CO 872-1-77R-POR 96	PO BOX 2500		BROOMFIELD CO	80038	
18-391-3-2	STATE OF CALIFORNIA	PO BOX 23440 MS 11A		OAKLAND CA	94623	0440
18-392-9	TOVAR JOSE M & AMPARO	1507 3RD ST		OAKLAND CA	94607	1207
4-103-17	TRAN JENNIFER T	1508 3RD ST		OAKLAND CA	94607	1208
6-1-1-6	UNITED STATES POSTAL SERVICE	395 OYSTER POINT BLVD	225	SOUTH SAN FRANCISCO CA	94080	1930
4-103-18	WILLIAMS PETER B & SAMMEL CHELSEA	1520 3RD ST		OAKLAND CA	94607	1208
	CITY OF OAKLAND PLANNING & BUILDING	250 FRANK H. OGAWA PLAZA	SUITE 2114	OAKLAND CA	94612	
	CITY OF OAKLAND PUBLIC WORKS		SUITE			
	ENVIRONMENTAL SERVICES	250 FRANK H. OGAWA PLAZA	5301	OAKLAND CA	94612	
	SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD	1515 CLAY STREET	SUITE 1400	OAKLAND CA	94612	
	EAST BAY MUNICIPAL UTILITY DISTRICT	P.O. BOX 24055		OAKLAND, CA	94623	1055
	EAST BAY MUNICIPAL UTILITY DISTRICT	P.O. BOX 24055, MS 702,		OAKLAND, CA	94623	1055
	UNION PACIFIC RAILROAD	9451 ATKINSON, SUITE 100		ROSEVILLE, CA	95747	
	UNION PACIFIC RAILROAD	1408 MIDDLE HARBOR ROAD		OAKLAND, CA	94607	
	UNION PACIFIC RAILROAD					
	Arcadis U.S. Inc.	101 Creekside Ridge Court	Suite 200	Roseville, CA	95678	