

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

COLLEEN CHAWLA, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP) FOR
HAZARDOUS MATERIALS RELEASES
1131 HARBOR BAY
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

July 18, 2018

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

Subject: Submittals Request for Potential Case Closure Consideration- LOP Fuel Leak Case No. RO0003166 and Geotracker Global ID T10000007122, Seminary Avenue UST, 1759 Seminary Avenue, Oakland, CA 94621

Dear Mr. Skolnick:

Alameda County Department of Environmental Health's (ACDEH) staff is considering the above referenced site for potential case closure. As you are aware a site investigation consisting of the recovery of soil and grab-groundwater (GGW) samples associated with the removal of an underground storage tank has been performed at the subject property to which you are named as the primary or active responsible party.

Electronic Submittal of Information

The Electronic Reporting Regulations (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. Submission dates are set by a Regional Water Board or by a regulatory agency. Once a report/data is successfully uploaded, as required, you have met the reporting requirement (i.e. the compliance measure for electronic submittals to the State Water Resources Control Board's (SWRCBs) GeoTracker database is the actual upload itself). The upload date should be on or prior to the regulatory due date.

ACDEH has made several requests (March 3, 2016, November 4, 2016, June 15, 2017, and December 22, 2017) for electronic submittals pertaining to the UST removal. To date no submittals to GeoTracker have been received. In order to complete our review of the case file, we request that the Electronic Reporting Regulations be met for closure consideration. At a minimum, please submit the EDF and GEO_MAP associated with the document entitled *Underground Storage Tank Closure Report*, dated December 11, 2014 and prepared by Golden Gate Tank Removal (GGTR). Please submit the EDF and GEO_MAP for our review by the date specified below for closure consideration.

Additionally, ACDEH requested the completion and submittal of an Unauthorized Release Form (URF). Our initial request was made on March 14, 2016. Subsequent requests were made on November 4, 2016, June 15, 2017, and December 22, 2017. We have yet to receive the URF. Please complete and submit the URF for our review prior to closure consideration 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* (LLF), and submit it by the date identified below. Please note that LLF submittal was previously requested on March 3, 2016, November 4, 2016, June 15, 2017, and December 22, 2017.

ACDEH requests notification of the GeoTracker submittals via electronic mail, Attention: Keith Nowell. Please include a listing of the submittals with your notification to our agency. Following receipt of the documents requested above, ACDEH will continue with its closure evaluation.

TECHNICAL REPORT REQUEST

Please upload technical reports to GeoTracker in accordance with the following specified file naming convention and schedule:

- **August 13, 2018** – Electronic Submittal of Information (EDF and GEO_MAPs)
- **August 13, 2018** – *List of Landowners Form* (file to be named: RO0003166_LNDOWNR_F_yyyy-mm-dd)
- **August 13, 2018** – *Unauthorized Release Form* – (file to be named: RO0003166_URF_R_yyyy-mm-dd)

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.

Thank you for your cooperation. ACDEH looks forward to working with you 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

Attachment 2 – List of Landowners Form – (file to be named: RO0003166_LNDOWNR_F_yyyy-mm-dd)

Attachment 3 – Unauthorized Release Form – (file to be named: RO0003166_URF_R_yyyy-mm-dd)

cc: Dilan Roe, ACDEH, (Sent via electronic mail to: dilan.roe@acgov.org)
Paresh Khatri, ACDEH, (Sent via electronic mail to: paresh.khatri@acgov.org)
Keith Nowell, ACDEH (Sent via electronic mail to: keith.nowell@acgov.org)
Geotracker, File

ATTACHMENT 1

**Responsible Party (ies)
Legal Requirements/Obligations**

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

- 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 values¹ 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
2016 Subsurface Investigation Report	2016 S1	✓	✓	Effluent	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
2012 Site Assessment Work Plan	2012	✓	✓			<input type="checkbox"/>				
2010 GW Investigation Report	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	✓	✓	✓	✓	✓

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

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: NA
	ISSUE DATE: December 14, 2017
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	SUBJECT: 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/

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.

ATTACHMENT 2

List of Landowners

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: SEMINARY AVENUE UST
Address: 1759 SEMINARY AVENUE
City, State, Zip: OAKLAND , CA 94621
Record ID #: RO0003166

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

**Unauthorized Release
Form**

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.