

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**

AGENCY

REBECCA GEBHART, Acting Director



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

April 20, 2016

Mr. Najmeddin Revan  
1400 Powell Street  
Emeryville, CA 94608  
(Sent via email to: [nrevan@aol.com](mailto:nrevan@aol.com))

Subject: Notification of Potential Closure Consideration; Site Cleanup Program Case No. RO0003182 and Geotracker Global ID T10000008441, 1400 Powell Street; 1400 Powell Street, Emeryville, CA 94608

Dear Mr. Revan:

Alameda County Department of Environmental Health (ACDEH) staff have reviewed the case file and is considering closing the above referenced case. Thank you for submitting the completed *List of Landowners Form* requested in the April 11, 2016 Directive Letter.

### **Public Participation**

Public participation is a requirement for the case closure process. In order to notify potentially affected members of the public of the potential fuel leak case closure, ACDEH will distribute the attached *Notification of Potential Case Closure* to addresses in the immediate vicinity. The *Invitation to Comment - Potential Case Closure* requests that landowners or residents submit any comments or questions to ACDEH regarding potential case closure. ACDEH will consider all comments from the public prior to potential case closure. ACDEH will provide you with written notification if any comments are received during the following Public Comment Period:

- **April 25, 2016** – Public Comment Period Begins
- **May 26, 2016** – Public Comment Period Ends

### **Site Management Requirements**

ACDEH staff has evaluated the case file and believes the case may be eligible for closure. Closure would be under a commercial land use scenario with site management requirements, as residual soil contamination remains in soil beneath the site. Re-evaluation of this case is required if land uses changes to any residential or other conservative land use, or any redevelopment occurs as residual contamination is documented to remain in the soil beneath the site.

This site is to be entered into the City of Emeryville Permit Tracking System due to the residual contamination on site.

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

If you have any questions, please do not hesitate to call me at (510) 567-6876 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,

Mark E. Detterman, PG, CEG  
Senior Hazardous Materials Specialist

Mr. Najmeddin Revan  
RO0003182  
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Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations  
Electronic Report Upload (ftp) Instructions

*Attachment 2 - Invitation to Comment - Potential Case Closure and Address List*

cc: Paul King, P & D Environmental, Inc, 55 Santa Clara Avenue, Suite 240, Oakland, CA 94610, (*sent via electronic mail to: [pdking0000@aol.com](mailto:pdking0000@aol.com)*)

Nicole Arceneaux, Chevron Environmental Management Company, 6101 Bollinger Canyon Road, Room 5119, San Ramon, CA 94583; (*Sent via electronic mail to [nicole.arceneaux@chevron.com](mailto:nicole.arceneaux@chevron.com)*)

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

Mark Detterman, ACDEH, (*sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org)*)  
Electronic File, GeoTracker

## 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.



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## **INVITATION TO COMMENT – POTENTIAL CASE CLOSURE**

**Site Name: 1400 Powell Street**  
**Site Address: 1400 Powell Street**  
**SITE CLEANUP PROGRAM CASE RO0003182**  
**GEOTRACKER GLOBAL ID T10000008441**

**April 20, 2016**

The above referenced site is a Voluntary Remedial Action Program (VRAP) case that is under the regulatory oversight of the Alameda County Department Environmental Health (ACDEH) for the investigation and cleanup of petroleum hydrocarbon vapors from an underground storage tank system. 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, ACDEH 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 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 Mark Detterman at ACEH, 1131 Harbor Bay Parkway, Alameda, CA 94502; all comments will be forwarded to the responsible parties. Comments **received by May 26, 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, Mark Detterman at 510-567-6876 or by email at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org). Please refer to ACEH case RO0003182 in any correspondence.

ARCHSTONE EMERYVILLE RESIDENTIAL LLC  
PARCEL #: 49-1317-1-1  
PO BOX 87407  
CHICAGO IL 60680-0407

CITY OF EMERYVILLE  
PARCEL #: 49-1328-5  
1333 PARK AVE  
EMERYVILLE CA 94608-3517

COMMON AREA OF TR 7398 53 - 60  
PARCEL #: 49-1542-61  
6210 STONERIDGE MALL RD #5TH  
PLEASANTON CA 94588-3291

EMERY STATION JOINT VENTURE LLC  
PARCEL #: 49-1489-14  
1120 NYE ST #400  
SAN RAFAEL CA 94901-2946

EMERYSTATION TRIANGLE II LLC  
PARCEL #: 49-1328-3-2  
1120 NYE ST #400  
SAN RAFAEL CA 94901-2946

ES EAST LLC  
PARCEL #: 49-1327-1-14  
1120 NYE ST #400  
SAN RAFAEL CA 94901-2946

OCCUPANT  
PARCEL #: 49-1327-1-11  
1400 POWELL ST  
EMERYVILLE CA 94608

OCCUPANT  
PARCEL #: 49-1327-1-14  
5885 HOLLIS ST  
EMERYVILLE CA 94608

OCCUPANT  
PARCEL #: 49-1489-14  
5858 HORTON ST  
EMERYVILLE CA 94608

OCCUPANT  
PARCEL #: 49-1328-3-2  
5812 HOLLIS ST  
EMERYVILLE CA 94608

OCCUPANT  
PARCEL #: 49-1328-5  
POWELL ST  
EMERYVILLE CA 94608

OCCUPANT  
PARCEL #: 49-1542-61  
POWELL ST  
EMERYVILLE CA 94608

OCCUPANT  
PARCEL #: 49-1318-1-2  
5772 PELADEAU ST  
EMERYVILLE CA 94608

OCCUPANT  
PARCEL #: 49-1318-7-5  
5764 PELADEAU ST  
EMERYVILLE CA 94608

OCCUPANT  
PARCEL #: 49-1319-2-2  
5745 PELADEAU ST  
EMERYVILLE CA 94608

OCCUPANT  
PARCEL #: 49-1317-1-1  
5780 HOLLIS ST  
EMERYVILLE CA 94608

RAVAN NAJMEDDIN  
PARCEL #: 49-1327-1-11  
39 MIRA LN  
ORINDA CA 94563

SCHMIER ERIC S TR & SCHMIER KENNETH J  
PARCEL #: 49-1319-1-15  
1475 POWELL ST #201  
EMERYVILLE CA 94608-2182

SCHMIER ERIC S TR & SCHMIER KENNETH J  
PARCEL #: 49-1318-7-5  
1475 POWELL ST #201  
EMERYVILLE CA 94608-2182

SCHMIER ERIC S TR & SCHMIER KENNETH J  
PARCEL #: 49-1319-2-2  
1475 POWELL ST #201  
EMERYVILLE CA 94608-2182

SCHMIER KENNETH J TR & SCHMIER ERIC S  
PARCEL #: 49-1318-1-2  
1407 POWELL ST  
EMERYVILLE CA 94608-2009

SCHMIER KENNETH J TR & SCHMIER ERIC S  
PARCEL #: 49-1318-2-2  
1407 POWELL ST  
EMERYVILLE CA 94608-2009

East Bay Municipal Utility District  
Chandra Johannesson  
P.O. Box 24055,  
Oakland, CA 94623

[cjohanne@ebmud.com](mailto:cjohanne@ebmud.com)

City of Emeryville  
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Michael Roberts  
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Emeryville CA 94608

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[nhumphrey@emeryville.org](mailto:nhumphrey@emeryville.org)

[nhumphrey@ci.emeryville.ca.us](mailto:nhumphrey@ci.emeryville.ca.us)

Cheryl Prowell  
Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay St, Ste 1400  
Oakland, CA 94612

[cmccaulou@waterboards.co.gov](mailto:cmccaulou@waterboards.co.gov)