

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

October 20, 2016

1244 2nd Avenue LLC  
Attn: Trent Moore  
740 Bay Street LLC  
Julie M. Betti  
2655 Van Ness Avenue #2  
San Francisco, CA 94109-1698  
(Sent to: [trent@shamrocksf.com](mailto:trent@shamrocksf.com))  
(Sent to: [admin@shamrocksf.com](mailto:admin@shamrocksf.com))

Victor H. and Jeanette L Chin, Trustees  
Warren Chin, Trustee  
Warren H. Chin  
Wellington R. L. Eng Jr. Trustee  
Gary A. and Helen H. Klee, Trustees  
Grace H. Loo  
Robert E. and Florence H. Louie  
1026 Cragmont Ave  
Berkeley, CA 94708-1412

Victor H. and Jeanette L Chin, Trustees  
Warren Chin, Trustee  
Warren H. Chin  
Wellington R. L. Eng Jr. Trustee  
Gary A. and Helen H. Klee, Trustees  
Grace H. Loo  
Robert E. and Florence H. Louie  
30092 Ivy Glenn Drive Ste 100  
Laguna Niguel, CA 92677-5027

Victor H. and Jeanette L Chin, Trustees  
Warren Chin, Trustee  
Warren H. Chin  
Shirley H. Eng  
Gary A. and Helen H. Klee, Trustees  
Grace H. Loo  
Robert E. and Florence H. Louie  
1026 Cragmont Ave  
Berkeley, CA 94708-1412

CBS Investments, Inc.  
Victor H. and Jeanette L Chin, Trustees  
Warren Chin, Trustee  
Warren H. Chin  
Shirley H. Eng  
Gary A. and Helen H. Klee, Trustees  
Grace H. Loo  
Robert E. and Florence H. Louie  
1026 Cragmont Ave  
Berkeley, CA 94708-1412

CBS Associates  
1026 Cragmont Ave  
Berkeley, CA 94708-1412  
  
Shirley H. Eng et al.  
28 Oakridge Ct.  
Pittsburg, CA 94565-5616  
  
Benny and Ngoot O. Chin  
1244 2<sup>nd</sup> Ave  
Oakland, CA 94606

Subject: Fuel Leak Case No. RO0003216 and GeoTracker Global ID T10000008860, 1244 2<sup>nd</sup> Avenue, Oakland, CA 94606

Dear Responsible Parties:

Alameda County Department of Environmental Health (ACDEH) is considering the above referenced site for potential case closure. As you are aware, site investigations for an underground storage tank leak have been performed at the subject property to which you are named as a primary or active responsible party. Thank you for returning the List of Landowners Form to ACDEH.

**GeoTracker Compliance**

A review of the State Water Resources Control Board's (State Water Board) GeoTracker website indicates that the report entitled "Well Survey Report" (Report), dated September 28, 2016, and prepared by Pangea Environmental Service, Inc. (Pangea) did not have a professional stamp, and therefore cannot be accepted into GeoTracker. Please upload a stamped report onto GeoTracker

and ACDEH's ftp site. In addition, other required files including electronic data files for laboratory analytical data, boring logs, and site maps for all investigative work performed have not been uploaded onto GeoTracker. Because this is a state requirement, ACDEH requests that all the above requested reports and data be uploaded to GeoTracker by **October 24, 2016**. *Failure to do this can result in delay of the closure of the site.*

Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the State Water Board GeoTracker system via the internet. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SCP programs. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please upload all required submittals to GeoTracker. Electronic reporting is described below on the attachments.

### **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, *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 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:

- **October 20, 2016** – Public Comment Period Begins
- **December 19, 2016** – Public Comment Period Ends

### **Waste Removal Activities**

After public comments have been addressed you will be requested to remove any remaining investigation, remediation, and well destruction derived waste from the site.

If you have any questions, please call me at (510) 567-6721 or send me an email message at [anne.jurek@acgov.org](mailto:anne.jurek@acgov.org). If your email address does not appear on the cover page of this notification, ACDEH is requesting that you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

Responsible Parties  
RO0003216  
October 20, 2016  
Page 3

Sincerely,

Anne Jurek, M.S.  
Professional Technical Specialist II (Geology)

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

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

cc:

Robert Clark-Ridell, Pangea, 1710 Franklin Street, Suite 200, Oakland, CA 94612  
(Sent via E-mail to: [briddell@pangeaenv.com](mailto:briddell@pangeaenv.com))

Anne Jurek, ACDEH (Sent via E-mail to: [anne.jurek@acgov.org](mailto:anne.jurek@acgov.org))

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

GeoTracker, eFile

## **Attachment 1**

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

#### **REPORT/DATA REQUESTS**

These reports/data are being requested pursuant to Division 7 of the California Water Code (Water Quality), Chapter 6.7 of Division 20 of the California Health and Safety Code (Underground Storage of Hazardous Substances), and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations (Underground Storage Tank Regulations).

#### **ELECTRONIC SUBMITTAL OF REPORTS**

ACEH's Environmental Cleanup Oversight Programs (Local Oversight Program [LOP] for unauthorized releases from petroleum Underground Storage Tanks [USTs], and Site Cleanup Program [SCP] for unauthorized releases of non-petroleum hazardous substances) require submission of reports in electronic format pursuant to Chapter 3 of Division 7, Sections 13195 and 13197.5 of the California Water Code, and Chapter 30, Articles 1 and 2, Sections 3890 to 3895 of Division 3 of Title 23 of the California Code of Regulations (23 CCR). Instructions for submission of electronic documents to the ACEH FTP site are provided on the attached "Electronic Report Upload Instructions."

Submission of reports to the ACEH FTP site is in addition to requirements for electronic submittal of information (ESI) to the State Water Resources Control Board's (SWRCB) Geotracker website. In April 2001, the SWRCB adopted 23 CCR, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1 (Electronic Submission of Laboratory Data for UST Reports). Article 12 required electronic submittal of analytical laboratory data submitted in a report to a regulatory agency (effective September 1, 2001), and surveyed locations (latitude, longitude and elevation) of groundwater monitoring wells (effective January 1, 2002) in Electronic Deliverable Format (EDF) to Geotracker. Article 12 was subsequently repealed in 2004 and replaced with Article 30 (Electronic Submittal of Information) which expanded the ESI requirements to include electronic submittal of any report or data required by a regulatory agency from a cleanup site. The expanded ESI submittal requirements for petroleum UST sites subject to the requirements of 23 CCR, Division, 3, Chapter 16, Article 11, became effective December 16, 2004. All other electronic submittals required pursuant to Chapter 30 became effective January 1, 2005. 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, 7835, 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, 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> July 25, 2012
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (petroleum UST 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 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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LOCAL OVERSIGHT PROGRAM (LOP)  
For Hazardous Materials Releases  
1131 HARBOR BAY PARKWAY, SUITE 250  
ALAMEDA, CA 94502  
(510) 567-6700  
FAX (510) 337-9335

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**INVITATION TO COMMENT – POTENTIAL CASE CLOSURE**

**1244 2nd AVENUE LLC  
1244 2<sup>nd</sup> AVENUE  
OAKLAND, CA 94606  
FUEL LEAK CASE RO0003216  
GEOTRACKER GLOBAL ID T10000008860**

**OCTOBER 20, 2016**

The above referenced site is a fuel leak case that is under the regulatory oversight of the Alameda County Environmental Health (ACEH) Local Oversight Program for the investigation and cleanup of a release of petroleum hydrocarbons from an underground storage tank system. Site investigation and cleanup activities have been completed and the site has been evaluated in accordance with the State Water Resources Control Board Low-Threat Closure Policy. The site appears to meet all of the criteria in the Low-threat Closure Policy. Therefore, ACEH is considering closure of the fuel leak case.

This notice is being sent to the current landowner in compliance with Health and Safety Code Section 25295.40. It is also 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 Anne Jurek at ACDEH, 1131 Harbor Bay Parkway, Alameda, CA 94502; all comments will be forwarded to the responsible parties. Comments **received by December 19, 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 ACDEH caseworker, Anne Jurek at 510-567-6721 or by email at [anne.jurek@acgov.org](mailto:anne.jurek@acgov.org). Please refer to ACDEH case RO0003216 in any correspondence.

Parcel_APN	Name	StreetAddress	Unit	City	Zip	Zip_4
20-127-1	1244 2ND AVE LLC & BETTI JULIE M ETAL	2655 VAN NESS AVE	2	SAN FRANCISCO CA	94109	1698
20-127-1	OCCUPANT	1244 2ND AVE		OAKLAND CA	94606	
20-127-2-1	SU LOC V	4561 EAST HIGHWAY 20		NICE CA	95464	8538
20-127-2-1	OCCUPANT	221 INTERNATIONAL BLVD		OAKLAND CA	94606	
20-127-14	LE DE H & NGUYENLE PHUONG M TRS	1311 KAINS AVE		BERKELEY CA	94702	1015
20-127-14	OCCUPANT	1238 2ND AVE		OAKLAND CA	94606	
20-128-1	LAKE MERRITT ASIAN CULTURAL ARTS CENTER AFFORDABLE	103 INTERNATIONAL BLVD		OAKLAND CA	94606	2233
20-128-2	DANG PHUONG D & NGUYEN OANH T TRS	37 LASALLE AVE		PIEDMONT CA	94611	3545
20-128-2	OCCUPANT	135 INTERNATIONAL BLVD		OAKLAND CA	94606	
20-128-3	DANG PHUONG D & NGUYEN OANH T TRS	37 LASALLE AVE		PIEDMONT CA	94611	3545
20-128-3	OCCUPANT	157 INTERNATIONAL BLVD		OAKLAND CA	94606	
20-128-4	OWYANG CASSANDRA ETAL	1050 ROSEWOOD WAY		ALAMEDA CA	94501	5634
20-128-4	OCCUPANT	1245 2ND AVE		OAKLAND CA	94606	
20-128-5	OWYANG CASSANDRA ETAL	1050 ROSEWOOD WAY		ALAMEDA CA	94501	5634
20-128-5	OCCUPANT	1245 2ND AVE		OAKLAND CA	94606	
20-128-6	OWYANG CASSANDRA ETAL	1050 ROSEWOOD WAY		ALAMEDA CA	94501	5634
20-128-6	OCCUPANT	1225 2ND AVE		OAKLAND CA	94606	
20-128-7	LAKEMOUNT LP	2295 SAN PABLO AVE		BERKELEY CA	94702	1871
20-128-7	OCCUPANT	136 E 12TH ST		OAKLAND CA	94606	
20-128-9-1	KHATRI RAJESHKUMAR	18005 WALNUT RD		CASTRO VALLEY CA	94546	1336
20-128-9-1	OCCUPANT	122 E 12TH ST		OAKLAND CA	94606	
20-128-11-1	PORTER DEVELOPMENT LLC	P O BOX 2611		DANVILLE CA	94526	7611
20-128-11-1	OCCUPANT	1240 1ST AVE		OAKLAND CA	94606	
20-130-2-2	HERSCOWITZ MORIS & JANET TRS & WEIL BEN	5020 BLUEBELL AVE		VALLEY VILLAGE CA	91607	2910
20-130-2-2	OCCUPANT	1444 1ST AVENUE PL		OAKLAND CA	94606	
20-130-2-3	LOWE RAYMOND	233 N VULCAN AVE		ENCINITAS CA	92024	2646
20-130-2-3	OCCUPANT	1430 1ST AVENUE PL		OAKLAND CA	94606	
20-130-3	KHABIRI FARZAD & MANSOUR ASIEH TRS	358 WILDWOOD AVE		PIEDMONT CA	94611	3849
20-130-3	OCCUPANT	145 E 15TH ST		OAKLAND CA	94606	
20-130-4	KL PROPERTIES 2ND AVE LLC	19872 JOHN DR		CASTRO VALLEY CA	94546	3965
20-130-4	OCCUPANT	1437 2ND AVE		OAKLAND CA	94606	
20-130-5	TIEU TONY N & TRUONG LYNN T	501 E 12TH ST		OAKLAND CA	94606	2906
20-130-5	OCCUPANT	1429 2ND AVE		OAKLAND CA	94606	
20-130-6	YU KWOK L & HELEN & OWYANG SANDY	1417 2ND AVE		OAKLAND CA	94606	1709
20-130-7	CRAWFORD ZELTE & CUBIE D	P O BOX 1524		SAN MATEO CA	94401	0876
20-130-7	OCCUPANT	1407 2ND AVE		OAKLAND CA	94606	
20-130-8	ABEROUETTE FELIX ETAL	P.O. BOX 283054		SAN FRANCISCO CA	94128	3054
20-130-8	OCCUPANT	160 INTERNATIONAL BLVD		OAKLAND CA	94606	
20-130-9	LE THINH H & HOANG CUONG K	2160 ENCINAL AVE		ALAMEDA CA	94501	4322
20-130-9	OCCUPANT	148 INTERNATIONAL BLVD		OAKLAND CA	94606	
20-130-10	WILLSON CLYDE D TR	136 INTERNATIONAL BLVD		OAKLAND CA	94606	2234
20-130-11	DANG CONG P & CAM V TRS	3365 MONTEREY BLVD		OAKLAND CA	94602	3562
20-130-11	OCCUPANT	132 INTERNATIONAL BLVD		OAKLAND CA	94606	
20-130-13-1	VISTA INTERNATIONAL LLC	41 DORMAN AVE MEZZANINE L		SAN FRANCISCO CA	94124	
20-130-13-1	OCCUPANT	1420 1ST AVENUE PL		OAKLAND CA	94606	
20-130-14	YEUNG PAUL & YUNG SIN Y ETAL	PO BOX 362317		MILPITAS CA	95036	3317
20-130-14	OCCUPANT	106 INTERNATIONAL BLVD		OAKLAND CA	94606	

SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD  
EAST BAY MUNICIPAL UTILITY DISTRICT INDUSTRIAL DISCHARGE SECTION  
CITY OF OAKLAND PUBLIC WORKS ENVIRONMENTAL SERVICES  
ALAMEDA COUNTY DEPT OF ENVIRONMENTAL HEALTH CUPA

1515 CLAY STREET SUITE 1400  
P.O. BOX 24055 MS 702 SUITE 5301  
250 FRANK H. OGAWA PLAZA  
SUSAN.HUGO@ACGOV.ORG

OAKAND CA 94612  
OAKLAND CA 94623 1055  
OAKLAND CA 94612

CHERIE MCCALOU [CMCCAULOU@WATERBOARDS.CA.GOV](mailto:CMCCAULOU@WATERBOARDS.CA.GOV)  
CHANDRA JOHANNESON [ciohanne@ebmud.com](mailto:ciohanne@ebmud.com)  
MARK JOHANNES ARNIOLA [MArniola@oaklandnet.com](mailto:MArniola@oaklandnet.com)  
SUSAN HUGO