



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

November 28, 2011

Mr. Terry Turner  
Dunne Quality Paints  
707 Glenside Circle  
Lafayette, CA 94549

Mr. Chad McNamee  
6820 Thornhill Drive  
Oakland, CA 94611

Mr. Martin Samuels  
Green City Lofts  
3676 Delmont Avenue  
Oakland, CA 94605

Mr. Martin Samuels  
Green City Lofts  
4601 W. Walnut Street  
Soquel, CA 95073

Mr. Martin Samuels  
Green City Lofts  
2715 Porter St. Suite 207  
Soquel, CA 95073

Subject: Request for Information and Site Status Update; Fuel Leak Case No. RO0000073 and Geotracker Global ID T0600101693, Dunne Quality Paints, 1007 41<sup>st</sup> Street, Oakland, CA 94608

Dear Messrs. Samuels, Turner, and McNamee:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the referenced site including the *Workplan for Offsite Groundwater Investigation*, dated January 17, 2007, and the *Workplan Addendum*, dated April 19, 2007. These appear to be the last relevant reports submitted for the case. The work plan proposed the installation of three groundwater wells and three vapor points on the Ennis property, and the work plan addendum, in response to a March 29, 2007 directive letter, proposed two additional vapor points on the Ennis property. An ACEH directive letter dated April 30, 2007 approved the proposed work with minor modifications. Based on the review of the case file and the referenced reports, ACEH requests that you address the following technical comments and send us the documents requested below.

### **TECHNICAL COMMENTS**

- 1. Request for Geotracker Compliance** – A review of the case file and the State's GeoTracker database indicates that the site remains unclaimed. Your site is out of compliance with directives from this agency. Compliance is also a state requirement. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, you are required to claim your site and subsequently transmit electronic reports and other site data. In order to regain compliance, please claim the site in Geotracker and upload all required reports and documents to both the GeoTracker website and to ACEH's ftp website. These include reports, analytical EDFs, GEO\_WELL data, GEO\_MAPs, and all GEO\_BOREs. **Compliance is required by the State and is tied to reimbursement funding by the UST Cleanup Fund.** Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. Please claim the site and initiate upload by the date specified below.
- 2. Request for Site Status Update** – The April 30, 2007 directive letter approved work proposed to be conducted on the Ennis property as noted above. To date a report has not been submitted to ACEH. ACEH requests information on the status of this work or that a copy of the resulting report be uploaded to the ACEH ftp website and to Geotracker, by the date specified below.

- 3. Request for Coordinated Groundwater Contaminant Plume Monitoring and Sampling** – The last groundwater monitoring event occurred in September 2004. In order to understand current and future conditions, to determine the effect remedial work at that site may have had at the site, and to determine if contaminant rebound, if any, may be present, ACEH requests the resumption of groundwater monitoring at the subject site using the identified analytical suite, on an initial quarterly basis. After one year of monitoring, ACEH requests that the interval be reevaluated.

Because the paleochannels have allowed the comingling of many sites, ACEH is requiring that groundwater monitoring and sampling for this site be coordinated on the same day with groundwater monitoring, sampling, and reporting for vicinity sites (Oak Walk Redevelopment Site [RO0002733], Celis Service Station [RO0000453], San Francisco French Bread Company [RO0000171], SNK Andante [RO0002533], and Oakland National Engravers [RO0000079]). By copy of this letter this requirement is provided to all the referenced sites. ACEH is requiring that groundwater monitoring, sampling, and reporting continue at these sites in accordance with the schedule below. Please submit groundwater monitoring reports by the dates identified below.

- 4. Request for Information** – A number of reports referenced in various documents do not appear to have been submitted to ACEH or to Geotracker. It appears that these documents would assist in the understanding of the site, would help inform future decisions, including the appropriateness of the offsite investigation noted above, and any necessary future actions. As a consequence, ACEH requests these documents be uploaded to the ACEH ftp website and to Geotracker. These include a Remedial Action Report, a Risk Management Plan, the final *Engineering Evaluation and Cost Analysis (EE/AA)* report, and a *Dewatering Treatment System* report apparently submitted to the SFRWQCB that documents total extracted groundwater volume.

Additional reports or other documents may also be missing. Consequently, ACEH additionally requests that the case file be reviewed for completeness. The case file for the subject site contains only the electronic files listed on the website at <http://www.acgov.org/aceh/lop/ust.htm>. ACEH requests that you submit copies of all missing subsequent reports, correspondence, data, and etc. related to environmental investigations for this site by the date identified below.

- 5. Request for Email Addresses** – If your email address is not listed on the first page of this letter, or the list of cc's below, ACEH is requesting your email address to help expedite communications and to help lower overall costs. Please provide that information in your next submittal.

### **TECHNICAL REPORT REQUEST**

Please claim the site in GeoTracker and submit appropriate documents to GeoTracker and ACEH (Attention: Mark Detterman), according to the following schedule:

- **December 16, 2011** – Claim Site in Geotracker
- **January 6, 2012** – Geotracker and ACEH ftp Website Submittal Compliance and notification of such
- **January 16, 2011** – Status Update Response
- **February 10, 2012** – Fourth Quarter 2011 Semi-Annual Groundwater Monitoring Report
- **May 4, 2012** – First Quarter 2012 Groundwater Monitoring Report
- **August 3, 2012** – Second Quarter 2012 Groundwater Monitoring Report
- **November 9, 2012** – Third Quarter 2012 Groundwater Monitoring Report, with sampling interval reevaluation

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.

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Should you have any questions, please contact 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

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

cc: Dunne Quality Paints; RO0000073:  
Green City Lofts Home Owner Association; 1007 41<sup>st</sup> Street, Oakland, CA 94608  
Timothy Bodkin, Bureau Veritas, 2430 Camino Ramon, Suite 122, San Ramon, CA 94583  
(sent via electronic mail to [timothy.bodkin@us.beuraveritas.com](mailto:timothy.bodkin@us.beuraveritas.com))

Oakland National Engravers; (RO0000079):  
Terry McGrath, McGrath Properties, 130 Webster Street, Suite 200, Oakland, CA 94607  
(sent via electronic mail to [terry@mcgrathproperties.com](mailto:terry@mcgrathproperties.com))  
Deborah Castles, McGrath Properties, 130 Webster Street, Suite 200, Oakland, CA 94607  
(sent via electronic mail to [deborah@mcgrathproperties.com](mailto:deborah@mcgrathproperties.com))  
Syed Rehan, AMEC Geomatrix, Inc., 2101 Webster Street, 12<sup>th</sup> Floor, Oakland, CA 94612  
(sent via electronic mail to [syed.rehan@amec.com](mailto:syed.rehan@amec.com))

San Francisco French Bread Company; (RO000171)  
Peter Sher, San Francisco French Bread Company, 7801 Edgewater Drive, Oakland, CA 94621  
John Tibbetts, Oak's Club Room, 4097 San Pablo Avenue, Emeryville, CA 94608

Celis Service Station; (RO0000453):  
Markus Niebanck, City of Emeryville, Economic Development & Housing Department, 1333 Park Avenue, Emeryville, CA 94608 (sent via electronic mail to [mniebanck@ci.emeryville.ca.us](mailto:mniebanck@ci.emeryville.ca.us))  
Constantino Celis, Celis Alliance, 2200 Powell St, 12<sup>th</sup> Floor, Emeryville, CA 94608  
Jacob Henry, URS Corporation, 1333 Broadway, Suite 800, Oakland, CA 94612  
(sent via electronic mail to [Jacob\\_Henry@URSCorp.com](mailto:Jacob_Henry@URSCorp.com))

SNK Andante Project (RO0002530)  
Mr. Don Peterson, SNK Captec Andante LLC, 1103 40<sup>th</sup> Street, Emeryville, CA 94608

Oak Walk Redevelopment; (RO0002733):  
Marilyn Ponte, Bay Rock Residential LLC, 1300 Clay Street, Suite 620, Oakland, CA 94612  
(sent via electronic mail to [marilyn@bay-rock.com](mailto:marilyn@bay-rock.com))  
John Tibbetts, Oak's Club Room, 4097 San Pablo Avenue, Emeryville, CA 94608  
Dai Watkins, The San Joaquin Co., 1120 Hollywood Avenue, Suite 3, Oakland, CA 94602  
(sent via electronic mail to [daiw@sanjoco.com](mailto:daiw@sanjoco.com))

Magnolia Terrace Residential (RO0003004)  
Darin Lounds, Executive Director, Housing Consortium of the East Bay, 1440 Broadway, Suite 700, Oakland, CA 94612; (sent via electronic mail to [dlounds@hceb.org](mailto:dlounds@hceb.org))

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Brianne Steinhauser, Housing Consortium of the East Bay, 1440 Broadway, Suite 700, Oakland, CA 94612 (sent via electronic mail to: [bsteinhauser@hceb.org](mailto:bsteinhauser@hceb.org))

Linda Gardener, Alameda County Housing and Community Development Department, 224 W. Winton Avenue, Room 108, Hayward, CA 94544; (sent via electronic mail to: [Linda.Gardner@acgov.org](mailto:Linda.Gardner@acgov.org))

Concerned Property Owners:

David Ennis, PO Box 10985, South Lake Tahoe, CA 96158-3985

Regulatory Contacts:

Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Suite 3341, Oakland, CA 94612-2032 (sent via electronic mail to [lgriffin@oaklandnet.com](mailto:lgriffin@oaklandnet.com))

Donna Drogos, ACEH, (sent via electronic mail to [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))

Mark Detterman, ACEH, (sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@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> July 20, 2010
	<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 (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.