



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

November 15, 2013

Mr. Gary and Ms. Karen Pearce  
c/o of Kim O' Dincel and Julie Rogers  
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Via e-mail at [jrogers@dincellaw.com](mailto:jrogers@dincellaw.com)

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190 Napoleon Street  
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Ms. Barbara Holland  
Hal Reiland, Esq.  
P.O. Box 5490  
Pleasanton, CA 94566

Ms. Ann Marie Holland and the Estate of John Holland, Sr.  
c/o Edward Martins, Esq.  
1164 A Street  
Hayward, CA 94541

Subject: Technical Report Request for Fuel Leak Case No. Fuel Leak Case RO0000084 and GeoTracker  
Global ID T0600102089, Holland Oil/Pearce Property, 900 Central Avenue, Alameda, CA 94501

Dear Ladies and Gentlemen:

Thank you for submitting the List of Landowners Form requested in Alameda County Environmental Health's (ACEH) August 26, 2013 Directive Letter. As you are aware ACEH is reviewing the fuel case file for the above referenced site for potential case closure.

### **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, ACEH has distributed 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 ACEH regarding potential case closure by January 13, 2014. ACEH will consider all comments from the public prior to potential case closure. ACEH will provide written notification if any comments are received.

### **Request for Monitoring Well Destruction Scheduling and Waste Removal**

Local Oversight Programs are required by the State's Low Threat Closure Policy (LTCP) to issue a uniform closure letter within 30 days from the end of the public comment period for case closures. Therefore, in order to meet this deadline ACEH requests that waste (as defined by the LTCP) is removed from the site, wells are destroyed, and the Well Decommissioning Report and appropriate documentation submitted within three weeks after the end date of the public comment period. In order to facilitate this tight timeframe, we advise you to schedule well destruction

and waste removal activities during the comment period so that you can mobilize to the site quickly. Please contact the Alameda County Public Works Agency at 510-567-6791 or online, to obtain the required permits. After written ACEH concurrence (e-mail or other) that there have been no comments, you would be free to proceed with well decommissioning and waste removal activities. Should we receive any public comments, there would be sufficient time to cancel and/or reschedule the well decommissioning date and avoid incurring a cost from the drilling company. Please provide notification to ACEH by the date identified below, that you have contracted a licensed drilling contractor for the decommissioning of all remaining wells at the site and provide ACEH the date of the scheduled well decommissioning and waste removal activities.

### **TECHNICAL REPORT REQUEST**

Please upload the technical report requested below to the ACEH ftp site (Attention: Karel Detterman), and to the State Resources Control Board's Geotracker website, in accordance with the specified file naming convention below, according to the following schedule:

- **November 15, 2013** – Public Comment Period Begins
- **December 14, 2013** - Confirmation of Well Decommissioning and Waste Removal Date
- **January 13, 2014** – Public Comment Period Ends
- **2 Weeks after Close of Public Comment Period** – Well Decommissioning and Waste Removal
- **3 Weeks After Close of Public Comment Period** – Submit the *Well Decommissioning Report*  
File to be named: RO84\_WELL\_DCM\_R\_yyyy-mm-dd
- **4 Weeks After Close of Public Comment Period** – ACEH issues uniform closure letter if all required documents are submitted

If you have any questions or concerns regarding this correspondence or your case, please send me an e-mail at [karel.detterman@acgov.org](mailto:karel.detterman@acgov.org) or call me at (510) 567-6708.

Sincerely,

Karel Detterman, PG  
Hazardous Materials Specialist

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

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

cc: Brian Kelleher, Kelleher and Associates (Sent via E-mail to [bkellehr@ix.netcom.com](mailto:bkellehr@ix.netcom.com))  
Julie Avanto, RRM (Sent via E-mail to: [julie@rrmsc.com](mailto:julie@rrmsc.com))

Dilan Roe, ACEH (Sent via E-mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))  
Karel Detterman, ACEH (Sent via E-mail to: [karel.detterman@acgov.org](mailto:karel.detterman@acgov.org))  
GeoTracker, Electronic Case File

# ATTACHMENT 1

## 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 [.loptoxic@acgov.org](mailto:.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 <://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 [.loptoxic@acgov.org](mailto:.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 2



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

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

**HOLLAND OIL/PEARCE PROPERTY  
900 CENTRAL AVENUE, ALAMEDA, CA 94501  
FUEL LEAK CASE RO0000084  
GEOTRACKER GLOBAL ID T0600102089**

**NOVEMBER 15, 2013**

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 fuel leak 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.swrcb.ca.gov>). Please send written comments to Karel Detterman, ACEH, 1131 Harbor Bay Parkway, Alameda, CA 94502; all comments will be forwarded to the responsible parties. Comments **received by January 13, 2014** 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, Karel Detterman at 510-567-6708 or by email at [karel.detterman@acgov.org](mailto:karel.detterman@acgov.org). Please refer to ACEH case RO0000084 in any correspondence.

COOK ELLIOTT D TR  
Parcel #: 73-392-53  
1717 SAN JOSE AVE  
ALAMEDA CA 94501

CURTIS KERRY & LORA D  
Parcel #: 73-398-47  
1316 9TH ST  
ALAMEDA CA 94501

GRIFFITH SEAN T & LISA A  
Parcel #: 73-402-7  
1317 9TH ST  
ALAMEDA CA 94501

HIESTER ORAE A TR  
Parcel #: 73-398-46  
5 LA SOMBRA CT  
ORINDA CA 94563

KENNEDY JAMES T & EVELYN  
Parcel #: 73-402-8  
1420 COURT ST  
ALAMEDA CA 94501

KRAULAND FRANK J & MARY  
Parcel #: 73-404-8  
2936 GIBBONS DR  
ALAMEDA CA 94501

KWONG KENNY Y  
Parcel #: 73-398-2  
906 CENTRAL AVE  
ALAMEDA CA 94501

NORTHERN CALIFORNIA  
Parcel #: 73-402-5-1  
PO BOX 23165  
PLEASANT HILL CA 94523

PEARCE GARY C & KAREN B  
Parcel #: 73-398-49  
885 ISLAND DR #203  
ALAMEDA CA 94502

PEARCE GARY C & KAREN B  
Parcel #: 73-398-50  
885 ISLAND DR #203  
ALAMEDA CA 94502

RESIDENT  
Parcel #: 73-392-53  
901 CENTRAL AVE  
ALAMEDA CA 94501

RESIDENT  
Parcel #: 73-398-46  
1312 9TH ST  
ALAMEDA CA 94501

RESIDENT  
Parcel #: 73-398-49  
900 CENTRAL AVE  
ALAMEDA CA 94501

RESIDENT  
Parcel #: 73-398-50  
900 CENTRAL AVE #1  
ALAMEDA CA 94501

RESIDENT  
Parcel #: 73-402-8  
1315 9TH ST  
ALAMEDA CA 94501

RESIDENT  
Parcel #: 73-402-5-1  
842 CENTRAL AVE  
ALAMEDA CA 94501

RESIDENT  
Parcel #: 73-404-8  
845 CENTRAL AVE  
ALAMEDA CA 94501

SHIELDS RORY  
Parcel #: 73-398-48  
1320 9TH ST  
ALAMEDA CA 94501

YANG JUN H & YU HUAN P  
Parcel #: 73-398-3  
910 CENTRAL AVE  
ALAMEDA CA 94501



EAST BAY MUNICIPAL UTILITY DISTRICT  
KEN MINN  
P.O. BOX 24055, OAKLAND, CA 94623  
[kminn@ebmud.com](mailto:kminn@ebmud.com)

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Planning and Building Department  
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