

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 29, 2016

Neil & Diane Goodhue  
300 Hillside Avenue  
Piedmont, CA 94611  
(Sent via electronic mail to: [goodhueproperty@aol.com](mailto:goodhueproperty@aol.com))  
(Sent via electronic mail to: [dcgoodhue@aol.com](mailto:dcgoodhue@aol.com))

Neil & Diane Goodhue  
and Edward Plant 3<sup>rd</sup>,  
300 Hillside Avenue  
Piedmont, CA 94611

Neil & Diane Goodhue  
and Edward Plant 3<sup>rd</sup>,  
Trust and Trustees  
19 Mallorca Way  
San Francisco, CA 94123  
(Sent via electronic mail to: [tplant@edwardplantcompany.com](mailto:tplant@edwardplantcompany.com))

Subject: **Site Access Request;** Fuel Leak Case No. RO0000138; Global ID # T0600102248;  
Chevron #9-0517 / Homestead Federal Savings, 3900 Piedmont Avenue, Oakland CA  
94610

Dear Mr. and Mrs. Goodhue, and Mr. Plant:

Alameda County Department of Environmental Health (ACDEH) understands that Ms. Carryl MacLeod of the Chevron Environmental Management Company, (CEMC; a Responsible Party for the subject fuel release case) and her consultant, Mr. Travis Flora with Stantec, have requested access to your property at 3900 Piedmont Avenue in Oakland to investigate the extent of residual contamination that has the potential to be of concern to site occupants. This work has been required by ACDEH. It is the understanding of ACDEH that an access agreement has been signed; however, Ms. MacLeod and Mr. Flora have informed ACDEH that the terms of access continue to be elusive. The purpose of this letter is to advise you in your decision to allow access.

In the past when your property was a gasoline service station, a petroleum hydrocarbon release occurred at the property and is known to have contaminated the soil, groundwater, and likely soil vapor beneath the site and vicinity. As a lead responsible party, CEMC is required to investigate the extent of the release(s) and to clean up the contamination to levels that are considered safe. For this reason ACDEH has required the CEMC and their consultant Stantec to investigate the presence of any residual contamination, and they have consequently requested access to undertake the investigation beneath your property.

ACDEH encourages you to work with Ms. MacLeod and Mr. Flora, and agree upon the terms necessary to allow them access to your property. If you or your tenant continue to deny access or do not respond by the date specified below, then this Agency will hold you legally responsible for the investigation required by ACDEH. You will then be required to undertake the investigation at your own expense. Since the costs for such investigations are often high, allowing access is clearly more reasonable.

Please also be aware that it appears our records have not been updated lately, and that the State of California considers all property owners who simply own a contaminated site to be Responsible Parties. Normally these changes are captured near the closure of a case, which this investigation is attempting to move the site towards. However to reflect changes in property ownership, and the apparent reluctance to allow access, ACDEH will shortly update our records and will be issuing you a *Notice of Responsibility* that notifies you of your responsibility to investigate and clean up your property as a Responsible Party. The CEMC has provided the lead in this effort until now. Please understand that this is a standard procedure required of ACDEH by the state. It is also intended to clarify your legal responsibility.

Mr. & Mrs. Goodhue and Mr. Plant  
RO0000138  
April 29, 2016, Page 2

Please reconsider the request for access and the terms of access to your property and respond to ACDEH within 10 working days from the date of this letter (**April 29, 2016**) with your decision.

Please contact me with any questions you may have 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: Ms. Carryl MacLeod, Chevron Environmental Management Co., 6101 Bollinger Canyon Road, San Ramon, CA 94583, (Sent via electronic mail to [CMacleod@chevron.com](mailto:CMacleod@chevron.com))

Travis Flora, Stantec Consulting Services, Inc, 15575 Los Gatos Blvd, Bldg C, Los Gatos, CA 95032 (Sent via electronic mail to: [Travis.Flora@Stantec.com](mailto:Travis.Flora@Stantec.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.