

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

ALEX BRISCOE, Agency Director



March 25, 2014

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

Tosco Corporation
2300 Clayton Road
Concord, CA 94520

Lois De Clercq Trust
P.O. Box 1539
Paso Robles, CA 93447

Lester Jorgenson Trust
Address Unknown

BP Oil
295 41st Street SW
Suite N
Renton, WA 98055

Subject: Notice of Responsibility, Fuel Leak Case No. RO0000281 and GeoTracker Global ID T0600101651, 1716 Webster Street, Alameda, CA 94501

Dear Ladies and Gentlemen:

In a Notice of Requirement to Reimburse dated July 27, 1994, Alfred De Clercq, Tosco Corporation, and BP Oil were notified that the above referenced site had been placed in the Local Oversight Program and that they had been named as a Responsible Party for the fuel leak case. Additional parties have been named as Responsible Parties for the fuel leak case in the attached updated NOR as defined under 23 C.C.R Sec. 2720. Please see Attachment A – Responsible Parties Data Sheet, which identifies all Responsible Parties and provides background on the unauthorized release and Responsible Party Identification.

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark E. Detterman, P.G., C.E.G.
Senior Hazardous Materials Specialist

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

Attachment A – Responsible Parties Data Sheet

cc: Dilan Roe (sent via electronic mail to dilan.roe@acgov.org)
Mark Detterman (sent via electronic mail to mark.detterman@acgov.org)
Case Electronic File, GeoTracker

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/).

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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: July 25, 2012
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: 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
 - 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 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.

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

March 25, 2014

Site Name & Address:
BP #11104
1716 WEBSTER ST
ALAMEDA, CA 94501

Local ID: RO0000281
Related ID: 3723
RWQCB ID: 01-1783
Global ID: T0600101651

All Responsible Parties

RP has been named a Primary RP – LESTER W. JORGENSON TRUST

UNKNOWN

RP has been named a Primary RP – LOIS DECLERCQ TRUST

22455 S FORK RD | SONORA, CA 95370 | No Phone Number Listed

RP has been named a Primary RP – DDJ PROPERTY HOLDING INC

2501 NORTH MAIN ST | WALNUT CREEK, CA 94597 | No Phone Number Listed

RP has been named a Primary RP – DELONG LIU

DELONG OIL, INC

2501 NORTH MAIN ST | WALNUT CREEK, CA 94597 | No Phone Number Listed

RP has been named a Primary RP – MOBIL OIL CORPORATION

UNKNOWN

RP has been named a Primary RP – ALFRED AND LOIS DECLERCQ TRUST

TOSCO CORPORATION

2300 CLAYTON ROAD | CONCORD, CA 94520 | No Phone Number Listed

RP has been named a Primary RP – SHELBY LATHROP

CONOCOPHILLIPS

76 BROADWAY | SACRAMENTO, CA 95818 | No Phone Number Listed

RP has been named a Primary RP – BP OIL

295 41ST STREET SW SUITE N | RENTON, WA 98055 | No Phone Number Listed

RP has been named a Primary RP – CHUCK CARMEL

ATLANTIC RICHFIELD COMPANY

PO BOX 1257 | SAN RAMON, CA 94583 | No Phone Number Listed

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

March 25, 2014

Responsible Party Identification Background

Alameda County Environmental Health (ACEH) names a "Responsible Party," as defined under 23 C.C.R Sec. 2720. Section 2720 defines a responsible party 4 ways. An RP can be:

1. "Any person who owns or operates an underground storage tank used for the storage of any hazardous substance."
2. "In the case of any underground storage tank no longer in use, any person who owned or operated the underground storage tank immediately before the discontinuation of its use."
3. "Any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred."
4. "Any person who had or has control over an underground storage tank at the time of or following an unauthorized release of a hazardous substance."

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

March 25, 2014

Responsible Party Identification

Existence of Unauthorized Release

On September 19, 1990, five soil samples were collected at a depth of three feet below grade beneath pump islands and product piping during a dispenser modification. Concentrations up to 3,500 milligrams per kilogram (mg/kg) Total Petroleum Hydrocarbons (TPH) as gasoline, 3.9 mg/kg benzene, and 55 mg/kg ethylbenzene were detected in soil. Additional contaminants were also detected. These data indicate that an unauthorized release had occurred.

On September 6, 2013 one 1,000-gallon waste oil underground storage tank (UST) was removed from the subject site. Two soil samples were collected beneath the UST, and one stockpile and one grab groundwater sample were also collected. Concentrations up to 30.9 mg/kg TPHd and 213 mg/kg TPHmo were detected in soil, and concentrations up to 18,200 micrograms per liter (µg/l) TPHd and 46,200 µg/l TPHmo were detected in groundwater. Additional contaminants were also detected. These data indicate that an unauthorized release had occurred.

Responsible Party Identification

The Lester W. Jorgenson Trust owned the property beginning in November 1969, and is a responsible party because it owned the property where an unauthorized release has occurred (Definition 3).

Lois M De Clercq (Lois and Alfred De Clercq, or Lois De Clercq Trust) purchased the property in April 1986 and are a responsible party because they owned the property where an unauthorized release has occurred (Definition 3).

DDJ Property Holding, Inc. purchased the property in April 2010. They are a responsible party because they owned or operated a UST immediately before its use was discontinued (Definition 2), they owned the property where an unauthorized release has occurred (Definition 3), they had control of a UST at the time of or following an unauthorized release of a hazardous substance (Definition 4).

Mobil Oil Corp. / Tosco / ConocoPhillips Co. / BP Oil / Atlantic Richfield Company owned site improvements related to the operation of a service station, which were initially installed in 1983. They are a responsible party because they owned or operated a UST used for the storage of a hazardous substance (Definition 1), they owned or operated a UST immediately before its use was discontinued (Definition 2), they had control of a UST at the time of or following an unauthorized release of a hazardous substance (Definition 4).

DeLong Oil, Inc currently owns site improvements related to the operation of a service station. They are a responsible party because they owned or operated a UST used for the storage of a hazardous substance (Definition 1), they owned or operated a UST immediately before its use was discontinued (Definition 2), they had or have control of a UST at the time of or following an unauthorized release of a hazardous substance (Definition 4).