

ALAMEDA COUNTY  
**HEALTH CARE SERVICES  
AGENCY**

COLLEEN CHAWLA, Agency 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

January 17, 2018

**LATE LETTER**

Scott Zengel  
Eighth Street Investors LLC  
c/o Signature Development Co.  
2235 Broadway, Ste. 200  
Oakland, CA 94612  
(Sent via E-mail to:  
[dmiller@signaturedevelopment.com](mailto:dmiller@signaturedevelopment.com))

Terry Wolf, Sr.  
Broadway Oak Partners, LLC  
5165 Brandin Court  
Fremont, CA 94538

John Ward  
Wells Fargo Bank  
Trust Real Estate  
P.O. Box 693939  
San Francisco, CA 94163

AF Evans  
AFE Broadway 8, LLC  
1000 Broadway, Suite 300  
Oakland, CA 90810

Nicholas Allen  
459 8th Street LLC  
c/o St. Regis Properties  
655 Redwood Highway, Suite 285  
Mill Valley, California 94941  
(Sent via E-mail to:  
[sremcho@stregisproperties.com](mailto:sremcho@stregisproperties.com))

Andrea Wing  
Equilon Enterprises LLC  
20945 S. Wilmington Ave.  
Carson, CA 90810  
(Sent via E-mail to:  
[andrea.wing@shell.com](mailto:andrea.wing@shell.com))

Subject: Fuel Leak Case No. RO0000343 and GeoTracker Global ID T0600101263, Shell, 461 8<sup>th</sup> Street, Oakland, CA 94607

**Request for Technical Report; Response Required Within 14 Days**

Dear Responsible Parties:

Alameda County Department of Environmental Health (ACDEH), in our 9 October 2017 directive letter, requested that you submit a Final Record Report of Construction no later than 15 January 2018. To date, the report has not been submitted and is late. In order to move this case towards closure, please submit the report. Failure to submit the report would place you in non-compliance status and may subject you to enforcement actions. The ACDEH requires you respond to this notice in writing within 14 days of the date of this letter and not later than 31 January 2018, informing the ACDEH of your plan to regain compliance.

ACDEH's 29 August 2016 directive letter required that you submit a Record Report of Construction no later than 28 October 2016. Your Construction Progress Report, dated 28 October 2016 and prepared by PES Environmental (PES) on your behalf, states that a Final Report would be submitted upon completion of the foundation for the new structure. The Final Report was not submitted as proposed by PES, so the ACDEH 9 October 2017 directive letter required that you submit the Final Report no later than 15 January 2018.

**TECHNICAL REPORT REQUEST**

Please upload technical reports to the State Water Resources Control Board's GeoTracker website according to the following schedule and file-naming convention:

- January 15, 2018 – Final Record Report of Construction  
File to be named: RO0343\_DEV\_R\_yyyy-mm-dd

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.

Online case files are available for review at the following website: [https://geotracker.waterboards.ca.gov/profile\\_report?global\\_id=T0600101263](https://geotracker.waterboards.ca.gov/profile_report?global_id=T0600101263). If you have any questions, please contact me at (510) 567-6721 or [robert.schultz@acgov.org](mailto:robert.schultz@acgov.org).

Sincerely,



Robert W. Schultz, CHG  
Senior Hazardous Materials Specialist

Attachment: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations

cc: Shane Olton, AECOM (Sent via e-mail to: [shane.olton@aecom.com](mailto:shane.olton@aecom.com))  
Kyle Flory, PES Environmental (Sent via e-mail to: [kflory@pesenv.com](mailto:kflory@pesenv.com))  
Dilan Roe, ACDEH, (Sent via e-mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))  
Paresh Khatri, ACDEH (Sent via e-mail to: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org))  
Robert W. Schultz, ACDEH, (Sent via e-mail to: [robert.schultz@acgov.org](mailto:robert.schultz@acgov.org))  
Electronic File, GeoTracker

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> December 14, 2017
	<b>ISSUE DATE:</b> July 25, 2012
	<b>PREVIOUS REVISIONS:</b> September 17, 2013, May 15, 2014, December 12, 2016
<b>SECTION:</b> ACDEH Procedures	<b>SUBJECT:</b> Responsible Party(ies) Legal Requirements / Obligations

**REPORT & DELIVERABLE REQUESTS**

Alameda County Department of Environmental Health (ACDEH) Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) require submission of all reports in electronic form to the State Water Board's (SWB) GeoTracker website in accordance with California Code of Regulations, Chapter 30, Division 3, Title 23 and Division 3, Title 27.

Leaking Underground Fuel Tank (LUFT) Cases

Reports and deliverable requests are 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 (RP) in conjunction with an unauthorized release from a petroleum underground storage tank (UST) system.

Site Cleanup Program (SCP) Cases

For non-petroleum UST cases, reports and deliverables requests are pursuant to California Health and Safety Code Section 101480.

ELECTRONIC SUBMITTAL OF REPORTS

A complete report submittal includes the PDF report and all associated electronic data files, including but not limited to GEO\_MAP, GEO\_XY, GEO\_Z, GEO\_BORE, GEO\_WELL, and laboratory analytical data in Electronic Deliverable Format™ (EDF). Additional information on these requirements is available on the State Water Board's website ([http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/))

- Do not upload draft reports to GeoTracker
- Rotate each page in the PDF document in the direction that will make it easiest to read on a computer monitor.

GEOTRACKER UPLOAD CERTIFICATION

Each report submittal is to include a GeoTracker Upload Summary Table with GeoTracker valid values<sup>1</sup> as illustrated in the example below to facilitate ACDEH review and verify compliance with GeoTracker requirements.

**GeoTracker Upload Table Example**

Report Title	Sample Period	PDF Report	GEO_MAPS	Sample ID	Matrix	GEO_Z	GEO_XY	GEO_BORE	GEO_WELL	EDF
<b>2016 Subsurface Investigation Report</b>	2016 S1	✓	✓	Effluent	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
<b>2012 Site Assessment Work Plan</b>	2012	✓	✓			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2010 GW Investigation Report</b>	2008 Q4	✓	✓	SB-10	W	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				SB-10-6	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				MW-1	WG	✓	✓	✓	✓	✓
				SW-1	W	✓	✓	✓	✓	✓

<sup>1</sup> GeoTracker Survey XYZ, Well Data, and Site Map Guidelines & Restrictions, CA State Water Resources Control Board, April 2005

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> NA
	<b>ISSUE DATE:</b> December 14, 2017
	<b>PREVIOUS REVISIONS:</b> September 17, 2013, May 15, 2014, December 12, 2016
<b>SECTION:</b> ACDEH Procedures	<b>SUBJECT:</b> Responsible Party(ies) Legal Requirements / Obligations

ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to the State Water Board's GeoTracker website." This letter must be signed by the Responsible Party, or legally authorized representative of the Responsible Party.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6731, 6735, and 7835) 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 licensed or certified professional and include the professional registration stamp, signature, and statement of professional certification. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

UNDERGROUND STORAGE TANK CLEANUP FUND

For LUFT cases, RP's non-compliance with these regulations may result in ineligibility to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse the cost of cleanup. Additional information is available on the internet at: [https://www.waterboards.ca.gov/water\\_issues/programs/ustcf/](https://www.waterboards.ca.gov/water_issues/programs/ustcf/)

AGENCY OVERSIGHT

Significant delays in conducting site assessment/cleanup or report submittals may result in referral of the case to the Regional Water 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.