



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. Don Peterson  
SNK Captec Andante LLC  
1103 40<sup>th</sup> Street  
Emeryville, CA 94608

Markus Niebanck  
City of Emeryville  
1333 Park Avenue  
Emeryville, CA 94608  
(sent via electronic mail to:  
[mniebanck@ci.emeryville.ca.us](mailto:mniebanck@ci.emeryville.ca.us))

Condo Owners Assoc.  
1121 40th St.  
Emeryville, CA 94608

Subject: Request for Geotracker Compliance, Spills, Leaks, Investigations and Cleanup (SLIC) case file #RO0002530 (Global ID # T06019738255), SNK Andante Project, 3992 San Pablo Avenue, Emeryville CA

Dear Responsible Parties:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Corrective Action Report*, dated August 2003, and the *Environmental Closure Report – Andante Project*, dated March 25, 2007. These reports were prepared and submitted on your behalf by The San Joaquin Company, Inc. (SJC). For this letter ACEH has also reviewed reports for neighboring sites including the Oak Walk Redevelopment (RO0002733), the Celis Service Station (RO0000453), and the San Francisco French Bread Company (SFFBC; RO0000171). ACEH is also familiar with upgradient sites (Oakland National Engravers, RO0000079; and Dunne Quality Paints, RO0000073) that have been demonstrated to have impacted and comingled with contaminants at each of these downgradient sites via preferential pathways including paleochannels. Thank you for submitting the reports. Based on ACEH staff review of the case file, we request that you address the following technical comments and send us the reports described below.

### **TECHNICAL COMMENTS**

- 1. Electronic Report and Data Upload Compliance** – A review of the case file and the State's Geotracker database indicates that the site is not in compliance with previous directive letters. Compliance is also a State requirement. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SLIC programs. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites was required in GeoTracker. At present missing data and documents include, but may not be limited to, older reports, all EDF submittals, site specific GEO\_MAPS, GEO\_WELL data, survey data to Geotracker standards, and all bore logs. Electronic reporting is additionally described below in Attachment 1. Please upload all submittals to GeoTracker as well as to ACEH's ftp website, provide written notification and a copy of the upload list by the date specified below.
- 2. Status of Well MW-8 and Coordinated Groundwater Monitoring and Sampling** – Well MW-8 was last sampled in September 2005. ACEH requests a status update report for the well and that the well be redeveloped and resampled to gauge for the potential of rebound in groundwater concentrations since that time; initial on a 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 adjacent sites (Celis Service Station [RO0000453], San Francisco French Bread Company [RO0000171], Oak Walk Redevelopment Site [RO0002733], Dunne Quality Paints [RO0000073], and Oakland National Engravers [RO0000079]). By copy of this letter this requirement is provided to adjacent sites. ACEH is requiring that groundwater monitoring, sampling, and reporting continue at these sites in accordance with the schedule below. Please submit a report on the results of this request, including tables, maps, and other appropriate data, by the dates identified below.

- 3. Deed Restriction** – As a precursor to future site closure, ACEH will require that a deed restriction based on the ACEH County Model Deed Restriction be filed with the County Assessor's Office. A copy of the ACEH Model Deed Restriction is attached for your review. SNK Andante filed a deed restriction on December 21, 2004; unfortunately it does not follow the County Model Deed Restriction, does not provide ACEH with control of any subsequent revocation, and thus is not an acceptable notice to the deed for the intended purpose of informing future owners or occupants.

Because the Model Deed Restriction contains standardized language the language is not alterable, except in selected and indicated sections. As a consequence, ACEH requests your review of the Model Deed Restriction, generation of proposed language and inserts for the indicated sections, and submittal of the proposed language by the date identified below.

- 4. Request for Email Addresses** – If your email address is not listed on the first page of this letter, or in 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 submit the following deliverable to ACEH (Attention: Mark Detterman), according to the following schedule:

- **December 2, 2011** – Geotracker & ACEH ftp Website Submittal Compliance and notification of such
- **February 10, 2012** – Fourth Quarter 2011 Semi-Annual Groundwater Monitoring Report
- **May 4, 2012** – First Quarter 2012 Groundwater Monitoring Report
- **June 29, 2012** – Correspondence - Proposed Model Deed Restriction Language
- **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.

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

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

cc: Dunne Quality Paints; (RO0000073):

Terry Turner, Dunne Quality Paints, 707 Glenside Circle, Lafayette, CA 94549  
Chad McNamee, 6820 Thornhill Drive, Oakland, CA 94611  
Martin Samuels, Green City Lofts, 3076 Delmont Avenue, Oakland, CA 94605  
Martin Samuels, Green City Lofts, 4601 W. Walnut Street, Soquel, CA 95073  
Martin Samuels, Green City Lofts, 2715 Porter Street, Suite 207, Soquel, CA 95073  
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; (RO0000171)

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  
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))

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)

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))

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))  
Brienne 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))

Responsible Parties

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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

**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.