

ALAMEDA COUNTY
**HEALTH CARE SERVICES
AGENCY**

REBECCA GEBHART, Interim 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

December 1, 2016

Mr. David Kasirer
WAC Enterprise FHS
c/o Western Avenue Capital Management, Inc.
8247 W. 4th Street,
Los Angeles, CA 90048, CA 94605
(Sent via E-mail to: dkasirer@westernavecap.com)

Subject: Case File Review for Site Cleanup Case No. RO0002580 and GeoTracker Global ID SL18344764, Young's Cleaners, 10700 MacArthur Boulevard, Oakland, CA 94605

Dear Mr. Kasirer:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the Site Cleanup case file for the above referenced site including the recently submitted documents entitled, "*Indoor Air Sampling Work Plan*," dated November 22, 2016 (Work Plan). The Work Plan was prepared to provide more details to the additional indoor air sampling which will include resampling at the former Anna's Linen tenant space, as well as the suite currently occupied by Rainbow Apparel, which is the location where the former dry cleaners existed.

TECHNICAL COMMENTS

Based on our review of the Work Plan, ACDEH concurs with the proposed work, provided the following comments are incorporated and addressed during the field implementation:

- 1) At the time of sampling, the Building Survey Form [referenced as Appendix L of the Department of Toxic Substances Control, California Environmental Protection Agency (DTSC) *Final Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air* (DTSC Guidance)] must be completed and indoor air will be screened as described in the DTSC Guidance.
- 2) The Building Screening Form (referenced as Appendix M in the DTSC Guidance) must also be completed.
- 3) Provide clarification as to whether there are partitions within the Rainbow Apparel suite. If partitions exist, then the proposed sample locations will require to be adjusted to provide locations that are representative of the breathing space within the entire unit.
- 4) All other methods and procedures associated with the proposed indoor air sampling event should be performed in accordance with the above-mentioned DTSC Guidance.

TECHNICAL REPORT REQUEST

Please submit technical reports to the ACDEH ftp site using the designations indicated below according to the following schedule, which was also referenced in our email directive dated October 21, 2016:

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- **No later than December 16, 2016** – Perform Indoor Air Sampling
- **January 23, 2017** – Additional Indoor Air Sampling Report
File to be named: SWI_R_yyyy-mm-dd RO2580

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at kit.soo@acgov.org. Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Sincerely,

Kit Soo, California PG 8957
Senior Hazardous Materials Specialist

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

cc: Jonathan Kasirer, WAC Enterprise FHS, LLC, c/o Western Avenue Capital Management, Inc., 8247 W. 4th Street, Los Angeles, CA 90048 (*Sent via E-mail to: jkasirer@westernavecap.com*)

Joshua Kaplan, WAC Enterprise FHS, LLC, c/o Western Avenue Capital Management, Inc., 8247 W. 4th Street, Los Angeles, CA 90048 (*Sent via E-mail to: jkaplan@westernavecap.com*)

John Jay, Management Agent, Jay-Phares Corporation, 107000 MacArthur Blvd., Suite 200, Oakland, CA 94605 (*Sent via E-mail to: johnjay@jayphares.com*)

Jeremy Smith, AEI Consultants, 2500 Camino Diablo, Suite 100, Walnut Creek CA 94597 (*Sent via E-mail to: jasmith@aeiconsultants.com*)

Peter McIntyre, AEI Consultants, 2500 Camino Diablo, Suite 100, Walnut Creek CA 94597 (*Sent via E-mail to: pmcintyre@aeiconsultants.com*)

Dilan Roe, ACDEH (*Sent via E-mail to: dilan.roe@acgov.org*)

Paresh Khatri, ACDEH (*Sent via E-mail to: paresh.khatri@acgov.org*)

Kit Soo, ACDEH (*Sent via E-mail to: kit.soo@acgov.org*)

GeoTracker, eFile

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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) for more information on these requirements.

PERJURY 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 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, 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: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions


The Alameda County Environmental Cleanup Oversight Programs (LOP 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) Open File Explorer using the Windows  key + E keyboard shortcut.
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) On the address bar, type in ftp://alcoftp1.acgov.org.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
 - d) Click Log On.
 - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - f) 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.