

## Detterman, Mark, Env. Health

---

**From:** Shrago, Amy, BOS Dist 5  
**Sent:** Monday, April 30, 2012 4:03 PM  
**To:** Detterman, Mark, Env. Health; Drogos, Donna, Env. Health  
**Cc:** Levi, Ariu, Env. Health  
**Subject:** RE: Oakwalk, Emeryville

Thanks for getting back to me and for your thorough response.

Amy Shrago  
Health & Legislative Policy Analyst  
Alameda County Supervisor Keith Carson's Office

---

**From:** Detterman, Mark, Env. Health  
**Sent:** Monday, April 30, 2012 3:51 PM  
**To:** Shrago, Amy, BOS Dist 5; Drogos, Donna, Env. Health  
**Cc:** Levi, Ariu, Env. Health  
**Subject:** RE: Oakwalk, Emeryville

Amy,

I wanted to get this back to you today, it took a bit longer than I had thought. Regardless, it has been standard procedure for deed restrictions (Alameda County, Regional Board, State Water Resource Control Board) to be issued at the end of cleanup once the remaining contamination concentrations are known and understood, and once the agency is satisfied that no or very limited additional changes (or public health threats) are likely. The Oak Walk site is a very complex site due to the comingling of seven soil and groundwater contamination plumes. Four contamination release sites directly affect (contaminate) this site; however, up to seven sites and their plumes are comingled in some manner over a distance of approximately 1,500 feet (a huge distance in this field). The Oak Walk Development occupies a significant portion of this area. The developers of Oak Walk will point out that their site had no sources of contamination; however, the Oak Walk development encompasses a portion of one site that did release contamination while the current parcel configurations were specifically drawn to exclude a portion of a second more highly contaminated site (it remains immediately adjacent to Oak Walk and significantly contaminates Oak Walk parcels; it caused ACEH to request further remediation of the contamination in November 2011). A Corrective Action Plan (CAP) had previously been generated and fully implemented for Oak Walk after a required 30-day public participation period was conducted. Unfortunately the remedial efforts were not successful in meeting the stated objectives, and ACEH requested further remediation in November 2011. CAP revisions and any considerations for closure will also require a public comment period and implementation.

At present ACEH has a "request for funds" letter to allow us to continue to provide oversight of the project and because of that financial situation I have not been able to review several recent submittals (mid March 2012) that have been provided in response to the November 2011 ACEH request for further remediation of the contamination. At present they are delinquent; however, I received an email mid last week to let me know that a check would be sent; however, I have not been notified that it has been received or cashed. Assuming this confirmation will be received shortly, ACEH will be able to review the submittals and determine the next appropriate steps to take.

In the interim, I have taken a brief look at one of the documents, and rather than detailing proposed additional remediation of the contamination, a risk assessment was submitted, potentially setting up a public health disagreement on the significance of remaining (significant) contamination on the Oak Walk residential property. Health risk arguments become highly technical, exacting, and time consuming. Review of proposed deed restrictions must also wait resolution of this very technical process, which typically includes multiple iterative written communications between parties, so that public health (for these residential townhomes / condos) is protective. Some guide as to the time between responses can be gained by the time from between the November 28, 2011 ACEH letter and the March 15, 2012 response submittal by the Oak Walk consultant. While not necessarily satisfying, predicating a timeline for a deed restriction can be very

difficult as many elements are outside ACEH control. However, and critically, that said, ACEH does intend on moving forward in the review of the documents in a timely fashion once it is able.

I've also attached copies of recent letters ACEH issued to all the sites involved in the comingled contaminant plume problem. Hopefully they'll provide some insight.

Should you have questions, do let me know.

Best,

*Mark Detterman  
Senior Hazardous Materials Specialist, PG, CEG  
Alameda County Environmental Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502  
Direct: 510.567.6876  
Fax: 510.337.9335  
Email: mark.detterman@acgov.org*

*PDF copies of case files can be downloaded at:*

*<http://www.acgov.org/aceh/lop/ust.htm>*

---

**From:** Shrago, Amy, BOS Dist 5  
**Sent:** Thursday, April 26, 2012 1:07 PM  
**To:** Detterman, Mark, Env. Health; Drogos, Donna, Env. Health  
**Subject:** Oakwalk, Emeryville

Mark & Donna,

Our office was contacted by Bay Rock Residential (Marilyn Ponte) this week in regards to their Oakwalk property in Emeryville.

What is the timeline is for their Deed Restriction and Closure Letter?

Thanks,

**Amy Shrago**  
**Health & Legislative Policy Analyst**  
Alameda County Supervisor Keith Carson's Office  
1221 Oak Street, Suite 536 • Oakland, CA 94612  
P: 510.272.6685 | F: 510.271.5151  
[amy.shrago@acgov.org](mailto:amy.shrago@acgov.org) | [www.acgov.org/board/district5/](http://www.acgov.org/board/district5/) | [www.facebook.com/keithcarsondotorg](http://www.facebook.com/keithcarsondotorg)

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**  
AGENCY  
ALEX BRISCOE, Director



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

Ms. Marilyn Pointe  
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))

Mr. John Tibbetts  
Oak's Club Room  
4097 San Pablo Avenue  
Emeryville, CA 94608

Mr. Peter Sher  
San Francisco French Bread Company  
7801 Edgewater Drive  
Oakland, CA 94621

Subject: Request for FS/CAP, Geotracker Compliance, and Groundwater Monitoring, for Spills, Leaks, Investigations and Cleanup (SLIC) case file #RO0002733 (Global ID # T06019705080), Oak Walk Redevelopment Site, 4090 San Pablo Avenue, Emeryville CA 94608

Dear Ms. Pointe & Messrs. Tibbetts and Sher:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Results of Preliminary Subsurface Investigation*, dated April 29, 2004, the *Environmental Site Characterization*, dated April 2005, the *Corrective Action Plan*, dated July 17, 2006, the *Addendum to Corrective Action Plan*, dated November 2006, the *Remediation Report*, dated August 31, 2009, and the *Groundwater Quality Monitoring Reported, September 2010*, dated November 11, 2010. These reports were prepared and submitted on your behalf by The San Joaquin Company, Inc. (SJC). These are the principal documents associated with the site; however, additional not unsubstantial documents within the file were also reviewed. Thank you for submitting the reports.

The site was assembled from a number of parcels and occupies portions of two former parcels that were the location of two known environmental release sites within the Local Oversight Program (LOP) overseen by ACEH (Celis Service Station; LOP Case No. RO0000453; and the San Francisco French Bread Company; LOP Case No. RO0000171). The site has also been contaminated by substantial concentrations of mineral spirits which appear to have been released at several sites in an upgradient direction (Dunne Quality Paints; LOP Case No. RO0000073; and Oakland National Engravers [ONE]; LOP Case No. RO0000079), and which appear to have largely flowed through paleochannel conduits that have been mapped in some detail in most of the referenced reports (ACEH does make note that significant granular soil layers are present outside the mapped locations of the paleochannels such that the channels appear to be well interconnected by the granular soil layers starting at the approximate depth of 10 feet below grade surface [bgs]; thus ACEH does not anticipate that contaminant migration has been confined exclusively to the paleochannels). The migration of mineral spirits through the paleochannel network appears to have additionally and substantially impacted groundwater beneath several residential homes along 41<sup>st</sup> Street immediately east of the subject site, as well as the SNK Andante Project site to the south of the subject site, across 40<sup>th</sup> Street (RO0002530).

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, older EDF submittals (including soil gas data), GEO\_MAPS, GEO\_WELL data, survey data to Geotracker standards, and all bore logs. Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. 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. Request for Feasibility Study / Corrective Action Plan (FS/CAP)** – ACEH has been generally in agreement with the approach used at the site given the uncertainty of achieving contaminant reductions after onsite remediation at a site that is extensively affected by upgradient sources which are not within the control of project proponents. However, onsite sources (the San Francisco French Bread Company site [RO0000171], nominally the Celis Service Station site [RO0000453], and perhaps an unknown onsite source in the vicinity of well cluster MW-16) of gasoline hydrocarbon contamination have not been as amenable to reductions as previously anticipated.

While a number of the CAP goals were achieved, the presence of a groundwater TPHg plume with elevated concentrations beneath the subject site indicates not all CAP goals were achieved and that additional focused corrective actions are warranted at the site. Review of Figures 20 and 21 of the most recent groundwater monitoring report (*Quality Monitoring Reported, September 2010, November 2010*) depicts groundwater TPHg and benzene plumes which appear to be sourced downgradient of the San Francisco French Bread Company site, and upgradient of the Celis Service Station site. Recent concentrations of up to 64,000 µg/l TPHg (significantly in excess of other TPHg detections at the site which may be related to a lighter fraction of mineral spirits) and 18,000 µg/l benzene have been reported to underlie some of the more vulnerable housing stock identified in several reports. ACEH also notes that the lateral extent of gasoline related contaminants (TPHg and BTEX) are laterally undefined beneath 40<sup>th</sup> Street, which may leave housing stock at SNK Andante less protected relative to these volatile compounds, or may allow these contaminants to flow through unknown conduits in or beneath 40<sup>th</sup> Street. Thus it appears appropriate to undertake and focus additional work on apparent remaining residual sources at the site.

At this time a Feasibility Study/Corrective Action Plan (FS/CAP) prepared in accordance with Title 23, California Code of Regulations, Section 2725 appears warranted. The FS/CAP must include a concise background of soil and groundwater investigations, cleanup, and mitigation alternatives performed in connection with this case and an assessment of the residual impacts of the chemicals of concern (COCs) for the site and the surrounding area where the unauthorized release has migrated or may migrate. The FS/CAP should also include, but is not limited to, a detailed description of site lithology, including soil permeability, and most importantly, contamination cleanup levels and cleanup goals, in accordance with the San Francisco Regional Water Quality Control Board (SFRWQCB) Basin Plan and appropriate ESL guidance for all site derived COCs and for the appropriate groundwater designation. Please note that soil cleanup levels should ultimately (within a reasonable timeframe) achieve water quality objectives (cleanup goals) for groundwater in accordance with the SFRWQCB Basin Plan. Please specify appropriate cleanup levels and cleanup goals in accordance with 23 CCR Section 2725, 2726, and 2727 in the FS/CAP.

The FS/CAP must evaluate at least three viable alternatives for remedying or mitigating the actual or potential adverse affects of the unauthorized release(s) besides the 'no action' and 'monitored natural attenuation' remedial alternatives. Each alternative shall be evaluated not only for cost-effectiveness but also its timeframe to reach cleanup levels and cleanup goals, and ultimately the Responsible Party must propose the most cost-effective corrective action.

ACEH requests the submittal of a FS/CAP, inclusive of the lateral definition of fuel hydrocarbon contaminants, by the date identified below to undertake pilot testing of potential remedial options at the site.

- 3. Request for Preferential Pathway Survey** – A preferential pathway survey (a utility and well survey) does not appear to have been conducted for this site, and is appropriate in consideration of the undefined lateral extent of gasoline contamination beneath 40<sup>th</sup> Street as noted above. In addition to the previously mentioned paleochannel conduits, utilities or foundational conduits can also provide preferential pathways for the migration of contamination and based on reporting appear to have done so at the SNK Andante site. Thus utility or foundation conduits may also play a role in the location of the groundwater fuel hydrocarbon plume that appears located beneath the Oak Walk Redevelopment and beneath 40<sup>th</sup> Street. As a consequence, ACEH requests the submittal of a preferential pathway study by the date identified below. A similar request is included in a co-issued ACEH letter to Responsible Parties associated with the Celis Service Station (RO0000453) and SFFBC (RO0000171) sites; communication and cooperation with those parties would likely be beneficial to all parties. Please conduct the survey as a part of the requested FS/CAP.

The purpose of the preferential pathway study is to locate potential migration pathways and conduits and determine the probability of a groundwater plume encountering preferential pathways and conduits that could spread contamination. We request that you perform a preferential pathway study that details the potential migration pathways and potential conduits (utilities, utility laterals, pipelines, foundational, and etc.) for vertical and lateral migration that may be present in the vicinity of the site.

Discuss your analysis and interpretation of the results of the preferential pathway study (including the detailed well survey and utility survey requested below) and report your results in the report requested below. The results of your study shall contain all information required by California Code of Regulations, Title 23, Division 3, Chapter 16, §2654(b).

- a. Utility Survey** - An evaluation of all utility lines, utility laterals, and trenches (including sewers, storm drains, pipelines, trench backfill, foundation backfill, etc.) within and near the site and plume area(s) is required as part of your study. Please assimilate, reduce, and synthesize available information and maps, and generate appropriate (vicinity and / or site specific) maps and cross-sections illustrating the location and depth of all utility lines and trenches within and near the site and plume areas(s) as part of your study.
  - b. Well Survey** - The preferential pathway study shall include a detailed well survey of all wells (monitoring and production wells: active, inactive, standby, decommissioned (sealed with concrete), abandoned (improperly decommissioned or lost); and dewatering, drainage, and cathodic protection wells) within a ¼ mile radius of the subject site. As part of your detailed well survey, please perform a background study of the historical land uses of the site and properties in the vicinity of the site. Use the results of your background study to determine the existence of unrecorded/unknown (abandoned) wells, which can act as contaminant migration pathways at or from your site. Please review and submit copies of historical maps, such as Sanborn maps, aerial photographs, etc., when conducting the background study.
- 4. Coordinated Groundwater Contaminant Plume Monitoring and Sampling** – The most recent groundwater monitoring event occurred in September 2010. In order to understand current and future conditions, and to determine if contaminant rebound, if any, may be present, ACEH requests the resumption of groundwater monitoring at the site using the identified analytical suite, on an initial 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 vicinity sites (Celis Service Station [RO0000453], San Francisco French Bread Company [RO0000171], SNK Andante [RO0002533], Dunne Quality Paints [RO0000073], and Oakland National Engravers [RO0000079]). By copy of this letter this requirement is provided to all of the referenced sites. ACEH is requiring that groundwater monitoring, sampling, and reporting continue at these sites in accordance with the schedule below. Please submit groundwater monitoring reports by the dates identified below.

- 5. 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 listed 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
- **January 30, 2012** – FS/CAP Report with Preferential Pathway Survey
- **February 10, 2012** – Fourth Quarter 2011 Semi-Annual Groundwater Monitoring Report
- **May 4, 2012** – First Quarter 2012 Groundwater Monitoring Report
- **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):

Mr. Don Peterson, SNK Captec Andante LLC, 1103 40<sup>th</sup> Street, 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))

Oak Walk Redevelopment; (RO0002733):

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))  
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.



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

RO0002530

November 28, 2011, Page 4

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.





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. Terry Turner  
Dunne Quality Paints  
707 Glenside Circle  
Lafayette, CA 94549

Mr. Chad McNamee  
6820 Thornhill Drive  
Oakland, CA 94611

Mr. Martin Samuels  
Green City Lofts  
3676 Delmont Avenue  
Oakland, CA 94605

Mr. Martin Samuels  
Green City Lofts  
4601 W. Walnut Street  
Soquel, CA 95073

Mr. Martin Samuels  
Green City Lofts  
2715 Porter St. Suite 207  
Soquel, CA 95073

Subject: Request for Information and Site Status Update; Fuel Leak Case No. RO0000073 and Geotracker Global ID T0600101693, Dunne Quality Paints, 1007 41<sup>st</sup> Street, Oakland, CA 94608

Dear Messrs. Samuels, Turner, and McNamee:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the referenced site including the *Workplan for Offsite Groundwater Investigation*, dated January 17, 2007, and the *Workplan Addendum*, dated April 19, 2007. These appear to be the last relevant reports submitted for the case. The work plan proposed the installation of three groundwater wells and three vapor points on the Ennis property, and the work plan addendum, in response to a March 29, 2007 directive letter, proposed two additional vapor points on the Ennis property. An ACEH directive letter dated April 30, 2007 approved the proposed work with minor modifications. Based on the review of the case file and the referenced reports, ACEH requests that you address the following technical comments and send us the documents requested below.

### **TECHNICAL COMMENTS**

- 1. Request for Geotracker Compliance** – A review of the case file and the State's GeoTracker database indicates that the site remains unclaimed. Your site is out of compliance with directives from this agency. Compliance is also a state requirement. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, you are required to claim your site and subsequently transmit electronic reports and other site data. In order to regain compliance, please claim the site in Geotracker and upload all required reports and documents to both the GeoTracker website and to ACEH's ftp website. These include reports, analytical EDFs, GEO\_WELL data, GEO\_MAPs, and all GEO\_BOREs. **Compliance is required by the State and is tied to reimbursement funding by the UST Cleanup Fund.** Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. Please claim the site and initiate upload by the date specified below.
- 2. Request for Site Status Update** – The April 30, 2007 directive letter approved work proposed to be conducted on the Ennis property as noted above. To date a report has not been submitted to ACEH. ACEH requests information on the status of this work or that a copy of the resulting report be uploaded to the ACEH ftp website and to Geotracker, by the date specified below.

- 3. Request for Coordinated Groundwater Contaminant Plume Monitoring and Sampling** – The last groundwater monitoring event occurred in September 2004. In order to understand current and future conditions, to determine the effect remedial work at that site may have had at the site, and to determine if contaminant rebound, if any, may be present, ACEH requests the resumption of groundwater monitoring at the subject site using the identified analytical suite, on an initial 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 vicinity sites (Oak Walk Redevelopment Site [RO0002733], Celis Service Station [RO0000453], San Francisco French Bread Company [RO0000171], SNK Andante [RO0002533], and Oakland National Engravers [RO0000079]). By copy of this letter this requirement is provided to all the referenced sites. ACEH is requiring that groundwater monitoring, sampling, and reporting continue at these sites in accordance with the schedule below. Please submit groundwater monitoring reports by the dates identified below.

- 4. Request for Information** – A number of reports referenced in various documents do not appear to have been submitted to ACEH or to Geotracker. It appears that these documents would assist in the understanding of the site, would help inform future decisions, including the appropriateness of the offsite investigation noted above, and any necessary future actions. As a consequence, ACEH requests these documents be uploaded to the ACEH ftp website and to Geotracker. These include a Remedial Action Report, a Risk Management Plan, the final *Engineering Evaluation and Cost Analysis (EE/AA)* report, and a *Dewatering Treatment System* report apparently submitted to the SFRWQCB that documents total extracted groundwater volume.

Additional reports or other documents may also be missing. Consequently, ACEH additionally requests that the case file be reviewed for completeness. The case file for the subject site contains only the electronic files listed on the website at <http://www.acgov.org/aceh/lop/ust.htm>. ACEH requests that you submit copies of all missing subsequent reports, correspondence, data, and etc. related to environmental investigations for this site by the date identified below.

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

- **December 16, 2011** – Claim Site in Geotracker
- **January 6, 2012** – Geotracker and ACEH ftp Website Submittal Compliance and notification of such
- **January 16, 2011** – Status Update Response
- **February 10, 2012** – Fourth Quarter 2011 Semi-Annual Groundwater Monitoring Report
- **May 4, 2012** – First Quarter 2012 Groundwater Monitoring Report
- **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.

Messrs. Samuels, Turner, and McNamee  
RO0000073  
November 28, 2011, Page 3

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, PG, CEG  
Senior Hazardous Materials Specialist

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

cc: Dunne Quality Paints; RO0000073:  
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; (RO000171)  
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

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

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))

Messrs. Samuels, Turner, and McNamee  
RO0000073  
November 28, 2011, Page 4

Brianne 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))

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

## 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> 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.



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

**NOTICE TO COMPLY**

Mr. Edward Kozel  
Oakland National Engravers  
Edward & Elizabeth Kozel Trust  
20 Oak Knoll Drive  
Healdsburg, CA 95448-3108

Mr. Robert Kovalak  
ICI Paints  
16654 W. Sprague Rd.  
Strongsville, OH 44136

Ms. Deborah Castles  
McGrath Properties  
130 Webster Street, Suite 200  
Oakland, CA 94607  
(sent via electronic mail to  
[deborah@mcgrathproperties.com](mailto:deborah@mcgrathproperties.com))

Subject: Notice to Comply - Overdue Reports and Request for Coordinated Groundwater Monitoring; Fuel Leak Case No. RO0000079 (Geotracker Global ID #T0600101659), Oakland National Engravers (ONE), 1001 42<sup>nd</sup> Street, Oakland, CA

Dear Messrs. Kozel and Kovalak, and Ms. Castle:

Alameda County Environmental Health (ACEH) staff has reviewed the case file and the *Groundwater Monitoring Report*, dated June 3, 2011; prepared and submitted on your behalf by AMEC Geomatrix (AMEC). Thank you for the report; however, this letter must also communicate that other reports are now overdue. This renders the site out of compliance with ACEH directives. A pilot test study report, with an original September 3, 2010 submittal deadline was twice extended to a June 17, 2011 deadline, and has not yet been received. A Data Gap Work Plan is also overdue and had an original submittal deadline of July 23, 2010, but also received two extensions. Both are now significantly overdue and no communication has been provided as to the submittal status of those reports. The purpose of ACEH's December 16, 2010 letter was also to request submittal of these documents.

The referenced groundwater monitoring report indicates that Light Non-Aqueous Phase Liquid (LNAPL) was encountered in three wells, one onsite near the downgradient property line, and two downgradient of the downgradient property line. These wells are the most closely associated with the site (BES-1, MW-B1, and MW-B2). The onsite well BES-1 contained the thickest presence of LNAPL, up to 0.53 feet. Conversely offsite wells MW-B1 and MW-B2 contained between 0.05 and 0.1 feet, and are approximately 75 feet apart. While MW-B4 contained 470 µg/l TPHms, is located between these two wells, the presence of LNAPL can be characterized as wide spread. Groundwater collected in wells located in the general downgradient direction (MW-B3, C-1, C-2, and C-3), appear to yield non-detectable concentrations of the site. However, of likely significance, these wells are located downgradient of several utility conduits (in 40<sup>th</sup> and in Adeline Streets) that have been identified as probable preferential conduits capable transporting contamination (LNAPL or elevated groundwater concentrations), and remain unevaluated for this potential (See the report labeled COND\_WELL\_R\_2004-05-18 in the electronic case file for Dunne Quality Paints [RO0000073]).

Based on ACEH staff review, we have the following technical comments and request that the following items be sent to us as described below.



### **TECHNICAL COMMENTS**

1. **Overdue Pilot Study Report** – This submittal has received at least two extensions and remains overdue. ACEH requires submittal of the pilot test by the date identified below. Please note this letter is not an extension; this report is still considered late.
2. **Overdue Data Gap Work Plan** – This submittal has received at least two extensions and remains overdue. ACEH requires submittal of the pilot test by the date identified below. Please note this letter is not an extension; this report is still considered late.
3. **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, older EDF submittals, GEO\_MAPS, GEO\_WELL data, and all bore logs. **Compliance is required by the State and is tied to reimbursement funding by the UST Cleanup Fund.** Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. 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.
4. **Coordinated Groundwater Contaminant Plume Monitoring and Sampling** – The most recent groundwater monitoring event occurred in September 2010. In order to understand current and future conditions, ACEH requests the resumption of groundwater monitoring at the site using the identified analytical suite, on an initial 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 with groundwater monitoring, sampling, and reporting for adjacent sites (Celis Service Station [RO0000453], San Francisco French Bread Company [RO0000171], Oak Walk Redevelopment Site [RO0002733], SNK Andante [RO0002533], and Dunne Quality Paints [RO0000073]). 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 groundwater monitoring reports by the dates identified below.

5. **Request for Email Addresses** – If your email address is not listed on the first page of this letter, or on 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 technical reports to Alameda County Environmental Health (Attention: Mr. Mark Detterman), according to the following schedule:

- **December 12, 2011** – Geotracker & ACEH ftp Website Submittal Compliance and notification of such
- **January 9, 2012** - Pilot Study Report

- **January 9, 2012** – Data Gap Work Plan (Additional on- and off-site investigation [utility mains and laterals, additional sources, and offsite investigations])
- **February 10, 2012** – Fourth Quarter 2011 Semi-Annual Groundwater Monitoring Report
- **90 Days After Data Gap Work Plan Approval** – Submittal of Soil and Groundwater (Data Gap) Investigation
- **May 4, 2012** – First Quarter 2012 Groundwater Monitoring Report
- **August 3, 2012** – Second Quarter 2012 Groundwater Monitoring Report
- **November 9, 2012** – Third Quarter 2012 Groundwater Monitoring Report, with sampling interval reevaluation

Reports are 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, PG, CEG  
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, Dunn Quality Paints, 707 Glenside Circle, Lafayette, CA 94549  
Chad McNamee, 6820 Thornhill Drive, Oakland, CA 94611  
Green City Lofts Home Owner Association; 1007 41<sup>st</sup> Street, Oakland, CA 94608  
Martin Samuels, Green City Lofts, 3675 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  
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))  
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))

Oak Walk Redevelopment; (RO0002733):

Mr. 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))  
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

SNK Andante Project; (RO0002530):

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

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))  
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 Owner:

Dave 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))

Sunil Ramdass, State Water Resource Control Board, Underground Storage Tank Cleanup Fund, P.O. Box 944212, Sacramento, CA 94244-2120,  
(sent via electronic mail to [sramdass@waterboards.ca.gov](mailto:sramdass@waterboards.ca.gov))

Donna Drogos, (sent via electronic mail to [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))

Mark Detterman (sent via electronic mail to [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))

GeoTracker, Electronic Case File

## 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.swrcb.ca.gov/ust/electronic\\_submittal/report\\_rqmts.shtml](http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml)).

#### 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 [dehloptoxic@acgov.org](mailto:dehloptoxic@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 [dehloptoxic@acgov.org](mailto:dehloptoxic@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.



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

Constantino Celis  
Celis Alliance  
2200 Powell St, 12<sup>th</sup> Floor  
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))

Subject: Request for Work Plan; Fuel Leak Case No. RO0000453; (Global ID # T0600101794);  
Celis Service Station, 4000 San Pablo Avenue, Emeryville, CA 94608

Dear Messrs. Celis and Niebanck:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Monitoring Well Installation at Former Celis Alliance Service Station*, dated August 29, 2007, and the *First Quarter 2010 Groundwater Monitoring*, dated May 26, 2010. Both were prepared and submitted on your behalf by the URS Corporation. For this letter ACEH has also reviewed reports for neighboring sites including the Oak Walk Redevelopment (RO0002733), the SNK Andante Redevelopment (RO0002430), 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 comeingled with contaminants at each of these downgradient sites via preferential pathways including paleochannels.

Progress in site and vicinity understanding and remediation has occurred since submittal of the referenced 2007 report; however, several data gaps are apparent that warrant additional investigation. As a consequence ACEH requests the submittal of a Work Plan to address data gaps identified by this agency, as well as others that may be found by your consultant. Based on ACEH staff review of the case files, 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. 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, recent (as well as older) reports, older EDF submittals, GEO\_WELL data, well survey data to Geotracker standards, and all bore logs. Compliance is required by the State and is tied to reimbursement funding by the UST Cleanup Fund. Please upload all submittals to GeoTracker as well as to ACEH's ftp server by the date specified below. Please also provide written notification and a copy of the upload list. Electronic reporting is additionally described below in Attachment 1.

- 2. Request for Updated Conduit Survey** – A conduit survey has been previously initiated and the results presented in the *Additional Investigation at Former Celis Alliance Service Station*, dated May 31, 2006. Two utility conduits of potential interest were located in San Pablo Avenue, a sewer main and storm drain; both were described as potential preferential pathways in the report, while shallower electrical (street lighting and traffic signal controls) were not. A utility map of San Pablo Avenue was included as Appendix D of the referenced report. Conversely a utility survey of 40<sup>th</sup> Street does not appear to have been undertaken as a discussion of utilities, or a map of utilities, in 40<sup>th</sup> Street has not been found. Additionally, utilities in both streets have not been further investigated to determine if they are acting as preferential pathways, and if they may be allowing the migration of contaminated groundwater to areas not understood or not under observation. This is a standing request from the October 12, 2006 directive letter.

These observations can be important. Previously submitted figures (see for example Figure 3 in the referenced report, and Figures 4 and 7 in the previously cited August 2007 report) appear to suggest conduits in both streets may allow preferential migration of contaminants away from the site vicinity. The detection of gasoline-related contaminants in downgradient well LF-MW-4 at higher concentrations than currently detected upgradient closer to the site can arguably additionally suggest the influence and presence of a utility preferential pathway along 40<sup>th</sup> Street. As a consequence ACEH requests, by the date identified below, an updated conduit survey to better understand the potential for preferential pathways beneath both streets in the site vicinity.

The purpose of the preferential pathway study is to locate potential migration pathways and conduits and determine the probability of a groundwater plume encountering preferential pathways and conduits that could spread contamination. We request that you perform a preferential pathway study that details the potential migration pathways and potential conduits (utilities, utility laterals, pipelines, foundational, and etc.) for vertical and lateral migration that may be present in the vicinity of the site.

Discuss your analysis and interpretation of the results of the preferential pathway study (including the well survey and utility survey requested below) and report your results in the report requested below. The results of your study shall contain all information required by California Code of Regulations, Title 23, Division 3, Chapter 16, §2654(b).

- a. Utility Survey** - An evaluation of all utility lines, utility laterals, and trenches (including sewers, storm drains, pipelines, trench backfill, foundation backfill, etc.) within and near the site and plume area(s) is required as part of your study. Please reduce, and synthesize available information and maps, and generate appropriate (vicinity and / or site specific) maps and cross-sections illustrating the location and depth of all utility lines and trenches within and near the site and plume areas(s) as part of your study.
  - b. Well Survey** - The preferential pathway study is requested to include a well survey of all wells (monitoring and production wells: active, inactive, standby, decommissioned (sealed with concrete), abandoned (improperly decommissioned or lost); and dewatering, drainage, and cathodic protection wells) within a ¼ mile radius of the subject site.
- 3. Request for Work Plan for Lateral Definition of the Groundwater Plume** – At present the majority of wells being monitored at the site and vicinity are west of the identified potential conduits in San Pablo Avenue. Well WCEW-1 (redesignation of EW-1 by The San Joaquin Company) located at the northeast corner of San Pablo Avenue and 40<sup>th</sup> Street, appears to be the only well monitoring groundwater near the former site (well MW-5 monitors an area upgradient of the Celis site, in vicinity of an identified paleochannel). All other wells are located west of potential utility conduits which may in part be responsible for lower concentrations west of the utilities. Groundwater concentrations of gasoline related contaminants in WCEW-1 appear to be undergoing notable decreases that in part may be related to redevelopment activities at the Oak Walk Redevelopment (*Groundwater Quality Monitoring Report, September 2010*, The San Joaquin Company, November 11, 2010); however, significant gasoline related contamination appears to remain beneath that redevelopment (see Figures 20 and 21 of the referenced report). Because the plumes depicted in these figures are in part upgradient of the Celis site, they may be partially related to the SFFBC USTs; however, the lack of southerly lateral definition of contaminants illustrated on these figures can be inferred to be



associated with the Celis site. This may leave the SNK Andante Redevelopment at risk to migration of contaminants in groundwater related to residual soil concentrations beneath the Celis (in 40<sup>th</sup> Street, or in groundwater from the SFFBC) site. Additionally, the unresolved utility preferential pathway conduit data gap may also in part allow migration of undocumented contaminants from these plumes to migrate further offsite in unknown ways.

ACEH also observes that a partial transect has been provided by the installation of wells MW-3 and MW-4 to the southwest, but notes that a distance of approximately 130 feet exists between these wells, and that former well MW-2 from the East Baybridge Redevelopment was previously located between the two wells and at one time contained significant concentrations. While it is anticipated that concentrations may have reduced since the last sampling event at that well (December 1995), the position of the well can suggest preferential pathways such as the continuation of the identified paleochannels. As a consequence ACEH requests, by the date identified below, a work plan to investigate the lateral and downgradient extent of fuel hydrocarbon releases associated with the Celis site, inclusive of the effect of utility conduits on plume migration. This is a standing request from a previous letter. The use of conductivity survey profiles may in part be appropriate; they have been useful in identifying paleochannel conduits beneath the California Linen site (RO0000337) at 989 41<sup>st</sup> Street, Oakland.

- 4. Request for Coordinated Groundwater Contaminant Plume Monitoring and Sampling** – The last groundwater monitoring event occurred in March 2010, with the recommendation to await developments associated with the work at the Oak Walk site. Remedial actions at that site were finished in early 2009. In order to understand current and future conditions, to determine the effect remedial work at that site may have had at the Celis site, and to determine if contaminant rebound, if any, may be present, ACEH requests the resumption of groundwater monitoring at the subject site using the identified analytical suite, on an initial 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 vicinity sites (Oak Walk Redevelopment Site [RO0002733], San Francisco French Bread Company [RO0000171], SNK Andante [RO0002533], Dunne Quality Paints [RO0000073], and Oakland National Engravers [RO0000079]). By copy of this letter this requirement is provided to all the referenced sites. ACEH is requiring that groundwater monitoring, sampling, and reporting continue at these sites in accordance with the schedule below. Please submit groundwater monitoring reports by the dates identified below.

- 5. 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
- **January 30, 2012** – Work Plan and Conduit Survey
- **February 10, 2012** – Fourth Quarter 2011 Semi-Annual Groundwater Monitoring Report
- **May 4, 2012** – First Quarter 2012 Groundwater Monitoring Report
- **August 3, 2012** – Second Quarter 2012 Groundwater Monitoring Report
- **November 9, 2012** – Third Quarter 2012 Groundwater Monitoring Report, with sampling interval reevaluation

Messrs. Celis and Niebanck  
RO0000453  
November 28, 2011, Page 4

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

Celis Service Station; (RO0000453):

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):

Mr. Don Peterson, SNK Captex Andante LLC, 1103 40<sup>th</sup> Street, 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))

Oak Walk Redevelopment; (RO0002733):

Marilyn Ponte, Bay Rock Residential LLC, 1300 Clay Street, Suite 620, Oakland, CA 94612

Messrs. Celis and Niebanck  
RO0000453  
November 28, 2011, Page 5

(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))

Brianne 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))

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.



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

May 18, 2011

Mr. Donald Miller  
California Linen Supply Co.  
2104 Magnolia Way  
Walnut Creek, CA 94595  
(sent via electronic mail to [donaldaym@comcast.net](mailto:donaldaym@comcast.net))

Barbara R. Miller et al Trust  
989 41<sup>st</sup> Street  
Oakland, CA 94608

Subject: Work Plan Approval With Modifications; Fuel Leak Case No. RO0000337; (Global ID # T0600100249); California Linen Supply Company, 989 41<sup>st</sup> Street, Oakland, California, 94509

Dear Mr. Miller:

Alameda County Environmental Health Department (ACEH) staff has reviewed the case file, including the *Subsurface Investigation Work Plan* dated April 27, 2011, which was prepared and submitted on your behalf by P&D Environmental, Inc (P&D). Thank you for submitting the work plan.

Based on ACEH staff review of the work plan the proposed scope of work is conditionally approved for implementation provided that the technical comments below are incorporated during the proposed field investigation. Submittal of a revised work plan or a work plan addendum is not required unless an alternate scope of work outside that described in the work plan or technical comments below is proposed. We request that you address the following technical comments, perform the proposed work, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to: [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org)) prior to the start of field activities.

### **TECHNICAL COMMENTS**

- 1. Request for Verification of Temporary Vapor Point Locations** – The work plan proposes to install temporary soil gas probes at locations containing a higher permeability as identified by proposed Resistivity Profile No. 4. ACEH requests communication of the approximate final locations, prior or concurrent with the field mobilization. This may take the form of a revised site plan and explanation, or written communication (email) that there have been no large changes to the planned locations; whichever is most appropriate.
- 2. Request for Soil Samples from 40<sup>th</sup> Street Bores** – ACEH notes that soil samples are not proposed to be collected from soil bores B89 to B91, to be installed in the backyards of homes along 40<sup>th</sup> Street in conjunction with permanent soil gas wells. Because a number of hydrocarbon compounds have been discharged at the site and the lateral extent of impacts is not fully defined, it appears reasonable to collect additional soil analytical data. Consequently, ACEH requests that soil samples be collected and submitted for analysis at signs of impacted soil (discolored soil, olfactory observations, PID readings) or from the capillary fringe if none of these are observed (in addition to those required for logging bore lithology).
- 3. Additional Soil Gas Analytical Suite** – As a consequence of the broader (and somewhat indeterminate) range of hydrocarbons that appear to have impacted the site and vicinity ACEH requests the inclusion of additional analytes in the soil gas surveys. In addition to vapor analysis for TPHg and MBTEX, ACEH additionally requests inclusion of analysis for heavier ranged hydrocarbons (such as diesel, heating oil, etc.).

This is anticipated to allow some separation of sources, and is in accordance with the June 16, 2009 DTSC *Interim Guidance, Evaluating Human Health Risks from Total Petroleum Hydrocarbons (TPH)*. Additionally, to better understand the subsurface vapor environment please additionally analyze for the atmospheric gases of nitrogen, oxygen, and carbon dioxide, as well as methane, by appropriate methodologies.

4. **Offsite Access Issues** – ACEH notes and is in concurrence with delay of soil, groundwater, and soil vapor sampling at 972 and 966 40<sup>th</sup> Street, pending the results of the proposed investigation. To assist in the coordination of offsite access to 996, 990, and 984 40<sup>th</sup> Street, ACEH will send an offsite access request letter to these residents.

#### **TECHNICAL REPORT REQUEST**

Please submit technical reports to Alameda County Environmental Health (Attention: Mr. Mark Detterman), according to the following schedule:

- **August 19, 2011** – Subsurface Investigation Report

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, do not hesitate to call me at (510) 567-6876.

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: Paul King, P&D Environmental, Inc, 55 Santa Clara Avenue, Suite 240, Oakland, CA 94610  
(sent via electronic mail to [PDKing0000@aol.com](mailto:PDKing0000@aol.com))

Leroy Griffin, Oakland Fire Department 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032  
(sent via electronic mail to [lgriffin@oaklandnet.com](mailto:lgriffin@oaklandnet.com))

Donna Drogos (sent via electronic mail to [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))  
Mark Detterman (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> 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.

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**  
AGENCY  
ALEX BRISCOE, Director



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. Peter Sher  
San Francisco French Bread Co.  
7801 Edgewater Drive  
Oakland, CA 94621

Mr. John Tibbetts  
Oak's Club Room  
4097 San Pablo Avenue  
Emeryville, CA 94608

Ms. Marilyn Pointe  
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))

Ms. 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))

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

Subject: Request for Work Plan; Fuel Leak Case No. RO0000171; (Global ID # T0600101186);  
San Francisco French Bread Company, 4070 San Pablo Avenue, Emeryville, CA 94608

Dear Messrs. Sher, Tibbetts, Lounds, Niebanck, and Ms. Pointe:

Alameda County Environmental Health (ACEH) staff has reviewed the case file, inclusive of reports generated by The San Joaquin Company (SJC) for the Oak Walk Redevelopment site (RO0002733), which now occupies a substantial portion of the former San Francisco French Bread (SFFBC) property, as well as those generated by the SJC for the SNK Andante Redevelopment (RO0002530). Included in this review were the *Results of Preliminary Subsurface Investigation*, dated April 29, 2004, the *Environmental Site Characterization*, dated April 2005, the *Corrective Action Plan*, dated July 17, 2006, the *Addendum to Corrective Action Plan*, dated November 2006, the *Remediation Report*, dated August 31, 2009, and the *Groundwater Quality Monitoring Reported, September 2010*, dated November 11, 2010. Each of these reports were prepared and submitted by the SJC for Oak Walk site proponents.

As has been discussed briefly in previous letters from ACEH, and more extensively in reports from the SJC, in addition to site-derived contaminants, the SFFBC site appears to have been contaminated by substantial concentrations of mineral spirits which appear to have been released at several sites in an upgradient direction (Dunne Quality Paints; LOP Case No. RO0000073; and Oakland National Engravers; LOP Case No. RO0000079). These contaminants appear to have largely flowed through paleochannel conduits (buried course-grained former streambeds) that have been mapped in some detail in most of the referenced reports. The migration of mineral spirits through the paleochannel network appears to have additionally and substantially impacted groundwater beneath several residential homes along 41<sup>st</sup> Street immediately north of the subject site, as well as the SNK Andante Project site to the south of the subject site, across 40<sup>th</sup> Street (RO0002530).

Progress in site and vicinity understanding and remediation has occurred since submittal of early reports for the subject site; however, several data gaps are apparent that warrant additional investigation. As a consequence ACEH requests the submittal of a Work Plan to address identified data gaps, as well as others that may be found by your consultant. Based on ACEH staff review of the case files, 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. 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, recent (as well as older) reports, a substantial portion of EDF submittals, GEO\_WELL data, and all bore logs. Compliance is required by the State and is tied to reimbursement funding by the UST Cleanup Fund. 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. Request for Feasibility Study / Corrective Action Plan (FS/CAP)** – ACEH has been generally in agreement with the approach used at the Oak Walk Redevelopment of a portion of this site given the uncertainty of achieving contaminant reductions after onsite remediation at a site that is extensively affected by upgradient sources which are not within the control of project proponents. However, remaining onsite gasoline hydrocarbon contamination potentially related to the San Francisco French Bread Company site [RO0000171], to the Celis Service Station site [RO0000453], or perhaps an unknown onsite source in the vicinity of well cluster MW-16, have not been as amenable to reductions as previously anticipated.

While a number of the Oak Walk Redevelopment CAP goals were achieved, the presence of a groundwater TPHg plume with elevated concentrations beneath the subject site indicates not all CAP goals were achieved and that additional focused corrective actions are warranted at the site. A review of Figures 20 and 21 of the most recent groundwater monitoring report (*Quality Monitoring Reported, September 2010, November 2010*, for the Oak Walk site) depicts groundwater TPHg and benzene plumes which appear to be downgradient (west) of the SFFBC site. Gradient changes appear to have occurred beneath vicinity sites after the removal and backfilling of the paleochannel beneath the SNK Andante Redevelopment site, and the subsequent and redundant installation of two clay plugs in that paleochannel (apparently changing flow from a southwest to westerly direction). Recent concentrations of up to 64,000 µg/l TPHg (significantly in excess of other TPHg detections at the site which may be related to the lighter fraction of mineral spirits) and 18,000 µg/l benzene have been reported to underlie some of the more vulnerable housing stock identified in several reports for the Oak Walk site. ACEH also notes that the lateral extent of gasoline related contaminants (TPHg and BTEX) are laterally undefined beneath 40<sup>th</sup> Street, which may leave housing stock at SNK Andante less protected relative to these volatile compounds, or may allow these contaminants to flow through unknown conduits in or beneath 40<sup>th</sup> Street. Thus it appears appropriate to undertake and focus additional work on apparent remaining residual contamination associated in part with the SFFCB site. (Please note that ACEH is aware that the mapped groundwater plumes may additionally be associated with the Celis Service Station site; however, do appear to be somewhat upgradient of the Celis site. As a consequence, this request is not currently requested of the Celis site).

At this time a Feasibility Study/Corrective Action Plan (FS/CAP) prepared in accordance with Title 23, California Code of Regulations, Section 2725 appears warranted. The FS/CAP must include a concise background of soil and groundwater investigations, cleanup, and mitigation alternatives performed in connection with this case and an assessment of the residual impacts of the chemicals of concern (COCs) for the site and the surrounding area where the unauthorized release has migrated or may migrate. The FS/CAP should also include, but is not limited to, a detailed description of site lithology, including soil permeability, and most importantly, contamination cleanup levels and cleanup goals, in accordance with the San Francisco Regional Water Quality Control Board (SFRWQCB) Basin Plan and appropriate ESL guidance for all site derived COCs and for the appropriate

groundwater designation. Please note that soil cleanup levels should ultimately (within a reasonable timeframe) achieve water quality objectives (cleanup goals) for groundwater in accordance with the SFRWQCB Basin Plan. Please specify appropriate cleanup levels and cleanup goals in accordance with 23 CCR Section 2725, 2726, and 2727 in the FS/CAP.

The FS/CAP must evaluate at least three viable alternatives for remedying or mitigating the actual or potential adverse affects of the unauthorized release(s) besides the 'no action' and 'monitored natural attenuation' remedial alternatives. Each alternative shall be evaluated not only for cost-effectiveness but also its timeframe to reach cleanup levels and cleanup goals, and ultimately the Responsible Party must propose the most cost-effective corrective action.

A similar request for a FS/CAP is included in a co-issued ACEH letter to Responsible Parties associated with the Oak Walk Redevelopment site; communication and cooperation with those parties would likely be beneficial to both parties. Please submit the FS/CAP survey by the date identified below.

- 3. Request for Conduit Survey – Request for Preferential Pathway Survey** – A preferential pathway survey (a utility and well survey) does not appear to have been conducted for this site, and is appropriate in consideration of the undefined lateral extent of gasoline contamination beneath 40<sup>th</sup> Street as noted above. In addition to the previously mentioned paleochannel conduits, utilities or foundational conduits can also provide preferential pathways for the migration of contamination and based on reporting appear to have done so at the SNK Andante site. Thus utility or foundation conduits may also play a role in the location of the groundwater fuel hydrocarbon plume that appears located beneath the Oak Walk Redevelopment and beneath 40<sup>th</sup> Street. As a consequence, ACEH requests the submittal of a preferential pathway study by the date identified below. A similar request is included in a co-issued ACEH letter to Responsible Parties associated with the Celis Service Station (RO0000453) and the Oak Walk Redevelopment (RO0002733) sites; communication and cooperation with those parties would likely be beneficial to all parties. Please conduct the survey as a part of the requested FS/CAP.

The purpose of the preferential pathway study is to locate potential migration pathways and conduits and determine the probability of a groundwater plume encountering preferential pathways and conduits that could spread contamination. We request that you perform a preferential pathway study that details the potential migration pathways and potential conduits (utilities, utility laterals, pipelines, foundational, and etc.) for vertical and lateral migration that may be present in the vicinity of the site.

Discuss your analysis and interpretation of the results of the preferential pathway study (including the detailed well survey and utility survey requested below) and report your results in the report requested below. The results of your study shall contain all information required by California Code of Regulations, Title 23, Division 3, Chapter 16, §2654(b).

- a. Utility Survey** - An evaluation of all utility lines, utility laterals, and trenches (including sewers, storm drains, pipelines, trench backfill, foundation backfill, etc.) within and near the site and plume area(s) is required as part of your study. Please assimilate, reduce, and synthesize available information and maps, and generate appropriate (vicinity and / or site specific) maps and cross-sections illustrating the location and depth of all utility lines and trenches within and near the site and plume areas(s) as part of your study.
  - b. Well Survey** - The preferential pathway study shall include a well survey of all wells (monitoring and production wells: active, inactive, standby, decommissioned (sealed with concrete), abandoned (improperly decommissioned or lost); and dewatering, drainage, and cathodic protection wells) within a ¼ mile radius of the subject site.
- 4. Coordinated Groundwater Contaminant Plume Monitoring and Sampling** – The most recent groundwater monitoring event occurred in September 2010. In order to understand current and future conditions, and to determine if contaminant rebound, if any, may be present, ACEH requests the

resumption of groundwater monitoring at the site using the identified analytical suite, on an initial 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 vicinity sites (Celis Service Station [RO0000453], Oak Walk Redevelopment Site [RO0002733], SNK Andante [RO0002533], Dunne Quality Paints [RO0000073], and Oakland National Engravers [RO0000079]). By copy of this letter this requirement is provided to all of the referenced sites. ACEH is requiring that groundwater monitoring, sampling, and reporting continue at these sites in accordance with the schedule below. Please submit groundwater monitoring reports by the dates identified below.

- 5. 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
- **January 30, 2012** – FS/CAP Report with Preferential Pathway Survey
- **February 10, 2012** – Fourth Quarter 2011 Semi-Annual Groundwater Monitoring Report
- **May 4, 2012** – First Quarter 2012 Groundwater Monitoring Report
- **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):

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; (RO00002530):

Mr. Don Peterson, SNK Captec Andante LLC, 1103 40<sup>th</sup> Street, 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))

Oak Walk Redevelopment; (RO0002733):

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))  
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



Messrs. Sher, Tibbetts, Lounds, Niebanck, and Ms. Pointe

RO0000171

November 28, 2011, Page 6

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.