



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

April 11, 2013

Mr. Ron Silberman  
1240 Powell Street LLC  
5835 Doyle Street, Suite 101  
Emeryville, CA 94608  
(sent via electronic mail to:  
[RonS51@yahoo.com](mailto:RonS51@yahoo.com))

Mr. Sean Absher  
1240 Powell St LLC  
44 Montgomery St # 4200  
San Francisco, CA 94104

Mr. Frank Garza  
Garza & Associates  
Unknown Address

Subject: Public Participation Notification for Case Closure Consideration; Fuel Leak Case No. RO0002869 and Geotracker, Global ID # Geotracker Global ID T06019727624, Garza & Associates, 1240 Powell St., Emeryville CA 94608

Dear Messrs. Silberman, Absher, and Garza:

Alameda County Environmental Health (ACEH) is reviewing the fuel case file for the above referenced site for potential case closure. As you are aware a site investigation and groundwater monitoring for underground storage tank leaks has been performed at the subject property to which you are named as the primary or active responsible party.

#### **List of Landowners Form**

A *List of Landowners Form* has previously been sent in the March 28, 2013 directive letter. Please be aware that pursuant to Section 25297.15 (a), ACEH Alameda cannot consider site closure, issue a closure letter, or make a determination that no further action is appropriate until all current record owners of fee title to the site of the proposed action have been notified of the proposed action by the primary or active responsible party. ACEH is required to notify the primary or active responsible party of their requirement to certify in writing to the local agency that the notification requirement in the above-mentioned regulation has been satisfied and to provide the local agency with a complete mailing list of all record fee title owners.

To satisfy this requirement, please complete the previously issued *List of Landowners Form*, and mail it back to ACEH by the date identified below. Your comments, if any, must be considered prior to the proposed closure. Please respond within 30 days from the date of this letter for your comments to be considered.

#### **Site Management Requirements**

ACEH has reviewed the case for possible closure under a commercial land use scenario with the following site management requirements:

“This fuel leak case has been evaluated for closure consistent with the State Water Resources Control Board Low-Threat Underground Storage Tank Closure Policy (LTCP). Based on this evaluation, no site management requirements appear to be necessary.

Excavation or construction activities in areas of residual contamination require planning and implementation of appropriate health and safety procedures by the responsible party prior to and during excavation and construction activities.”

#### **Public Participation**

Public participation is a requirement for the case closure process. In order to notify potentially affected members of the public of the potential fuel leak case closure, ACEH has distributed the attached

*Notification of Potential Case Closure* to addresses in the immediate vicinity. The *Notification of Potential Case Closure* requests that landowners or residents submit any comments or questions to ACEH regarding potential case closure by June 11, 2013. ACEH will consider all comments from the public prior to potential case closure.

### **Request for Monitoring Well Destruction Scheduling**

As part of an attempt to expedite closures, and with the recognition that coordination of well decommissioning is a long lead item, ACEH requests that you schedule well decommissioning for approximately two weeks after closure of the public comment period for the site. Please contact the Alameda County Public Works Agency at 510.567.6791 or online, to obtain the required permits. **After written ACEH concurrence (email or other) that there have been no comments, and provided ACEH receives the required *List of Landowners Form* as is described above, you would be free to proceed.** Should there be public comments, then there would be sufficient time to cancel (and / or reschedule) the date and not incur a cost from the drilling company. Please provide notification to ACEH by the date identified below, that you have contracted a licensed drilling contractor for the decommissioning of all remaining wells at the site.

### **TECHNICAL REPORT REQUEST**

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

- **May 3, 2013** – Return of *List of Landowner Form*
- **May 3, 2013** - Confirmation of Scheduled Well Decommissioning

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>  
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.

If your email address is not listed on the first page of this letter, ACEH is requesting your email address to help expedite communications and to help lower overall costs. Please provide that information in the next submittal.

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: Norman Ozaki, Nozaki & Associates, 3390 Dwight Way, Berkeley, CA 94704 (sent via electronic mail to [nozaki472@gmail.com](mailto:nozaki472@gmail.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/DATA REQUESTS

These reports/data are being requested pursuant to Division 7 of the California Water Code (Water Quality), Chapter 6.7 of Division 20 of the California Health and Safety Code (Underground Storage of Hazardous Substances), and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations (Underground Storage Tank Regulations).

### ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (Local Oversight Program [LOP] for unauthorized releases from petroleum Underground Storage Tanks [USTs], and Site Cleanup Program [SCP] for unauthorized releases of non-petroleum hazardous substances) require submission of reports in electronic format pursuant to Chapter 3 of Division 7, Sections 13195 and 13197.5 of the California Water Code, and Chapter 30, Articles 1 and 2, Sections 3890 to 3895 of Division 3 of Title 23 of the California Code of Regulations (23 CCR). Instructions for submission of electronic documents to the ACEH FTP site are provided on the attached "Electronic Report Upload Instructions."

Submission of reports to the ACEH FTP site is in addition to requirements for electronic submittal of information (ESI) to the State Water Resources Control Board's (SWRCB) Geotracker website. In April 2001, the SWRCB adopted 23 CCR, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1 (Electronic Submission of Laboratory Data for UST Reports). Article 12 required electronic submittal of analytical laboratory data submitted in a report to a regulatory agency (effective September 1, 2001), and surveyed locations (latitude, longitude and elevation) of groundwater monitoring wells (effective January 1, 2002) in Electronic Deliverable Format (EDF) to Geotracker. Article 12 was subsequently repealed in 2004 and replaced with Article 30 (Electronic Submittal of Information) which expanded the ESI requirements to include electronic submittal of any report or data required by a regulatory agency from a cleanup site. The expanded ESI submittal requirements for petroleum UST sites subject to the requirements of 23 CCR, Division, 3, Chapter 16, Article 11, became effective December 16, 2004. All other electronic submittals required pursuant to Chapter 30 became effective January 1, 2005. Please visit the SWRCB website for more information on these requirements: ([http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)).

### PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

### PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 7835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

### UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, late reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

### AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> July 25, 2012
	<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 (petroleum UST and SCP) require submission of all reports in electronic form to the county's FTP site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

## REQUIREMENTS

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as a **single Portable Document Format (PDF) with no password protection.**
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- **Signature pages and perjury statements must be included and have either original or electronic signature.**
- **Do not password protect the document.** Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:

RO#\_Report Name\_Year-Month-Date (e.g., RO#5555\_WorkPlan\_2005-06-14)

## Submission Instructions

- 1) Obtain User Name and Password
  - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
    - i) Send an e-mail to [deh.loptoxic@acgov.org](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.



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**PUBLIC NOTIFICATION OF POTENTIAL  
CASE CLOSURE OF FUEL LEAK CASE  
Garza & Associates  
April 11, 2013**

**Site Name: Garza & Associates  
Site Location: 1240 Powell Street,  
Emeryville, CA 94608  
Fuel Leak Case RO0002869 and GeoTracker  
Global ID T06019727624**

**Summary** – This fact sheet has been prepared to inform community members and other interested parties of potential case closure for a fuel leak case at 1240 Powell Street, located at the corner of Powell Street and Vallejo Street in Emeryville, California (see attached map on back). The property is currently developed by an office building.

The site was previously operated as a gasoline service station from the late 1950s to 1974, when the service station was demolished along with the associated underground storage tanks (USTs): two 6,000-gallon fuel USTs, one 2,000-gallon fuel UST, one 550-gallon waste oil UST, and one 10,000-gallon fuel UST. Subsequent to the 1974 tank removals, a 4,000-gallon UST was installed at the site and was used to fuel delivery trucks from the mid-1980s to November 1991.

The first documented soil sampling event at the site occurred during the 1991 removal of the 4,000-gallon UST. No petroleum hydrocarbons were detected. A 2001 Phase I indicated that based on the lack of soil sampling from the 1974 removals, a potential for petroleum contamination existed at the site. In a 2002 site investigation, eight soil borings were advanced in areas of former USTs and soil and grab groundwater samples were collected. Total Petroleum Hydrocarbons as gasoline (TPHg) and Total Petroleum Hydrocarbons as diesel (TPHd)

were both detected in groundwater at a concentration of 1,400 parts per billion (ppb). The only detections of petroleum hydrocarbons in soil also occurred during this event; TPHg and TPHd were detected at concentrations of 47 parts per million (ppb) and 5.8 ppm, respectively. Subsequent activities at the site have included the installation of three monitoring wells and the installation of two additional soil bores during site investigations.

Groundwater monitoring has been conducted in the three monitoring wells on four dates between 2002 and 2009. TPHg and TPHd have both historically been detected at maximum concentrations near the southeast corner of the site. As of the most recent monitoring event, 1,2-dichloroethane (1,2-DCA) is the only remaining contaminant, detected in one groundwater monitoring well at a concentration of 4.8 ppb.

The residual petroleum hydrocarbons present in groundwater and soil are expected to biodegrade over time. Site investigation activities have been completed and it does not appear that the site's fuel release presents a risk to human health for nearby residents or site workers. Therefore, ACEH is considering potential closure of the fuel leak case.

**Next Step** – The public is invited to review and comment on the potential closure of the fuel leak case. The entire case file can be viewed over the Internet on the ACEH website (<http://www.acgov.org/aceh/lop/ust.htm>) or the State of California Water Resources Control Board GeoTracker website (<http://geotracker.swrcb.ca.gov>). Please send written comments to Mark Detterman at the address below; all comments will be forwarded to the responsible parties. **Comments received by June 11, 2013** will be considered and responded to prior to a final determination on the proposed case closure.

Additional information: Contact Mark Detterman of the Alameda County Department of Environmental Health, 1131 Harbor Bay Parkway, Alameda, CA 94502 at 510-567-6876 or by email at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

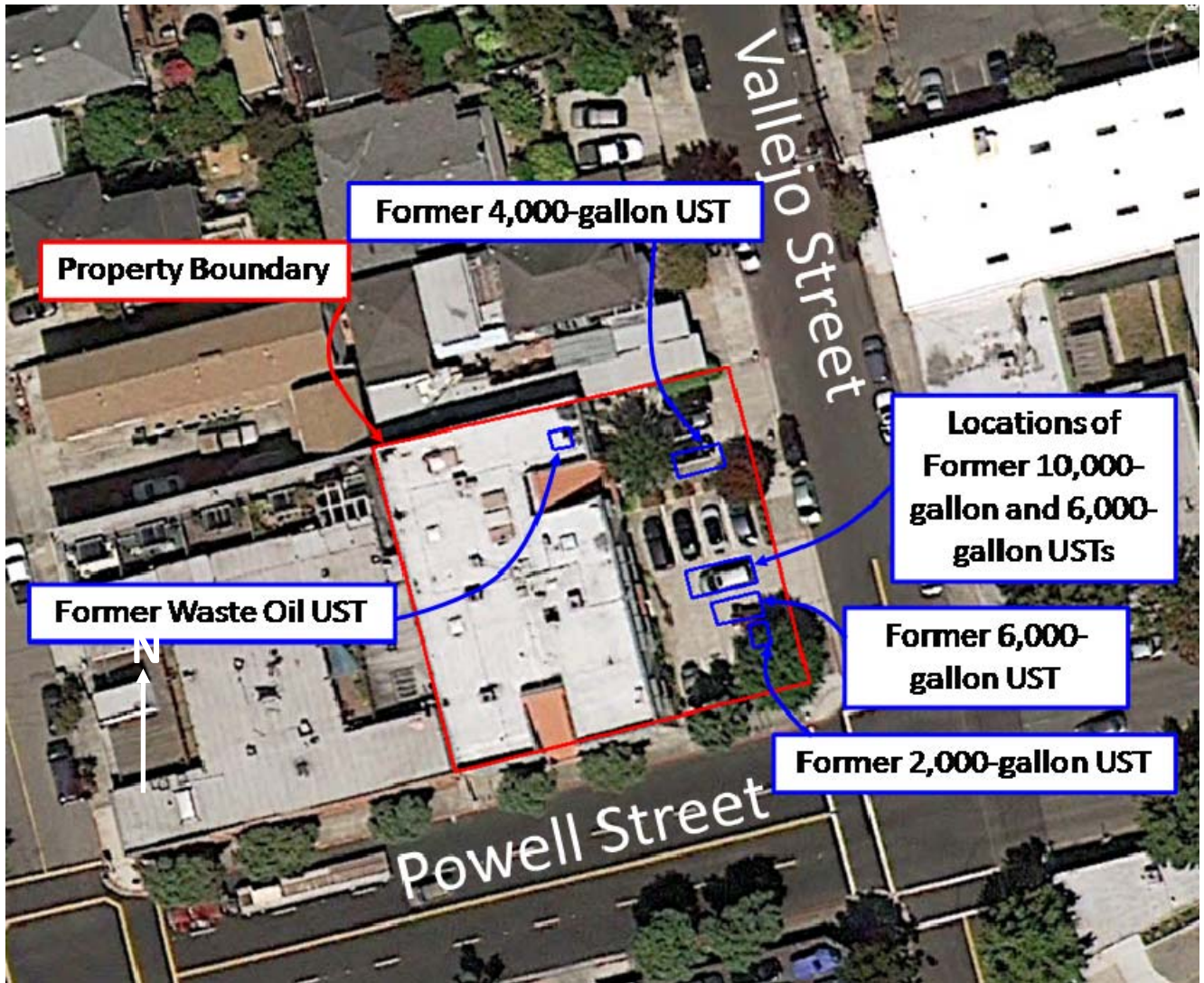


Figure 1: Aerial View of Property (Google Earth, 2013)

# LIST OF LANDOWNERS FORM

County of Alameda  
Environmental Health Services  
Environmental Protection  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

## CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR:

Site Name: Garza & Associates  
Address: 1240 Powell Street  
City, State, Zip: Emeryville, CA 94608  
Record ID #: RO0002869

Please fill out item 1 if there are multiple site landowners (attach an extra sheet if necessary). If you are the sole site landowner, skip item 1 and fill out item 2.

1. In accordance with Section 25297.15(a) of Chapter 6.7 of the California Health & Safety Code, I, \_\_\_\_\_ (name of primary responsible party), certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

2. In accordance with Section 25297.15(a) of Chapter 6.7 of the California Health & Safety Code, I \_\_\_\_\_, certify that I am the sole landowner for the above site.

Sincerely,

\_\_\_\_\_  
Signature of Primary Responsible Party      Printed Name      Date      E-mail Address