

October 18, 2016

David R. Lukens (*Sent via E-mail to: DLukens@themichaelsorg.com*)
Red Star-Michaels LLC
Oakland Housing Investors, L.P.
2010 Main Street, Suite 1250
Irvine, CA 92614

Mr. Curtis Eisenberger
1396 Fifth Street LLC
1357 5th Street, Suite B
Oakland, CA 94607

Subject: Public Participation for Case Closure for Site Cleanup Program Case RO0002896 and GeoTracker Global ID T06019794669, Red Star Yeast/1396 Fifth Street LLC, 1396 5th Street, Oakland, CA 94607

Dear Mr. Lukens and Mr. Eisenberger:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the Site Cleanup Program (SCP) case file for the above referenced site, including the report entitled, "*Request for Environmental Closure*," dated September 7, 2016 (Closure Report). Based on our review of the case file, ACDEH is considering the above referenced site for case closure. Due to residual contamination at the site, the site will be closed with Site Management Requirements that require notifying ACDEH of residential or sensitive land use, or if any development occurs.

List of Landowners Form

In order to make sure that all current record owners of fee title to the site are notified of the proposed action by the primary or active responsible party, ACDEH requests that the enclosed List of Landowners Form be completed. Please complete the enclosed List of Landowners Form, and e-mail it back to ACDEH (Anne Jurek @ anne.jurek@acgov.org) according to the following file naming convention: RO2896_LNDOWNR_F_yyyy-mm-dd

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 SCP closure, Notification of Potential Case Closure will be distributed to addresses in the immediate vicinity. The Notification of Potential Case Closure requests that landowners or residents submit any comments or questions to ACDEH regarding potential case closure. ACDEH will consider all comments from the public prior to potential case closure.

Prior to distribution of the notification, please return the List of Landowner form to ensure that the current landowner is included in this process.

Waste Removal Activities

After public comments have been addressed you will be requested to destroy site monitoring wells and remove any remaining investigation, remediation, and well destruction derived waste from the site.

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GeoTracker Compliance

A review of the State Water Resources Control Board's (State Water Board) GeoTracker website indicates that several reports and work plans that have been uploaded onto ACDEH's ftp site have not been uploaded onto GeoTracker as required. Please upload all reports and work plans that you have pertaining to site, including reports and work plans performed by consultants other than Citadel Environmental, Inc.

Other required files, including electronic data files for laboratory analytical data, boring logs, and site maps for all investigative work performed by Citadel Environmental, Inc. for this site have not been uploaded onto GeoTracker. Because this is a state requirement, ACDEH requests that all the above requested reports and data be uploaded to GeoTracker by **October 24, 2016**. *Failure to do this can result in delay of the closure of the site.*

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 State Water Board GeoTracker system via the internet. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SCP programs. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please upload all required submittals to GeoTracker. Electronic reporting is described below on the attachments.

If you have any questions, please call me at (510) 567-6721 or send me an electronic mail message at anne.jurek@acgov.org. Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>. As your email address does not appear on the cover page of this notification ACEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

Sincerely,

Anne Jurek, M.S.
Professional Technical Specialist, II

Attachments: Responsible Party(ies) Legal Requirements/Obligations

ACDEH Electronic Report Upload (ftp) Instructions

List of Landowners Form

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cc: Michael Boettger, Michaels Development, 2020 W. Kettleman Lane, P.O. Box 1570, Lodi, CA 95241 (Sent via E-mail to: mboettger@themichaelsorg.com)

Harvey Fernebok, Red Star-Michaels LLC, 2010 Main Street, Suite 1250, Irvine, CA 92614 (sent via E-mail to: HFernebok@themichaelsorg.com)

Mark Drollinger, Citadel Environmental Services Inc., 1725 Victory Boulevard, Suite 200, Glendale, CA 91201 (Sent via E-mail to: mdrollinger@CitadelEnvironmental.com)

Anne Jurek, ACDEH (Sent via E-mail to: anne.jurek@acgov.org)

GeoTracker, eFile

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/)

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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: July 25, 2012
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: 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
 - 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 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.

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: _____

Address: _____

City, State, Zip: _____

Record ID #: RO _____

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