



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

August 6, 2014

Ms. Carryl MacLeod  
Chevron Environmental Management Co.  
6101 Bollinger Canyon Road  
San Ramon, CA 94583  
(sent via electronic mail to:  
[CMacLeod@chevron.com](mailto:CMacLeod@chevron.com))

Mr. Stuart Rickard  
Placeworks, LLC  
1501 Pacific Avenue  
Alameda, CA 94501  
(sent via electronic mail to:  
[Stuart@placeworks.com](mailto:Stuart@placeworks.com))

Mr. Michael Roberts  
City of Emeryville Public Works Department  
1333 Park Avenue  
Emeryville, CA 94608  
(sent via electronic mail to:  
[mniebanck@ci.emeryville.ca.us](mailto:mniebanck@ci.emeryville.ca.us))

Mr. Vic Gumper  
Dan and Vic Diversified, LLC  
2033 San Pablo Avenue  
Berkeley, CA 94702  
(sent via electronic mail to:  
[Vic@lanesplitterpizza.com](mailto:Vic@lanesplitterpizza.com))

Subject: Landowner and Public Participation Notification for Case Closure Consideration; Fuel Leak Case No. RO0003068 and GeoTracker Global ID T10000002518, Lane Splitters Pizza, 3645 San Pablo Avenue, Emeryville, CA 94608

Dear Ms. MacLeod, and Messrs. Rickard, Niebanck, and Gumper:

Alameda County Environmental Health (ACEH) is reviewing the site cleanup program 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**

Pursuant to Section 25297.15 (a), Alameda County Environmental Health (ACEH), the local agency, shall not consider cleanup or site closure proposals from the primary or active responsible party, issue a closure letter, or make a determination that no further action is required with respect to a site upon which there was an unauthorized release of hazardous substances unless 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 enclosed *List of Landowners Form*, and mail or e-mail it back to ACEH by the date identified below. Also 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.

#### **Public Participation**

Public participation is a requirement for the Corrective Action Plan and case closure process. In order to notify potentially affected members of the public of the potential 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 **October 13, 2014**. ACEH will consider all comments from the public prior to potential case closure.

### **Request for Monitoring Well Destruction Scheduling and Waste Removal**

Local Oversight Programs are required by the State's Low Threat Closure Policy (LTCP) to issue a uniform closure letter within 30 days from the end of the public comment period and completion of associated tasks (report of monitoring well destruction and waste removal) for case closures. After written ACEH concurrence (e-mail or other) that there have been no comments of significance you would be free to proceed with well destruction and waste removal activities.

In general, in order to meet this timeline ACEH requests that wells be scheduled for destruction, wastes (as defined by the LTCP) be removed from the site, and a Well Decommissioning Report and appropriate disposal documentation submitted as soon as possible after the end date of the public comment period. Please contact the Alameda County Public Works Agency at 510-567-6791 or online, to obtain the required well destruction permits. Please provide notification to ACEH of the date of planned well destruction and waste removal activities.

### **TECHNICAL REPORT REQUEST**

Please upload technical reports to the ACEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with the specified file naming convention below, according to the following schedule:

- **August 11, 2014** – Public Comment Period Begins
- **October 13, 2014** – Public Comment Period Ends
- **December 19, 2014** – Complete Well Decommissioning and Waste Removal. (Please notify ACEH at least 48-hours in advance with an e-mail message to [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))
- **February 2, 2015** – Well Decommissioning Report (with waste disposal documentation)  
File to be named: RO3068\_WELL\_DCM\_R\_yyyy-mm-dd
- **4 Weeks After Completion of All Required Submittal Tasks** – Uniform Closure Letter Issued  
(Provided no public comments of substance have been submitted)

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

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

Attachment A – *Invitation to Comment – Potential Case Closure*  
Attachment B – Mailing List  
Attachment C – List of Landowners Form

Ms. MacLeod, and Messrs. Rickard, Niebanck, and Gumper  
RO0003068  
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cc: Mr. Greg Barclay, 10969 Trade Center Drive, Suite 107, Rancho Cordova, CA 95670  
(sent via electronic mail to: [GBarclay@croworld.com](mailto:GBarclay@croworld.com))

Dilan Roe, ACEH (sent via electronic mail to [dilan.roe@acgov.org](mailto:dilan.roe@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> May 15, 2014
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 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.



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1131 Harbor Bay Parkway, Suite 250  
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FAX (510) 337-9335

**INVITATION TO COMMENT – POTENTIAL CASE CLOSURE**

**LANE SPLITTERS PIZZA  
3645 SAN PABLO AVENUE, EMERYVILLE, CA 94608  
FUEL LEAK CASE RO0003068  
GEOTRACKER GLOBAL ID T10000002518**

**August 6, 2014**

The above referenced site is a fuel leak case that is under the regulatory oversight of the Alameda County Environmental Health (ACEH) Local Oversight Program for the investigation and cleanup of a release of petroleum hydrocarbons from an underground storage tank system. Site investigation and cleanup activities have been completed and the site has been evaluated in accordance with the State Water Resources Control Board Low-Threat Closure Policy. The site appears to meet all of the criteria in the Low-Threat Closure Policy. Therefore, ACEH is considering closure of the fuel leak case. Due to the residual contamination on site, the site would be closed with site management requirements that require further evaluation if the site is to be redeveloped in the future.

The public is invited to review and comment on the potential closure of the fuel leak case. This notice is being sent to the current occupants and landowners of the site and adjacent properties and other known interested parties. 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.waterboards.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 October 13, 2014** will be considered and responded to prior to a final determination on the proposed case closure.

If you have comments or questions regarding this site, please contact the ACEH caseworker, Mark Detterman at 510-567-6876 or by email at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org). Please refer to ACEH case RO0002435 in any correspondence.

ANDREWS T A TR  
Parcel #: 49-480-18  
87 RANCHO DR  
TIBURON CA 94920-2662

ANDREWS T A TR  
Parcel #: 49-480-19  
87 RANCHO DR  
TIBURON CA 94920-2662

DAN & VIC DIVERSIFIED LLC  
Parcel #: 49-480-1  
2033 SAN PABLO AVE  
BERKELEY CA 94702-1613

FRYK JANINE  
Parcel #: 49-480-15  
2841 KINGSLAND AVE  
OAKLAND CA 94619-3324

FRYK JANINE  
Parcel #: 49-480-16  
2841 KINGSLAND AVE  
OAKLAND CA 94619-3324

JAMES MOZELL  
Parcel #: 49-480-10  
3608 ADELINE ST  
EMERYVILLE CA 94608-3813

OCCUPANT  
Parcel #: 49-480-1  
3645 SAN PABLO AVE  
EMERYVILLE CA 94608

OCCUPANT  
Parcel #: 49-480-12  
3612 ADELINE ST  
EMERYVILLE CA 94608

OCCUPANT  
Parcel #: 49-480-15  
3604 ADELINE ST  
OAKLAND CA 94608

OCCUPANT  
Parcel #: 49-480-16  
3604 ADELINE ST  
EMERYVILLE CA 94608

OCCUPANT  
Parcel #: 49-480-18  
3614 ADELINE ST  
EMERYVILLE CA 94608

OCCUPANT  
Parcel #: 49-480-19  
3622 ADELINE ST  
EMERYVILLE CA 94608

THOMPSON ROBERT  
Parcel #: 49-480-12  
3110 ADELINE ST  
OAKLAND CA 94608-4412

THOMPSON ROBERT M  
Parcel #: 49-480-11  
3610 ADELINE ST  
EMERYVILLE CA 94608-3813

East Bay Municipal Utility District  
Chandra Johannesson  
P.O. Box 24055,  
Oakland, CA 94623

[cjohanne@ebmud.com](mailto:cjohanne@ebmud.com)

City Of Emeryville, Public Works Department  
Michael Roberts  
1333 Park Avenue  
Emeryville CA 94608

[mroberts@emeryville.org](mailto:mroberts@emeryville.org)

Cherie McCaulou  
Engineering Geologist  
Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay St, Ste 1400  
Oakland, CA 94612

[cmccaulou@waterboards.co.gov](mailto:cmccaulou@waterboards.co.gov)



# 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: Lane Splitters Pizza  
Address: 3645 San Pablo Avenue  
City, State, Zip: Emeryville, CA 94608  
Record ID #: RO0003068

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