



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

March 13, 2015

Ms. Pennie Barger
Apex Refrigeration Corp. and
Pellegrini Refrigeration & Restaurant Equipment Co.
1550 Park Avenue
Emeryville, CA 94608
(sent via electronic mail to: pelco1969@sbcglobal.net)

Subject: Landowner Identification for Case Closure Consideration for Fuel Leak Case No. RO0003069 and GeoTracker Global ID T1000002519, Pellegrini Refrigeration & Restaurant Equipment Company, 1550 Park Avenue, Emeryville, CA 94608

Dear Ms. Barger:

Alameda County Environmental Health (ACEH) is considering 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 parties.

List of Landowners Form

Pursuant to Section 25297.15 (a) of the California Health and Safety Code, 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 from an underground storage tank subject to this chapter 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 it back to ACEH by the date identified below.

Site Management Requirements

ACEH staff has evaluated the case file and believes the case may be eligible for closure. Closure would be under a commercial land use scenario with site management requirements, as residual soil contamination remains in soil beneath the site. Additionally, soil concentration data for the upper five feet of soil indicate residual soil concentrations up to 1,200 milligrams per kilogram (mg/kg) of Total petroleum Hydrocarbons as gasoline (TPHg), 4,700 mg/kg TPH as diesel (TPHd), and 2,500 mg/kg TPH as motor oil (TPHmo). The concentration of TPHd exceeds Human Health Direct Exposure Soil Screening Levels for a Commercial / Industrial Worker Exposure Scenario (Table K-2; 1,100 mg/kg TPHd) and the Construction / Trench Worker Exposure Scenario (Table K-3; 900 mg/kg TPHd) as identified by the San Francisco Bay Regional Water Quality Control Board (RWQCB) Environmental Screening Levels (ESLs) issued in conjunction with the *User's Guide: Derivation and Application of Environmental Screening Levels*, as revised in December 2013. Specifically, according to the RWQCB the TPHd concentration exceeds the non-cancer Hazard Quotient of 1 for these scenarios. Therefore, ACEH will require preparation of a Site Management Plan addressing potential contaminants of concern should excavation or construction activities occur in areas of residual contamination. These activities require planning and

implementation of appropriate health and safety procedures by the responsible party (or current property owner/developer) prior to and during excavation and construction activities.

Re-evaluation of this case is required if land uses changes to any residential or other conservative land use or any redevelopment occurs as residual contamination is documented to remain in the soil beneath the site.

This site is to be entered into the City of Emeryville Permit Tracking System due to the residual contamination on site.

Public Participation

Public participation is a requirement for the Corrective Action Plan and case closure processes. In order to notify potentially affected members of the public of the potential fuel leak case 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 ACEH regarding potential case closure. ACEH 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.

Monitoring Well Destruction and 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.

ACEH will request the well destruction in a separate letter following the conclusion of the public notification period.

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:

- **April 24, 2015** – Return of *List of Landowner Form* (email preferred)
- **May 15, 2015** – Site Management Plan
(file name: RO0003069_SITE_MANAGE_R_yyyy-mm-dd)

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.

Thank you for your cooperation. Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark Detterman, PG, CEG
Senior Hazardous Materials Specialist

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

Attachment 2 - *List of Landowners Form*

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cc: Michael Lamphere, Lamphere Law Offices, 900 Larkspur Landing Circle, Suite 179; Larkspur, CA 94939, (sent via electronic mail to MLamphere@lampherelaw.com)

Erik Oehlschlager, Engineering / Remediation Resources Group, Inc, 4585 Pacheco Blvd, Suite 200, Martinez, CA 94553; (sent via electronic mail to erik.oehlschlager@errg.com)

Dilan Roe, ACEH, (sent via electronic mail to: dilan.roe@acgov.org)

Mark Detterman, ACEH, (sent via electronic mail to mark.detterman@acgov.org)

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/).

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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: May 15, 2014
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: 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
 - 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: Pellegrini Refrigeration & Restaurant Equipment Company
Address: 1550 Park Avenue
City, State, Zip: Emeryville, CA 94608
Record ID #: RO0002982

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