



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

August 27, 2015

EQR, Inc.  
c/o Ms. Rebecca Becker  
Assistant Vice President, Environmental  
Two N. Riverside Plaza, Suite 400  
Chicago, IL 60606-2609  
(sent via electronic mail to:  
[rbecker@eqr.com](mailto:rbecker@eqr.com))

Archstone Emeryville Residential LLC  
c/o Mr. Jim Kelly  
First Vice President - Development  
Equity Residential  
333 Third Street, Suite 210  
San Francisco, CA 94107

EQR, Inc.  
c/o Mr. Roland Galindo  
Development Director  
Two N. Riverside Plaza, Suite 400  
Chicago, IL 60606-26009

Archstone Emeryville Residential LLC  
7 Giralda Farms  
Madison, NJ 07940

API Emeryville Parkside  
c/o Lehman Brothers Holdings  
Atten: Joelle Halperin  
1271 Avenue of the Americas  
New York, NY 10020

Subject: Notification of Public Comment for Potential Closure, Fuel Leak Case RO0003109 and GeoTracker Global ID T1000000444, API Emeryville Parkside - UST, 1342 Stanford Avenue, Emeryville, CA 94608

Dear Ms. Becker:

Alameda County Environmental Health (ACEH) is closing the above referenced fuel case. As you are aware, site investigations for an underground storage tank leak has been performed at the subject property to which you are named as the primary or active responsible party. Thank you for submitting the completed *List of Landowners Form* previously requested.

### **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 will distribute the attached *Notification of Potential Case Closure* to addresses in the immediate vicinity. The *Invitation to Comment - 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. ACEH will provide you with written notification if any comments are received during the following Public Comment Period:

- **August 31, 2015** – Public Comment Period Begins
- **October 30, 2015** – Public Comment Period Ends

## Second GeoTracker Compliance Request

A review of the State Water Resources Control Board's (SWRCB) GeoTracker website indicates the site has not yet been claimed. Because this is a state requirement, ACEH requests that the site be claimed in GeoTracker by the date identified below. Please note, that non-compliance with this request will delay closure.

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. 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. 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 claim your site and upload all future submittals to GeoTracker and ACEH's ftp server by the date specified below. Electronic reporting is described below on the attachments.

Additional information regarding the SWRCB's GeoTracker website may be obtained online at [http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) and [http://www.swrcb.ca.gov/ust/electronic\\_submittal/report\\_rqmts.shtml](http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml)) or by contacting the GeoTracker Help Desk at [geotracker@waterboards.ca.gov](mailto:geotracker@waterboards.ca.gov) or (866) 480-1028.

Please complete this task by **September 30, 2015**.

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.

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 Detterman, PG, CEG  
Senior Hazardous Materials Specialist

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

Attachment 2 - *Invitation to Comment - Potential Case Closure and Address List*

cc: Peter Cusack, Langan Treadwell Rollo, 555 Montgomery Street, Suite 1300, San Francisco, CA 94111, (sent via electronic mail to: [pcusack@langan.com](mailto:pcusack@langan.com))

Noel Liner, Langan Treadwell Rollo, 555 Montgomery Street, Suite 1300, San Francisco, CA 94111, (sent via electronic mail to: [nliner@langan.com](mailto:nliner@langan.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))  
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> 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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## **INVITATION TO COMMENT – POTENTIAL CASE CLOSURE**

**API EMERYVILLE PARKSIDE  
1342 Stanford Avenue, Emeryville, California  
FUEL LEAK CASE RO0003109  
GEOTRACKER GLOBAL ID T1000000444**

**August 27, 2015**

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.

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 30, 2015** 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 RO0003109 in any correspondence.

5701 HOLLIS STREET LLC  
PARCEL #: 49-1318-3-2  
1300 S 51ST ST  
RICHMOND CA 94804-4628

5701 HOLLIS STREET LLC  
PARCEL #: 49-1318-10  
1300 S 51ST ST  
RICHMOND CA 94804-4628

ARCHSTONE EMERYVILLE RESIDENTIAL LLC  
PARCEL #: 49-1317-1-1  
PO BOX 87407  
CHICAGO IL 60680-0407

CITY OF EMERYVILLE  
PARCEL #: 49-1315-5  
2200 POWELL ST #12  
EMERYVILLE CA 94608-1809

EMERY PJ & CM LLC  
PARCEL #: 49-1041-67  
6699 TELEGRAPH AVE  
OAKLAND CA 94609-1115

EMERY PJ & CM LLC  
PARCEL #: 49-1041-66  
6699 TELEGRAPH AVE  
OAKLAND CA 94609-1115

EMERY PJ & CM LLC  
PARCEL #: 49-1041-14  
6699 TELEGRAPH AVE  
OAKLAND CA 94609-1115

HOLLIS STREET LLC  
PARCEL #: 49-1041-20  
650 TOWNSEND ST #480  
SAN FRANCISCO CA 94103-6225

JENSEN CHRISTEN E TR ETAL  
PARCEL #: 49-1041-53  
5835 DOYLE ST #101  
EMERYVILLE CA 94608-2507

NOVARTIS VACCINES & DIAGNOSTICS INC  
PARCEL #: 49-1041-70-2  
PO BOX 56607  
ATLANTA GA 30343-0607

OCCUPANT  
PARCEL #: 49-1317-1-1  
5780 HOLLIS ST  
EMERYVILLE CA 94608

OCCUPANT  
PARCEL #: 49-1041-67  
STANFORD AVE  
EMERYVILLE CA 94608

OCCUPANT  
PARCEL #: 49-1041-66  
STANFORD AVE  
EMERYVILLE CA 94608

OCCUPANT  
PARCEL #: 49-1315-5  
STANFORD AVE  
EMERYVILLE CA 94608

OCCUPANT  
PARCEL #: 49-1041-53  
5521 DOYLE ST  
EMERYVILLE CA 94608

OCCUPANT  
PARCEL #: 49-1041-14  
1335 STANFORD AVE  
EMERYVILLE CA 94608

OCCUPANT  
PARCEL #: 49-1041-20  
5650 HOLLIS ST  
EMERYVILLE CA 94608

OCCUPANT  
PARCEL #: 49-1318-3-2  
5701 HOLLIS ST  
EMERYVILLE CA 94608

OCCUPANT  
PARCEL #: 49-1318-10  
5701 HOLLIS ST  
EMERYVILLE CA 94608

OCCUPANT  
PARCEL #: 49-1041-70-2  
HOLLIS ST  
EMERYVILLE CA 94608

WATERTOWER ASSOCIATES LLC  
PARCEL #: 49-1315-1  
1255 POWELL ST  
EMERYVILLE CA 94608-2604

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)