



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

September 18, 2014

Hung Revocable Trust  
c/o Robert Hung, Trustee  
2423 Ashby Avenue  
Berkeley, CA 94705-2001

Subject: Fuel Leak Case No. RO0003146 and GeoTracker Global ID T10000006202, Adeline UST, 2823 Adeline Street, Oakland, CA 94608

Dear Mr. Hung:

Based on evidence of groundwater contamination originating from a leaking underground storage tank (UST) system, a fuel leak case has been opened for the above referenced site. On July 11, 2014, the top of an underground storage tank (UST) at 2823 Adeline Street in Oakland, CA was exposed and two soil samples were collected from the excavation. Total petroleum hydrocarbons as gasoline (TPHg), naphthalene, benzene, toluene, ethylbenzene, xylenes, and fuel oxygenates were not detected in the excavation soil samples at concentrations above reporting limits. TPHg and benzene were detected in a groundwater sample collected from the tank pit at concentrations of 2,000 and 97 micrograms per liter ( $\mu\text{g/L}$ ), respectively. The detections of fuel hydrocarbons in groundwater in the area of the former UST are indicative of an unauthorized release from the former UST system. The UST was closed in place by filling with a sand/cement slurry on July 15, 2014.

A Phase II Investigation (Stellar Environmental 2014) that consisted of soil and groundwater sampling from three soil borings was conducted at the site in August 2014. Tert-butyl alcohol (TBA) was detected in one of three groundwater samples at a concentration of 14  $\mu\text{g/L}$ . Petroleum hydrocarbons and fuel oxygenates were not detected at concentrations above reporting limits in four soil and two groundwater samples collected from the soil borings. Based on these results, the Phase II Investigation Report recommended "no further action status" from ACEH for the fuel leak. ACEH staff will review the case for potential "no further action status;" however, we want to assure that all information that potentially affects the fuel leak case is available for review in the case files.

Therefore, we request that you submit copies of any reports you have documenting additional investigation activities or other work that is relevant to the fuel release or other unauthorized releases and not currently in ACEH case files. This includes Phase I environmental site assessment reports and site investigations conducted for potential real estate transactions. We note that a Phase I assessment of the property by International Geologic is referenced in the Phase II Investigation Report by Stellar. The two existing reports in ACEH case files are the "*Limited Phase II Site Investigation Report*," dated September 5, 2014 and prepared by Stellar Environmental Solutions, Inc. and the "*Summary Report, Underground Storage Tank Removal at 2823 Adeline Street, Oakland, California*," dated September 5, 2014 and prepared by International Geologic LLC. **The additional information is to be submitted no later than October 17, 2014.** ACEH case files may be reviewed online using the ACEH website (<http://www.acgov.org/aceh>).

**TECHNICAL REPORT REQUEST**

Please upload technical reports to the ACEH ftp site (Attention: Jerry Wickham), and to the State Water Resources Control Board's GeoTracker website according to the following schedule and file-naming convention:

- **October 17, 2014** – Additional Technical Reports or Additional Information for Fuel Leak Case  
File to be named: PHASE1\_R\_YYYY-MM-DD RO3146

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 ST system, and require your compliance with this request.

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org). Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Sincerely,



Digitally signed by Jerry Wickham  
DN: cn=Jerry Wickham, o=Alameda County Environmental  
Health, ou, email=jerry.wickham@acgov.org, c=US  
Date: 2014.09.18 10:04:11 -07'00'

Jerry Wickham, California PG 3766, CEG 1177, and CHG 297  
Senior Hazardous Materials Specialist

Attachments: Notice of Responsibility  
Responsible Party(ies) Legal Requirements/Obligations

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 2032 (Sent via E-mail to: [lgriffin@oaklandnet.com](mailto:lgriffin@oaklandnet.com))

Steve Bittman, Stellar Environmental Solutions, Inc., 2198 Sixth Street, Suite 201, Berkeley, CA 94710 (Sent via E-mail to: [sbittman@stellar-environmental.com](mailto:sbittman@stellar-environmental.com))

Richard Makdisi, Stellar Environmental Solutions, Inc., 2198 Sixth Street, Suite 201, Berkeley, CA 94710 (Sent via E-mail to: [rmakdisi@stellar-environmental.com](mailto:rmakdisi@stellar-environmental.com))

Jerry Wickham, ACEH (Sent via E-mail to: [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org))

GeoTracker, eFile



AGENCY

Certified Mail #: 7011 3500 0003 1848 4807

September 16, 2014

**NOTICE OF RESPONSIBILITY**

**Site Name & Address:**  
ADELINE UST  
2823 ADELINE STREET  
OAKLAND, CA 94608

**ACEH Case No.:** RO0003146  
**Global ID:** T10000006202

**Responsible Party:**  
HUNG REVOCABLE TRUST  
ROBERT HUNG  
2423 ASHBY AVENUE  
BERKELEY, CA 94705-2001

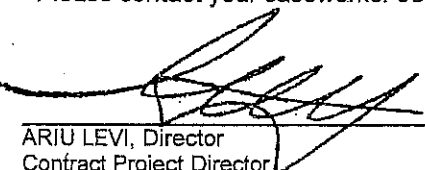
**Date First Reported:** September 5, 2014  
**Substance:** Gasoline  
**Funding for Oversight:** LOPS - LOP State Fund  
**Multiple RPs?:** No

Pursuant to sections 25297.1 and 25297.15 of the Health and Safety Code, you are hereby notified that the above site has been placed in the Local Oversight Program and the individual(s) or entity(ies) shown above, or on the attached list, has (have) been identified as the party(ies) responsible for investigation and cleanup of the above site. Section 25297.15 further requires the primary or active Responsible Party to notify all current record owners of fee title before the local agency considers cleanup or site closure proposals or issues a closure letter. For purposes of implementing section 25297.15, this agency has identified Hung Revocable Trust as the primary or active Responsible Party. It is the responsibility of the primary or active Responsible Party to submit a letter to this agency, within 20 calendar days of receipt of this notice that identifies all current record owners of fee title. It is also the responsibility of the primary or active Responsible Party to certify to the local agency that the required notifications have been made at the time a cleanup or site closure proposal is made or before the local agency makes a determination that no further action is required. If property ownership changes in the future, you must notify this local agency within 20 calendar days from when you are informed of the change.

Any action or inaction by this local agency associated with corrective action, including responsible party identification, is subject to petition to the State Water Resources Control Board. Petitions must be filed within 30 days from the date of the action/inaction. To obtain petition procedures, please FAX your request to the State Water Board at (916) 341-5808 or telephone (916) 341-5752.

Pursuant to section 25296.10(c)(6) of the Health and Safety Code, a responsible party may request the designation of an administering agency when required to conduct corrective action. Please contact this office for further information about the designation process.

Please contact your caseworker Jerry Wickham at this office at (510)567-6791 if you have questions regarding your site.

  
Date: 9/17/14  
ARIU LEVI, Director  
Contract Project Director

Action: New case  
Reason: New case

Attachment A: Responsible Parties Data Sheet

cc: GeoTracker, eFile

ALAMEDA COUNTY ENVIRONMENTAL HEALTH  
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

September 16, 2014

**Site Name & Address**

**ADELINE UST  
2823 ADELINE STREET  
OAKLAND, CA 94608**

**ACEH Case No.: RO0003146**

**Global ID: T1000006202**

**All Responsible Parties**

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**RP has been named a Primary RP – HUNG REVOCABLE TRUST**  
c/o Robert Hung, 2423 Ashby Avenue, Berkeley, CA 94705-2001

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**Responsible Party Identification Background**

Alameda County Environmental Health (ACEH) names a "Responsible Party," as defined under 23 C.C.R. Sec. 2720. Section 2720 defines a responsible party 4 ways. An RP can be:

1. "Any person who owns or operates an underground storage tank used for the storage of any hazardous substance."
2. "In the case of any underground storage tank no longer in use, any person who owned or operated the underground storage tank immediately before the discontinuation of its use."
3. "Any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred."
4. "Any person who had or has control over an underground storage tank at the time of or following an unauthorized release of a hazardous substance."

ACEH has named the responsible parties for this site as detailed below.

**Existence of an Unauthorized Release**

An underground storage tank (UST) on the property was closed in place by filling with a sand/cement slurry on July 15, 2014 near the sidewalk along Adeline Street. A groundwater sample was collected from the excavation around the UST. Total petroleum hydrocarbons as gasoline and benzene were detected in the groundwater sample at concentrations of 2,000 and 97 micrograms per liter ( $\mu\text{g/L}$ ), respectively. The detections of fuel hydrocarbons in groundwater in the area of the former UST are indicative of an unauthorized release from the former UST system..

**Responsible Party Identification**

The Hung Revocable Trust is a responsible party because they are current owner of the property where an unauthorized release occurred (Definition 3).

## 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.