



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

April 23, 2015

Molly Maybrun
City Ventures
444 Spear Street, Suite 200
San Francisco, CA 94105
(Sent via electronic mail to molly@CityVentures.com)

Subject: Request for Documents; Voluntary Cleanup Program Case No. RO0003157 and GeoTracker Global ID T10000006445 - City Ventures, 2240 Filbert Street, Oakland, CA 94607

Dear Ms. Maybrun:

Thank you for the April 21, 2015 voicemail message and follow up email, for claiming your site in the State Water Resources Control Board's (SWRCBs) GeoTracker website, and for submitting the document entitled *Environmental Site Summary* (ESS) to the Alameda County Environmental Health (ACEH) website. The ESS, dated March 25, 2015 was prepared by Stantec Consulting Services Inc. (Stantec) for City Ventures (CV) for the subject site. Based on the data collected for the ESS, CV is requesting that ACEH approve development of the Site without any further environmental assessment.

The ESS is currently the only document addressing environmental investigation and/or remedial action activities conducted at the subject site for this case or for the previous case, ACEH case number RO0002722 (GeoTracker Global ID T06019778233), which was closed on January 30, 1997 with a commercial land use restriction. The current case was opened because the site will be redeveloped with a residential land use scenario and residual contamination must be reevaluated within this new context.

Although the ESS contains excerpts of several previous environmental reports as attachments, ACEH must review the referenced documents in their entirety in order to develop an adequate understanding of the site and residual contamination prior to a more complete review of the ESS.

Previous Environmental Reports - ACEH requests upload to the ACEH ftp and the SWRCB GeoTracker websites of the reports listed below and that are referenced in the ESS. Please include any additional documents pertaining to investigation and remedial activities for your site that you may have encountered subsequent to the issuance of the ESS.

1. Gribi Associates, March 18, 2005. Report of Phase II Environmental Site Assessment, 2303-2317 Market Street and 2242-2310 Myrtle Street, Oakland, California;
2. International Technology Corporation, April 1996a. Tank Closure and Ground Water Monitoring Well Installation Report, West Grand Refrigeration Facility (Former Safeway Ice Cream Facility), 2240 Filbert Street, Oakland, California;
3. International Technology Corporation, September 1996b. Groundwater Sampling Report, West Grand Refrigeration Facility (Former Safeway Ice Cream Facility), 2240 Filbert Street, Oakland, California;

4. Levine-Fricke, Soil and Ground-Water Investigation Report, January 17, 1995. Former Safeway Ice Cream Manufacturing Plant, 2240 Filbert Street, Oakland, California;
5. McCulley, Frick & Gillman, Inc. (MFG), March 14, 1994. Phase I Environmental Site Assessment Report, Safeway Ice Cream Plant, Oakland, California. (Partial copy);
6. Stantec Consulting Service Inc., May 22, 2014. Phase I Environmental Site Assessment, Multiple Parcels, Filbert Street, West Grand Avenue, and Myrtle Street, Oakland, California.
7. Additional reports pertaining to environmental investigation and remediation at the site.

Please list the files uploaded in an email to ACEH, Attention: Keith Nowell. ACEH requests that you include a discussion of the documentation missing from the March 14, 1994 Phase I Environmental Site Assessment Report include in your email.

Future Site Land-Use - In order to determine future plans for the subject site as a whole, as well as to the individual parcels, including portions of the parcels, and with the intent of specifically identifying the remedial goals for each area of interest (commercial versus residential), ACEH requests copies of existing development plans be submitted electronically by the date referenced below. This is requested to include future building foundation details because site grade level changes, including the development of subsurface structures (parking, elevator shafts, intended soil reuse, etc.) affect the selection of remedial goals, and remedial excavation depths.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Keith Nowell), according to the following schedule:

- **May 8, 2015** – Electronic Submittal of Information (referenced reports)
- **May 8, 2015** – Listing of Uploaded Reports (provided to ACEH via E-mail, Attention: Keith Nowell)
- **May 8, 2015** – Electronic Submittal of Site Development Plans

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. ACEH looks forward to working with you and your consultants to advance the case toward closure. Should you have any questions regarding this correspondence or your case, please call me at (510) 567-6764 or send an electronic mail message at keith.nowell@acgov.org.

Sincerely,

Keith Nowell, PG, CHG
Hazardous Materials Specialist

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

Ms. Molly Maybrun
RO0003157
April 23, 2015, Page 3

cc: Eva Hey, Stantec, 1340 Treat Boulevard, Suite 300 Walnut Creek CA 94597-7966
(Sent via electronic mail to Eva.Hey@stantec.com)

Dilan Roe, (sent via electronic mail to dilan.roe@acgov.org)
Keith Nowell (sent via electronic mail to keith.nowelln@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/).

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.