

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



Rebecca Gebhart, Interim Director

DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
1131 HARBOR BAY PARKWAY, SUITE 250
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

January 20, 2017

Mr. Bob Winet
California Cotton Mill Lofts
East Bay Lofts LLC
36966 Pinto Palm St.
Rancho Mirage, CA 92270

Mr. Dana Dominguez
636 Sitka Drive
Walnut Creek, CA 94598-1738

Subject: Notice of Responsibility Update for Fuel Leak Case No. RO0003162 and Geotracker Global ID T1000006533, California Cotton Mill, 1091 Calcot Place, Oakland, CA 94606

Gentlemen:

In a Notice of Responsibility (NOR) dated March 17, 2015, Mr. Bob Winet of East Bay Lofts LLC was notified that the above referenced site had been placed in the Local Oversight Program and that he had been named as a Responsible Party for the fuel leak case. An additional party has been named as a Responsible Party for the fuel leak case in the attached updated NOR as defined under 23 C.C.R Sec. 2720. Please see Attachment A – Responsible Parties Data Sheet, which identifies all Responsible Parties and provides background on the unauthorized release and Responsible Party Identification.

Should you have any questions, please contact me at (510) 567--6708 or send me an e-mail message at karel.detterman@acgov.org

Sincerely,

Digitally signed by Karel Detterman
DN: cn=Karel Detterman, o, ou,
email=karel.detterman@acgov.org, c=US
Date: 2017.01.23 12:07:58 -08'00'

Karel Detterman, P.G.
Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions
Attachment A – Responsible Parties Data Sheet-Notice of Responsibility (NOR)

cc: Francis Rush, 1091 Calcot LLC, 2200 Adeline Street, Ste. 350, Oakland, CA 94607, (Sent via E-mail to: francis@rushproperty.com)
Andrew Savage, ERAS Environmental, Inc., 1533 B St., Hayward, CA 94541, (Sent via E-mail to: andrew@eras.biz)
Dilan Roe, ACDEH (Sent via E-mail to: dilan.roe@acgov.org)
Karel Detterman, ACDEH (Sent via E-mail to: karel.detterman@acgov.org)
Paresh Khatri, ACDEH, (Sent via E-mail to: paresh.khatri@acgov.org)
GeoTracker, eFile



REBECCA GEBHART, Interim Director

Certified Mail #: 7011 3500 0003 1848 1639

January 20, 2017

NOTICE OF RESPONSIBILITY

Site Name & Address: CALIFORNIA COTTON MILLS 1091 CALCOT PLACE OAKLAND, CA 94606

Local ID:	RO0003162
Related ID:	NA
RWQCB ID:	NA
Global ID:	T10000006533

Responsible Party:

DANA AND SEZA DOMINGUEZ
636 SITKA DRIVE
WALNUT CREEK, CA 94598-1738

Date First Reported:	1/9/2015
Substance:	2, 76 Multiple Releases
Funding for Oversight:	
Multiple RPs?:	Yes

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 DANA AND SEZA DOMINGUEZ 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 Karel Detterman at this office at (510) 567-6708 if you have questions regarding your site.

RONALD BROWDER, Director
Contract Project Director

 Date: 01-24-17

Action:	Add
Reason:	ADD

Attachment A: Responsible Parties Data Sheet

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

January 20, 2017

Site Name & Address:

CALIFORNIA COTTON MILLS
1091 CALCOT PLACE
OAKLAND, CA 94606

Local ID: RO0003162
Related ID:
RWQCB ID:
Global ID: T10000006533

All Responsible Parties

RP has been named a Primary RP - EAST BAY LOFTS LLC

C/O: BOB WINET

36966 PINTO PALM STREET | RANCHO MIRAGE, CA 92270 | Phone (760) 774-4450

RP has been named a Primary RP

DANA AND SEZA DOMINGUEZ

636 SITKA DRIVE | WALNUT CREEK, CA 94598 |

Responsible Party Identification Background

Alameda County Department of Environmental Health (ACDEH) 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."

Existence of Unauthorized Release

A Phase I conducted in November 2014 found historical evidence of two oil underground storage tanks (USTs) at the former California Cotton Mills. In January 2015 three hydropunch grab-groundwater locations were sampled and concentrations up to 15,000 micrograms per liter (ug/L) Total Petroleum Hydrocarbons as diesel (TPH-d) and 23,000 ug/L TPH as oil (TPH-o). These data document an unauthorized release of petroleum hydrocarbons at the site.

Responsible Party Identification

East Bay Lofts LLC purchased the property on February 4, 2003. East Bay Lofts LLC is a Responsible Party because it owns the property where an unauthorized release of a hazardous substance from an underground storage tank has occurred (Definition 3).

Dana and Seza Dominguez purchased the property July 8, 2015. Dana and Seza Dominguez have been named as a Responsible Party for site because they own the property where an unauthorized release of a hazardous substance has occurred (Definition 3).



REBECCA GEBHART, Interim Director

Certified Mail #: 7011 3500 0003 1848 1622

January 20, 2017

NOTICE OF RESPONSIBILITY

Site Name & Address:

**CALIFORNIA COTTON MILLS
1091 CALCOT PLACE
OAKLAND, CA 94606**

**Local ID: RO0003162
Related ID: NA
RWQCB ID: NA
Global ID: T10000006533**

Responsible Party:

**EAST BAY LOFTS LLC
C/O: BOB WINET
36966 PINTO PALM STREET
RANCHO MIRAGE CA 92270**

**Date First Reported: 1/9/2015
Substance: 2, 76 Multiple Releases

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Multiple RPs?: Yes**

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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 Karel Detterman at this office at (510) 567-6708 if you have questions regarding your site.

Date: 01-24-2017

RONALD BROWDER, Director
Contract Project Director

Action: Add
Reason: ADD

Attachment A: Responsible Parties Data Sheet

cc: Cindy Davis, SWRCB (email: cindy.davis@waterboards.ca.gov) | Dilan Roe ACDEH (email: dilan.roe@acgov.org), File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

January 20, 2017

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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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) for more information on these requirements.

ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website." 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 6731, 6735, and 7835) 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 licensed 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 case meet this requirement. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsq.ca.gov/laws/index.shtml>.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, late 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 SCP)	REVISION DATE: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions


The Alameda County Environmental Cleanup Oversight Programs (LOP and SCP) 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) Open File Explorer using the Windows  key + E keyboard shortcut.
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) On the address bar, type in `ftp://alcoftp1.acgov.org`.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
 - d) Click Log On.
 - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - f) 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.