



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

October 12, 2015

Mr. Morgan Muir
6639 Forestland Way
Oakland, CA 94611
(Sent via email to: morganmuir64@gmail.com)

Subject: Notification of Potential Closure Consideration, Site Cleanup Program Case No. RO0003177 and Geotracker Global ID T10000007146, Tidewater Subsite; 4723 Tidewater Avenue, Oakland, CA 94601

Dear Mr. Muir:

Alameda County Environmental Health (ACEH) is closing the above referenced fuel case. As you are aware, soil and groundwater sampling for contaminants associated with previous site usage have 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* requested in ACEH's September 14, 2015 directive letter.

Electronic Report and Data Upload Compliance

A review of the case file and the State's Geotracker database indicates that the site is not in full compliance with state Geotracker requirements. Compliance is a State requirement. 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. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SLIC programs. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites was required in GeoTracker. At present missing data and documents include, but may not be limited to EDF submittals, GEO MAPS, and all bore logs. Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. ACEH requests notification of the uploads to Geotracker. Please be aware that the lack of a response can delay site closure. Please upload the required items by November 15, 2015.

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:

- **October 16, 2015** – Public Comment Period Begins
- **November 15, 2015** – Public Comment Period Ends

Waste Removal Activities

After public comments have been addressed you will be requested to remove any remaining investigation derived waste from the site; however, in the interim, the submittal of waste removal and disposal documentation will be useful and is appropriate.

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

If you have any questions, please do not hesitate to call me at (510) 567-6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

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

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

cc: Frank Poss, Professional Service Industries, Inc, 4703 Tidewater Avenue, Suite B1, Oakland CA 94601; (Sent via E-mail to: frank.poss@psiusa.com)

Brand Burfield, Professional Service Industries, Inc, 4703 Tidewater Avenue, Suite B1, Oakland CA 94601; (Sent via E-mail to: brand.burfiels@psiusa.com)

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

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

Geotracker, Electronic File

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.



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INVITATION TO COMMENT – POTENTIAL CASE CLOSURE

**TIDEWATER SUBSITE
4723 TIDEWATER AVENUE, OAKLAND, CA 94601
SITE CLEANUP PROGRAM CASE RO0003177
GEOTRACKER GLOBAL ID T10000007146**

October 12, 2015

The above referenced site is a Site Cleanup Program (SCP) case that is under the regulatory oversight of the Alameda County Environmental Health (ACEH) for the investigation of the presence of petroleum hydrocarbons, and metal concentrations in soil and groundwater from prior site use. Site investigation and cleanup activities have been completed and it does not appear that residual contamination presents a risk to human health and the environment. Therefore, ACEH is considering closure of the case. Due to the residual contamination on site, the site would be closed with site management requirements that require the use of a health and safety plan for subsurface excavations (utilities, etc.) or, further evaluation if the site is to be redeveloped in the future.

This notice is being sent to the current occupants and landowners of adjacent properties and known interested parties for this site. The public is invited to review and comment on the potential closure of the case. 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 ACEH, 1131 Harbor Bay Parkway, Alameda, CA 94502; all comments will be forwarded to the responsible parties. Comments **received by November 15, 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. Please refer to ACEH case RO0003177 in any correspondence.

EGGEN NORMAN J & MARGARET M TRS
PARCEL #: 34-2300-20
PO BOX 1883
ORINDA CA 94563-6883

NOHR THERESE L
PARCEL #: 34-2300-8
124 CATHERINE CT
ORINDA CA 94563-3103

NOHR THERESELEE T
PARCEL #: 34-2300-6-2
124 CATHERINE CT
ORINDA CA 94563-3103

OCCUPANT
PARCEL #: 34-2300-24
4703 TIDEWATER AVE
OAKLAND CA 94601

OCCUPANT
PARCEL #: 34-2300-7
4801 TIDEWATER AVE
OAKLAND CA 94601

OCCUPANT
PARCEL #: 34-2300-23
TIDEWATER AVE
OAKLAND CA 94601

OCCUPANT
PARCEL #: 34-2300-20
TIDEWATER AVE
OAKLAND CA 94601

OCCUPANT
PARCEL #: 34-2304-15
414 LESSER ST
OAKLAND CA 94601

OCCUPANT
PARCEL #: 34-2300-6-2
4831 TIDEWATER AVE
OAKLAND CA 94601

OCCUPANT
PARCEL #: 34-2300-21
TIDEWATER AVE
OAKLAND CA 94601

OCCUPANT
PARCEL #: 34-2300-22
TIDEWATER AVE
OAKLAND CA 94601

OCCUPANT
PARCEL #: 34-2300-8
4821 TIDEWATER AVE
OAKLAND CA 94601

SCHMITT WILLIAM W & JACQUILINE M TRS & I
PARCEL #: 34-2300-24
1569 PEBBLEBROOK CT
WALNUT CREEK CA 94596-6457

TIDEWATER 2004 REAL ESTATE HOLDINGS L
PARCEL #: 34-2300-19
4723 TIDEWATER AVE #A
OAKLAND CA 94601-4900

TIDEWATER GROUP LLC
PARCEL #: 34-2300-23
1840 EMBARCADERO
OAKLAND CA 94606-5220

TIDEWATER GROUP LLC
PARCEL #: 34-2300-21
1840 EMBARCADERO
OAKLAND CA 94606-5220

TIDEWATER GROUP LLC
PARCEL #: 34-2300-22
1840 EMBARCADERO
OAKLAND CA 94606-5220

WHITE BROTHERS
PARCEL #: 34-2300-7
430 LESSER ST
OAKLAND CA 94601-4902

Z SQUARE PROPERTIES CO
PARCEL #: 34-2304-15
252 CREEDON CIR
ALAMEDA CA 94502-7791