



ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway CA 94502-6577

NOTICE TO COMPLY

May 20, 2016

Mr. and Mrs. Neil and Mary Cotter
2847 Arguello Drive
Burlingame, CA 94010-5817
(sent via E-mail to: neil.cotter@comcast.net and
mary.cotter@comcast.net)

Mr. and Mrs. John and Antoinette Coyle
2193 Trafalgar Place
Oakland, CA 94611
(sent via E-mail to: trisargil@aol.com)

Subject: Fuel Leak Case No. RO000027 and GeoTracker Global ID T06000102106, Grove Street Wash Rack, 3884 Martin Luther King, Jr. Way, Oakland, CA 94609

Dear Ladies and Gentlemen:

A review of the case file for the above-referenced site indicates that your case is currently in not in compliance with Alameda County Environmental Health's (ACEH) March 7, 2016 Directive Letter. None of the requested Technical Reports listed in the March 7, 2016 Directive Letter have been submitted to ACEH, and the case continues to be in non-compliance with uploading required data to the State Water Resources Control Board (SWRCB's) Geotracker data base, timely reporting of groundwater monitoring and sampling events, and stakeholder communications. The potential for vapor intrusion at the adjacent site remains a concern.

Implementation of site characterization and/or cleanup at this site is crucial to be protective of human health and the environment and to move this case towards closure evaluation. Please note that as Responsible Parties, you are required by California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11, §2720 through §2728 to characterize the site and implement corrective action.

In order to regain compliance, please submit to ACEH's ftp site and to Geotracker the documents requested in the Revised Technical Report Request section below. Failure to submit the documents by the due dates specified below may result in an issuance of a Notice of Violation and possible enforcement action by the District Attorney and/or ineligibility for reimbursement of corrective action costs incurred at the site from the Underground Storage Tank Clean-up Fund. Furthermore, ACEH may recommend removal of this site from the Underground Storage Tank Clean-up Fund. Pursuant to Chapter 6.7, California Health and Safety code, civil penalties up to \$10,000 for each UST for each day of violation may be imposed. Once removed from the Clean-up Fund, the costs associated with site characterization/site cleanup work that is required will not be reimbursed. Please note that civil penalties for non-compliance are assessed from the original due date (October 5, 2015).

REVISED TECHNICAL REPORT REQUEST

If additional time is required to complete these tasks, please request an extension in advance of the due date by e-mail and provide a substantive reason for the extension request. Please upload technical reports to the ACEH ftp site (Attention: Karel Detterman), and to the State Water Resources Control

Board's Geotracker website, according to Attachment 1 and the following specified file naming convention and schedule:

- **June 3, 2016** ~~January 8, 2016~~ ~~October 5, 2015~~ – Upload the following documents, specifically, soil analytical laboratory data and site maps to GeoTracker as per Attachment 2, *GeoTracker Reporting Requirements*
- **June 10, 2016 – Soil Vapor Work Plan**
File to be named: RO27_WP_R_yyyy-mm-dd
- **June 10, 2016 – FS/CAP Addendum**
File to be named: RO27_FS/CAP_ADEND_R_yyyy-mm-dd
- **June 10, 2016 – Miscellaneous Report containing Development Plans, Plan Views, Cross Sections, Tables, and a Project Schedule**
File to be named: RO27_MISC_R_yyyy-mm-dd
- **June 30, 2016** – Semiannual Groundwater Monitoring and Sampling Report, 1st Half 2016
File to be named: RO27_GWM_R_yyyy-mm-dd
- **December 30, 2016** – Semiannual Groundwater Monitoring and Sampling Report, 2nd Half 2016
File to be named: RO27_GWM_R_yyyy-mm-dd

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. Should you have any questions or concerns regarding your case, please send me an e-mail message at karel.detterman@acgov.org or call me at (510) 567-6708. Online case files are available for review at the following website: <http://www.acgov.org/aceh/lop/ust.htm>

Sincerely,

Karel Detterman, PG
Hazardous Materials Specialist

Enclosures: Attachment 1 - Responsible Party(ies) Legal Requirements/Obligations ACEH Electronic Report Upload (ftp) Instructions
Attachment 2 – Geotracker Reporting Requirements

cc: Giorgio Molinario, ERM, (Sent via e-mail to: Giorgio.Molinario@erm.com)
Belinda Butler-Veytia, ERM, (Sent via e-mail to: Belinda.Butler-Veytia@erm.com)
Alexandra Foote, Law Offices, (Sent via e-mail to: alexandra@afootelaw.com)
Dilan Roe, ACEH (Sent via E-mail to: dilan.roe@acgov.org)
Karel Detterman, ACEH (Sent via E-mail to: karel.detterman@acgov.org)
GeoTracker, eFile

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.

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| 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.

ATTACHMENT 2

UST Program - GeoTracker Reporting Requirements

What are the State Water Board electronic data submittal requirements?

The Electronic Reporting Regulations (Chapter 30, Division 3 of Title 23 & Division 3 of Title 27, CCR) require electronic submission of any report or data required by a regulatory agency from a cleanup site. Submission dates are set by a Regional Water Board or by a regulatory agency. Once a report/data is successfully uploaded, as required, you have met the reporting requirement (i.e. the compliance measure for electronic submittals is the actual upload itself). The upload date should be on or prior to the regulatory due date.

What this means:

→ Lab Data:

Analytical data (including geochemical data) for all soil, vapor and water samples that are collected for the purpose of subsurface investigation or remediation are required to be submitted in specified EDF format to a regulatory agency. These data are required to be submitted in electronic format to the State Water Board's Geotracker system via the Internet. Groundwater, soil and vapor samples include: monitor well samples, borehole samples, gas and vapor samples, groundwater grab samples, piezometer samples, stockpile samples and samples from drinking water wells.

→ Boring Logs and Well Screen Intervals:

Boring logs must be prepared by an appropriate registered professional and need to be submitted in PDF format. If a monitor well is installed, the screen depth and interval must be reported.

→ Depth to Water Data:

Monitor wells need to have the depth-to-water information reported in the GEO_WELL file whenever the data is collected, even if the well is not actually sampled during the sampling event. Drinking water wells generally do not need to have the depth to water reported unless they are surveyed as permanent sampling points. A permanent sampling point is defined as a point that is sampled for more than a 30-day period.

→ Locational Data:

If samples from the permanent sampling locations are included in a regulatory report to a regulatory agency as part of a cleanup program, these sampling points must be surveyed. This would typically include any groundwater or similar monitoring points at the site or any drinking water wells that are included in the regulatory report. The surveyed locational information for these sampling points should be submitted using the Geo_XY file. Transient or one-time sampling points (e.g. direct push technologies, piezometers, or grab samples often used for rapid site characterization, stockpile sampling points...) do not need to be surveyed. Permanent influent/effluent sampling locations do need to be surveyed as well. Transient sampling point (a point that is sampled for less than 30 days) are not required to be surveyed.

→ Elevation Data:

Elevation measurements to the top of groundwater well casings are required for all groundwater monitoring wells (to be submitted as part of the GEO_Z file). Drinking water wells included in the report, do not need to have the elevation reported unless they are identified as permanent sampling points.

→ Site Map:

An electronic generalized site plan map is required to be submitted into the State database (GEO_MAP). Site map should display tank locations, streets bordering the facility, and sampling locations for all soil, water and vapor samples. The site map is a stand-alone document that may be submitted in various formats. Additional updated site map may be submitted at any time.

→ Paperless Reporting Requirement:

Starting on January 1, 2005, a complete copy of all clean-up and monitoring reports must be submitted to GeoTracker. This uploaded PDF report may include the signed transmittal letter, professional certification and all data that are uploaded into the GeoTracker.

The survey data (latitude/longitude and elevation), depth-to-water, and site map information files must be submitted as required to the SWRCB's GeoTracker database via the Internet in accordance with the [Geotracker XYZ survey Guidelines and Restrictions](#).

(updated 03/28/06)