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POST OFFICE
LAFAYETTE, CA

Leo and Kay Macias
1109 Brown Avenue
Lafayette, CA 94596

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Macias
Not at this address

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Deffernan



ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
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NOTICE OF VIOLATION

January 3, 2013

Leo and Kay Macias
1109 Brown Avenue
Lafayette, CA 94596

Robert Moody
132 Rudgear Drive
Walnut Creek, CA 94596-6316

Subject: Notice of Violation for Monitoring Well Decommissioning, Landowner Notification, and GeoTracker Compliance for Fuel Leak Case No. RO0000036 and GeoTracker Global ID T0600101646, Vend Mart Property, 1035 7th Street, Oakland, CA 94607

Dear Mr. Moody, and Mr. and Mrs. Macias:

On July 3, 2008 Alameda County Environmental Health (ACEH) staff issued a letter requesting that the site be claimed in the State Water Resource Control Board's (SWRCBs) Geotracker database. On March 24, 2010 ACEH issued a directive letter requesting that existing monitoring wells be decommissioned, requesting the Landowner Notification form be filled out, and the site be claimed in Geotracker. A first Notice of Violation was issued by ACEH on July 24, 2009, and a second Notice of Violation was issued by ACEH because the site had not been claimed in the SWRCBs Geotracker database. Each letter contained deadlines that have not been met. A Notice to Comply was issued on July 21, 2011 and requested the wells be decommissioned and the site be claimed in Geotracker. On March 28, 2012, a third Notice of Violation was issued by ACEH because the site had not been claimed in the SWRCBs Geotracker database.

A recent review of the case file and the State's GeoTracker database indicate that the wells have not been decommissioned and the site still has not been claimed. Your site remains out of compliance with multiple directives from this agency. **Because this agency is tasked by the State to manage these tasks, you are also out of compliance with State requirements.** Again, this letter is an additional attempt to preclude further enforcement actions. Pursuant to State of California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, you are required to claim your site and subsequently transmit electronic reports and other site data.

In order to regain compliance with local and State requirements, and to move the site towards site closure, please claim the site and submit the documents to both GeoTracker and to ACEH's FTP site by the dates specified below. Failure to submit the documents may additionally result in referral and possible enforcement action by the District Attorney.

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. Please note that civil penalties for non-compliance are assessed from the original due date (August 15, 2008). ACEH would prefer these funds be used for site closure rather than enforcement.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with the specified file naming convention below, according to the following schedule: