



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

NOTICE TO COMPLY

December 16, 2010

Mr. Edward Kozel
20 Oak Knoll Drive
Healdsburg, Ca 95448-3108

Mr. Robert Kovalak
ICI Paints
16654 W. Sprague Rd.
Strongsville, OH 44136

Ms. Deborah Castles
McGrath Properties
130 Webster Street, Suite 200
Oakland, CA 94607
(sent via electronic mail to
deborah@mcgrathproperties.com)

Subject: Notice to Comply and Request for Status Update; Fuel Leak Case No. RO0000079
(Geotracker Global ID #T0600101659), Oakland National Engravers (ONE), 1001 42nd
Street, Oakland, CA

Dear Mr. Kozel, Mr. Kovalak, and Ms. Castle:

Alameda County Environmental Health (ACEH) staff has reviewed the subject site and notes that three deliverables have not been submitted on or about their associated due dates. A Data Gap Work Plan was due on July 30, 2010 (modified slightly from an earlier communication), a Pilot Study and Groundwater Monitoring Report was due on September 3, 2010, and a Groundwater Monitoring and Sampling Report was due on December 3, 2010. The site is not in compliance with ACEH directives. ACEH requests a status update on progress made at the site. A Notice of Violation could be issued if an additional communication is necessary relative to these documents. Please note that this letter is not intended to extend the due dates, but inquires as to the status of the project and anticipated submittal dates as no additional communications have been provided.

In order to regain compliance, please update the site status with ACEH, submit the requested documents, or undertake the previously requested work and submit the resulting documents to GeoTracker and ACEH's FTP server. Failure to submit the documents may result in referral and possible enforcement action by the District Attorney and / or ineligibility for reimbursement of costs incurred at the site from the Underground Storage Tank Cleanup Fund. The site may also be recommended for removal from the UST Clean-Up Fund (USTCF) if inaction continues. Once removed the costs associated with the subsurface investigation and / or cleanup work that would be required at your site will not be reimbursed.

This letter is an attempt to preclude further enforcement actions. 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 (July 30, 2010).

NOTIFICATION OF FIELDWORK ACTIVITIES

Please provide 72-hour advance written notification to this office (e-mail preferred to: mark.detterman@acgov.org) prior to the start of field activities.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Mr. Mark Detterman), according to the following schedule:

- **January 21, 2011 (Late)** – Work Plan for Data Gap Investigation for additional on- and off-site investigation (utility mains and laterals, additional sources, and offsite investigations)
- **January 21, 2011 (Late)** – Pilot Study and Groundwater Monitoring and Sampling Report
- **January 21, 2011 (Late)** – Groundwater Monitoring and Sampling Report
- **90 Days After Data Gap Work Plan Approval** – Submittal of Soil and Groundwater (Data Gap) Investigation

Reports are 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.

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark E. Detterman, PG, CEG
Hazardous Materials Specialist

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

cc: Oakland National Engravers; RO0000079:

Terry McGrath, McGrath Properties, 130 Webster Street, Suite 200, Oakland, CA 94607
(sent via electronic mail to terry@mcgrathproperties.com)

Robert Cheung, AMEC Geomatrix, Inc., 2101 Webster Street, 12th Floor, Oakland, CA 94612
(sent via electronic mail to robert.cheung@amec.com)

Syed Rehan, AMEC Geomatrix, Inc., 2101 Webster Street, 12th Floor, Oakland, CA 94612
(sent via electronic mail to syed.rehan@amec.com)

Dunne Quality Paints; RO0000073:

Terry Turner, Dunn Quality Paints, 707 Glenside Circle, Lafayette, CA 94549

Chad McNamee, 6820 Thornhill Drive, Oakland, CA 94611

Martin Samuels, Green City Lofts, 3675 Delmont Avenue, Oakland, CA 94605

Timothy Bodkin, Bureau Veritas, 6920 Koll Center Parkway, Suite 216, Pleasanton, CA 94566
(sent via electronic mail to timothy.bodkin@us.beuraveritas.com)

Celis Service Station; (RO0000453) & Magnolia Terrace Residential (RO0003004):

Markus Niebanck, City of Emeryville, Economic Development & Housing Department, 1333 Park Avenue, Emeryville, CA 94608 (sent via electronic mail to mniebanck@ci.emeryville.ca.us)

Mr. Kozel, Mr. Kovaiak, and Ms. Castle

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Oak Walk Redevelopment; (RO0002733):

Mr. Dai Watkins, The San Joaquin Co., 1120 Hollywood Avenue, Suite 3, Oakland, CA 94602

(sent via electronic mail to daiw@sanjoco.com)

Marilyn Ponte, Bay Rock Residential LLC, 1300 Clay Street, Suite 620, Oakland, CA 94612

(sent via electronic mail to marilyn@bay-rock.com)

John Tibbetts, Oak's Club Room, 4097 San Pablo Avenue, Emeryville, CA 94608

Concerned Property Owner:

Dave Ennis, PO Box 10985, South Lake Tahoe, CA 96158-3985

Regulatory Contacts:

Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Suite 3341, Oakland, CA

94612-2032 (sent via electronic mail to lgriffin@oaklandnet.com)

Sunil Ramdass, State Water Resource Control Board, Underground Storage Tank Cleanup Fund,
P.O. Box 944212, Sacramento, CA 94244-2120,

(sent via electronic mail to sramdass@waterboards.ca.gov)

Donna Drogos, (sent via electronic mail to donna.drogos@acgov.org)

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

GeoTracker, e-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.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml).

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: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 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 dehloptoxic@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 dehloptoxic@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.