



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
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NOTICE TO COMPLY

June 9, 2016

Mr. James Tracy
3550 Paradise Rd. #603
Las Vegas, NV 89169-3654

Dr. Orobo Osagie
PO Box 426695
San Francisco, CA 94142

Subject: Meeting Request and Request for Information; Fuel Leak Case No. RO0000117 and GeoTracker Global ID T0600191668, Osagie Property, 1532 Peralta Street, Oakland, CA 94607

Dear Mr. Tracy and Dr. Osagie:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including your most recent communication, a phone conversation with Brent Wheeler of Golden Gate Tank Removal on February 13, 2013, and ACEH's most recent correspondence, a staff letter, dated June 26, 2015 regarding the subject site.

ACEH has performed a review of the case in conjunction with the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP) and has determined the site does not meet several General and/or Media Specific criteria. ACEH is required to review all environmentally-related documents prepared for the site, including prepared documents not currently submitted to the ACEH ftp or SWRCBs GeoTracker case files. ACEH wishes to review these documents prior to making a final LTCP determination.

Following a review of the submitted documents, ACEH wishes meet with you to discuss your case in light of the LTCP.

Please note that 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. 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.

Failure to submit the requested documents by the due date 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 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 Cleanup Fund. Once removed from the Clean-up Fund (CUF), the costs associated with site characterization/site cleanup work that is required will not be reimbursed.

A review of GeoTracker indicates your case has been assigned a "B" priority ranking and has received more than \$180,000 from the CUF.

In order to regain compliance, please electronically submit upload all documents to GeoTracker and ACEH's ftp server by the date specified below. Additionally, ACEH requests to set up a

meeting, either at our offices or by conference call, discuss the case in light of the LTCP implementation.

Please address the following technical comments by the dates specified below.

TECHNICAL COMMENTS

- 1. Document Submittals** – During the above referenced phone conversation with Mr. Wheeler, he stated that additional work had been performed at the site; however, the reports documenting these activities had not been uploaded to either to the ACEH ftp or to the GeoTracker websites. Since the phone conversation on February 13, 2013, no documents have been submitted to either the ACEHs ftp website or to the Geotracker database.

Please review the documents in the ACEH and in GeoTracker databases, submit the missing documents, and provide ACEH, Attention Keith Nowell, with a list of uploaded to documents by the dates specified below. ACEH's case files can be reviewed at:

<http://www.acgov.org/aceh/lop/ust.htm>

GeoTracker can be reviewed at:

<http://geotracker.waterboards.ca.gov/>.

Note that GeoTracker, in addition to report submittals (GEO_REPORTs), requires the electronic submittal of laboratory analysis data (EDFs), monitoring well depth to water data (GEO_WELLS), and figures (GEO_MAPs).

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.

- 2. Meeting Request** - Upon review of the submitted documents ACEH would like to participate with you in a meeting to discuss your case as it relates to the LTCP. Please provide ACEH several dates and times during which a meeting can be scheduled. Please reference dates for a month following the document submittals, allowing ACEH time for document review and LTCP evaluation. ACEH staff will select dates and times from your list and email an invite to schedule the meeting. Please provide the list of available dates and times by the date specified below.

TECHNICAL REPORT REQUEST

Please submit technical reports to ACEH (Attention: Keith Nowell), according to the following schedule:

- **July 11, 2016 – Electronic Submittal of Information** (Both ACEH ftp and GeoTracker websites)
- **July 11, 2016 – List of Submittal Documents** (Provided via electronic mail Attn.: Keith Nowell)

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- **July 11, 2016 – Notification of Meeting Dates and Times** (Provided via electronic mail
Attn.: Keith Nowell)

If your email address does not appear on the cover page of this notification, ACEH is requesting you provide your email address so that we can electronically deliver the meeting invite and correspond with you quickly and efficiently regarding your case.

Thank you for your cooperation. Should you have any questions regarding this correspondence or your case, please call me at (510) 567-6764 or send an electronic mail message at keith.nowell@acgov.org.

Sincerely,

Keith Nowell, P.G., C.HG
Hazardous Materials Specialist

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

cc: Brent Wheeler, Golden Gate Tank Removal, 3730 Mission Street, San Francisco, CA 94110
(Sent via electronic mail to: b.wheeler@ggtr.com)

Dilan Roe, ACEH (Sent via electronic mail to: dilan.roe@acgov.org)
Keith Nowell, ACEH (Sent via electronic mail to: keith.nowell@acgov.org)
GeoTracker/ 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.