



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

NOTICE OF VIOLATION

March 28, 2012

Larry Armstrong
Quality Tune-up
286 E. Hamilton Avenue
Suite A
Campbell, CA 95800

Kenneth A. Gong
Kenneth A. Gong TR ETAL
42 Linda Vista
Orinda, CA 94563

Subject: Notice of Violation for Monitoring Well Decommissioning and GeoTracker Compliance of Fuel Leak Case No. RO0000135 and GeoTracker Global ID T0600101116, Quality Tune-up, 2780 Castro Valley Boulevard, Castro Valley, CA 94546

Dear Responsible Parties:

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 February 25, 2011, a second Notice of Violation was issued by ACEH because the site had not been claimed in the SWRCBs Geotracker database. The first Notice of Violation was issued by ACEH on July 24, 2009. Each letter contained deadlines that have not been met.

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 is out of compliance with directives from this agency. This letter is an additional attempt to preclude further enforcement actions. Pursuant to 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, please claim the site and submit the documents to GeoTracker and ACEH's FTP server 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.

TECHNICAL REPORT REQUEST

Please claim the site in GeoTracker and submit appropriate documents to GeoTracker and ACEH (Attention: Paresh Khatri), according to the following schedule:

Responsible Parties
RO0000135
March 28, 2012, Page 2

- **April 28, 2012** – GeoTracker Compliance and Request for Information Uploads
- **May 29, 2012** – Monitoring Well Decommissioning Report

Should you have any questions, please contact me at (510) 777-- 2478 or send me an electronic mail message at paresh.khatri@acgov.org.

Sincerely,

Paresh C. Khatri
Senior Hazardous Materials Specialist

Enclosures: July 3, 2008 ACEH Correspondence
July 24, 2009 ACEH Correspondence
February 25, 2011 ACEH Correspondence
Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions

cc: Sunil Ramdass, Underground Storage Tank Cleanup Fund, SWRCB, PO Box 944212,
Sacramento, CA 94244-2120, (sent via electronic mail to sramdass@waterboards.ca.gov)

Donna Drogos, ACEH, (sent via electronic mail to donna.drogos@acgov.org)
Paresh Khatri, ACEH, (sent via electronic mail to paresh.khatri@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 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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July 3, 2008

LARRY ARMSTRONG
QUALITY TUNE UP
286 E HAMILTON AVE STE A
CAMPBELL, CA 95800

WILLIAM GONG
WILLIAM GONG ETAL
4320 VIEW CREST CT
OAKLAND, CA 94619

SUBJECT: GEOTRACKER STATUS FOR THE LEAKING UNDERGROUND STORAGE TANK
(UST) CASE FOR FUEL LEAK CASE #: RO000135; Geotracker Global ID # T0600101116;
QUALITY TUNE UP, 2780 CASTRO VALLEY BLVD, CASTRO VALLEY, CA; 94546

Dear Mr. Armstrong & Mr. Gong:

A review of the case file and the State Water Resources Control Board's (SWRCB) GeoTracker website indicate that the site has not been claimed in the database; therefore electronic copies of analytical and survey data have not been uploaded to the SWRCB GeoTracker database, thus rendering the site to non-compliance status. 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 LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. Additionally, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level relative to NGVD88 and latitude and longitude to sub-meter accuracy relative to NAD 83. A California licensed surveyor may be required to perform this work. Lastly, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy.

In order to remain in compliance and maintain eligibility to receive reimbursement for investigation costs from the UST Clean-up Fund, please claim your site, upload all analytical data (EDF), beginning from September 1, 2001 to current, including monitoring well survey data (GEO_XY and GEO_Z), and PDF reports from July 1, 2005 to current to the SWRCB's GeoTracker database website in accordance with the above-cited regulations. Survey the monitoring well(s) (if applicable), perform the electronic submittals, and submit verification to this Agency by **AUGUST 15, 2008**. Failure to comply with this requirement will result in an issuance of a Notice of Violation and possible forfeiture of reimbursement monies.

Additional information regarding the SWRCB's GeoTracker website may be obtained online at http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml or by contacting the GeoTracker Help Desk at geotracker@waterboards.ca.gov or (866) 480-1028.

Thank you for your cooperation. I can be reached at 510-777-2478 to answer any questions you may have regarding this letter.

Sincerely,

Paresh C. Khatri
Hazardous Materials Specialist



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NOTICE OF VIOLATION

July 24, 2009

WILLIAM GONG
WILLIAM GONG ETAL
4320 VIEW CREST CT
OAKLAND CA 94619

LARRY ARMSTRONG
QUALITY TUNE UP
286 E HAMILTON AVE STE A
CAMPBELL CA 95800

Subject: Fuel Leak Case No. RO0000135 and Geotracker Global ID T0600101116, QUALITY TUNE UP,
2780 CASTRO VALLEY BLVD, CASTRO VALLEY CA 94546

Dear Responsible Party(ies):

On July 3, 2008, Alameda County Environmental Health (ACEH) sent a correspondence to you identifying that your site, QUALITY TUNE UP, located at 2780 CASTRO VALLEY BLVD, CASTRO VALLEY CA 94546 has not been claimed in the State Water Resources Control Board's (SWRCB) GeoTracker database. It was further stated that the site must be claimed by August 15, 2008 in order to remain in compliance. A review of the case file and the State's GeoTracker database indicate that the site still has not been "claimed," and your site is out of compliance with directives from this agency. Pursuant to 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 electronically transmit reports and other site data, as required.

In order to regain compliance, please claim the site (www.geotracker.waterboards.ca.gov) and submit verification to ACEH by **August 10, 2009**. Failure to claim the site by the due date specified above may result in referral 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. 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 the subsurface investigation and/or cleanup work that may be required at your site will not be reimbursed. Please note that civil penalties for non-compliance are assessed from the original due date (August 15, 2008).

If you have any questions, please call me at (510) 777-2478 or send me an electronic mail message at paresh.khatri@acgov.org.

Sincerely,

Paresh C. Khatri
Hazardous Materials Specialist

Responsible Party(ies)
RO0000135
July 24, 2009, Page 2

cc: Gary Aguiar, Hageman- Aguiar, 3732 Mt. Diablo Blvd., Suite 372, Lafayette, CA 94549
Donna Drogos, ACEH (*Sent via E-mail to: donna.drogos@acgov.org*)
Paresh Khatri, ACEH (*Sent via E-mail to: paresh.khatri@acgov.org*)
Geotracker, File



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July 3, 2008

LARRY ARMSTRONG
QUALITY TUNE UP
286 E HAMILTON AVE STE A
CAMPBELL, CA 95800

WILLIAM GONG
WILLIAM GONG ETAL
4320 VIEW CREST CT
OAKLAND, CA 94619

SUBJECT: GEOTRACKER STATUS FOR THE LEAKING UNDERGROUND STORAGE TANK
(UST) CASE FOR FUEL LEAK CASE #: RO000135; Geotracker Global ID # T0600101116;
QUALITY TUNE UP, 2780 CASTRO VALLEY BLVD, CASTRO VALLEY, CA; 94546

Dear Mr. Armstrong & Mr. Gong:

A review of the case file and the State Water Resources Control Board's (SWRCB) GeoTracker website indicate that the site has not been claimed in the database; therefore electronic copies of analytical and survey data have not been uploaded to the SWRCB GeoTracker database, thus rendering the site to non-compliance status. 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 LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. Additionally, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level relative to NGVD88 and latitude and longitude to sub-meter accuracy relative to NAD 83. A California licensed surveyor may be required to perform this work. Lastly, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy.

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Additional information regarding the SWRCB's GeoTracker website may be obtained online at http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml or by contacting the GeoTracker Help Desk at geotracker@waterboards.ca.gov or (866) 480-1028.

Thank you for your cooperation. I can be reached at 510-777-2478 to answer any questions you may have regarding this letter.

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Hazardous Materials Specialist



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NOTICE OF VIOLATION

February 25, 2011

Larry Armstrong
Quality Tune-up
P.286 E. Hamilton Ave., Suite A
Campbell, CA 95800

Kenneth A. Gong
Kenneth A. Gong TR ETAL
42 Linda Vista
Orinda, CA 94563

Subject: Pending Recommendation to Remove From Future USTCF Eligibility; Fuel Leak Case No. RO0000135 and GeoTracker Global ID T0600101116, Quality Tune-up, 2780 Castro Valley Boulevard, Castro Valley, CA 94546

Dear Mr. Armstrong and Mr. Gong:

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 July 24, 2009, a 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 recent review of the case file and the State's GeoTracker database indicate that the site still has not been claimed. Your site is out of compliance with directives from this agency. This letter is an additional attempt to preclude further enforcement actions. Pursuant to 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.

Based on the documented inaction, ACEH will recommend on February 28, 2011 that the Underground Storage Tank Cleanup Fund (Fund) remove the subject site from the Fund, and thus eligibility for all investigation and cleanup cost reimbursement. Once removed the costs associated with all current or future subsurface investigations and / or cleanup work that may be required at your site will not be reimbursed.

In order to regain compliance, please claim the site and submit the documents to GeoTracker and ACEH's FTP server 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).

TECHNICAL REPORT REQUEST

Please claim the site in GeoTracker and submit appropriate documents to GeoTracker and ACEH (Attention: Paresh Khatri), according to the following schedule:

Mr. Armstrong and Mr. Gong
RO0000135
February 25, 2011, Page 2

- **March 28, 2011** – GeoTracker Compliance and Request for Information Uploads

Should you have any questions, please contact me at (510) 777-2478 or send me an electronic mail message at paresh.khatri@acgov.org.

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Sr. Hazardous Materials Specialist

Enclosures: Responsible Party (ies) Legal Requirements / Obligations
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(Sent via E-mail to: gary@hydroanalysis.com)
Donna Drogos, ACEH, (sent via electronic mail to donna.drogos@acgov.org)
Paresh Khatri, ACEH, (sent via electronic mail to paresh.khatri@acgov.org)
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Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
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SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

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Submission Instructions

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 - 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.