



June 7, 2017

Mr. Bob Webster  
David D Bohannon Organization  
60 31<sup>st</sup> Avenue  
San Mateo, CA 94403  
(Sent via electronic mail to: [Robert.Webster@ddbo.com](mailto:Robert.Webster@ddbo.com))

#### NOTICE TO COMPLY

Subject: Notice to Comply; Request for Meeting and Data Gap Work Plan; Fuel Leak Case No. RO0000167 and GeoTracker Global ID T0600102098; Bohannon Development Property, 575 Paseo Grande, San Lorenzo, CA 94580

Dear Mr. Webster:

A review of the case file for the above-referenced site indicates that your case is currently not in compliance with Alameda County Department of Environmental Health's (ACDEH) June 17, 2016 letter. The letter required a data gap work plan submittal by August 26, 2016. These actions were due over 10 months ago.

However, Alameda County Department of Environmental Health (ACDEH) staff has reviewed the *Status of Inactive Irrigation Well and Update to the Site Conceptual Model Regarding the Potential Migration of Vapors from Groundwater to Unsaturated Zone Soils*, dated January 31, 2017. The letter was prepared and submitted by Stantec on your behalf. The letter provided additional information on the status of the residential private water supply well at 15962 Via Del Sol, and stated that several attempts to contact the well owner were unsuccessful. The letter additionally stated that Bohannon and Stantec were not aware of additional data that could be collected on- or off-site that could further the understanding of residual contamination, and requested ACDEH reconsider the Request for Closure denial.

Based on the letter, ACDEH contacted Stantec on March 29, 2017 to request a meeting to further discuss options in moving the case forward, including redevelopment. In the resulting discussions, Stantec indicated the content of the discussions would be communicated with you; however, a response has not been forthcoming.

As previously communicated, ACDEH has evaluated the data and recommendations presented in site documents, in conjunction with the case files, to determine if the site is eligible for closure as a low risk site under the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP). Based on ACDEH staff review, we have determined that the site fails to meet the Media-Specific Criteria for Groundwater and the Media-Specific Criteria for Vapor Intrusion to Indoor Air.

ACDEH has also discussed the case with the State Water Board (SWB) which reviews closure denials. As you are aware, the SWB has also found that the case does not meet the LTCP.

Please be aware, that implementation of site characterization at this site is important in order to be protective of human health and the environment and to move this case towards closure. Please note that as the identified Responsible Party, 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 any necessary corrective action.

Please also be aware that with an open environmental case, it is unlikely that lending institutions will loan on the property. This will affect your ability to refinance the property or to sell it in a timely basis. The longer an environmental case is closed, the lower the environmental stigma associated with a property is.

In order to regain compliance with local and State requirements, and to move the site towards site closure, please implement actions by the dates specified below. Failure to implement these actions by the due

dates specified below may result in an issuance of a Notice of Violation 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. 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 (August 26, 2016).

Therefore, based on the review of the case file ACDEH requests that you address the following technical comment and send us the documents requested below.

### **TECHNICAL COMMENTS**

- 1. Request for Meeting** – In order to move the case towards closure, and to identify potential options for investigation for the site toward that purpose, including the potential for redevelopment, ACDEH requests a meeting of all involved parties. Please provide ACDEH with several dates and times during which a meeting can be scheduled to discuss the path to closure. ACDEH staff will select dates and times from your list, or propose alternative dates, to meet. Please provide the list of available dates and times by **June 30, 2017**.

### **SUBMITTAL ACKNOWLEDGEMENT STATEMENT**

Please note that ACDEH has updated Attachment 1 with regard to report submittals to ACDEH. ACDEH will now be requiring a Submittal Acknowledgement Statement, replacing the Perjury Statement, as a cover letter signed by the Responsible Party (RP). The language for the Submittal Acknowledgement Statement is as follows:

*I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's Geotracker Website.*

Please make this change to your submittals to ACDEH.

### **TECHNICAL REPORT REQUEST**

Please submit reports to Alameda County Environmental Health (Attention: Mark Detterman), and 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 following specified file naming convention and schedule:

- **June 30, 2017** – Potential Meeting Dates  
(Please email your case worker)
- **August 26, 2016 60 Days After Meeting** – Updated Focused SCM and Data Gap Work Plan  
(File name: RO0000167\_WP\_SCM\_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.

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Thank you for your cooperation. ACDEH looks forward to working with you and your consultants to advance the case toward closure. If you have any questions, please call me at (510) 567-6876 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

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Sincerely,



Mark E. Detterman, PG, CEG  
Senior Hazardous Materials Specialist

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

cc: Ernie Lotti, David D Bohannon Organization, 60 31<sup>st</sup> Avenue, San Mateo, CA 94403;  
(Sent via electronic mail to: [Ernie.Lotti@ddbbo.com](mailto:Ernie.Lotti@ddbbo.com))

Chris Maxwell, Stantec Consulting Corporation, 57 Lafayette Circle, 2<sup>nd</sup> Floor, Lafayette, CA 94549;  
(Sent via electronic mail to: [Chris.Maxwell@stantec.com](mailto:Chris.Maxwell@stantec.com))

Eva Hey, Stantec Consulting Corporation, 57 Lafayette Circle, 2<sup>nd</sup> Floor, Lafayette, CA 94549; (Sent  
via electronic mail to: [Eva.Hey@stantec.com](mailto:Eva.Hey@stantec.com))

Dilan Roe, ACDEH; (Sent via electronic mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))

Paresh Khatri, ACDEH; (Sent via electronic mail to: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org))

Mark Detterman, ACDEH; (Sent via electronic mail to: [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))

Electronic File, GeoTracker

## 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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 ([http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)) for more information on these requirements.

#### ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website." 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 6731, 6735, and 7835) 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 licensed 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 case meet this requirement. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

#### UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, late 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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> December 1, 2016
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions


The Alameda County Environmental Cleanup Oversight Programs (LOP and SCP) 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](mailto: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) Open File Explorer using the Windows  key + E keyboard shortcut.
    - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
  - b) On the address bar, type in ftp://alcoftp1.acgov.org.
  - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
  - d) Click Log On.
  - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
  - f) 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](mailto: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.