



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
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(510) 567-6700
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NOTICE TO COMPLY

May 26, 2015

Mr. Ed Hemmet and Mr. Mehrdad Dokhanchy
PO Box 11390
Oakland, CA 94611-0390

Mr. Donald Rosenberg
2740 Ptarmigan Dr.
Walnut Creek, CA 94595-3121

Ms. Jacki Li
Award Motors Inc.
210 Scenic Dr.
Piedmont, CA 94611

Ms. Rita Robinson
13199 Skyline Blvd.
Oakland, CA 94619

Mr. Lloyd Kendall Jr.
Exchange Support Services, Inc.
180 Grand Ave., Suite 1385
Oakland, CA 94621

Subject: Request for Meeting Dates, Fuel Leak Case No. RO0000182 and GeoTracker Global ID T06019784055, Robinson Property / Mohawk Oil Co., 5630 San Pablo Ave., Oakland, CA 94608

Dear Responsible Parties:

Alameda County Environmental Health (ACEH) has reviewed the case file including the work plan dated March 31, 2009, and ACEH's directive letters, dated July 24, 2009, April 6, 2012, and June 23, 2014, for the subject site. Over 11 months have lapsed and ACEH has not received any correspondence regarding site activities, case status, or response to our meeting request.

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. Please note that 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.

Also, a review of ACEH's FTP site indicates that not all submittals have been electronically uploaded rendering the site to non-compliance status. Please note that in addition to GeoTracker, all reports, work plans, correspondences, etc. must be uploaded to ACEH's FTP site (see the enclosed "ACEH Electronic Report Upload (ftp) Instructions.").

In order to regain compliance, please provide a site summary report describing the history of investigation and remedial activities performed at the subject site, and electronically upload all documents to GeoTracker and ACEH's FTP server by the dates specified below. Failure to submit the implement the corrective action by the due dates 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 corrective action 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. 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 (June 8, 2012).

ACEH July 24, 2009 Directive Letter: Stated groundwater monitoring should be reduced to a semi-annual basis. A review of the case file indicates the site is out of compliance with agency directives as the most recent groundwater monitoring report received by ACEH was performed on August 20, 2009. ACEH requests the submittal of the delinquent groundwater monitoring reports. These submittals, including the GEO_REPORTS and associated GEO_WELL, GEO_MAP, and Electronic Deliverable Format (EDF) laboratory analysis reports are late and overdue. ACEH requests these documents be uploaded concurrent with the Geotracker submittals by the date specified below.

ACEH April 6, 2012 Directive Letter: Stated ACEH was in general concurrence to the scope of work outlined in the workplan submitted on March 31, 2009 and included a request for brief a work plan addendum addressing technical comments presented in the Directive and to implement the amended work plan. It is unclear to ACEH that the work has been performed as ACEH was not provided a work plan addendum and has not received documents indicating the work has been performed.

Therefore, please provide a site summary report describing the history of investigation and remedial activities performed at the subject site to ACEH by the date specified below.

ACEH June 23, 2014 Directive Letter: Requested a meeting to discuss the status of the case. No response to the meeting request was received by ACEH.

In order to discuss the path to closure for this case, please provide ACEH several dates and times during which a meeting can be scheduled. ACEH staff will select dates and times from your list to arrange the meeting. Please provide the list of available dates and times, via email correspondence (Attn.: Keith Nowell), by the date specified below.

TECHNICAL REPORT REQUEST

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

- **June 14, 2015** – Meeting Dates and Times (provide as an email correspondence)
- **June 26, 2015** – Electronic Submittal of Information (ACEH ftp and GeoTracker)
- **June 26, 2015** – **Site Summary Report** (file to be named name: RO0000182_SITE_SUMM_R_yyyy-mm-dd)

Responsible Parties
RO0000182
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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.

Failure to upload the data and documents to the ACEH FTP site and the SWRCB Geotracker website by the due date specified may result in issuance of a Notice of Violation and/or possible referral to the Office of the District Attorney for enforcement action. Please see Attachment 1 for limited additional details, and the state Geotracker website for full details. ACEH requests notification of, and a list of, the documents uploaded to Geotracker and the ACEH FTP site.

As 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 correspond with you quickly and efficiently regarding your case.

Thank you for your cooperation. ACEH looks forward to working with you and your consultants to advance the case toward closure. 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, PG, CHG

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

cc: Frank Hamedi-Fard, Enviro Soil Tech Consultants, 131 Tully Road, San Jose, CA 95111 (*Sent via E-mail to: info@envirosoiltech.com*)

Mark Arinola, City of Oakland Public Works Environmental Services, 250 Frank H. Ogawa Plaza, Ste. 4314, Oakland, CA 94612 (*Sent via E-mail to: marniola@oaklandnet.com*)

Dilan Roe, ACEH (*Sent via E-mail to: dilan.roe@acgov.org*)

Keith Nowell, ACEH (*Sent via E-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.