



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

## NOTICE OF VIOLATION

November 18, 2010

Mr. George Moniz  
Livermore Unified School District  
685 E. Jack London Blvd.  
Livermore, CA 94550

Subject: Notice of Violation for Fuel Leak Case No. RO0000188 and GeoTracker Global ID T0600100844, Laidlaw Transit (Maintenance Yard), 2900 Ladd Avenue, Livermore, CA 94550

Dear Mr. Moniz:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site. The most recent document that we have received for this site is a document entitled "Report on Groundwater Sampling for Monitoring Well MW-5," dated January 7, 2003 prepared on your behalf by Engeo Incorporated. ACEH has not received any more recent documents since receiving the January 7, 2003 report. The January 7, 2003 report presents the results from groundwater sampling of one monitoring well at the site, well MW-5. Laboratory analytical results from the sampling conducted in December 2002, indicate that groundwater from well MW-5 contains 72,000 micrograms per liter ( $\mu\text{g/L}$ ) of total petroleum hydrocarbons as gasoline (TPHg), 8,500  $\mu\text{g/L}$  of benzene, 11,000  $\mu\text{g/L}$  of toluene, 1,600  $\mu\text{g/L}$  of ethylbenzene, and 10,000  $\mu\text{g/L}$  of xylenes. Sampling activities conducted prior to December 2002 have also detected elevated concentrations of petroleum hydrocarbons in soil and groundwater at the site. Based on the elevated concentrations of petroleum hydrocarbons present in soil and groundwater at the site, investigation and cleanup of this site is not complete. Therefore, you are required to conduct additional site investigation, groundwater monitoring, and cleanup in order to reach site closure.

In correspondence dated August 5, 2005, ACEH requested that you submit a Work Plan to complete site investigation and conduct groundwater monitoring. No Work Plan was subsequently received. Therefore, your site is out of compliance with directives from this agency. In order for your site to return to compliance, please **submit a Work Plan that addresses the technical comments below no later than February 18, 2011**. Failure to submit the requested Work Plan 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.

## **TECHNICAL COMMENTS**

- 1. Filter Pack and Screen Intervals for Wells MW-2, MW-3, and MW-4.** The screen interval for existing well MW-2 extends from approximately 32 to 57 feet bgs. The screen interval for wells MW-3 and MW-4 extends from approximately 28 to 53 feet bgs. The Work Plan must include an assessment of whether the filter packs and screen intervals for these wells connect different water-bearing zones and may act as conduits for vertical contaminant migration. The wells are to be properly decommissioned if it is determined that the wells connect different water-bearing zones or vertical ambient flow is potentially occurring within the wells.
- 2. Site Characterization.** The lateral and vertical extent of soil and groundwater contamination at the site has not been fully defined. Monitoring well MW-5 extends to a depth of 25 feet bgs and monitors shallow groundwater at the site. The remaining three wells are screened within lower stratigraphic intervals. Both shallow groundwater (currently monitored by well MW-5) and the deeper groundwater monitored by well MW-2, are contaminated. Detailed lithologic information is to be collected using soil borings, direct push sampling, and/or cone penetrometer to complete site characterization. The Work Plan requested below is to include plans to characterize chemical concentrations in groundwater within the shallow groundwater zone and deeper water-bearing zones. Please consider the use of depth discrete groundwater samples collected along transects to characterize the site prior to installation of monitoring wells. We request that you use detailed hydrogeologic cross sections to determine the appropriate locations and designs for monitoring wells/well clusters and piezometers that are needed to appropriately characterize the three-dimensional extent of soil and groundwater contamination at the site. To appropriately evaluate your site, your monitoring wells/well clusters will need to be screened in the permeable zones with screen lengths that match the stratigraphic sequence. Please include the above information in the Work Plan requested below.
- 3. Well Survey.** ACEH requests that you locate all water supply wells within 2,000 ft of the subject site. We recommend that you obtain well information from both Zone 7 Water Agency and the State of California Department of Water Resources, at a minimum. As part of your detailed well survey, please perform a background study of the historical land uses of the site and properties in the vicinity of the site. Use the results of your background study to determine the existence of unrecorded/unknown (abandoned) wells, which can act as pathways for migration of contamination at and/or from your site. Please refer to the Regional Board's guidance for identification, location, and evaluation of potential deep well conduits when conducting your preferential pathway study. Please include the Well Survey in the Work Plan requested below.
- 4. Noncompliance with GeoTracker Requirements.** Review of the State's GeoTracker database indicates 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.

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### **TECHNICAL REPORT REQUEST**

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **February 18, 2011** – Work Plan

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org).

Sincerely,

Jerry Wickham, California PG 3766, CEG 1177, and CHG 297  
Senior Hazardous Materials Specialist

Attachment: Responsible Party(ies) Legal Requirements/Obligations

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Danielle Stefani, Livermore Pleasanton Fire Department, 3560 Nevada St, Pleasanton, CA 94566  
(Sent via E-mail to: [dstefani@lpfire.org](mailto:dstefani@lpfire.org))

Cheryl Dizon (QIC 8021), Zone 7 Water Agency, 100 North Canyons Pkwy, Livermore, CA 94551  
(Sent via E-mail to: [cdizon@zone7water.com](mailto:cdizon@zone7water.com))

Donna Drogos, ACEH (Sent via E-mail to: [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))  
Jerry Wickham, ACEH (Sent via E-mail to: [jerry.wickham@acgov.org](mailto:jerry.wickham@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.swrcb.ca.gov/ust/electronic\\_submittal/report\\_rqmts.shtml](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.

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| <b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b> | <b>ISSUE DATE:</b> July 5, 2005                                |
|   | <b>REVISION DATE:</b> March 27, 2009                           |
|   | <b>PREVIOUS REVISIONS:</b> December 16, 2005, October 31, 2005 |
| <b>SECTION:</b> Miscellaneous Administrative Topics & Procedures              | <b>SUBJECT:</b> 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

- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection.** (Please do not submit reports as attachments to electronic mail.)
- 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)

#### Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

#### 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](mailto:dehloptoxic@acgov.org)
    - Or
    - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of My Le Huynh.
  - 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 and Firefox browsers will not open the FTP site.
  - b) Click on File, then on Login As.
  - 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](mailto: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.