



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

July 25, 2011

Jay H. and Kyoung J. Ku
PO Box 20127
Castro Valley, CA 94502

Robert R. and Jewel V. Butler
Unknown Address

Wun C. and Kyung A. Yue
1112 Deer Creek Ct.
Pleasanton, CA 94566

Subject: Notice to Comply for Fuel Leak Case No. RO0000240 and Geotracker Global ID T0600100424, Fountain Cleaners, 2006 Encinal Avenue, Alameda, CA 94501

Dear Ladies and Gentlemen:

A review of the case file for the above-referenced site indicates that your case is not currently in compliance with Alameda County Environmental Health's (ACEH) correspondence December 11, 2006, which requested a Work Plan for Soil and Groundwater Investigation and a Preferential Pathway Study. More than four years have lapsed and the Soil and Groundwater Investigation Work Plan and Preferential Pathway Study have not been received. 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.

A July 24, 2009 ACEH correspondence notified you the groundwater monitoring well at your site was to be monitored on the first and third quarters with the results of the groundwater monitoring presented in groundwater monitoring reports presented no later than sixty (60) days following the groundwater sampling event. Also, ACEH requested in correspondences dated July 3, 2008 and February 15, 2011 that the site be claimed in the State Water Resources Control Board's (SWRCB) Geotracker database. Each of the correspondences contained deadlines that have not been met.

A review of ACEH's FTP site indicates that not all submittals have been electronically uploaded, rendering the site to a non-compliance status. Also, Geotracker does not contain uploads of the reports, well data, and analysis results. The site must be claimed prior to the uploads to Geotracker. Please note that in addition to Geotracker, all environmental reports, work plans, correspondences, etc. must be uploaded to ACEH's FTP site per Chapter 30, Division 3, Titles 23 & 27 of the California Code of Regulations (see the attached "ACEH Electronic Report Upload (ftp) Instructions.").

In order to regain compliance, please claim the site in Geotracker, submit the Work Plan for Soil and Groundwater Characterization, submit a Preferential Pathway Study, and continue with semiannual groundwater monitoring conducted on the first and third quarters with the results of the groundwater monitoring presented in groundwater monitoring reports submitted no later than sixty (60) days following the groundwater sampling event. Please upload all documents to Geotracker and ACEH's FTP server by the dates specified below. Failure to submit the groundwater monitoring reports by the due dates specified below may result in an issuance of a Notice of Violation and possible enforcement action by the District Attorney.

TECHNICAL REPORT REQUEST

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

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RO0000240
July 25, 2011

- **August 26, 2011**-- Claim site in Geotracker
- **September 26, 2011**-- ACEH Electronic Reporting Compliance for reports produced after June 20, 2005 and perform Geotracker uploads
- **September 26, 2011**-- Work Plan for Soil and Groundwater Characterization with Preferential Pathway Study
- **October 14, 2011** – Third Quarter 2011 Groundwater Monitoring Report
- **April 20, 2012** – First Quarter 2012 Groundwater Monitoring Report

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. 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.

Keith Nowell, PG CHG
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (FTP) Instructions
Responsible Party(ies) Legal Requirements/Obligations

Cc: James Gribi, Gribi Associates, 1090 Adams St, Ste K, Benicia, CA 94510
Donna Drogos, ACEH (*Sent via E-mail to donna.drogos@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: 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.