



November 21, 2016

Au Energy LLC
c/o Sunny Goyal
Vintners Distributors, Inc.
41805 Albrae Street, 2nd Floor
Fremont, CA 94538
(Sent via E-mail to: sunny@vintnersdist.com)

Andrea Wing
Shell Oil Products US
20945 S. Wilmington Ave
Carson, CA 90810-1039
(Sent via E-mail to: andrea.wing@shell.com)

Subject: Submittal of Reports and Data and Meeting for Fuel Leak Case No. RO0000254 and GeoTracker Global ID T0600101231, Shell #13-5266, 1800 Powell Street, Emeryville, CA 94608

Dear Mr. Goyal and Ms. Wing:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file for the above referenced site. Per the request of AECOM on the behalf of Shell Oil Products US, dated October 31, 2016, ACDEH issued a directive dated November 7, 2016, extending the submittal date of a Status Report (Report) from each Responsible Party to November 15, 2016. To date, AU Energy has not submitted the Report.

In the same directive dated November 7, 2016, ACDEH noted that in our review of the State Water Resources Control Board (State Water Board) GeoTracker website, Au Energy had not submitted work plans, investigation reports, borehole logs, site maps, analytical data, or photos onto the State Water Board GeoTracker, and requested that Au Energy submit all data, work plans, and reports by November 15, 2016. To date, the requested reports and data have not been uploaded to GeoTracker, as required by the State. Bureau Veritas North America, Inc. (BVNA), on the behalf of Au Energy, in correspondence dated November 15, 2016, requested a 30 day extension for uploading all data and files onto GeoTracker. After consideration, ACDEH extends the date, as discussed below in GeoTracker Compliance.

TECHNICAL REPORT REQUEST

ACDEH requests that Au Energy uploads the Status Report to both ACDEH's ftp and the State Water Board's GeoTracker website no later than the following schedule and according to the following file-naming convention:

- **December 1, 2016** – Status Report
File to be named: STAT_R_YYYY-MM-DD RO254

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.

GEOTRACKER COMPLIANCE

Based on BVNA's request dated November 15, 2016, on the behalf of Au Energy ACDEH extends the date that all site investigation reports, work plans, borehole logs, site maps, analytical data (EDF format), and photos from prior investigations and work plans be uploaded onto the State Water Board's GeoTracker website no later than **December 1, 2016**.

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 UST or LUST program, must be transmitted electronically to the State Water Board GeoTracker system via the internet. Also, beginning January 1, 2002, 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 and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SCP programs. Additionally, 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. Please upload all required submittals to GeoTracker. Electronic reporting is described below on the attachments.

MEETING REQUEST

In correspondence dated November 17, 2016, AECOM on the behalf of Shell requested a meeting in early December between both Responsible Parties, their consultants, and ACDEH staff to discuss the above referenced site. ACDEH agrees with this request, and proposes the following potential dates and time frames for the meeting:

- Thursday, December 8, 2016, between 10 am and 12 pm
- Monday, December 12, between 1 pm and 3 pm
- Thursday, December 15, 2016, between 10 am and 12 pm

We request that both Responsible Parties let us know their day and time preference (anne.jurek@acgov.org) **no later than November 29, 2016**.

If you have any questions, please call me at (510) 567-6721 or send me an electronic mail message at anne.jurek@acgov.org. Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Sincerely,

Anne Jurek, M.S.
Professional Technical Specialist II (Geology)

Responsible Parties
RO0000254
November 21, 2016
Page 3

Attachments: Responsible Party(ies) Legal Requirements/Obligations

ACDEH Electronic Report Upload (ftp) Instructions

cc: Shane Olton, 2020 L Street, Suite 400; Sacramento, CA 95811 (*Sent via E-mail to: shane.olton@aecom.com*)

Mark Williams, Bureau Veritas North America, Inc., 2430 Camino Ramon, Suite 122, San Ramon, CA 94583. (*Sent via E-mail to: mark.williams@us.bureauveritas.com*)

Sara Heikkila, 300 South Grand Avenue, Suite 200; Los Angeles, CA 90071 (*Sent via E-mail to: sara.heikkila@aecom.com*)

Jeff Bullen, Shell Oil Products US, One Shell Plaza, P.O. Box 2463; Houston, TX 77252 (*Sent via E-mail to: jeff.bullen@shell.com*)

John Ellis, Vintners Distributors, 41805 Albrae Street, 2nd Floor; Fremont, CA 94538 (*Sent via E-mail to: johne@vintnersdist.com*)

Anne Jurek, ACDEH (*Sent via E-mail to: anne.jurek@acgov.org*)

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

GeoTracker, eFile

Attachment 1

Responsible Party(ies) Legal Requirements/Obligations

REPORT/DATA REQUESTS

These reports/data are being requested pursuant to Division 7 of the California Water Code (Water Quality), Chapter 6.7 of Division 20 of the California Health and Safety Code (Underground Storage of Hazardous Substances), and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations (Underground Storage Tank Regulations).

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (Local Oversight Program [LOP] for unauthorized releases from petroleum Underground Storage Tanks [USTs], and Site Cleanup Program [SCP] for unauthorized releases of non-petroleum hazardous substances) require submission of reports in electronic format pursuant to Chapter 3 of Division 7, Sections 13195 and 13197.5 of the California Water Code, and Chapter 30, Articles 1 and 2, Sections 3890 to 3895 of Division 3 of Title 23 of the California Code of Regulations (23 CCR). Instructions for submission of electronic documents to the ACEH FTP site are provided on the attached "Electronic Report Upload Instructions."

Submission of reports to the ACEH FTP site is in addition to requirements for electronic submittal of information (ESI) to the State Water Resources Control Board's (SWRCB) Geotracker website. In April 2001, the SWRCB adopted 23 CCR, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1 (Electronic Submission of Laboratory Data for UST Reports). Article 12 required electronic submittal of analytical laboratory data submitted in a report to a regulatory agency (effective September 1, 2001), and surveyed locations (latitude, longitude and elevation) of groundwater monitoring wells (effective January 1, 2002) in Electronic Deliverable Format (EDF) to Geotracker. Article 12 was subsequently repealed in 2004 and replaced with Article 30 (Electronic Submittal of Information) which expanded the ESI requirements to include electronic submittal of any report or data required by a regulatory agency from a cleanup site. The expanded ESI submittal requirements for petroleum UST sites subject to the requirements of 23 CCR, Division, 3, Chapter 16, Article 11, became effective December 16, 2004. All other electronic submittals required pursuant to Chapter 30 became effective January 1, 2005. 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, 7835, 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, 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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: July 25, 2012
	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 (petroleum UST 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
 - 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.