

ALAMEDA COUNTY
**HEALTH CARE SERVICES
AGENCY**

REBECCA GEBHART, Interim Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM FOR
HAZARDOUS MATERIALS RELEASES
1131 HARBOR BAY PARKWAY, SUITE 250
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

October 27, 2016

Marianne Robison
Buttner Properties
600 West Grand Avenue
Oakland, CA 94612

(Sent via e-mail to: mrobison@value.net, buttner@value.net, twrobison@comcast.net)

Subject: Re Well Destruction Report- Fuel Leak Case No. RO0000359 and GeoTracker Global ID T0600100431, Dave's Station, 2250 Telegraph Ave., Oakland, CA 94612

Dear Ms. Robison:

Thank you for the recently submitted documents entitled *Groundwater Monitoring Well Destruction Report*, (WDCM) submitted to the California State Water Resources Control Board (SWRCB) GeoTracker website on January 5, 2016 and prepared by Fugro Consultants, Inc. (Fugro) and *Site Development Plans*, received by Alameda County Department of Environmental Health (ACDEH) on May 18, 2016 for the subject site. The activities documented in the WDCM were performed at the request of ACDEH in our letter dated May 27, 2015 following the successful conclusion of the public comment period regarding potential case closure.

As you are aware, numerous investigations, remedial actions, and monitoring events have occurred for this case. As stated in our May 27, 2015 letter, the well destruction report should document site activities, provide well destruction permit documentation, and documentation indicating that any and all remaining investigation, remediation, and well destruction derived waste have been removed from the site. Removal of all wastes generated during these activities need to be removed prior to case closure as required by the SWRCB. A copy of the SWRCB *Well Destruction and Waste Removal Requirements* fact sheet is included as an attachment.

Though the WDCM states the well boxes and associated concrete have been removed, the report does not state that any and all wastes derived from site investigations, remediation, monitoring, and well destruction activities have been removed from the site, which is a condition of case closure. Therefore, ACDEH requests submittal of an amended WDCM stating, if accurate, that *any remaining investigation, remediation, monitoring, and well destruction derived wastes have been removed from the site*.

ACDEH requests that send us an amended WDCM by the date specified below.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACDEH ftp site (Attention: Keith Nowell), and to the State Water Resources Control Board's Geotracker website, in accordance with Attachment 1 and the following specified file naming convention and schedule:

- **November 10, 2016** – Amended Well Destruction Report (File to be named: RO359_WELL_DCM_ADEND_R_yyyy-mm-dd)

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.

Dave's Station
RO000359
October 27, 2016, Page 2

Sincerely,

Keith Nowell, PG, CHG
Hazardous Materials Specialist

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

Attachment 2 – The State Water Resources Control Board's Well Destruction and Waste
Removal Requirements Fact Sheet

cc: Jeriann Alexander, Fugro Consultants, Inc., 1000 Broadway, Suite 440, Oakland,
California 94607 (*Sent via electronic mail to: jalexander@fugro.com*)

Dilan Roe, ACDEH (*Sent via electronic mail to: dilan.roe@acgov.org*)
Paresh Khatri, ACDEH (*Sent via electronic mail to: paresh.khatri@acgov.org*)
Keith Nowell, ACDEH (*Sent via electronic 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.

ATTACHMENT 2



Fact Sheet

Well Destruction and Waste Removal Requirements Prior to Underground Storage Tank Case Closure

Background: Proper destruction of wells helps to protect groundwater from potential threats and is a critical component of the Underground Storage Tank (UST) case closure process. The Low-Threat Underground Storage Tank (UST) Case Closure Policy (Policy) mandates that monitoring wells be properly destroyed prior to UST case closure, unless they will be kept and maintained in accordance with applicable local and state requirements. The Policy also mandates that all investigation and remediation-derived waste materials be removed prior to case closure. As of May 15, 2015, there were a total of 836 “Open-Eligible for Closure” cases throughout California, for which remaining wells and wastes served as impediments to closure.

Information for Responsible Parties and

Site Owners: If you received a letter from the State Water Resources Control Board (State Water Board), Regional Water Quality Control Board, or a local agency directing well destruction and waste removal, you must take action before your UST case can be closed. A uniform closure letter (UCL) will not be issued for your case until the wastes are removed and the wells are either destroyed or approved for continued maintenance by the regulatory agency overseeing your UST case. Your local well permitting agency may require ongoing monitoring of wells even though the regulatory agency is not requiring it, so additional costs may be incurred. A list of open cases with directives to destroy wells and remove wastes can be viewed on the public GeoTracker webpage at: http://geotracker.waterboards.ca.gov/ptcp_destruction_report.asp.

Note: The State Water Board has the authority to administratively impose civil penalties of up to \$10,000 per day per UST on responsible parties and site owners that fail to comply with the requirements of UST case closure order. **Do not let penalties be imposed on you!**

The contractor that helped you with corrective actions at your site can provide more information about the well destruction and waste removal process. If you do not currently have a contractor, you can contact the regulatory agency that is responsible for oversight of your UST case and ask if they have a list of contractors in the area. Your regulatory agency can also let you know if your contractor is required to submit a work plan for approval before well destruction and waste removal begins. Once the work is complete, submit confirmation documentation to the regulatory agency overseeing your UST case. After the well and waste

Important: Check the current standing of any contractor with the California Contractors State License Board. You can do this at the following location on the web: <https://www2.cslb.ca.gov/OnlineServices/CheckLicense.aspx>



removal has been completed, approved by your regulatory agency, and communicated to the State Water Board, a UCL will be issued and uploaded to GeoTracker.

If you have an eligible claim with the UST Cleanup Fund, the cost of well destruction is considered corrective action and reasonable and necessary costs are typically reimbursable. Monitoring of wells after you have been informed that the wells should be destroyed is not normally considered to be corrective action and may not be eligible for reimbursement. Additional information can be obtained on the State Water Board UST Cleanup Fund (Fund) website at: http://www.waterboards.ca.gov/water_issues/programs/ustcf/. You may also contact the Fund staff by email: ustcleanupfund@waterboards.ca.gov, message phone line: 1-800-813-Fund (3863), or fax: 916-341-5806.

Information for Consultants/Contractors/Drillers: A list of open cases with directives to destroy wells can be viewed on the public GeoTracker webpage at: http://geotracker.waterboards.ca.gov/ptcp_destruction_report.asp. Seek approval with regulatory agencies having jurisdiction before performing any well destruction work. Encroachment permits and/or access agreements may also be necessary. A list of local well-permitting agencies can be found at: <http://water.ca.gov/groundwater/wells/permitting.cfm>

Reference: *Plan for Implementation of Low-Threat UST Case Closure Policy and Additional Program Improvements*
(http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2012/110612_6_final_ltcp%20imp%20plan.pdf).

(This fact sheet was last updated May 21, 2015.)