

ALAMEDA COUNTY  
**HEALTH CARE SERVICES  
AGENCY**

COLLEEN CHAWLA, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH  
LOCAL OVERSIGHT PROGRAM (LOP)  
For Hazardous Materials Releases  
1131 HARBOR BAY PARKWAY, SUITE 250  
ALAMEDA, CA 94502  
(510) 567-6700  
FAX (510) 337-9335

## NOTICE TO COMPLY

3 April 2018

Kelle Lynch McMahon  
Peralta Community College District  
333 East 8th Street  
Oakland, CA 94606

(Sent via E-mail to: [klynchmcmahon@peralta.edu](mailto:klynchmcmahon@peralta.edu))

Subject: Request for Conceptual Site Model and Data Gap Analysis Report, Leaking Underground Fuel Tank (LUFT) Case No. RO0000384 and GeoTracker Global ID T0600100983, Peralta College District, 501 5th Avenue, 333 East 8th Street, and 286 East 10th Street, Oakland, CA 94606 – **Notice to Comply**

### Action Required Within 30 Days

Dear Responsible Party:

Alameda County Department of Environmental Health (ACDEH), in our 28 December 2017 directive letter, requested you submit technical reports describing subsurface contamination at your property. To date, the reports have not been submitted and are late. Therefore, this case is out of compliance with directives from this agency. Failure to submit the reports may subject you to enforcement actions.

The ACDEH requires you submit the reports listed below within 30 days of the date of this letter, and not later than 3 May 2018. Your report must address ACDEH Technical Comments 1 through 3, in our 28 December 2017 directive letter. Provide 72-hour written notification to [robert.schultz@acgov.org](mailto:robert.schultz@acgov.org) prior to the start of field activities. Send us the reports described below according to the specified schedule.

### TECHNICAL REPORT REQUEST

Please upload technical reports to the State Water Resources Control Board's GeoTracker website according to the following schedule and file-naming convention:

- 3 May 2018 – Conceptual Site Model and Data Gap Evaluation Report  
File to be named: RO-384\_CSM\_R\_yyyy-mm-dd
- 30 April 2018 – Phase I ESA Report  
File to be named: RO-384\_PHASE1\_R\_yyyy-mm-dd
- 30 April 2018 – Groundwater Monitoring Report – 1st Half 2018  
File to be named: RO-384\_GWM\_R\_yyyy-mm-dd

Mr. McMahon  
RO0000384  
3 April 2018  
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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. Online case files are available for review at the following website: <http://geotracker.waterboards.ca.gov>. If you have any questions, please contact me at [robert.schultz@acgov.org](mailto:robert.schultz@acgov.org).

Sincerely,



Robert W. Schultz, CHG  
Senior Hazardous Materials Specialist

Attachment 1 - Responsible Party(ies) Legal Requirements / Obligations

cc: Atheria Smith, Peralta Community College District, 333 E. 8th Street, Oakland, CA 94606  
(Sent via E-mail to: [atheriasmith@peralta.edu](mailto:atheriasmith@peralta.edu))  
Kimberly Bunting, ACC Environmental, 7977 Capwell Drive, Oakland, CA 94621  
(Sent via E-mail to: [kbunting@accenv.com](mailto:kbunting@accenv.com))  
Thomas Smith, Garcia Hernández Sawhney LLP, (Sent via E-mail to: [tsmith@ghslaw.com](mailto:tsmith@ghslaw.com))  
Dilan Roe, ACDEH (Sent via E-mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))  
Paresh Khatri, ACDEH (Sent via E-mail to: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org))  
Robert Schultz, ACDEH (Sent via E-mail to: [robert.schultz@acgov.org](mailto:robert.schultz@acgov.org))  
Alyce Sandbach, ACDEH (Sent via E-mail to: [alyce.sandbach@acgov.org](mailto:alyce.sandbach@acgov.org))  
GeoTracker, eFile

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> December 14, 2017
	<b>ISSUE DATE:</b> July 25, 2012
	<b>PREVIOUS REVISIONS:</b> September 17, 2013, May 15, 2014, December 12, 2016
<b>SECTION:</b> ACDEH Procedures	<b>SUBJECT:</b> Responsible Party(ies) Legal Requirements / Obligations

**REPORT & DELIVERABLE REQUESTS**

Alameda County Department of Environmental Health (ACDEH) Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) require submission of all reports in electronic form to the State Water Board's (SWB) GeoTracker website in accordance with California Code of Regulations, Chapter 30, Division 3, Title 23 and Division 3, Title 27.

Leaking Underground Fuel Tank (LUFT) Cases

Reports and deliverable requests are 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 (RP) in conjunction with an unauthorized release from a petroleum underground storage tank (UST) system.

Site Cleanup Program (SCP) Cases

For non-petroleum UST cases, reports and deliverables requests are pursuant to California Health and Safety Code Section 101480.

ELECTRONIC SUBMITTAL OF REPORTS

A complete report submittal includes the PDF report and all associated electronic data files, including but not limited to GEO\_MAP, GEO\_XY, GEO\_Z, GEO\_BORE, GEO\_WELL, and laboratory analytical data in Electronic Deliverable Format™ (EDF). Additional information on these requirements is available on the State Water Board's website ([http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/))

- Do not upload draft reports to GeoTracker
- Rotate each page in the PDF document in the direction that will make it easiest to read on a computer monitor.

GEOTRACKER UPLOAD CERTIFICATION

Each report submittal is to include a GeoTracker Upload Summary Table with GeoTracker valid values<sup>1</sup> as illustrated in the example below to facilitate ACDEH review and verify compliance with GeoTracker requirements.

**GeoTracker Upload Table Example**

Report Title	Sample Period	PDF Report	GEO_MAPS	Sample ID	Matrix	GEO_Z	GEO_XY	GEO_BORE	GEO_WELL	EDF
<b>2016 Subsurface Investigation Report</b>	2016 S1	✓	✓	Effluent	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
<b>2012 Site Assessment Work Plan</b>	2012	✓	✓			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2010 GW Investigation Report</b>	2008 Q4	✓	✓	SB-10	W	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				SB-10-6	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				MW-1	WG	✓	✓	✓	✓	✓
				SW-1	W	✓	✓	✓	✓	✓

<sup>1</sup> GeoTracker Survey XYZ, Well Data, and Site Map Guidelines & Restrictions, CA State Water Resources Control Board, April 2005

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> NA
	<b>ISSUE DATE:</b> December 14, 2017
	<b>PREVIOUS REVISIONS:</b> September 17, 2013, May 15, 2014, December 12, 2016
<b>SECTION:</b> ACDEH Procedures	<b>SUBJECT:</b> Responsible Party(ies) Legal Requirements / Obligations

ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to the State Water Board's GeoTracker website." This letter must be signed by the Responsible Party, or legally authorized representative of the Responsible Party.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6731, 6735, and 7835) 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 licensed or certified professional and include the professional registration stamp, signature, and statement of professional certification. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

UNDERGROUND STORAGE TANK CLEANUP FUND

For LUFT cases, RP's non-compliance with these regulations may result in ineligibility to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse the cost of cleanup. Additional information is available on the internet at: [https://www.waterboards.ca.gov/water\\_issues/programs/ustcf/](https://www.waterboards.ca.gov/water_issues/programs/ustcf/)

AGENCY OVERSIGHT

Significant delays in conducting site assessment/cleanup or report submittals may result in referral of the case to the Regional Water 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.