



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

September 24, 2012

NOTICE TO COMPLY

Mr. J.W. Silveira
J.W. Silveira Realty
499 Embarcadero
Oakland, CA 94606

Subject: Additional Request for Groundwater Monitoring, Site Investigation Report, and Pilot Test Report; Fuel Leak Case No. RO0000387 and Geotracker Global ID T0600101212, Mel Senna Brake Service, 2301 East 12th Street, Oakland, CA 94601

Dear Mr. Silveira:

Alameda County Environmental Health (ACEH) staff has reviewed the case file. As you are aware on August 15, 2011, ACEH issued a request for two semi-annual groundwater monitoring reports (due September 23, 2011 and April 6, 2012), a vapor and soil bore investigation report (due November 4, 2011), and a pilot test report (due December 2, 2011). To date none have been submitted. A copy of the directive letter is attached for your reference.

This site is out of compliance with ACEH directives. Site characterization and/or cleanup at this site is required to be protective of human health and the environment and to move this case towards closure evaluation. 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 adequately characterize the site and undertake corrective actions as necessary.

In order to regain compliance, please undertake the tasks previously requested and submit documents to GeoTracker and ACEH's FTP server by revised dates specified below. Failure to submit the documents may result in referral and possible enforcement action by the District Attorney and / or ineligibility for reimbursement of costs incurred at the site from the Underground Storage Tank Cleanup Fund. The site may also be recommended for removal from the Cleanup Fund if inaction continues. Once removed from the Cleanup Fund the costs associated with the subsurface investigation and / or cleanup work that would be required at your site will not be reimbursed. The last request for reimbursement dates to 1998.

This letter is an additional attempt to preclude further enforcement actions. 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. Please note that civil penalties for non-compliance are assessed from the original due date (July 15, 2011).

ACEH requests that you address technical comments previously sent by the revised dates listed below and send us the appropriate documents.

TECHNICAL REPORT REQUEST

Please submit the following deliverable to ACEH (Attention: Mark Detterman), according to the following schedule:

- **November 2, 2012** – Soil and Groundwater Investigation Report (Vapor and Soil Bore Investigation)
File to be named: RO387_SWI_R_yyyy-mm-dd

- **November 2, 2012** – Second 2012 Semi-Annual Groundwater Monitoring Report
File to be named: RO387_GWM_R_YYYY-mm-dd
- **November 2, 2012** – Pilot Test Report
File to be named: RO387_IR_R_YYYY-mm-dd
- **April 6, 2012** – First Semi-Annual 2013 Groundwater Monitoring and Sampling Report
File to be named: RO387_GWM_R_YYYY-mm-dd

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://www.acgov.org/aceh/index.htm>. If 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.

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

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

cc: Paul King, P&D Environmental, Inc, 55 Santa Clara Avenue, Suite 240, Oakland, CA 94610
(sent via electronic mail to PDKing0000@aol.com)

Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Suite 3341, Oakland, CA 94612-2032 (sent via electronic mail to lgriffin@oaklandnet.com)

Donna Drogos, ACEH, (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman, ACEH, (sent via electronic mail to mark.detterman@acgov.org)
Geotracker, e-File

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.



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

August 15, 2011

Mr. J.W. Silveira
J.W. Silveira Realty
499 Embarcadero
Oakland, CA 94606

Subject: Review of Sub-Slab Vapor Report, Approval of Pilot Test, and Site Investigation Work Plans; Fuel Leak Case No. RO0000387 and Geotracker Global ID T0600101212, Mel Senna Brake Service, 2301 East 12th Street, Oakland, CA 94601

Dear Mr. Silveira:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Groundwater Monitoring and Sampling Report (February 17, 2011 Sampling Report)*, dated April 15, 2011; the *Sub-Slab Soil Gas Well Construction Report (SG7 through SG10)*, dated April 15, 2011; the *Interim Remedial Action Work Plan*, dated April 25, 2011; and the *Subsurface Investigation Work Plan (SB13 to SB20)*, dated May 2, 2011. Each was generated and submitted on June 9, 2011 to ACEH on your behalf by P&D Environmental, Inc (P&D). Thank you for submitting the documents.

ACEH generally concurs with the scopes of work contained in the *Interim Remedial Action Work Plan* and the *Subsurface Investigation Work Plan (SB13 to SB20)*. ACEH additionally concurs with the collection of additional sub-slab vapor samples, including nitrogen, oxygen, carbon dioxide, and methane in September of this year, as recommended in the *Sub-Slab Soil Gas Well Construction Report (SG7 through SG10)*. These atmospheric gases were previously requested, but were inadvertently overlooked at the time of the original sub-slab vapor investigation, and they will provide important insights to the vapor analytical results. Provided that the technical comments below are incorporated during the proposed field investigation submittal of a work plan addendum is not required. We request that you address the following technical comments below, perform the proposed work, and send us the reports by the date identified below. Please provide 72-hour advance written notification to this office (e-mail preferred to: mark.detterman@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

- 1. Analysis for Bunker Oil** – In addition to TPHg and TPHd, the *Interim Remedial Action Work Plan* and the *Subsurface Investigation Work Plan (SB13 to SB20)*, proposes to analyze for TPHbo (bunker oil). ACEH is not aware of a former bunker oil UST, but is aware of a former motor oil UST at the site, and thus believes this may be an inadvertent reference to a heavier hydrocarbon than motor oil. Prior to initiation of work, please clarify this minor discrepancy with ACEH regarding the intent to analyze for bunker oil rather than motor oil. Please also beware that a SB13 has already been installed at the site and that new bores should begin at SB14 and continue to SB21.

TECHNICAL REPORT REQUEST

Please submit the following deliverable to ACEH (Attention: Mark Detterman), according to the following schedule:

- **September 23, 2011** – Second Semi-Annual Groundwater Monitoring Report
- **November 4, 2011** – Soil and Groundwater Investigation Report (Vapor and Soil Bore Investigation)
- **December 2, 2011** – Pilot Test Report
- **April 6, 2012** – Groundwater Monitoring and Sampling Report

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.

Should you have any questions, please contact me at (510) 567-6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,



Digitally signed by Mark E. Detterman
DN: cn=Mark E. Detterman, o, ou, email,
c=US
Date: 2011.08.15 10:42:33 -07'00'

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

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94612-2032 (sent via electronic mail to lgriffin@oaklandnet.com)

Donna Drogos, ACEH, (sent via electronic mail to donna.drogos@acgov.org)
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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
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- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to 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.
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