



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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October 9, 2009

Mr. Farzad Sarabi
58 Topside Way
Mill Valley, CA 94941

Mr. Farzad Sarabi and Mr. Behrooz Sarabi
Discount Auto Sales
21153 Foothill Blvd.
Hayward, CA 94541

Subject: Response to Certified Letters; SLIC Case No. RO0002667 (Global ID # T06019752713), Discount Auto Sales, 21153 Foothill Blvd., Hayward, CA 94541

Dear Sirs:

Thank you for the recent certified return receipt letters, dated August 14, and September 15, 2009, which you sent. Alameda County Environmental Health (ACEH) appreciates the addition of information related to the case. It appears that several misconceptions relative to the case require clarification. These include:

Your site was not singled out, but was part of a massive letter notification project; however, listing the site as a "Fuel Leak Case" was inadvertent. All SLIC (Spills, Leaks, Investigations, and Cleanups) letters generated in the process contain this inadvertent error; please accept our apologies in this matter.

The July 24, 2009, *Notice to Comply* letter was issued by ACEH due to a State requirement that all sites listed in a web database (Geotracker: <http://geotracker.swrcb.ca.gov/>) maintained by the State of California be claimed by a Responsible Party. The County provides local oversight of this program for the State. The County also maintains a web database (<http://www.acgov.org/aceh/lop/ust.htm>). Both databases identify and memorialize all known sites with contaminant releases, whether the case remains open or closed. This enables the public and researchers to readily identify sites in the future, such as for a property transaction or for refinancing as you mention. Because your site had a documented release the site was listed as a case in these two databases a number of years ago.

In regards to the Geotracker database only reports and correspondence since July 1, 2005 are required to be uploaded. For this particular site most of the actions appear, and are reported to have occurred, in the early 1990's; therefore unless otherwise, there would be no additional data reporting activities required on your part other than claiming the site in Geotracker. No additional liability can be generated as a result of claiming a site; it only acknowledges a preexisting relationship. In regards to the County's database all relevant data and reports, regardless to date, are required to be uploaded as PDF documents. The County has converted to a paperless office; thus all submittals are electronic.

In regards to the subject site, it would appear that the case has remained open since the early 1990's principally due to the missing information to which you refer. Without the submittal of reports to document the completion of corrective actions ACEH does not have the knowledge and thus the ability to close a case. With the submittal of relevant data reports that answer all remaining questions as to the state or status of a case, ACEH has the knowledge to act. Submittal of data reports has been a long standing and reasonable requirement for sites that have historically had contamination. While the site will remain in the databases, it can be changed from an open case to a closed case, provided additional documentation is submitted that answers all relevant questions.

In our phone conversations I estimated that it would take approximately 6 months to review the data for the site, in part due to my recent hire by ACEH, the case load assigned, and other requirements that do not affect this site,

except as to ability to undertake the review. However, I will prioritize this case so that a review can happen quicker. To enable a quicker review process however ACEH will require you to submit all known additional reports, data, correspondence, or other important information for the case that you determine are missing from ACEH's public web database; please review the database to determine what additional information exists and requires uploading (see attached instruction form).

Finally, please be aware that the possible referral to the Office of the District of Attorney was not intended as a direct threat. It was however intended to notify you that ACEH does have the right to proceed to further measures should there be a reason.

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.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml).

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.

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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.

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
Hazardous Materials Specialist

cc: Donna Drogos (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman (sent via electronic mail to mark.detterman@acgov.org), File

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: March 27, 2009
	PREVIOUS REVISIONS: December 16, 2005, October 31, 2005
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

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- 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)

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

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 dehloptoxic@acgov.org
Or
 - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of My Le Huynh.
 - 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 and Firefox browsers will not open the FTP site.
 - b) Click on File, then on Login As.
 - 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 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.
 - 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.