



ENVIRONMENTAL HEALTH DEPARTMENT  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
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**NOTICE TO COMPLY**

November 9, 2011

Bruce Burrows  
(Sent via E-mail to: [bburrowsre@aol.com](mailto:bburrowsre@aol.com))  
The Burrows Company  
6 South Point Road  
Orinda, CA 94563

Dwight & Carleton Perry  
(Sent via E-mail to: [DWP5334@aol.com](mailto:DWP5334@aol.com))  
P.O. Box 20610  
Castro Valley, CA 94546

Gabriel Chui  
(Sent via E-mail to: [GabrielHC8@aol.com](mailto:GabrielHC8@aol.com))  
Gabriel H. Chui & Lai H. Trust  
10898 Inspiration Circle  
Dublin, CA 94568

Lee Family  
20117 Forest Ave., #3  
Castro Valley, CA 94546

Nam Sun and Seung Hee Park  
(Sent via E-mail to: [jpark1015@gmail.com](mailto:jpark1015@gmail.com))  
Crow Canyon Cleaners  
7242 San Ramon Road  
Dublin, CA 94568

William Karkozian  
Robert Wiebe  
Robert Jeha  
Dublin Town & Country Association  
318 Diablo Road, Ste. 255  
Danville, CA 94526

Subject: Interim Remedial Action and Feasibility Study/Corrective Action Plan for Spills, Leaks, Investigations, and Cleanup (SLIC) Case No. RO0002863 and GeoTracker Global ID T06019764784, Crow Canyon Cleaners, 7272 San Ramon Road, Dublin, CA 94568

Ladies and Gentlemen:

A review of the case file for the above-referenced site indicates that your case is not in compliance with Alameda County Environmental Health's (ACEH) September 1, 2011 and October 7, 2011 correspondences, and November 4, 2011 e-mail correspondence, which required distribution of the "Fact Sheet on Environmental Assessment" for the subject site, including submittal of the previous Fact Sheet distribution/recipient list for initial distribution and the revised recipient list for the current distribution due by September 23, 2011. Also an IRA Summary Report that was due on November 4, 2011, has not been received rendering your case to non-compliance status.

Your consultant's October 20, 2011 e-mail correspondence stated that the Montessori Pre-school may be re-locating off-site and requested a delay until the City Council has made a final determination. ACEH responded on November 4, 2011 and requested that the Fact Sheet be distributed as planned as the CAP contained provisions for both cleanup goal scenarios, one with the Montessori Pre-school on-site and one without the Montessori Pre-school.

Since your selected cleanup alternative has no bearing on whether or not the Montessori Pre-school is re-located, a delay in fact sheet distribution and implementing the remedial alternative is not justified and appears negligent. In order to regain compliance, please submit the previously requested Fact Sheet distribution lists (previous and revised) by Wednesday, November 16, 2011, so that site cleanup can be initiated, as site remediation is crucial to be protective of human health and the environment. Failure to implement the corrective action by the due date specified below may result in referral to the Office of the District Attorney for possible enforcement action and penalties. Please note that civil penalties for non-compliance are assessed from the original due date (September 23, 2011).

### **TECHNICAL REPORT REQUEST**

Please submit technical reports to ACEH (Attention: Paresh Khatri), according to the following schedule:

- **November 16, 2011** – Draft Fact Sheet (in MS Word format) with List of Fact Sheet Recipients (Previous & Revised), originally due September 23, 2011.
- **November 30, 2011** – IRA Summary Report, originally due November 4, 2011.

Thank you for your cooperation. Should you have any questions or concerns regarding this correspondence or your case, please call me at (510) 777-2478 or send me an electronic mail message at [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org).

Sincerely,

Paresh C. Khatri  
Sr. Hazardous Materials Specialist

Enclosure: Responsible Party(ies) Legal Requirements/Obligations  
ACEH Electronic Report Upload (ftp) Instructions

cc: Mehrdad Javaherian, Endpoint Consulting, Inc., 98 Battery Street, Suite 200, San Francisco, CA 94111 (*Sent via E-mail to: [mehrdad@endpoint-inc.com](mailto:mehrdad@endpoint-inc.com)*)  
James Roessler, Roessler Investment Group, 360 Post Street, Suite 602 San Francisco, CA 94108 (*Sent Via E-mail to: [jim@roesslerinvestmentgroup.com](mailto:jim@roesslerinvestmentgroup.com)*)  
Bud Duke, DTSC, Sacramento Schools Unit, Brownfields and Environmental Restoration, Program, Department of Toxic Substances Control, 8800 Cal Center Drive, Sacramento, CA 95826 (*Sent via e-mail to: [BDuke@dtsc.ca.gov](mailto:BDuke@dtsc.ca.gov)*)  
Cheryl Dizon (QIC 8021), Zone 7 Water Agency, 100 North Canyons Pkwy, Livermore, CA 94551 (*Sent via e-mail to: [cdizon@zone7water.com](mailto:cdizon@zone7water.com)*)  
Donna Drogos, ACEH (*Sent via E-mail to: [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org)*)  
Paresh Khatri, ACEH (*Sent via E-mail to: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org)*)  
GeoTracker  
File

## 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.swrcb.ca.gov/ust/electronic\\_submittal/report\\_rqmts.shtml](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.

### 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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> July 20, 2010
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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 [dehloptoxic@acgov.org](mailto:dehloptoxic@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.
  - 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 [dehloptoxic@acgov.org](mailto: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.