

## **Jurek, Anne, Env. Health**

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**From:** Jurek, Anne, Env. Health  
**Sent:** Tuesday, November 08, 2016 10:30 AM  
**To:** 'Michael Boettger'  
**Cc:** Mark Drollinger; Roe, Dilan, Env. Health; Jennifer Magud; Gary Buechler; Kenneth Crawford  
**Subject:** RE: Red Star  
**Attachments:** Attachment 1\_Responsible Parties.pdf; ACDEH\_FTP upload.pdf

Hello Michael,

I will consult with Dilan regarding providing you a time frame as to when ACDEH can complete the closure report.

I just reviewed the site for GeoTracker compliance. As discussed in ACDEH's directives dated October 18, 2016, and October 19, 2016, several reports and work plans for the site, including those performed by consultants other than Citadel Environmental, Inc., that have been uploaded onto ACDEH's ftp site have not been uploaded onto GeoTracker as required. Other required data, including electronic data files for laboratory analytical data in EDF format, and PDFs of boring logs and site maps for all investigative work performed by Citadel for this site have not uploaded onto GeoTracker, as required by the State. As stated in the directives, failure to do upload the reports, work plans, and other data can result in delay of the closure of the site.

(Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the State Water Board GeoTracker system via the internet. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SCP programs. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy.)

As with the above-referenced directives, I have provided attachments that describe the electronic reporting.

Let me know if you have questions on any of the above.

Sincerely,

Anne

**Anne Jurek, M.S.**

*Professional Technical Specialist II (Geology)*

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Alameda, CA 94502  
(510) 567-6721; Ext. 36721  
[anne.jurek@acgov.org](mailto:anne.jurek@acgov.org)

**From:** Michael Boettger [mailto:mboettger@themichaelsorg.com]

**Sent:** Monday, November 07, 2016 3:12 PM

**To:** Jurek, Anne, Env. Health <Anne.Jurek@acgov.org>

**Cc:** Mark Drollinger <mdrollinger@citadelenvironmental.com>; Roe, Dilan, Env. Health <Dilan.Roe@acgov.org>; Jennifer Magud <jmagud@themichaelsorg.com>; Gary Buechler <gbuechler@themichaelsorg.com>; Kenneth Crawford <kcrawford@themichaelsorg.com>

**Subject:** Re: Red Star

Hi Anne

Just wanted to check the status of the "Invitation to Comment- Potential Case Closure" and see if there is anything you need for me? We are entertaining a offer for the purchase of the site and will need to get the closure report in order to solidify a contact. Hopefully we are still on track for the closure report to be issued. Is there anyway you can provide a date?

Michael Boettger  
Regional Vice President, Pacific-North  
Michael's Development  
[209 370-1559](tel:2093701559) Office  
[209 747-8583](tel:2097478583) Cell

On Thu, Oct 13, 2016 at 6:18 PM, Jurek, Anne, Env. Health <[Anne.Jurek@acgov.org](mailto:Anne.Jurek@acgov.org)> wrote:

Hello Michael,

My plan is to have the "Invitation to Comment- Potential Case Closure" and mailing list emailed to you by early next week, although I will make every effort to get it to you sooner. At this point, I don't need anything from you but will let you know if I do. As usual, let me know if you have any questions.

**Anne Jurek, M.S.**

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**From:** Michael Boettger [mailto:[mboettger@themichaelsorg.com](mailto:mboettger@themichaelsorg.com)]  
**Sent:** Wednesday, October 12, 2016 11:08 AM  
**To:** Jurek, Anne, Env. Health <[Anne.Jurek@acgov.org](mailto:Anne.Jurek@acgov.org)>  
**Cc:** Mark Drollinger <[mdrollinger@citadelenvironmental.com](mailto:mdrollinger@citadelenvironmental.com)>; Roe, Dilan, Env. Health <[Dilan.Roe@acgov.org](mailto:Dilan.Roe@acgov.org)>; Jennifer Magud <[jmagud@themichaelsorg.com](mailto:jmagud@themichaelsorg.com)>; Gary Buechler <[gbuechler@themichaelsorg.com](mailto:gbuechler@themichaelsorg.com)>; Kenneth Crawford <[kcrawford@themichaelsorg.com](mailto:kcrawford@themichaelsorg.com)>  
**Subject:** Re: Red Star

Anne

Just a quick followup regarding the status of the publication? We are anxious to get this portion of the project completed as you can imagine. Please let me know what the status is and if there is anything we need to do. Thanks.

MB

On Wed, Oct 5, 2016 at 12:04 PM, Jurek, Anne, Env. Health <[Anne.Jurek@acgov.org](mailto:Anne.Jurek@acgov.org)> wrote:

Hello Michael,

I am currently working on ACDEH's directive and draft public notification. I plan on getting these to you in the very near future after I discuss some items with Dilan.

**Anne Jurek, M.S.**

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**From:** Michael Boettger [mailto:[mboettger@themichaelsorg.com](mailto:mboettger@themichaelsorg.com)]  
**Sent:** Tuesday, October 04, 2016 7:54 AM

**To:** Jurek, Anne, Env. Health <[Anne.Jurek@acgov.org](mailto:Anne.Jurek@acgov.org)>; Mark Drollinger <[mdrollinger@citadelenvironmental.com](mailto:mdrollinger@citadelenvironmental.com)>;  
Roe, Dilan, Env. Health <[Dilan.Roe@acgov.org](mailto:Dilan.Roe@acgov.org)>; Jennifer Magud <[jmagud@themichaelsorg.com](mailto:jmagud@themichaelsorg.com)>; Gary Buechler  
<[gbuechler@themichaelsorg.com](mailto:gbuechler@themichaelsorg.com)>; Kenneth Crawford <[kcrawford@themichaelsorg.com](mailto:kcrawford@themichaelsorg.com)>  
**Subject:** Red Star

Anne

Thanks so much for all you and Dilan have done to get the Red Star site to the point where we can close out the environmental portion. According to the email sent out by Mark, a 30 day notification of closure needs to be published and after the notification period a closure letter will be issued (possibly by mid November), are we on track with this time frame? Please let me know where you are at with the process and if the above time frames are realistic.

Thanks for all you have done and we look forward to completing this last piece of a rather complicated puzzle.

MB

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Michael Boettger

Regional Vice President, Pacific-North

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## **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/](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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> July 25, 2012
	<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 (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](mailto: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](mailto: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.