



April 27, 2017

Mr. Bill Sumski
Eastmont Town Center, LLC
7200 Bancroft Avenue
Oakland, CA 94605-2403

Mr. James V. Paul
Eastmont Oakland Associates, LLC
ScanlanKemperBard Companies
810 NW Marshall Street, Suite 300
Portland, OR 97209

Mr. Jacob Levy
Palm Peninsula, LLC and 7200 Bancroft, LLC
201 Wilshire Boulevard
Santa Monica, CA 90401
(Sent via E-mail to: jacob@levyaffiliated.com)

Subject: Notice to Comply for SCP Case RO0002942 and GeoTracker Global ID SLT19735483, Sparkle Cleaners, 7000 Bancroft Avenue, Oakland, CA 94605

Dear Mr. Levy, Mr. Sumski, and Mr. Paul:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the site cleanup case (SCP) file for the above referenced site. In an email correspondence dated August 19, 2016 (attached), ACDEH provided conditional approval of a Work Plan for soil vapor sampling at the site. The proposed soil vapor sampling was described in a the *Work Plan for Soil Vapor Sampling*, dated December 15, 2015, prepared by PES Environmental, Inc., on your behalf. The August 19, 2016 ACDEH correspondence requested that the results of the soil vapor sampling be presented in a Soil Vapor Sampling Report no later than December 19, 2016.

To date, we have not received the Soil Vapor Sampling Report. Therefore, this case is out of compliance with directives from this agency. As a Responsible Party, you are required by California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11, §2720 through §2728 to implement corrective action and provide the results in timely technical reports as requested. In order to regain compliance with directives from this agency, please submit the Soil Vapor Sampling Report **no later than June 16, 2017**. Failure to submit the requested document by the due date specified below may result in issuance of a Notice of Violation and possible enforcement action by the District Attorney.

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

Please note that ACDEH has updated its Attachment 1 with regards to report submittals to ACDEH. ACDEH will now be requiring a Submittal Acknowledgement Statement, replacing the Perjury Statement, as a cover letter signed by the Responsible Party (RP). The language for the Submittal Acknowledgement Statement is as follows:

"I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the State Water Resources Control Board's GeoTracker website."

Note this change to your submittals to ACDEH.

Mr. Levy, Mr. Sumski and Mr. Paul
RO0002942
April 27, 2017
Page 2

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Kit Soo), and to the State Water Resources Control Board's GeoTracker website according to the following schedule and file-naming convention:

- **June 16, 2017** – Soil Vapor Sampling Report
File to be named: RO2942 SWI_R_yyyy-mm-dd

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at kit.soo@acgov.org. Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Sincerely,

Kit Soo, California PG 8957
Senior Hazardous Materials Specialist

Attachment: August 19, 2017 ACDEH Email Directive and Follow Up Correspondences
Attachment 1 - Responsible Party(ies) Legal Requirements/Obligations and ACDEH
Electronic Report Upload (ftp) Instructions

cc: William Mast, PES Environmental, Inc., 1682 Novato Boulevard, Suite 100, Novato, CA 94947 (*Sent via E-mail to: wmast@pesenv.com*)

Gary Thomas, PES Environmental, Inc., 1682 Novato Boulevard, Suite 100, Novato, CA 94947 (*Sent via E-mail to: gthomas@pesenv.com*)

Dilan Roe, ACDEH (*Sent via E-mail to: dilan.roe@acgov.org*)

Paresh Khatri, ACDEH (*Sent via E-mail to: paresh.khatri@acgov.org*)

Kit Soo, ACDEH (*Sent via E-mail to: kit.soo@acgov.org*)

GeoTracker, eFile

From: [William W. Mast](#)
To: [Soo, Kit, Env. Health](#)
Cc: "[Jacob Levy](#)"; [Roe, Dilan, Env. Health](#)
Subject: RE: Sparkle Cleaners, Eastmont Town Center (RO2942)
Date: Friday, August 19, 2016 2:04:34 PM

Kit,

Thank you for confirming the Work Plan sampling, with the noted conditions. We will be sure to upload the report as requested.

Will

William Mast
Principal Engineer



PES Environmental, Inc.
Engineering & Environmental Services

7665 Redwood Blvd, STE 200
Novato, CA 94945-1444
415.899.1600 x251 o
415.899.1601 f

Please note our new address

(Phone and email are unchanged)

From: Soo, Kit, Env. Health [<mailto:Kit.Soo@acgov.org>]
Sent: Friday, August 19, 2016 1:20 PM
To: William W. Mast
Cc: 'Jacob Levy'; Roe, Dilan, Env. Health
Subject: RE: Sparkle Cleaners, Eastmont Town Center (RO2942)

Will – please note the slight revision in red below, and also make sure that the reports associated with this investigation are uploaded to ACEH’s FTP site and Geotracker.

Thanks, Kit

From: Soo, Kit, Env. Health
Sent: Friday, August 19, 2016 1:02 PM
To: 'William W. Mast' <wmast@pesenv.com>
Cc: Jacob Levy <jacob@levyaffiliated.com>; Roe, Dilan, Env. Health <Dilan.Roe@acgov.org>
Subject: RE: Sparkle Cleaners, Eastmont Town Center (RO2942)

Hi Will,

Alameda County Environmental Health (ACEH) staff has reviewed the *Work Plan for Soil Vapor Sampling* (the Work Plan), dated December 15, 2015, prepared by PES Environmental, Inc. associated with the case file for the above referenced site. This Work Plan was developed in reference to an earlier request from ACEH to conduct soil vapor and/or sub-slab vapor sampling

within the source area and downgradient from the source area to confirm that the residual contamination at the site does not pose a risk of vapor intrusion.

Based on our review of the Work Plan, ACEH concurs with the ACEH directive dated January 5, 2015⁶ associated with the proposed work, provided the following comments are incorporated and addressed during the field implementation:

- Install semi-permanent soil vapor probes instead of temporary probes to facilitate potential future sampling (if deemed necessary based on the results of this proposed soil vapor sampling); and
- All methods and procedures associated with the proposed soil vapor sampling should be performed in accordance with the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC), Los Angeles Regional Water Quality Control Board (LARWQCB) and San Francisco Regional Water Quality Control Board (SFRWQCB) *Advisory Active Soil Gas Investigations*, dated July 2015, as mentioned in your Work Plan.

We request that you perform the proposed work and submit the report to Alameda County Environmental Health (Attention: Kit Soo), according to the following schedule:

- December 19, 2016 – Soil Vapor Sampling Report
File to be named: SWI_R_YYYY-mm-dd RO2942

Please let me know if you have additional questions.

Thanks, Kit

From: William W. Mast [<mailto:wmast@pesenv.com>]
Sent: Monday, August 15, 2016 12:18 PM
To: Soo, Kit, Env. Health <Kit.Soo@acgov.org>
Cc: Jacob Levy <jacob@levyaffiliated.com>
Subject: Sparkle Cleaners, Eastmont Town Center (RO2942)

Hi Kit,

We appreciate the time that you and Mark took for meeting with Jacob and me on Wednesday August 3. We are hoping that you have had a chance to follow up with Dilan regarding our discussions so that we might proceed with implementing the previously-approved soil vapor survey work plan.

As we discussed during the meeting, attached please find the ALTA survey that shows the current building configuration. For clarity, I am also attaching APN maps that have been highlighted to show the four parcels (39-3291-22, 39-3299-1-2, 39-3299-2-2, and 39-3299-3) that were acquired by Jacob's ownership group.

Thank you,
Will

William Mast
Principal Engineer



PES Environmental, Inc.
Engineering & Environmental Services

7665 Redwood Blvd, STE 200
Novato, CA 94945-1444
415.899.1600 x251 o
415.899.1601 f

Please note our new address

(Phone and email are unchanged)

Attachment 1

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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) for more information on these requirements.

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 ACDEH's FTP server and the SWRCB's GeoTracker website." 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 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. 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 case meet this requirement. 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

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: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions


The Alameda County Environmental Cleanup Oversight Programs (LOP 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) Open File Explorer using the Windows  key + E keyboard shortcut.
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) On the address bar, type in ftp://alcoftp1.acgov.org.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
 - d) Click Log On.
 - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - f) 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.