



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

NOTICE TO COMPLY

June 13, 2011

Mr. A.K. Jain
State of California
Department of General Services
RES/PSB/Seismic & Special Programs
707 3rd Street, Suite 4-430
West Sacramento, CA 95605

Subject: Notice to Comply for Fuel Leak Case No. RO0002950 and GeoTracker Global ID T06197636657, CHP Oakland, 3601 Telegraph Avenue, Oakland, CA 94609

Dear Mr. Jain:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site. The most recent technical document is a report entitled, "*Environmental Site Investigation Report, California Highway Patrol – Oakland, 3601 Telegraph Avenue, Oakland, California, 94609*," (Report) dated November 14, 2008 and prepared on your behalf by Kleinfelder. The Report indicated that the underground storage tank (UST) present at the site was scheduled for removal and replacement by an aboveground storage tank and recommended that the Department of General Services (DGS) and ACEH evaluate potential monitoring and/or remediation options following UST removal and sampling activities. In correspondence dated December 12, 2008, ACEH indicated this approach was acceptable and requested that you provide a schedule for the proposed AST installation and UST removal no later than February 20, 2009.

A schedule, which indicated that UST removal would be completed in December 2009, was provided to us in DGS correspondence dated January 21, 2009 (attached). To date, we have not received notification of the UST removal or a revised schedule for the UST removal. We request that you provide an updated schedule for UST removal at the site, an alternate proposal to reach case closure, or a Request for Case Closure no later than August 12, 2011.

Your site is currently out of compliance with directives from this agency. 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 characterize the site and implement corrective action. Failure to provide an updated schedule for UST removal at the site, an alternate proposal to reach case closure, or a Request for Case Closure by August 12, 2011 may result in issuance of a Notice of Violation and possible enforcement action by the District Attorney and/or ineligibility for reimbursement of corrective action costs incurred at the site from the Underground Storage Tank Cleanup Fund. Furthermore, ACEH may recommend removal of this site from the Underground Storage Tank Cleanup Fund.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **August 12, 2011** – Updated Schedule for UST Removal, Alternate Proposal to Reach Case Closure, or Request for Case Closure

Thank you for your cooperation. Should you have any questions or concerns regarding this correspondence or your case, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,

Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

Attachments: DGS Correspondence dated January 21, 2009
Responsible Party(ies) Legal Requirements/Obligations
Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 2032 (*Sent via E-mail to: lgriffin@oaklandnet.com*)

Susan Gardner, Kleinfelder, 3077 Fite Circle, Sacramento, CA 95827-1815

Donna Drogos, ACEH (*Sent via E-mail to: donna.drogos@acgov.org*)
Jerry Wickham, ACEH (*Sent via E-mail to: jerry.wickham@acgov.org*)

Geotracker, File

R02950



State of California • Arnold Schwarzenegger, Governor
State and Consumer Services Agency

DEPARTMENT OF GENERAL SERVICES

Real Estate Services Division • Seismic and Special Programs

707 Third Street, 4th Floor • West Sacramento, CA 95605
(916) 375-4900 • Fax (916) 375-4909 • www.dgs.ca.gov

January 21, 2009

Mr. Jerry Wickham
Senior Hazardous Materials Specialist
Health Care Services
Alameda County
Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502

2009 JAN 22 11 04 38

Subject: Fuel Leak Case N. RO0002950 and Geotracker Global ID T06197636657, CHP

Dear Mr. Wickham:

Your letter of December 12, 2008, subject as above, requested responses to technical comments generated from your office and a schedule for the UST REMOVAL AND INSTALLATION project. The responses to your technical comments will be forthcoming directly from our consultant, Kleinfelder. The up-dated project schedule is enclosed, if you have any questions please feel free to contact the undersigned.

James Y. Ueda
Project Director II
DGS-RES-D-PSB-SSPS
(916) 375-4892
jueda@dgs.ca.gov

Encl: Project Schedule

cc: Susan Gardner, Kleinfelder, 3077 Fite Circle, Sacramento, CA 95827
Faizi Pourhosseini, Ziggurat 707 3rd Street, Suite 4-330, West Sacramento, CA 95605
Glenn Connor, Ziggurat, 707 3rd Street, Suite 4-330, West Sacramento, CA 95605

UST REMOVAL AND REPLACEMENT
 CALIFORNIA HIGHWAY PATROL
 OAKLAND AREA OFFICE
 OAKLAND, ALAMEDA COUNTY
 PROJECT NUMBER: 120811

ID	Task Name	Duration	Start	Finish	January	February	March	April	May	June	July	August	September	October	November	December	January
					Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
1	GUIDANCE FROM CLIENT	3 days?	Thu 1/29/09	Mon 2/2/09													
2	DESIGN	35 days?	Mon 2/2/09	Fri 3/20/09													
3	SURVEY	13 days?	Mon 2/2/09	Wed 2/18/09													
4	PRELIMINARY	15 days	Mon 2/2/09	Fri 2/20/09													
5	FINAL	21 days	Fri 2/20/09	Fri 3/20/09													
6	PROJECT MANUAL	33 days	Mon 3/23/09	Wed 5/6/09													
7	DRAFT	5 days	Mon 3/23/09	Fri 3/27/09													
8	REVIEW IN-HOUSE	10 days	Fri 3/27/09	Thu 4/9/09													
9	CLIENT	10 days	Fri 3/27/09	Thu 4/9/09													
10	CSFM	25 days	Fri 3/27/09	Thu 4/30/09													
11	FINALIZE	4 days	Fri 5/1/09	Wed 5/6/09													
12	PREPARE TO FILE	5 days	Thu 5/7/09	Wed 5/13/09													
13	FILE	5 days	Thu 5/14/09	Wed 5/20/09													
14	ADVERTISE	49 days?	Thu 5/21/09	Tue 7/28/09													
15	PRE-BID JOB WALK	1 day?	Thu 5/21/09	Thu 5/21/09													
16	OPEN BIDS	1 day?	Thu 6/25/09	Thu 6/25/09													
17	AWARD	4 days	Thu 6/25/09	Tue 6/30/09													
18	REVIEW BONDS, INS, ETC.	10 days	Wed 7/1/09	Tue 7/14/09													
19	LEGAL REVIEW	10 days	Tue 7/14/09	Mon 7/27/09													
20	EXECUTE CONTRACT	1 day?	Tue 7/28/09	Tue 7/28/09													
21	NTP TO CONTRACTOR	1 day?	Wed 7/29/09	Wed 7/29/09													
22	CONSTRUCTION	92 days?	Thu 7/30/09	Fri 12/4/09													
23	ACQUIRE LOCAL PERMITS	7 days	Thu 7/30/09	Fri 8/7/09													
24	CONST START	1 day?	Thu 7/30/09	Thu 7/30/09													
25	CONST COMPLETION	80 days	Fri 7/31/09	Thu 11/19/09													
26	CLOSE OUT	11 days	Fri 11/20/09	Fri 12/4/09													

Project: UST REMOVAL & REPLACEMENT
 Date: Tue 1/20/09

Task		Milestone		External Tasks	
Split		Summary		External Milestone	
Progress		Project Summary		Deadline	

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).

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.

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
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

- **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
 - 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 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.