

From: [dehloptoxic, Env. Health](#)
To: [Roe, Dilan, Env. Health](#)
Subject: FW: RO2977: REJECTED ftp REPORT SUBMITTAL
Date: Monday, May 07, 2012 1:05:41 PM

From: dehloptoxic, Env. Health **On Behalf Of** Le Khan, Teena, Env. Health
Sent: Monday, April 16, 2012 5:27 PM
To: Nowell, Keith, Env. Health; 'ciobanu@bop.gov'; Drogos, Donna, Env. Health
Subject: RO2977: REJECTED ftp REPORT SUBMITTAL

[REJECTED ftp REPORT SUBMITTAL](#)

[Case No. 2977](#)

Ladies and Gentleman:

Alameda County Environmental Health (ACEH) Toxics Programs has rejected your recent report submittal to the County's ftp site. Your submission does not meet the requirements of ACEH for submittal of electronic documents for the reason(s) listed (in bold and underline) below. The rejected document has not been entered into the case file and has not been forwarded to your caseworker for review. Rejection of the report may put you at risk of noncompliance. Please make the necessary corrections and resubmit the report as soon as possible. Failure to submit the requested report by your due date may result in enforcement actions or the removal of this site from the SWRCB Cleanup Fund.

1. Professional Certification stamp and signature are missing.
1. Document not found, please re-upload.
1. Document is damaged.
1. A security exists on the document.
1. Document lists incorrect site address.
1. **Document is missing Perjury statement.**
1. **Perjury statement needs to be signed by Responsible Party.**
1. Document needs to be uploaded electronically to Geotracker and Alameda County's FTP website.

-----Original Message-----

From: Nowell, Keith, Env. Health
Sent: Monday, April 16, 2012 5:10 PM
To: Le Khan, Teena, Env. Health
Subject: FW: SLIC Case No. R00002977 and GeoTracker Global ID SLT19749067, FCI Dublin,

Teena,

I did not see the report in the folder. Would contact him and walk him through the upload process?

Thx,
Keith

-----Original Message-----

From: Dan Ciobanu [<mailto:dciobanu@bop.gov>]

Sent: Monday, April 16, 2012 9:11 AM

To: Drogos, Donna, Env. Health; Nowell, Keith, Env. Health

Cc: George Younger; J. Jay Shandor

Subject: SLIC Case No. R00002977 and GeoTracker Global ID SLT19749067, FCI Dublin,

Hi Mr. Nowell,

I guess you are the new case worker assigned to our SLIC Case No. R02977, and GeoTracker Global ID SLT19749067, FCI Dublin, 5701 8th Street, Dublin, CA 94568.

I'm the Environmental Engineer, with the USD0J Bureau of Prisons, Western Regional Office, in Stockton, CA.

We have a SLIC case with ACEH arising from a small diesel spill located in our diesel generator building and surroundings, in 2008, at our Federal Correction Institution (FCI), in Dublin, CA.

All necessary response and clean-up took place immediately and in short time several groundwater and soil monitoring and testing procedures were completed. Required fees and monitoring and testing reports were submitted at time.

I submitted a closure report to your office on October 15, 2010 in hard format. I could not upload, from our offices, to an ftp site at the time due to federal government heighten security concerns. Our system still would not let me open ftp sites. Well, I tried to overcome this burden and uploaded yesterday the pdf file comprising the whole Closure Report, that is attached to this e-mail, but no confirmation was provided by the ftp system. Please let me know if you can access this document at the ACEH ftp site.

We are looking to get a closure of this case. A group of lawyers from our Real Estate Section, in the BOP Central Office in Washington are monitoring this case. Mr. George Younger, cc-ed above is the attorney assigned to this case and he may contact you. You may find our communications with Mr. Khatri and Ms. Drogos, as reference.

Please let me know if you can use the pdf file attached, the upload at ftp, or help us get this pdf where is visible to you.

Regards,

Dan Ciobanu

Regional Environmental Engineer
BOP Western Regional Office
Phone: 209 956-9756
Fax: 209 956-9800
dciobanu@bop.gov
7338 Shoreline Drive
Stockton, CA 95219

>>> <"Dan Ciobanu"> 1/5/2011 8:53 AM >>>

Hi Mr.Khatri,

Who's the responsible ACEH official, that may read our correspondence to ACEH, and respond to us ?

Bellow is the message we sent Ms. Drogos, to follow-up on FCI Dublin's case closure.

Regards,

Dan Ciobanu
Regional Environmental Engineer
Western Regional Office
dciobanu@bop.gov
Phone: 209 956-9756
Fax: 209 956-9800

>>> Dan Ciobanu 12/29/2010 3:21 PM >>>

Hi Ms. Drogos.

You'll find attached a string of messages showing our efforts to bring closure to the accidental Diesel spill remediation site and project, at USD0J Bureau of Prison's (BOP) Dublin facility.

Our closure report was received by your staff, on October 19, 2010.

To our dismay this closure report has not been reviewed, furthermore it was rejected, on the basis that it is not electronically uploaded to the ftp LUST site, a perjury statement is missing, and is not certified by a California professional.

Well, all reasons are not valid, as I'll show you here:

-Our case is an AST case and is not a UST or LUST case, therefore UST and LUST provisions do not apply.

-The California Business and Professions Code provisions cited by ACEH, do not apply to officers and employees of the United States of America, furthermore the said employees are exempt from registration in California. See Sections 6739 and 7836, of the said California Business and Professions Code.

-Furthermore, employees of the United States of America (USA), are not allowed to sign perjury statements, on behalf of USA.

We tried several times to meet with you and your staff to clarify the status of this case, to no avail.

The BOP have a three years project lifespan, and we are considering closing this spill remediation site and project, by March 2011.

ACEH charged in advance BOP in 2008, \$6000.00, under the pretense of instrumenting a LUST case.

We found that this case is not a LUST case, and after LUST charges have been imposed by ACEH, a significant credit is still owed back to BOP. We are looking to get this amount credited back to us, with interest.

We are kindly asking you that a timetable be agreed between ACEH and BOP, in order to close timely and appropriately this AST case.

Let us know what is the ACEH response to all the issues, we raised above.

Sincerely,

Dan Ciobanu
Regional Environmental Engineer
Western Regional Office
dciobanu@bop.gov
Phone: 209 956-9756
Fax: 209 956-9800

11/5/2010 12:22

Hi ACEH,

We found that our case is not subject to your citations, that affect only Underground Storage Tanks i.e.: Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.

Further we could not find which of the citations you cite in the California Code of Regulations, Title 23, Division 3, Chapter 30,

Articles 1 and 2, Sections 3893, 3894, and 3895, applies to our AST diesel accidental spill.

Please clarify !

Dan Ciobanu
Regional Environmental Engineer
Western Regional Office
dciobanu@bop.gov
Phone: 209 956-9756
Fax: 209 956-9800

>>> "dehloptoxic, Env. Health" <deh.loptoxic@acgov.org> 11/5/2010 11:18 AM >>>

Good morning Dan,

The following requirements need to be met in order for us to accept your report.

1. 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 SWRCB 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.

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.

· Please submit your report electronically to our FTP site and to the Geotracker website. Instructions for uploading to our FTP site are attached to this email. The login and password (please note user Id and password are case sensitive) are:

2. Please include a perjury statement signed by the responsible party. The following statement or something to that effect should be included:

· I, declare, under penalty of perjury that the foregoing is

true and correct.

3. Pursuant to sections 6735, 7835, and 7835.1 of the California Business and Professions Code, all work and reports which require geologic or engineering evaluations or technical judgments must be performed under the direction of a California Professional Engineer, Certified Engineering Geologist, Professional Geologist, or Certified Hydrogeologist.

. The report needs to include a Professional Certification Stamp and signature by a licensed Professional.

Please let us know if you have further questions.

Sincerely,

ACEH

-----Original Message-----

From: Dan Ciobanu [<mailto:dciobanu@bop.gov>]

Sent: Friday, November 05, 2010 9:16 AM

To: dehloptoxic, Env. Health; Khatri, Paresh, Env. Health

Cc: Drogos, Donna, Env. Health; George Younger; Rick Batten

Subject: Re: R02977: REJECTED ftp REPORT SUBMITTAL

Dear "dehloptoxic, Env. Health" <deh.loptoxic@acgov.org>
representative,

Please note that the US Department of Justice, the Federal Bureau of Prisons (BOP) did not submit this report to the Alameda County ftp site.

BOP submitted this document to ACEH, Environmental Health Services, Environmental Protection Office.

Looking at the string of messages bellow we can only determine that Mr.

Paresh Khatri,, the ACEH case worker instrumenting our case, received our closure report and submitted it to his own ACEH ftp site.

On the rejection reasons the ftp is citing, we are confident that Mr. Khatri can verify and certify that all this information is included in the received document:

This document does not bring any new developments on this case, it is merely an analysis and conclusion of the already certified submitted information and data in our past reports to ACEH, and refers to established and verifiable records i.e.: issued regulations and published technical papers.

Therefore again, we are confident that Mr. Khatri who started this ftp process, can verify and certify that all information requested is or was included in the received document(s), and solve these rejection reasons in order for ACEH to bring final resolution to this case.

Regards,
Dan Ciobanu
Regional Environmental Engineer
Western Regional Office
dciobanu@bop.gov
Phone: 209 956-9756
Fax: 209 956-9800

>>> "Khatri, Paresh, Env. Health" <paresh.khatri@acgov.org> 10/6/2010
5:15 PM >>>
Dear Mr. Ciobanu,

Thank you for your proposed meeting dates. I am in the process of checking my supervisor's availability for the next two weeks and will let you know if one of your proposed meeting dates is acceptable for both of us. If not, I will sent you a few alternative meeting dates.

Sincerely,

Paresh C. Khatri
Hazardous Materials Specialist
Alameda County Environmental Health
Local Oversight Program
1131 Harbor Bay Parkway
Alameda, CA 94502-6577

Phone: (510) 777-2478

Fax: (510) 337-9335

E-mail: Paresh.Khatri@acgov.org

<http://www.acgov.org/aceh/lop/lop.htm>

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-----Original Message-----

From: Dan Ciobanu [<mailto:dciobanu@bop.gov>]

Sent: Friday, October 01, 2010 8:57 AM

To: Drogos, Donna, Env. Health; Khatri, Paresh, Env. Health

Cc: Armando Ledezma; Rick Batten

Subject: Meeting with BOP on FCI Dublin diesel spill closure

Hi Ms. Drogos and Mr. Khatri

This message is in regard of ACEH case management staff and supervisor, meeting with the Federal Bureau of Prisons Western Regional Office (BOP) staff and management, responsible for the follow-up on the 2008 accidental diesel spill at FCI Dublin.

We extended in September 2010 a request to have a meeting on site. Mr.

Khatri indicated in a telephone conversation to me that it would be difficult for ACEH staff to meet on site, due to travel and time constraints.

We are asking you to confirm if the Bureau staff is willing to meet with the BOP staff at your office.

We think that a brief assessment of specific environmental factors, environmental law applicability, and the extent of financial

liability,
on this case between local and federal government, is beneficial to
bring closure to this project and case.

Please let us know your decision on meeting with us.

As of today, we can offer the dates of October 8, October 14 and 15,
2010, as available meeting dates, however we will accommodate your
request for different dates, if possible.

Thank you for your attention to this matter.

Dan Ciobanu
Regional Environmental Engineer
Western Regional Office
Phone: 209 956-9756
Fax: 209 956-9800

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contain SENSITIVE information. If this message
contains SENSITIVE information, it should be
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of according to policy.”