



March 29, 2018

The Home of Truth Alameda
1300 Grand Street
Alameda, CA 94501
Attention: Ms. Judi Friedman (Sent via e-mail to: AlamedaHomeofTruth@gmail.com)

NOTICE TO COMPLY

Subject: Notice to Comply, Fuel Leak Case No. RO0003248 and GeoTracker Global ID T10000010386, The Home of Truth Alameda, 1300 Grand Street, Alameda, CA 94501

Dear Ms. Friedman:

A review of the case file for the above-referenced site indicates that your case is currently in not in compliance with Alameda County Department of Environmental Health (ACDEH) October 20, 2017 Directive Letter, which provided conditional approval of the August 23, 2017 *Site Investigation Work Plan* (Work Plan) prepared and submitted on your behalf by Applied Water Resources (AWR). As mentioned in the June 26, 2017 Directive Letter, ACDEH understood that the underground storage tank (UST) would be removed soon and the intention of the Responsible Party (RP) was to complete adequate investigation to inform over-excavation in conjunction with UST removal. As of today, the UST has not been removed and the *Soil and Groundwater Investigation Report* due on December 22, 2017 has not been submitted.

Removal of the UST and implementation of site characterization is critical to be protective of human health and the environment and to move this case towards closure. Please note that as an identified Responsible Party, 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 any necessary corrective action.

In order to regain compliance with local and State requirements, and to move the site towards site closure, please implement the requested actions by the dates specified below. Failure to implement these requested actions by the due dates specified below may result in an 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 Clean-up Fund. Furthermore, if necessary, ACDEH may recommend removal of this site from the Underground Storage Tank Cleanup Fund for which you appear to be eligible.

Pursuant to Chapter 6.7, California Health and Safety code, civil penalties up to \$10,000 for each UST for each day of violation may be imposed. Once removed from the Clean-up Fund, the costs associated with site characterization/site cleanup work that is required will not be reimbursed. Please note that civil penalties for non-compliance are assessed from the original due date (December 22, 2017).

ACDEH requests removal of the UST, implementation of the Work Plan and addressing the conditions as described in ACDEH's October 20, 2017 Directive Letter. Please contact Ms. Barb Jakub Alameda County Certified Unified Program Administration (CUPA) either by e-mail (barbara.jakub@acgov.org) and/or by phone (510) 567-6737 to schedule oversight of the UST removal.

Ms. Judi Friedman
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REVISED TECHNICAL REPORT REQUEST

Please upload technical reports to the State Water Resources Control Board's Geotracker website, in accordance with the following specified file naming convention and schedule:

- **May 30, 2018 ~~December 22, 2017~~** – Soil and Groundwater Investigation Report
File to be named: RO3248_SWI_R_yyyy-mm-dd

Please note that as of January 1, 2018 ACDEH no longer requires report submittal to ACDEH's ftp site.

This report is 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. Online case files are available for review at the following website:
<http://www.acgov.org/aceh/lop/ust.htm>

Thank you for your cooperation. Should you have any questions or concerns regarding this correspondence or your case, please send me an e-mail message at karel.detterman@acgov.org or call me at (510) 567-6708.

Sincerely,

Karel Detterman, PG
Senior Hazardous Materials Specialist

Enclosures: Attachment 1 - Responsible Party(ies) Legal Requirements/Obligations
ACDEH Electronic Report Upload (ftp) Instructions

cc: Yola Bayram, Applied Water Resources, 2363 Mariner Square Drive, Suite 245, Alameda, CA 94501 (Sent via E-mail to: ybayram@awrcorp.net)
Steve Michelson, Applied Water Resources, 2363 Mariner Square Drive, Suite 245, Alameda, CA 94501 (Sent via E-mail to: smichelson@awrcorp.net)

Dilan Roe, ACDEH (Sent via E-mail to: dilan.roe@acgov.org)
Karel Detterman, ACDEH (Sent via E-mail to: karel.detterman@acgov.org)
Paresh Khatri, ACDEH (Sent via E-mail to: paresh.khatri@acgov.org)
GeoTracker, Electronic Case File

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: December 14, 2017
	ISSUE DATE: July 25, 2012
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	SUBJECT: Responsible Party(ies) Legal Requirements / Obligations

REPORT & DELIVERABLE REQUESTS

Alameda County Department of Environmental Health (ACDEH) Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) require submission of all reports in electronic form to the State Water Board's (SWB) GeoTracker website in accordance with California Code of Regulations, Chapter 30, Division 3, Title 23 and Division 3, Title 27.

Leaking Underground Fuel Tank (LUFT) Cases

Reports and deliverable requests are 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 (RP) in conjunction with an unauthorized release from a petroleum underground storage tank (UST) system.

Site Cleanup Program (SCP) Cases

For non-petroleum UST cases, reports and deliverables requests are pursuant to California Health and Safety Code Section 101480.

ELECTRONIC SUBMITTAL OF REPORTS

A complete report submittal includes the PDF report and all associated electronic data files, including but not limited to GEO_MAP, GEO_XY, GEO_Z, GEO_BORE, GEO_WELL, and laboratory analytical data in Electronic Deliverable Format™ (EDF). Additional information on these requirements is available on the State Water Board's website (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)

- Do not upload draft reports to GeoTracker
- Rotate each page in the PDF document in the direction that will make it easiest to read on a computer monitor.

GEOTRACKER UPLOAD CERTIFICATION

Each report submittal is to include a GeoTracker Upload Summary Table with GeoTracker valid values¹ as illustrated in the example below to facilitate ACDEH review and verify compliance with GeoTracker requirements.

GeoTracker Upload Table Example

Report Title	Sample Period	PDF Report	GEO_MAPS	Sample ID	Matrix	GEO_Z	GEO_XY	GEO_BORE	GEO_WELL	EDF
2016 Subsurface Investigation Report	2016 S1	✓	✓	Effluent	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
2012 Site Assessment Work Plan	2012	✓	✓			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2010 GW Investigation Report	2008 Q4	✓	✓	SB-10	W	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				SB-10-6	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				MW-1	WG	✓	✓	✓	✓	✓
				SW-1	W	✓	✓	✓	✓	✓

¹ GeoTracker Survey XYZ, Well Data, and Site Map Guidelines & Restrictions, CA State Water Resources Control Board, April 2005

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: NA
	ISSUE DATE: December 14, 2017
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	SUBJECT: Responsible Party(ies) Legal Requirements / Obligations

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 the State Water Board's GeoTracker website." This letter must be signed by the Responsible Party, or legally authorized representative of the Responsible Party.

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 and include the professional registration stamp, signature, and statement of professional certification. 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

For LUFT cases, RP's non-compliance with these regulations may result in ineligibility to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse the cost of cleanup. Additional information is available on the internet at: https://www.waterboards.ca.gov/water_issues/programs/ustcf/

AGENCY OVERSIGHT

Significant delays in conducting site assessment/cleanup or report submittals may result in referral of the case to the Regional Water 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.