

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**

AGENCY

REBECCA GEBHART, Acting Director



DEPARTMENT OF ENVIRONMENTAL HEALTH  
LOCAL OVERSIGHT PROGRAM (LOP)  
For Hazardous Materials Releases  
1131 HARBOR BAY PARKWAY  
ALAMEDA, CA 94502  
(510) 567-6700  
FAX (510) 337-9335

October 16, 2017

Leo and Kay Macias  
1109 Brown Avenue  
Lafayette, CA 94596

Robert and Rusty Moody  
132 Rudgear Drive  
Walnut Creek, CA 94596-6316

David and Vinitha Watson, Trustees  
1328 Windemere Avenue  
Menlo Park, CA 94025  
(Sent via electronic mail to:  
[david.watson@gmail.com](mailto:david.watson@gmail.com))

Zoo Studios, LLC  
1035 7<sup>th</sup> Street, #8  
Oakland, CA 94607

Subject: **Monitoring Well Relocation Effort**; Fuel Leak Case No. RO0000036 and GeoTracker  
Global ID T0600101646, Vend Mart Property, 1035 7<sup>th</sup> Street, Oakland, CA 94607

Dear Ladies and Gentlemen:

Alameda County Department of Environmental Health (ACDEH) has received and reviewed an email communication from Gribi Associates, dated August 30, 2017, that was submitted on your behalf. Thank you for supplying the information and for looking for the groundwater monitoring well that was installed at your property in association with an investigation of a release of petroleum hydrocarbons from a former underground storage tank (UST) at the site.

In the communication, Gribi Associates stated that well MW-1 was in an area recently landscaped and as a consequence could not be located visually. Gribi Associates also provided photographic documentation of the landscaping. This effort helps move the site a step closer to regulatory closure.

In order to move the case an additional step towards closure, ACDEH requests an additional level of effort to relocate well MW-1, in order destroy the well in accordance with State Department Water Resources (DWR) well regulations. This can include nondestructive such as geophysical methods, or other appropriate methods, to relocate the well.

Without this additional effort at finding the well, ACDEH cannot close the case. As before, we continue to need your assistance in this matter.

As before, well destruction and case closure continues to be important for you for several reasons:

- Until the case is closed, the property will remain listed in state databases of contaminated sites. This will affect your ability to sell the property or to refinance to obtain lower interest rates as lenders are normally very hesitant to loan on a contaminated site or which remains open. It is commonly a requirement for a loan that a case be closed.
- Environmental stigmas are commonly associated with sites with contamination and open cases. The longer a site is closed, the lower the level of the environmental sigma will become.
- Property values are generally reduced until the case is closed due to concerns about residual contamination which may remain at the site. With closure, the extent of contamination is understood to be acceptable and protective of human health and the environment.
- Closed sites generally are sold more quickly, and fewer questions are asked about former contamination with the passage of time.

There are standard procedures that need to be met in order to obtain closure, and well destruction and a professional report is one of them. Please contact me for assistance during this process. The requirements are well understood and are not time consuming.

Additionally, in order to close this case, ACDEH is required by the state to verify that all landowners have been informed of the potential case closure in order that these property owners are not surprised by these actions. To that end, ACDEH again attaches a *List of Landowners Form* that needs to be filled out by the property owner and returned to my attention (email preferred).

As before, so that you understand that there are legal and financial implications, please be aware that under Chapter 6.7 of the California Health and Safety Code, civil penalties up to \$10,000 for each UST for each day of violation may be imposed. **ACDEH would prefer your money be used for site closure rather than payment of penalty fees.** Please note that civil penalties for non-compliance are assessed from the original due date for a well destruction report.

### **SUBMITTAL ACKNOWLEDGEMENT STATEMENT**

Please note that ACDEH has updated Attachment 1 with regard 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 SWRCB's Geotracker Website.*

Please make this change to your submittals to ACDEH.

### **TECHNICAL REPORT REQUEST**

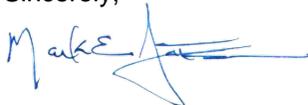
Please upload technical reports to the ACDEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with the specified file naming convention below, according to the following schedule:

- **November 27, 2017** – Landowner Form submittal  
Please email, or mail, to your caseworker
- **December 29, 2017** – Monitoring Well Decommissioning Report  
File to be named: RO36\_WELL\_DCM\_R\_yyyy-mm-dd

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,



Mark E. Detterman, PG, CEG  
Senior Hazardous Materials Specialist

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

cc: Jim Gribi, Gribi Associates, 1090 Adams Street, Suite K, Benicia, CA 94510, (Sent via electronic mail to: [jgribi@gribiassociates.com](mailto:jgribi@gribiassociates.com))

Mathew Rosman, 1090 Adams Street, Suite K, Benicia, CA 94510, (Sent via electronic mail to: [mrosman@gribiassociates.com](mailto:mrosman@gribiassociates.com))

Ladies and Gentlemen  
RO0000036  
October 16, 2017, Page 3

James Yoo, Alameda County Public Works Agency, 399 Elmhurst Street, #113,  
Hayward, CA 94544, (Sent via electronic mail to: [jamesy@acpwa.org](mailto:jamesy@acpwa.org))

Dilan Roe, ACDEH, (Sent via electronic mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))  
Paresh Khatri, ACDEH; (Sent via electronic mail to: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org))  
Mark Detterman, ACDEH, (Sent via electronic mail to: [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org))  
Electronic File; GeoTracker

## 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/](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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> December 1, 2016
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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](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) 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](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.