



NOTICE OF VIOLATION

June 25, 2018

Mr. Ted Simas
Mr. Keith Simas
Xtra Oil Company
2307 Pacific Avenue
Alameda, CA 94501 (Sent via e-mail to: xtraoil@sbcglobal.net)

Subject: Fuel Leak Case No. RO0000191 and GeoTracker Global ID T0600101803, Xtra Oil, 1701 Park Street, Alameda, CA 94501

Gentlemen:

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's (ACDEH) May 24, 2016 Notice to Comply Enforcement Letter. With the exception of the *Injection Well Installation Report* submitted on June 29, 2016, none of the requested Technical Reports listed in the August 14, 2015 Directive Letter have been submitted to ACDEH, and the case continues to be in non-compliance with uploading required data to the State Water Resources Control Board (SWRCB's) Geotracker data base, timely reporting of groundwater monitoring and sampling events, and stakeholder communications.

Implementation of site characterization and/or cleanup at this site is crucial to be protective of human health and the environment and to move this case towards closure evaluation. 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.

In order to regain compliance, please address the Technical Comments and submit the documents to Geotracker requested in the Revised Technical Report Request section below. Failure to submit the documents by the due dates specified below will result in referral of this case for enforcement action by the District Attorney. Additionally, ACDEH may recommend removal of this site from the Underground Storage Tank Cleanup Fund and/or ineligibility for reimbursement of corrective action costs incurred at the site from the Underground Storage Tank Clean-up Fund. Furthermore, 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 which was October 30, 2015.

TECHNICAL COMMENTS

1. **Request for a *Corrective Action Implementation Plan*:** ACDEH requests that you prepare a concise Corrective Action Implementation Plan which includes, but is not limited to, the following items. Please utilize tables and figures to present the data:

- Description of the selected remedy including anticipated length of remedial action and cleanup goals;
- Implementation of the selected corrective action;
- Baseline groundwater monitoring parameters;
- Strategy for monitoring groundwater quality and ozone by-products on and off site;

- Engineering Design including Radius of influence (ROI) calculations for all injection points;
- Table summarizing injection and monitoring well construction;
- System piping and plumbing figures;
- Protection strategy of ozone generator equipment from service station activities;
- Post remediation groundwater monitoring and sampling schedule to monitor rebound;
- Injection Well Installation Report, **submitted under separate cover on June 30, 2016**;
- Construction Quality Assurance (CQA) Plan;
- CAP Implementation schedule including adequate ACDEH review periods.

2. Public Participation: Public participation is a requirement for the Corrective Action Plan process to notify potentially affected stakeholders who live or own property in the surrounding area of the proposed remediation. We request that you submit a Draft Fact Sheet for ACDEH review. Upon ACDEH approval of a Draft Fact Sheet, we will mail the Fact Sheet to potentially affected stakeholders who live or own property in the area surrounding the site. Public comments on the proposed remediation will be accepted for a 30-day period. Following the end of the public comment period, any comments received including ACDEH's comments, must be addressed and incorporated into a Final CAP.

REVISED TECHNICAL REPORT REQUEST

If additional time is required to complete these tasks, please request an extension in advance of the due date by e-mail and provide a substantive reason for the extension request. Please e-mail the technical reports to the ACDEH (Attention: Karel Detterman), and upload to the State Water Resources Control Board's Geotracker website, according to Attachment 1 and the following specified file naming convention and schedule:

- **July 30, 2018** – Corrective Action Implementation Plan
File to be named: RO191_CAIP_R_yyyy-mm-dd
- **July 30, 2018** – Draft Fact Sheet
File to be named: RO191_CAP_PP__L_yyyy-mm-dd
- **August 30, 2018** – Semi-Annual Groundwater Monitoring & Sampling Report: (January-June 2018) Actual event on June 13, 2018
File to be named: RO191_GWM_R_yyyy-mm-dd
- **February 28, 2019** – Semi-Annual Groundwater Monitoring & Sampling Report (July-December 2018) Actual event December 2018
File to be named: RO191_GWM_R_yyyy-mm-dd
- **August 30, 2019** – Semi-Annual Groundwater Monitoring & Sampling Report (January-June 2019) Actual event June 2019
File to be named: RO191_GWM_R_yyyy-mm-dd

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.

Should you have any questions, please contact me at (510) 567-6708 or send me an electronic mail message at karel.detterman@acgov.org

Ladies and Gentlemen
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Sincerely,

Karel Detterman, PG
Senior Hazardous Materials Specialist

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

cc: Paul King, P&D Environmental, Inc., 55 Santa Clara Avenue, Suite 240, Oakland, CA 94610 (sent
via E-mail to: PDKing0000@aol.com)

Karel Detterman, ACDEH, (Sent via E-mail to: karel.detterman@acgov.org)

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

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

Electronic File, GeoTracker

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"/>				
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.