

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**  
AGENCY

COLLEEN CHAWLA, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH  
LOCAL OVERSIGHT PROGRAM (LOP) FOR  
HAZARDOUS MATERIALS RELEASES  
1131 HARBOR BAY  
ALAMEDA, CA 94502  
(510) 567-6700  
FAX (510) 337-9335

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**NOTICE TO COMPLY**

December 22, 2017

619 South 33<sup>rd</sup> LLC  
C/o Mark Skolnick  
930 Redwood Hwy, #B  
Mill Valley, CA 94941-2374  
(Sent via electronic mail to [mark@jpcap.net](mailto:mark@jpcap.net))

Subject: LOP Fuel Leak Case No. RO0003166 and Geotracker Global ID T1000007122, Seminary Avenue UST, 1759 Seminary Avenue, Oakland, CA 94621

Dear Mr. Skolnick:

A review of the case file for the above-referenced site indicates that your case is currently not in compliance with Alameda County Department of Environmental Health's (ACDEH) November 4, 2016 correspondence, which conditionally approved a document entitled *Site Characterization Work Plan* (Work Plan), prepared by AllWest Environmental (AllWest) and dated June 22, 2016, for site characterization. In our correspondence, ACDEH specified a February 2, 2017 submittal date for the characterization report (SWI). The Work Plan was requested by our agency in a correspondence dated March 3, 2016 following notification that soil and water sampling associated with the removal of an underground storage tank (UST) at your facility documented petroleum hydrocarbon contamination in UST pit. On June 17, 2017, ACDEH issued a Late Letter as the SWI had not been received. As it was unclear if the work had been performed, our June 17, 2017 correspondence specified a SWI submittal date of June 30, 2017.

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 the 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 corrective action. Almost six months have passed since our most recent submittal request and the required report has not been uploaded or otherwise received by the State Water Resources Control Board's (SWRCBs) GeoTracker website.

In order to regain compliance, please implement the conditionally approved Work Plan, submit the late SWI, and electronically upload all documents to GeoTracker by the date specified below. Failure to submit the document by the date identified 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. ACDEH can recommend removal of this site from the Underground Storage Tank Cleanup Fund. Once removed from the Clean-up Fund, the costs associated with site characterization/site cleanup work that is required will not be reimbursed.

Additionally, 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. Please note that civil penalties for non-compliance are assessed from the original due date (February 2, 2017).

In addition to the SWI, ACDEH correspondences dated November 4, 2016 and June 15, 2017 requested submittal of a List of Landowners Form and an Unauthorized Release Form. Neither of these documents have been received. Please submit these forms by the dates specified below.

**TECHNICAL REPORT REQUEST**

Please upload technical reports to the SWRCBs GeoTracker website, in accordance with Attachment 1 and the specified file naming convention below, according to the following schedule:

- **January 23, 2018** – *List of Landowners Form* (via electronic mail attachment or by land mail, Attention: Keith Nowell)
- **January 23, 2018** – *Unauthorized Release Form* – (via electronic mail attachment or by land mail, Attention: Keith Nowell)
- **February 22, 2018** – *Site Characterization Report* – (file to be named: RO0003166\_SWI\_R\_yyyy-mm-dd)

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.

Thank you for your cooperation. ACDEH looks forward to working with you and your consultants to advance the case toward closure. Should you have any questions regarding this correspondence or your case, please call me at (510) 567-6764 or send an electronic mail message at [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org)

Sincerely,

Keith Nowell, PG, CHG  
Hazardous Materials Specialist

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

cc: Marc Cunningham, Allwest Environmental (*Sent via electronic mail to: [marc@allwest1.com](mailto:marc@allwest1.com)*)

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)*)  
Keith Nowell, ACDEH (*Sent via electronic mail to: [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org)*)  
Geotracker, File

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> December 14, 2017
	<b>ISSUE DATE:</b> July 25, 2012
	<b>PREVIOUS REVISIONS:</b> September 17, 2013, May 15, 2014, December 12, 2016
<b>SECTION:</b> ACDEH Procedures	<b>SUBJECT:</b> 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/](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 values<sup>1</sup> 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
<b>2016 Subsurface Investigation Report</b>	2016 S1	✓	✓	Effluent	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
<b>2012 Site Assessment Work Plan</b>	2012	✓	✓			<input type="checkbox"/>				
<b>2010 GW Investigation Report</b>	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	✓	✓	✓	✓	✓

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

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> NA
	<b>ISSUE DATE:</b> December 14, 2017
	<b>PREVIOUS REVISIONS:</b> September 17, 2013, May 15, 2014, December 12, 2016
<b>SECTION:</b> ACDEH Procedures	<b>SUBJECT:</b> 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/](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.