




ALAMEDA COUNTY
HEALTH CARE SERVICES AGENCY
 DEPARTMENT OF ENVIRONMENTAL HEALTH
 LOCAL OVERSIGHT PROGRAM (LOP)
 For Hazardous Materials Releases
 1131 Harbor Bay Parkway
 Alameda, CA 94502-6577

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A.A. Zatopa
 141 Jackson Street
 Chicago, IL 60606

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NOTICE TO COMPLY

May 16, 2017

Michael E. Mueller and Stephen P. Nicholls
2400 Union Street
Oakland, CA 94607-2418
(Sent via E-mail to: snicholls@mnbuild.com)

A.A. Zatopa
141 Jackson Street
Chicago, IL, 60606

Subject: Technical Report Request for Fuel Leak Case No. RO0003203 and GeoTracker Global ID T10000008515, Union Street, 2400 Union Street, Oakland, CA 94601

Dear Ladies and Gentlemen:

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's) May 24, 2016 Directive Letter. The letter required a work plan submittal by July 25, 2016 as well as claiming the site in Geotracker by June 24, 2016. These actions were due over 10 months ago.

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.

Please also be aware that with an open environmental case, it is unlikely that lending institutions will loan on the property. This will affect your ability to refinance the property or to sell it in a timely basis. The environmental stigma associated with a property will be diminished the longer an environmental case is closed.

In order to regain compliance with local and State requirements, and to move the site towards site closure, please implement these actions by the dates specified below. Failure to implement these actions by the dates specified below will result in an issuance of a Notice of Violation and possible enforcement action by the District Attorney. 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 of July 25, 2016 for the Data Gap Investigation Work Plan and Site Conceptual Model.

REVISED TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Karel Detterman), and to the State Water Resources Control Board's GeoTracker website according to the following schedule and file-naming convention:

- **June 16, 2017 ~~June 24, 2016~~** – Claim site in Geotracker
- **July 14, 2017 ~~July 25, 2016~~** – Data Gap Investigation Work Plan and Site Conceptual Model
File to be named: RO3203_WP_SCM_R_yyyy-mm-dd