



December 28, 2017

Mr. DeLong Liu
DeLong Oil, Inc.
2501 N. Main Street
Walnut Creek, CA 94597
(Sent via electronic mail to:
delongliu@yahoo.com)

DDJ Property Holding, Inc
2501 North Main Street
Walnut Creek, CA 94597

United Brothers Enterprise, Inc.
2501 North Main Street
Walnut Creek, CA 94597

Leatrice Whitney & Paul Alsing
414 Arden Drive
Encinitas, CA 92024

Leatrice Whitney & Gloria Alsing
1007 S. Wellsley Street
Visalia, CA 93277

NOTICE TO COMPLY

Subject: Notice to Comply; Fuel Leak Case No. RO0003235; (Global ID # T10000009940); 1716 Webster Street, 1716 Webster Street, Alameda, CA 94501

Dear Responsible Parties:

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) July 5, 2017 letter, which required a site investigation be conducted and an investigation report be submitted by September 1, 2017. This is nearly 4 months ago.

Implementation of site characterization at this site is important in order 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.

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 longer an environmental case is closed, the lower the environmental stigma associated with a property is.

In order to regain compliance, please implement these actions, submit a site investigation report, and electronically upload all documents to GeoTracker by the dates specified below. Failure to submit the implement these 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 which you appear eligible for. 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 (June 3, 2016).

NOTIFICATION OF FIELDWORK ACTIVITIES

Please schedule and complete the fieldwork activities by the date specified below and provide ACDEH with at least three (3) business days notification prior to conducting the fieldwork.

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

Please note that ACDEH has updated Attachment 1 with regard to report submittals. 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 the State Water Board's GeoTracker website.

Please make this change to your submittals to ACDEH.

TECHNICAL REPORT REQUEST

Please return the requested item to ACDEH (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with the schedule:

- ~~September 1, 2017~~ **February 9, 2018** – Site Investigation Report
File to be named: RO3235_SWI_R_yyyy-mm-dd
- **February 9, 2018** – Second Semi-Annual 2017 Groundwater Monitoring Report
File to be named: RO3235_GWM_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.

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

If your email address does not appear on the cover page of this notification, ACDEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

If you have any questions, please call me at (510) 567-6876 or send me an electronic mail message at 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: Gary Mulkey, 4115 Blackhawk Plaza Circle, Suite 100, Danville, CA 94506; (Sent via electronic mail to: gary@cci-envr.com)

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

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| 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

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| 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.