



ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

November 28, 2011

NOTICE TO COMPLY

Mr. Edward Kozel
Oakland National Engravers
Edward & Elizabeth Kozel Trust
20 Oak Knoll Drive
Healdsburg, CA 95448-3108

Mr. Robert Kovalak
ICI Paints
16654 W. Sprague Rd.
Strongsville, OH 44136

Ms. Deborah Castles
McGrath Properties
130 Webster Street, Suite 200
Oakland, CA 94607

(sent via electronic mail to
deborah@mcgrathproperties.com)

Subject: Notice to Comply - Overdue Reports and Request for Coordinated Groundwater Monitoring; Fuel Leak Case No. RO0000079 (Geotracker Global ID #T0600101659), Oakland National Engravers (ONE), 1001 42nd Street, Oakland, CA

Dear Messrs. Kozel and Kovalak, and Ms. Castle:

Alameda County Environmental Health (ACEH) staff has reviewed the case file and the *Groundwater Monitoring Report*, dated June 3, 2011; prepared and submitted on your behalf by AMEC Geomatrix (AMEC). Thank you for the report; however, this letter must also communicate that other reports are now overdue. This renders the site out of compliance with ACEH directives. A pilot test study report, with an original September 3, 2010 submittal deadline was twice extended to a June 17, 2011 deadline, and has not yet been received. A Data Gap Work Plan is also overdue and had an original submittal deadline of July 23, 2010, but also received two extensions. Both are now significantly overdue and no communication has been provided as to the submittal status of those reports. The purpose of ACEH's December 16, 2010 letter was also to request submittal of these documents.

The referenced groundwater monitoring report indicates that Light Non-Aqueous Phase Liquid (LNAPL) was encountered in three wells, one onsite near the downgradient property line, and two downgradient of the downgradient property line. These wells are the most closely associated with the site (BES-1, MW-B1, and MW-B2). The onsite well BES-1 contained the thickest presence of LNAPL, up to 0.53 feet. Conversely offsite wells MW-B1 and MW-B2 contained between 0.05 and 0.1 feet, and are approximately 75 feet apart. While MW-B4 contained 470 µg/l TPHms, is located between these two wells, the presence of LNAPL can be characterized as wide spread. Groundwater collected in wells located in the general downgradient direction (MW-B3, C-1, C-2, and C-3), appear to yield non-detectable concentrations of the site. However, of likely significance, these wells are located downgradient of several utility conduits (in 40th and in Adeline Streets) that have been identified as probable preferential conduits capable transporting contamination (LNAPL or elevated groundwater concentrations), and remain unevaluated for this potential (See the report labeled COND_WELL_R_2004-05-18 in the electronic case file for Dunne Quality Paints [RO0000073]).

Based on ACEH staff review, we have the following technical comments and request that the following items be sent to us as described below.

TECHNICAL COMMENTS

1. **Overdue Pilot Study Report** – This submittal has received at least two extensions and remains overdue. ACEH requires submittal of the pilot test by the date identified below. Please note this letter is not an extension; this report is still considered late.
2. **Overdue Data Gap Work Plan** – This submittal has received at least two extensions and remains overdue. ACEH requires submittal of the pilot test by the date identified below. Please note this letter is not an extension; this report is still considered late.
3. **Electronic Report and Data Upload Compliance** – A review of the case file and the State's Geotracker database indicates that the site is not in compliance with previous directive letters. Compliance is also a State requirement. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SLIC programs. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites was required in GeoTracker. At present missing data and documents include, but may not be limited to, older reports, older EDF submittals, GEO_MAPS, GEO_WELL data, and all bore logs. **Compliance is required by the State and is tied to reimbursement funding by the UST Cleanup Fund.** Please see Attachment 1 for limited additional details, and the state GeoTracker website for full details. Please upload all submittals to GeoTracker as well as to ACEH's ftp website, provide written notification and a copy of the upload list by the date specified below.
4. **Coordinated Groundwater Contaminant Plume Monitoring and Sampling** – The most recent groundwater monitoring event occurred in September 2010. In order to understand current and future conditions, ACEH requests the resumption of groundwater monitoring at the site using the identified analytical suite, on an initial quarterly basis. After one year of monitoring, ACEH requests that the interval be reevaluated.

Because the paleochannels have allowed the comingling of many sites, ACEH is requiring that groundwater monitoring and sampling for this site be coordinated with groundwater monitoring, sampling, and reporting for adjacent sites (Celis Service Station [RO0000453], San Francisco French Bread Company [RO0000171], Oak Walk Redevelopment Site [RO0002733], SNK Andante [RO0002533], and Dunne Quality Paints [RO0000073]). By copy of this letter this requirement is provided to adjacent sites. ACEH is requiring that groundwater monitoring, sampling, and reporting continue at these sites in accordance with the schedule below. Please submit groundwater monitoring reports by the dates identified below.

5. **Request for Email Addresses** – If your email address is not listed on the first page of this letter, or on the list of cc's below, ACEH is requesting your email address to help expedite communications and to help lower overall costs. Please provide that information in your next submittal.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Mr. Mark Detterman), according to the following schedule:

- **December 12, 2011** – Geotracker & ACEH ftp Website Submittal Compliance and notification of such
- **January 9, 2012** - Pilot Study Report

- **January 9, 2012** – Data Gap Work Plan (Additional on- and off-site investigation [utility mains and laterals, additional sources, and offsite investigations])
- **February 10, 2012** – Fourth Quarter 2011 Semi-Annual Groundwater Monitoring Report
- **90 Days After Data Gap Work Plan Approval** – Submittal of Soil and Groundwater (Data Gap) Investigation
- **May 4, 2012** – First Quarter 2012 Groundwater Monitoring Report
- **August 3, 2012** – Second Quarter 2012 Groundwater Monitoring Report
- **November 9, 2012** – Third Quarter 2012 Groundwater Monitoring Report, with sampling interval reevaluation

Reports are 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--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: Dunne Quality Paints; (RO0000073):
Terry Turner, Dunn Quality Paints, 707 Glenside Circle, Lafayette, CA 94549
Chad McNamee, 6820 Thornhill Drive, Oakland, CA 94611
Green City Lofts Home Owner Association; 1007 41st Street, Oakland, CA 94608
Martin Samuels, Green City Lofts, 3675 Delmont Avenue, Oakland, CA 94605
Martin Samuels, Green City Lofts, 4601 W. Walnut Street, Soquel, CA 95073
Martin Samuels, Green City Lofts, 2715 Porter Street, Suite 207, Soquel, CA 95073
Timothy Bodkin, Bureau Veritas, 2430 Camino Ramon, Suite 122, San Ramon, CA 94583
(sent via electronic mail to timothy.bodkin@us.beuraveritas.com)

Oakland National Engravers; (RO0000079):
Terry McGrath, McGrath Properties, 130 Webster Street, Suite 200, Oakland, CA 94607
(sent via electronic mail to terry@mcgrathproperties.com)
Syed Rehan, AMEC Geomatrix, Inc., 2101 Webster Street, 12th Floor, Oakland, CA 94612
(sent via electronic mail to syed.rehan@amec.com)

San Francisco French Bread Company; (RO0000171):
Peter Sher, San Francisco French Bread Company, 7801 Edgewater Drive, Oakland, CA 94621
John Tibbetts, Oak's Club Room, 4097 San Pablo Avenue, Emeryville, CA 94608

Dai Watkins, The San Joaquin Co., 1120 Hollywood Avenue, Suite 3, Oakland, CA 94602
(sent via electronic mail to daiw@sanjoco.com)

Celis Service Station; (RO0000453):

Markus Niebanck, City of Emeryville, Economic Development & Housing Department, 1333 Park Avenue, Emeryville, CA 94608 (sent via electronic mail to mniebanck@ci.emeryville.ca.us)
Constantino Celis, Celis Alliance, 2200 Powell St, 12th Floor, Emeryville, CA 94608
Jacob Henry, URS Corporation, 1333 Broadway, Suite 800, Oakland, CA 94612
(sent via electronic mail to Jacob_Henry@URSCorp.com)

Oak Walk Redevelopment; (RO0002733):

Mr. Dai Watkins, The San Joaquin Co., 1120 Hollywood Avenue, Suite 3, Oakland, CA 94602
(sent via electronic mail to daiw@sanjoco.com)
Marilyn Ponte, Bay Rock Residential LLC, 1300 Clay Street, Suite 620, Oakland, CA 94612
(sent via electronic mail to marilyn@bay-rock.com)
John Tibbetts, Oak's Club Room, 4097 San Pablo Avenue, Emeryville, CA 94608

SNK Andante Project; (RO0002530):

Mr. Don Peterson, SNK Captec Andante LLC, 1103 40th Street, Emeryville, CA 94608

Magnolia Terrace Residential; (RO0003004):

Darin Lounds, Executive Director, Housing Consortium of the East Bay, 1440 Broadway, Suite 700, Oakland, CA 94612; (sent via electronic mail to dlounds@hceb.org)
Brienne Steinhauser, Housing Consortium of the East Bay, 1440 Broadway, Suite 700, Oakland, CA 94612 (sent via electronic mail to: bsteinhauser@hceb.org)
Linda Gardener, Alameda County Housing and Community Development Department, 224 W. Winton Avenue, Room 108, Hayward, CA 94544; (sent via electronic mail to: Linda.Gardner@acgov.org)

Concerned Property Owner:

Dave Ennis, PO Box 10985, South Lake Tahoe, CA 96158-3985

Regulatory Contacts:

Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Suite 3341, Oakland, CA 94612-2032 (sent via electronic mail to lgriffin@oaklandnet.com)

Sunil Ramdass, State Water Resource Control Board, Underground Storage Tank Cleanup Fund, P.O. Box 944212, Sacramento, CA 94244-2120,
(sent via electronic mail to sramdass@waterboards.ca.gov)

Donna Drogos, (sent via electronic mail to donna.drogos@acgov.org)

Mark Detterman (sent via electronic mail to mark.detterman@acgov.org)

GeoTracker, Electronic Case File

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

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) 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 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 Spills, Leaks, Investigations, and Cleanup (SLIC) 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 for more information on these requirements (http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." 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 6735, 6835, and 7835.1) 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 registered 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 fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later 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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) 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 dehloptoxic@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) Using Internet Explorer (IE4+), go to <ftp://alcoft1.acgov.org>
 - (i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
 - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - e) 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 dehloptoxic@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.