



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

NOTICE OF VIOLATION

December 7, 2012

Mr. John Williamson
1511 Wellington St.
Oakland, CA 94602

Subject: Fuel Leak Case No. RO0000159 and Geotracker Global ID T0600100274, Mobil, 3635 13th Avenue, Oakland, CA

Dear Mr. Williamson:

A review of the case file for the above-referenced site indicates that your case is currently not in compliance with Alameda County Environmental Health's (ACEH) July 8, 2008 correspondence (Attached), which required the implementation of corrective action with a summary report due by February 8, 2009 or the NOTICE TO COMPLY dated December 2, 2011. Over three years have lapsed and the corrective action has not been implemented and a report documenting the corrective action has not been received.

Based on the documented inaction ACEH will recommend that the Underground Storage Tank Cleanup Fund (Fund) remove the subject site from the Fund, and thus eligibility for all investigation and cleanup cost reimbursement if the requested reports are not received. Once removed from the Fund, the costs associated with all current or future subsurface investigations and / or cleanup work that may be required at your site will not be reimbursed.

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 8, 2009).

TECHNICAL REPORT REQUEST

Please submit technical reports to ACEH (Attention: Barbara Jakub), according to the following schedule:

- **January 20, 2013** – Semi-Annual Monitoring Report (2nd Half 2012)
- **March 4, 2013** – Pilot Test Results Report
- **July 20, 2013** – Semi-annual Monitoring Report (1st Half 2013)

Mr. Williamson
RO0000159
December 7, 2012, Page 2

If you have any questions or concerns regarding this correspondence or your case, please call me at (510) 639-1287 or send me an electronic mail message at barbara.jakub@acgov.org.

Sincerely,

Barbara J. Jakub, P.G.
Hazardous Materials Specialist

Enclosure: July 8, 2008 and December 2, 2011 ACEH Letters
Responsible Party(ies) Legal Requirements/Obligations
ACEH Electronic Report Upload (ftp) Instructions

cc: Sunil Ramdass, Underground Storage Tank Cleanup Fund, SWRCB, PO Box 944212, Sacramento, CA 94244-2120, (sent via electronic mail to sramdass@waterboards.ca.gov)
Peter McIntyre, AEI Consultants, 2500 Camino Diablo, Suite 200, Walnut Creek, CA 94597 (Sent via E-mail: pmcintyre@aeiconsultants.com)
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 (Sent via E-mail to: lgriffin@oaklandnet.com)
Donna Drogos, ACEH (Sent via E-mail to: donna.drogos@acgov.org)
Barbara Jakub, ACEH (Sent via E-mail to: barbara.jakub@acgov.org)
GeoTracker
File



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

NOTICE TO COMPLY

December 2, 2011

Mr. John Williamson
1511 Wellington St.
Oakland, CA 94602

Subject: Fuel Leak Case No. RO0000159 and Geotracker Global ID T0600100274, Mobil, 3635
13th Avenue, Oakland, CA

Dear Mr. Williamson:

A review of the case file for the above-referenced site indicates that your case is currently not in compliance with Alameda County Environmental Health's (ACEH) July 8, 2008 correspondence (Attached), which required the implementation of corrective action with a summary report due by February 8, 2009. Over two years have lapsed and the corrective action has not been implemented and a report documenting the corrective action has not been received.

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.

Also, quarterly monitoring lapsed in late 2008. ACEH requested continued quarterly monitoring in a letter dated July 24, 2009.

In order to regain compliance, please implement the corrective action, quarterly monitoring, submit a remediation summary report, and submit quarterly monitoring reports by the dates specified below. Failure to submit the implement the corrective action 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, ACEH may recommend removal of this site from the Underground Storage Tank Clean-up Fund. 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 (February 8, 2009).

Mr. Williamson
RO0000159
December 2, 2012, Page 2

TECHNICAL REPORT REQUEST

Please submit technical reports to ACEH (Attention: Barbara Jakub), according to the following schedule:

- **February 2, 2012** – Pilot Test Results Report
- **February 29, 2012** – Quarterly Monitoring Report (1st Quarter 2012)
- **May 30, 2012** – Quarterly Monitoring Report (2nd Quarter 2012)
- **August 30, 2012** – Quarterly/Semi-annual Monitoring Report (3rd Quarter 2012)
- **November 30, 2012** – Quarterly/Semi-annual Monitoring Report (4th Quarter 2012)

If you have any questions or concerns regarding this correspondence or your case, please call me at (510) 639-1287 or send me an electronic mail message at barbara.jakub@acgov.org.

Sincerely,



Digitally signed by Barbara J. Jakub
DN: cn=Barbara J. Jakub, o, ou,
email=barbara.jakub@acgov.org,
c=US
Date: 2011.12.02 08:28:31 -08'00'

Barbara J. Jakub, P.G.
Hazardous Materials Specialist

Enclosure: July 8, 2008 ACEH Letter
Responsible Party(ies) Legal Requirements/Obligations
ACEH Electronic Report Upload (ftp) Instructions

cc: Peter McIntyre, AEI Consultants, 2500 Camino Diablo, Suite 200, Walnut Creek, CA 94597 (*Sent via E-mail: pmcintyre@aeiconsultants.com*)
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 (*Sent via E-mail to: lgriffin@oaklandnet.com*)
Donna Drogos, ACEH (*Sent via E-mail to: donna.drogos@acgov.org*)
Barbara Jakub, ACEH (*Sent via E-mail to: barbara.jakub@acgov.org*)
GeoTracker
File



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

July 8, 2008

Mr. John Williamson
1511 Wellington St.
Oakland, CA 94602

Subject: Fuel Leak Case No. RO0000159 and Geotracker Global ID T0600100274, Mobil, 3635
13th Avenue, Oakland, CA

Dear Mr. Williamson:

Alameda County Environmental Health (ACEH) staff has reviewed the February 20, 2008 *Site Investigation Report and Pilot Test Work Plan* prepared by AEI Consultants. The investigation report recommends and proposes a pilot test for ozone sparging and installing additional wells and soil vapor monitoring points.

ACEH generally concurs with the proposed scope of work and requests that you address the following technical comments, perform the proposed scope of work, and send us the technical reports requested below. The proposed scope of work may be implemented provided that the modifications requested in the technical comments below are addressed and incorporated during field implementation. Submittal of a revised work plan is not required unless an alternate scope of work outside that described in the work plan and technical comments below is proposed.

TECHNICAL COMMENTS

1. **Ozone Sparge Injection Point Spacing.** The proposed locations for your sparge points are within ten feet of the monitoring compliance points. This raises two issues. You will not be able to determine if the sparge point influences an area greater than the distance to your monitoring points. Also, if you determine that ozone sparge is effective, these locations will likely result in a very small effective radius, potentially causing you to over-design your remediation system. We recommend that you consider a slightly larger spacing.
2. **Proposed Well Locations.** Please proceed with installing the three additional wells that you proposed. If you cannot obtain encroachment permits from the City of Oakland, please proceed with installing MW-7 and begin the pilot test. You may also try pursuing installing a well adjacent to Highway 580 if the property belongs to the California Department of Transportation. A well located beside Chatham Road would only be an additional 100 feet from proposed well MW-9.

- 3. Soil Vapor Sampling.** ACEH requests that you follow the Department of Toxic Substances Control and Los Angeles Regional Water Quality Control Board's January 28, 2003 *Advisory - Active Soil Gas Investigations* guidance for your soil vapor sampling in particular, testing for leaks and sample collection sections. This document recommends that a tracer gas be used to ensure that samples are not comprised by leakage through the seals. An enclosure can be placed over the sample port, tubing and Summa canister so that a tracer gas be introduced and monitored during sampling. Please include the tracer gas in your sample analysis for each soil vapor sample. ACEH recommends that you use helium because of issues with isopropanol that have risen since the document was published. For information on using a sampling enclosure and helium, please refer to the New York State Department of Health's October 2006 *Guidance for Evaluating Soil Vapor Intrusion in the State of New York*.

Please also include tertiary butyl alcohol (TBA) in your soil vapor sampling analysis.

- 4. Pilot Testing and Reporting.** Please install the sparge and monitoring wells by the date requested below and begin your pilot test within a month of the installation. As recommended in your SWI, please submit the pilot test results report after operating the system for two to four months or by the date listed below, whichever is sooner. Please also include a discussion of how ozone sparge will remediate the unsaturated contaminated soils at the site.
- 5. Notification Requirements.** Please notify me three business days before you begin field work. E-mail to barbara.jakub@accgov.org is sufficient.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Barbara Jakub), according to the schedule presented below:

- **September 8, 2008** – Install ozone-sparge and monitoring points.
- **February 8, 2009** – Pilot Test Results Report

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

Mr. John Williamson
RO0000159
July 8, 2008, Page 3

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

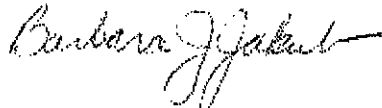
If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety

Mr. John Williamson
RO0000159
July 8, 2008, Page 4

Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 639-1287 or send me an electronic mail message at barbara.jakub@acgov.org.

Sincerely,



Barbara J. Jakub, P.G.
Hazardous Materials Specialist

Enclosures: ACEH Electronic Report Upload (ftp) Instructions

cc: Peter McIntyre, AEI Consultants, 2500 Camino Diablo, Suite 200, Walnut Creek, CA
94597 (via electronic mail)
Leroy Griffith, Oakland Fire Department, (via electronic mail)
Donna Drogos, ACEH, via electronic mail
Barbara Jakub, ACEH
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.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

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 deh.loptoxic@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://alcoftp1.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 deh.loptoxic@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.