

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

COLLEEN CHAWLA, Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

March 9, 2018

Mr. Jeff Kerry
Kerry & Associates
151 Callan Avenue, Suite 300
San Leandro, CA 94577
(Sent via electronic mail to:
djkerry1@aol.com)

Mr. Jeffery Kerry
Jeffery & Dolores Kerry Trust
& James Donnelley et. al.
1121 Brookvale Drive
San Leandro, CA 94577

Lucia and Morris Donnelly
Address Unknown

Morris Donnelley, and
Dolores and Jeffrey Kerry
Address Unknown

Donnelly Trust
c/o Gerald Donnelly, Trustee, and
Dolores and Jeffrey Kerry Trust
38822 Farwell Drive, Apt. 18E
Fremont, CA 94536

Subject: Monitoring Well Destruction and Investigation Derived Waste Removal; Fuel Leak Case RO00000208; and Global ID #T0600101043, Palace Garage 14336 Washington Avenue, San Leandro, CA 94578

Dear Responsible Parties:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the above-referenced fuel leak case file for proposed case closure pursuant to California Health and Safety Code (H&SC) Section 25296.10 and the State Water Board's Low-Threat Underground Storage Tank Case Closure Policy (LTCP). Based on our review, ACDEH has determined that the site appears to qualify for case closure. Public notification of the potential closure of the case was completed December 18, 2017. No comments were received.

Prior to case closure you must complete the following actions:

1. Properly destroy all groundwater monitoring wells in accordance with California Water Code and Alameda County Ordinance Code 6.88 under permit by the well permitting agency; and
2. Remove all waste piles, drums, debris and other investigation or remediation derived material in accordance with State laws.

Therefore at this juncture, ACDEH requests that you address the following comments, perform the proposed work, and submit the documents requested below by the associated compliance dates. Upon receipt of the requisite documents, ACDEH will close the case and issue a Remedial Action Completion Certificate (RACC).

COMMENTS

1. **Monitoring Well Destruction** – All groundwater, soil vapor monitoring, and remediation wells must be properly destroyed under permit by the appropriate well permitting agency. In order to expedite the case closure process, ACDEH requests that you initiate the well destruction permitting process upon receipt of this letter by contacting Alameda County Public Works Agency at (510) 567-6791 to obtain the necessary permits.

Please complete the destruction of remaining wells by the dates listed below.

- **Well Destruction Permits – April 27, 2018**
 - **Well Destruction – May 18, 2018**
2. **Waste Removal** – All investigation and remediation derived materials must be removed from the site and properly disposed of at an appropriate designated facility in accordance with applicable State laws. Please be aware that three signatures (generator, transporter, and receiving facility) are required on the final waste removal manifests.

To satisfy this requirement, please complete waste removal activities by the compliance date listed below.

- **Waste Removal – May 25, 2018**
3. **Well Destruction and Waste Removal Report** – Prepare a report documenting well destruction and waste removal activities. The report must include a well status table, well destruction permits, and waste manifests signed by the accepting disposal facility.

To satisfy this requirement, please submit the report to the State Water Board's Geotracker website in accordance the compliance date listed below.

- **Well Destruction and Waste Removal Report – June 18, 2018**

NOTIFICATION OF FIELDWORK ACTIVITIES

Please provide ACDEH with at least three (3) business day notification prior to conducting the fieldwork.

SUBMITTAL REQUIREMENTS

Please submit all requested documents in accordance with the requirements in **Attachment 1** (Attention: Mark Detterman).

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 4799, CEG 1788
Senior Hazardous Materials Specialist

Attachment 1 - Responsible Party(ies) Legal Requirements/Obligations and Electronic Report Upload Instructions

cc: Brian Busch, Closure Solutions, Inc., 4600 Northgate Blvd, Suite 230, Sacramento, CA 95834
(Sent via electronic mail to: brian.busch@innovex.net)

Arturo Robles, 6 Ramon Court, Danville, CA 94526; (Sent via electronic mail to: pill97@comcast.net)

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

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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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

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.