



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

NOTICE OF VIOLATION

February 28, 2011

Shahram Shahnazi
Delta Gas
300 West S Street
Woodland, CA 95695

John Rutherford
Desert Petroleum
P.O. Box 1601
Oxnard, CA 93030

Tejindar and Rajinder Singh
6400 Dublin Boulevard
Dublin, CA 94568

Mohammed Mushhoon
9 Commodore, #217
Emeryville, CA 94608

Subject: Pending Recommendation to Remove From Future USTCF Eligibility; Fuel Leak Case No. Fuel Leak Case No. RO0000276 and Geotracker Global ID T0600100090, Desert Petroleum #796, 2844 Mountain Blvd., Oakland, CA 94601

Dear Mr. Shahnazi, Mr. Rutherford, Mr. and Ms. Singh, and Mr. Mushhoon:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site and find that this site is out of compliance with ACEH directives. Fuel hydrocarbons including methyl tert-butyl ether (MTBE) and fuel oxygenates are present at elevated concentrations in soil and groundwater at the site and have migrated off-site. MTBE has been detected at concentrations up to 410,000 micrograms per liter ($\mu\text{g/L}$) in groundwater samples at the edge of your property. The lateral and vertical extent of contamination originating from your site has not been fully defined. In addition, free product is present in the subsurface within the central portion of the site.

In correspondence dated December 17, 2005, February 17, 2006, and June 18, 2009, ACEH requested that you submit Documentation of Tank System Status and a Revised Work Plan as described in the technical comments below. There is no evidence in the files that any of these requests were acted upon. Your site is currently out of compliance with ACEH directives. This letter is an additional attempt to preclude further enforcement actions. We request that you submit the documents described in the Technical Comments and Technical Report Request below no later than April 30, 2011. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, you are also required to claim your site on GeoTracker and subsequently transmit electronic reports and other site data no later than March 31, 2011.

Based on the documented inaction, ACEH will recommend on March 31, 2011 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. Once removed, 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.

In order to regain compliance, please claim the site and submit the documents on GeoTracker and ACEH's FTP server by the dates specified below. Failure to submit the requested documents may additionally result in referral 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 (August 15, 2008).

TECHNICAL COMMENTS

1. **Tank System Status.** Please provide documentation in the Work Plan requested below to demonstrate the current status of the on-site tank system and specifically whether all fuel has been removed from the system.
2. **Site Characterization.** The lateral and vertical extent of soil and groundwater contamination at the site has not been fully defined. The extent of contaminant migration along preferential pathways such as the storm water line and the drain system for the retaining wall west of the site must also be considered. Please present plans to fully define the lateral and vertical extent of soil and groundwater contamination at the site in the revised Work Plan requested below.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **March 31, 2011** – GeoTracker Compliance and Request for Information Uploads
- **April 30, 2011** – Documentation of Tank System Status and Revised Work Plan

Should you have any questions, please contact me at (510) 567--6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,

Jerry Wickham
Senior Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
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)

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 electronic mail to donna.drogos@acgov.org)
Jerry Wickham, ACEH, (sent via electronic mail to jerry.wickham@acgov.org)
GeoTracker, e-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://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 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.