



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

January 15, 2016

Platinum Energy  
30343 Canwood Street, Suite 200  
Agoura Hills, CA 91301  
Attn.: Ellen Lehto  
(Sent via electronic mail to: [elehto@platinum-energy.net](mailto:elehto@platinum-energy.net))

Subject: Request for Amended Underground Storage Tank Removal Report; Fuel Leak Case No. RO0000356 and GeoTracker Global ID T0600100201, BP #11117, 7210 Bancroft Avenue, Oakland, CA 94605

Dear Ms. Lehto:

Thank you for the recent submittal of the document entitled *Site Demolition and Underground Storage Tank Removal Report* (TANK) prepared for the subject Fuel Leak Case by Atlas Environmental Engineering, Inc. (Atlas). The report, dated September 9, 2014, was submitted to the Alameda County Environmental Health (ACEH) website on January 8, 2016 and was prepared in conjunction with site demolition and underground storage tank (UST) removal activities conducted between July 22, 2014 and August 8, 2014 by Atlas on behalf of FR Construction, Inc. (FR) under contract with Platinum Energy, the station operator.

As discussed in our meeting on January 13, 2016, attended via conference call by Mr. Karl Kerner of Atlas, representing Platinum Energy, the referenced report is incomplete. The TANK does not document the condition of the fuel dispensing system (USTs, product piping, and dispensers); does not document visual and olfactory conditions associated with the fuel dispensing system removal; and does not contain photographic evidence of the condition of the fuel dispensing system subsequent to its removal.

Therefore, at this time ACEH requests submittal of a revised tank removal report, amended to include the information identified above. Please submit the report to GeoTracker and ACEH's ftp websites by the date specified below. Additionally, please upload the associated laboratory analysis report(s) in electronic deliverable format (EDF) and figure(s) (GEO\_MAPs) to GeoTracker.

#### **TECHNICAL REPORT REQUEST**

Please upload technical reports to the ACEH ftp site (Attention: Keith Nowell), and to the SWRCB's Geotracker website, in accordance with the following specified file naming convention and schedule:

- **January 29, 2016** – Electronic Submittal of Information (EDF and GEO\_MAP)
- **February 16, 2016** – Amended Tank Removal Report - (file to be named: RO0000356\_TNK\_ADEND\_R\_yyyy-mm-dd)

Platinum Energy  
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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.

Thank you for your cooperation. ACEH looks forward to working with you and your consultants to advance the case toward closure. Should you have any questions regarding this correspondence or your case, please call me at (510) 567-6764 or send an electronic mail message at [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org).

Sincerely,

Keith Nowell, PG, CHG  
Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements/Obligations and Electronic Report Upload (ftp) Instructions

Cc: Karl Kerner, Atlas Environmental Engineering, Inc., 3185 Airway Avenue, Suite D-1, Cost Mesa, CA 92626 (*Sent via electronic mail to: [karl@aeei.com](mailto:karl@aeei.com)*)

Shaoul Levy, Palm Peninsula, LLC and 7200 Bancroft Avenue, LLC., 201 Wilshire Boulevard Suite A28, Santa Monica, CA 90401

Jonathon Aryeh, Platinum Realty Management, Levy Affiliated Holdings, Inc, 201 Wilshire Boulevard, 2<sup>nd</sup> Floor, Santa Monica, CA 90401  
(*Sent via electronic mail to: [john@levyre.com](mailto:john@levyre.com)*)

Ed Ralston, Phillips 66 Company, 76 Broadway, Sacramento, CA 95818  
(*Sent via E-mail to: [Ed.C.Ralston@p66.com](mailto:Ed.C.Ralston@p66.com)*)

Dennis Dettloff, Antea™Group, 11050 White Rock Road, Suite 110, Rancho Cordova, CA 95670 (*Sent via E-mail to: [Dennis.Dettloff@anteagroup.com](mailto:Dennis.Dettloff@anteagroup.com)*)

Dilan Roe, ACEH (*electronic mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org)*)  
Keith Nowell, ACEH, (*Sent via electronic mail to [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org)*)  
GeoTracker, 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/](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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> May 15, 2014
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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](mailto: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](mailto: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.