



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

NOTICE TO COMPLY

July 21, 2011

James and Arleen Russi
428 Yorkshire Road
Alameda, CA 94501

Steven and Cecilia Simi
2735 Broadway
Oakland, CA 94502-6577

Subject: Notice to Comply for Fuel Leak Case No. RO0000460 and GeoTracker Global ID T0600102196, Russi Commercial Property, 1347 Park Street, Alameda, CA 94501

Dear Responsible Parties:

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 3, 2008 correspondence, which required compliance with electronic reporting (Chapter 30, Division 3, Titles 23 & 27 of the California Code of Regulations) by August 15, 2008, and the August 28, 2008 correspondence, which required the submittal of a Preferential Pathway Study due by October 31, 2008. Nearly 3 years have lapsed and electronic reporting has not been conducted, and the Preferential Pathway Study 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, a review of ACEH's FTP site indicates that not all submittals have been electronically uploaded rendering the site to non-compliance status. Please note that in addition to GeoTracker, all reports, work plans, correspondences, etc. must be uploaded to ACEH's FTP site (see the enclosed "ACEH Electronic Report Upload (ftp) Instructions.").

In order to regain compliance, please implement the corrective action, submit a remediation summary report, and electronically upload all documents to GeoTracker and ACEH's FTP server by the dates specified below. Failure to implement the corrective action by the due date specified below may result in referral to the Office of the District Attorney for possible enforcement action and penalties 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 Cleanup 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 (October 31, 2008).

NOTIFICATION OF FIELDWORK ACTIVITIES

Please schedule and complete the fieldwork activities by the date specified below and provide ACEH with at least three (3) business days notification prior to conducting the fieldwork.

TECHNICAL REPORT REQUEST

Please submit technical reports to ACEH (Attention: Paresh Khatri), according to the following schedule:

- **August 19, 2011** – ACEH Electronic Reporting Compliance
- **September 30, 2011** – Preferential Pathway Study (Report)

Thank you for your cooperation. Should you have any questions or concerns regarding this correspondence or your case, please call me at (510) 777-2478 or send me an electronic mail message at paresh.khatri@acgov.org.

Sincerely,

Paresh C. Khatri
Hazardous Materials Specialist

Enclosure: ACEH Correspondence, August 28, 2008
Responsible Party(ies) Legal Requirements/Obligations
ACEH Electronic Report Upload (ftp) Instructions

cc: James Gribi, Gribi Associates, 1350 Hayes Street, Suite C-14, CA 94510 (*Sent via E-mail to JGribi@gribiassociates.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*)
Paresh Khatri, ACEH (*Sent via E-mail to: paresh.khatri@acgov.org*)
GeoTracker
File

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.
 - 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.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

August 28, 2008

Mr. James and Arleen Russi
428 Yorkshire Road
Alameda, CA 94501

Mr. Steven and Cecilia Simi
2735 Broadway
Oakland, CA 94502-6577

Subject: Fuel Leak Case No. RO00000460 Global ID # T0600102196, Russi Commercial Property, 1347 Park Street, Alameda, CA

Dear Mr. Russi and Mr Simi:

Alameda County Environmental Health Department (ACEH) staff has reviewed the case file and the recently submitted report entitled, "Risk Management Plan" dated September 5, 2003 received by our office on August 11, 2008 submitted by Gribi Associates. During our review of the reports for this site, ACEH has determined that several outstanding issues must be resolved prior to progressing this case toward regulatory closure. The following are areas of concern that must be considered; evaluation of preferential pathways and sensitive receptors, monitoring well MW-1 sampling and analysis, free product assessment and potential impacts to adjacent properties and evaluation of the potential volatilization of naphthalene contamination in the vadoze zone.

Based on ACEH staff review of the documents referenced above, we request that you address the following technical comments, perform the proposed work, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to steven.plunkett@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Monitoring Well Evaluation and Free Product Assessment.** Limited soil and groundwater data has been collected at your site. In September 1998 three soil borings were advanced to a maximum depth of 10 feet bgs, which is above the depth of the original excavation confirmation sampling of 12 feet bgs. Contaminated soil was detected near the former UST at concentrations of up to 4,900 ppm TPHd and 7.4 ppm naphthalene. Grab groundwater samples collected from soil boring IB-1 detected 730,000 ppb TPHd, which indicates the presence of free phase petroleum hydrocarbon contamination in groundwater. In addition, the most recent groundwater analytical data available for the site, collected in August 2000, detected 1.85 feet of floating free product (TPHd) in well MW-1. To evaluate current groundwater quality conditions beneath your site, ACEH request that every attempt must be made to locate monitoring well MW-1, and if operable the well must be redeveloped and sampled. Please present your plan to locate, redevelop and sample well MW-1 in the preferential pathway study report requested below.

2. **Preferential Pathway Study.** During the UST removal, a sanitary sewer line was encountered in the excavation, and free product was observed entering the utility trench backfill. It is quite possible that underground utilities and backfill material are acting as a conduit for offsite contamination migration. However, no discussion concerning whether a preferential pathway(s) exist at the site was presented. Furthermore, ACEH recommends collecting a soil sample from the utility back fill material, which is adjacent to the former tank pit, to evaluate whether the utility corridor may be acting as a pathway for offsite contamination migration.

The purpose of the preferential pathway study is to locate potential migration pathways and conduits and determine the probability of the NAPL and/or plume encountering preferential pathways and conduits that could spread contamination. The preferential pathway study should detail the potential migration pathways and potential conduits (wells, utilities, pipelines, etc.) for vertical and lateral migration that may be present in the vicinity of the site. We request that you submit a preferential pathway study. Please include maps, cross-sections and data tables to support your analysis. The results of your study shall contain all information required by California Code of Regulations, Title 23, Division 3, Chapter 16, §2654(b).

a. Utility Survey

An evaluation of all utility lines and trenches (including sewers, storm drains, pipelines, trench backfill, etc.) within and near the site and plume area(s) is required as part of your study. Please include maps and cross-sections illustrating the location and depth of all utility lines and trenches within and near the site and plume areas(s) as part of your study. Please present the results of the preferential pathway study in the report requested below.

b. Well Survey

The preferential pathway study shall include a well survey of all wells (monitoring and production wells: active, inactive, standby, decommissioned (sealed with concrete), abandoned (improperly decommissioned or lost); and dewatering, drainage, and cathodic protection wells) within a ¼ mile radius of the subject site. Please present the results for the preferential pathway study in the report requested below.

3. **Lateral and Vertical Extent of Contamination.** Please prepare extended site maps showing offsite properties, structures and other pertinent facilities. We recommend that you use aerial photos as your base maps. We also request the present figures and compile any available data from nearby UST sites to evaluate if the unauthorized release from your site may be impacting adjacent properties and the public right of way. Furthermore, we request that you identify any data gaps and include your proposal to evaluate them. Please present the maps, figures, data tables and your evaluation of any data gaps in the preferential pathway study report requested below.
4. **Risk Evaluation.** Gribi Associates submitted a risk management plan in August 2008; however, the RMP does not address the potential air exposure pathway for naphthalene. Additionally, the RMP discusses a groundwater exposure pathway; however ACEH has been unable to locate any information to confirm that a sensitive receptor evaluation has

been completed for your site. If a sensitive receptor evaluation has been completed please submit the results as an attachment in the preferential pathway study to ACEH. If no report exists, please complete the analysis and submit it in the report requested below.

5. **GeoTracker Reporting.** During our customary review of the State Water Resources Control Board's (SWRCB) GeoTracker website indicate that electronic copies reports have not been submitted. 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. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please claim your site in GeoTracker.

TECHNICAL REPORT REQUEST

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

- **October 21, 2008 – Preferential Pathway Study**

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.

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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. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the

SWRCB adopted regulations that require electronic submittal of information for 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 monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

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 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.

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Mr. James Russi and Mr. Steven Simi
August 28, 2008
RO0000460
Page 5

If you have any questions, please call me at (510) 383-1767

Sincerely,



Steven Plunkett
Hazardous Materials Specialist



Donna Drogos, PE
Supervising Hazardous Material Specialist

cc: Jim Gribi
Gribi Associates
1350 Hayes Street, Suite C-14
Benicia, CA 94510

Donna Drogos, ACEH, Steven Plunkett, ACEH, File