



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

August 6, 2012

Mr. Ralph Fattore
Classic Investments, LLC
4145 Broadway
Oakland, CA 94611

Norman Albert
Patterson Ranch Inc.
321 Hartz Avenue, Suite 200
Danville, CA 94549-6217

Subject: Electronic Submittal of Information Compliance for Fuel Leak Investigation, Fuel Leak Case No. RO0000509 and Geotracker Global ID T0600102227, Downtown Toyota, 4145 Broadway, Oakland, CA 94611

Dear Messrs. Fattore and Albert:

In light of recent changes to the California petroleum Underground Storage Tank (UST) Cleanup Program by the adoption of the State Water Resource Control Board's (SWRCB) *Low-Threat Underground Storage Tank Closure Policy*, and directives put forth in SWRCB Resolution No. 2009-0042, *Actions to Improve Administration of the UST Cleanup Fund and UST Cleanup Program*, Alameda County Environmental Health (ACEH) Local Oversight Program (LOP) has been reviewing case files and administrative procedures to identify and resolve impediments to efficient review and case closure.

A review of the SWRCB's Geotracker and ACEH FTP databases indicates this site is out of compliance with electronic submittal of information requirements.

These items are discussed below and details are provided on the attached spreadsheet (Attachment 1).

Electronic Submittal of Information (ESI) Compliance

Currently, site data and documents are maintained in two separate electronic databases – ACEH's File Transfer Protocol (FTP) site and the SWRCB's Geotracker website. Both databases act as repositories for Portable Document Format (PDF) files of regulatory directives and reports, but only Geotracker has the functionality to store electronic compliance data in Electronic Deliverable Format (EDF) including analytical laboratory data for soil, vapor and water samples, monitoring well depth-to-water measurements, and surveyed location and elevation data for permanent sampling locations. Although the SWRCB is responsible for the overall operation and maintenance of the Geotracker System, ACEH, as lead regulatory agency, is responsible to ensure that the Geotracker database is complete and accurate for sites regulated by ACEH under the LOP and SCP (SWRCB March 2011 document entitled *Electronic Reporting Roles and Responsibilities*).

Because Geotracker is often used as the sole source of information at sites where chemical releases have occurred, the accuracy, completeness, and timeliness of the information on the database is critical in the following realms in order to facilitate review and analysis of data and informed decision making that is protective of human health, safety and the environment:

- The public domain during the public participation process as required by Title 23 of the California Code of Regulations (CCR), Chapter 16, Section 2728;

- The real-estate industry during property transactions;
- RPs, consultants, and the LOP during the site investigation, corrective action, monitoring, and case closure process; and
- State and federal government during decision making related to closure recommendations and petitions, priorities and funding, and evaluation of the UST cleanup program effectiveness.

A review of the case file indicates that the SWRCB Geotracker database and/or the ACEH database is not complete (see Attachment 1), thus rendering the site to a non-compliant status pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3890 to 3895. At present missing data and documents include, but may not be limited to:

- complete copies of reports, in pdf format, including the signed transmittal letter and professional certification (GEO_REPORT files);
- analytical data for soil, water and vapor samples collected for the purpose of subsurface investigation or remediation, including influent/effluent water samples from remediation systems (EDF files);
- surveyed elevation measurements to the top of well casings (GEO_Z files);
- the latitude and longitude (GEO_XY files) of any permanent monitoring well for which data is reported in EDF format;
- depth-to-water information for permanent sampling points whenever the data is collected, even if the well is not sampled during the sampling event (GEO_WELL files);
- stand alone site maps displaying tank locations, streets bordering the facility, and sampling locations for all soil, water and vapor samples (GEO_MAP files);
- stand alone boring logs with depth to the screened interval and the length of screened interval for any permanent monitoring well installed (GEO_BORE files);

To expedite this goal, ACEH has compiled a comprehensive index of compliance documents and data for the site contained in both the ACEH FTP site and the SWRCB Geotracker website, and identified specific items requiring upload to the databases (Attachment 1). Additionally, in order to facilitate coordination between the two databases, and ease of review and document sorting capabilities, we have provided a file naming convention for the Geotracker submittals that is consistent with the naming convention used for files on the ACEH FTP site.

Please upload the requisite data and documents in accordance with the naming convention provided in Attachment 1, to the ACEH FTP site (and/or) SWRCB Geotracker website by the due date listed below. Copies of PDF files of historic reports contained on the ACEH FTP site can be uploaded to the Geotracker database for this purpose.

Also, please transmit all analytical laboratory results and depth-to-water measurements collected for the purpose of subsurface investigation or remediation in a comprehensive excel spreadsheet to ACEH via an electronic mail message at barbara.jakub@acgov.org in order to facilitate electronic access and review of historical data.

Technical Report Request

Please upload the requisite data and documents to the SWRCB's Geotracker website and ACEH's FTP site according to the following schedule:

- **October 5, 2012** – Geotracker and ACEH FTP Site Electronic Deliverables

Failure to upload the data and documents to the ACEH FTP site and the SWRCB Geotracker website by the due date specified may result in issuance of a Notice of Violation and/or possible referral to the Office of the District Attorney for enforcement action. Please see Attachment 2 for limited additional details, and the state Geotracker website for full details. ACEH requests notification of, and a list of, the documents uploaded to Geotracker and the ACEH FTP site.

Thank you for your cooperation. If you have any questions, please call me at (510) 639-1287 or send me an electronic mail message at (case worker email). Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>. If your email address does not appear on the cover page of this notification ACEH requests you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

Sincerely,

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

Enclosures: Attachment 1 – Case File ESI Upload Requirements
Attachment 2 – Responsible Party(ies) Legal Requirements/Obligations
ACEH Electronic Report Upload (ftp) Instructions

cc: Paul H. King, RGA Environmental, Inc. 1466 66th St., Emeryville, CA 94608 (*Sent via E-mail to: paul.king@pdenviro.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, Electronic Case File
ACEH FTP Site, Case File

Attachment 1
SWRCB Geotracker and ACEH FTP Site Upload Requirements
Downtown Toyota
4145 Broadway, Oakland, CA 94611
Fuel Leak Case No. R0000509 and Geotracker Global ID T0600102227

ACEH FTP File Name	Geotracker Existing File Name	New GeoTracker File Name	GeoTracker ESI Data/File Format	Document/Data Title	Authorized RP/Author	Document Date
SCM_R_2011-05-04.pdf				Site Conceptual Model	RGA Environmental	5/4/2011
	Site Conceptual Model Report	SCM_R_2011-05-04_GEO_REPORT	GEO_REPORT		PAUL KING (AUTH_RP)	
COND_WELL_R_2010-02-23.pdf				Well Survey and Preferential Survey Report	RGA Environmental	2/23/2010
	Preferential Pathway Survey Report	COND_WELL_R_2010-02-23_GEO_REPORT	GEO_REPORT		PAUL KING (AUTH_RP)	
	Well Survey Report	COND_WELL_R_2010-02-23_GEO_REPORT	GEO_REPORT		PAUL KING (AUTH_RP)	
SWI_R_2010-02-23.pdf				Subsurface Investigation Report	RGA Environmental	2/23/2010
	Subsurface Investigation Report (Boreholes B5 through B7)	COND_WELL_R_2010-02-23_GEO_REPORT	GEO_REPORT		PAUL KING (AUTH_RP)	
	Subsurface Investigation Report (Boreholes B5 through B7)	ASSOCIATED FTP SITE NAME	EDF		PAUL KING (AUTH_RP)	
	Subsurface Investigation Report (Boreholes B5 through B7)	ASSOCIATED FTP SITE NAME	EDF		PAUL KING (AUTH_RP)	
	0271.R1 B7 log.pdf (B7)	MISC_R_2002-08-28_GEO_BORE	GEO_BORE		PAUL KING (AUTH_RP)	
	0271.R1 B6 log.pdf (B6)	MISC_R_2002-08-28_GEO_BORE	GEO_BORE		PAUL KING (AUTH_RP)	
	0271.R1 B5 log.pdf (B5)	MISC_R_2002-08-28_GEO_BORE	GEO_BORE		PAUL KING (AUTH_RP)	
	GEO_MAP	MISC_R_2002-08-28_GEO_MAP	GEO_MAP		PAUL KING (AUTH_RP)	
WP_R_2007-07-19.pdf				Work Plan - Subsurface Investigation	RGA Environmental	7/19/2007
	UPLOAD	WP_R_2007-07-19_GEO_REPORT	GEO_REPORT			
Start of requirement to upload any report or data required by a regulatory agency from a cleanup site to Geotracker						1/1/2005
MISC_R_2002-08-28.pdf				Miscellaneous Report	RGA Environmental	8/28/2002
	UPLOAD	MISC_R_2002-08-28_GEO_REPORT	GEO_REPORT			

**Attachment 1
SWRCB Geotracker and ACEH FTP Site Upload Requirements
Downtown Toyota**

4145 Broadway, Oakland, CA 94611

MISC_R_2002-08-21.pdf		Fuel Leak Case No. R0000509 and Geotracker Global ID 106010227	Miscellaneous Report	RGA Environmental	8/21/2002
	UPLOAD	MISC_R_2002-08-28_GEO_REPORT	GEO_REPORT		
MISC_R_2002-05-06.pdf			Miscellaneous Report	RGA Environmental	5/6/2002
	UPLOAD	MISC_R_2002-08-28_GEO_REPORT	GEO_REPORT		
Start of requirement to upload survey coordinates of all permanent monitoring points utilized to collect groundwater samples at a LUFT site to Geotracker					1/1/2002
Start of requirement to upload all analytical data submitted in a report to a regulatory agency as part of the LUFT program to Geotracker					9/1/2001
ANALYT_R_1999-11-09.pdf			Analytical Results		11/9/1999
	UPLOAD	ANALYT_R_1999-11-09_GEO_REPORT	GEO_REPORT		
SWI_R_1999-11-04.pdf			Further Assessment of Groundwater	Geo-Logic	11/4/1999
	UPLOAD	SWI_R_1999-11-04_GEO_REPORT	GEO_REPORT		
	UPLOAD	SWI_R_1999-11-04_GEO_MAP	GEO_MAP		
WP_ADEND_L_1999-09-02.pdf			Work Plan Addendum	Geo-Logic	9/2/1999
	UPLOAD	WP_ADEND_L_1999-09-02_GEO_REPORT	GEO_REPORT		
WP_R_1999-07-09.pdf			Work Plan - Further Assessment of Groundwater	Geo-Logic	7/9/1999
	UPLOAD	WP_R_1999-07-09_GEO_REPORT	GEO_REPORT		
PSA_R_1994-03-11.pdf			Preliminary Site Assessment Report	Burlington Environmental, Inc.	3/11/1994
	UPLOAD	PSA_R_1994-03-11_GEO_REPORT	GEO_REPORT		
WP_R_1993-12-16.pdf			Work Plan - Preliminary Site Assessment	Burlington Environmental, Inc.	12/16/1993
	UPLOAD	WP_R_1993-12-16_GEO_REPORT	GEO_REPORT		
TNK_R_1992-05-21.pdf			Used Oil UST Removal	Burlington Environmental, Inc.	5/21/1992
	UPLOAD	TNK_R_1992-05-21_GEO_REPORT	GEO_REPORT		
TNK_R_1992-02-26.pdf			UST Removal	Burlington Environmental, Inc.	2/26/1992
	UPLOAD	TNK_R_1992-02-26_GEO_REPORT	GEO_REPORT		
MISC_R_1992-02-14.pdf			Recommendation for Closure Without Sampling Along Underground Piping	Burlington Environmental, Inc.	2/14/1992
	UPLOAD	MISC_R_1992-02-14_GEO_REPORT	GEO_REPORT		

Attachment 2

Responsible Party(ies) Legal Requirements/Obligations

REPORT/DATA REQUESTS

These reports/data are being requested pursuant to Division 7 of the California Water Code (Water Quality), Chapter 6.7 of Division 20 of the California Health and Safety Code (Underground Storage of Hazardous Substances), and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations (Underground Storage Tank Regulations).

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (Local Oversight Program [LOP] for unauthorized releases from petroleum Underground Storage Tanks (USTs), and Site Cleanup Program [SCP] for unauthorized releases of non-petroleum hazardous substances) require submission of reports in electronic format pursuant to Chapter 3 of Division 7, Sections 13195 and 13197.5 of the California Water Code, and Chapter 30, Articles 1 and 2, Sections 3890 to 3895 of Division 3 of 23 CCR. Instructions for submission of electronic documents to the ACEH FTP site are provided on the attached "Electronic Report Upload Instructions."

Submission of reports to the ACEH FTP site is in addition to requirements for electronic submittal of information (ESI) to the State Water Resources Control Board's (SWRCB) Geotracker website. In April 2001, the SWRCB adopted CCR Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1 (Electronic Submission of Laboratory Data for UST Reports). Article 12 required electronic submittal of analytical laboratory data submitted in a report to a regulatory agency (effective September 1, 2001), and surveyed locations (latitude, longitude and elevation) of groundwater monitoring wells (effective January 1, 2002) in Electronic Deliverable Format (EDF) to Geotracker. Article 12 was subsequently repealed in 2004 and replaced with Article 30 (Electronic Submittal of Information) which expanded the ESI requirements to include electronic submittal of any report or data required by a regulatory agency from a cleanup site. The expanded ESI submittal requirements for petroleum UST sites subject to the requirements of Title 23 of the California Code of Regulations, Division, 3, Chapter 16, Article 11, became effective December 16, 2004. All other electronic submittals required pursuant to Chapter 30 became effective January 1, 2005. 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, 7835, 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, late 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 SCP)	REVISION DATE: July 25, 2012
	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 (petroleum UST and SCP) 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.