



NOTICE TO COMPLY

May 1, 2017

Soon I. Kwon and Hwa S. Kwon
600 Mountain Boulevard
Oakland, CA 94611-1821

Steve Oeischlaegel
1423 Via Lucas
San Lorenzo, CA 94580

Gunter Kitsch
2603 Hoffman Court
El Dorado Hills, CA 95762

Subject: Fuel Leak Case No. RO0002608 and GeoTracker Global ID T06019754249, Hans and Gunter Roofing Company, 2834 E 7th Street, Oakland, CA 94601

Dear Ladies and Gentlemen:

A review of the case file for the above-referenced site indicates that your case is currently not in compliance with Alameda County Department of Environmental Health's (ACDEH's) March 3, 2016 Directive Letter. To identify the next steps on the path to case closure, ACDEH requests that all RPs work collectively to comply with ACDEH's Directive Letters and submit the Soil and Groundwater Investigation Report originally requested in the attached March 3, 2016 Directive Letter.

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.

In order to regain compliance, please contact ACDEH as described below. Failure to contact ACDEH by the required date will result in an issuance of a Notice of Violation 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 of May 6, 2016 for the Soil and Groundwater Investigation Report.

MEETING/ CONFERENCE CALL REQUEST

Please send me an e-mail (karel.detterman@acgov.org) by May 25, 2017 with four proposed times and dates to schedule a conference call or meeting during the week of June 5 to 9, 2017.

- **May 25, 2017: Contact Karel Detterman to Schedule a Conference Call/Meeting**
- **June 5 - 9, 2017: Conference Call/Meeting**

This conference call/meeting is 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

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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. Should you have any questions or concerns regarding your case, please send me an e-mail message at karel.detterman@acgov.org or call me at (510) 567-6708. Online case files are available for review at the following website: <http://www.acgov.org/aceh/lop/ust.htm>

Sincerely,

Karel Detterman, P.G.
Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions
Attachment 2 – ACDEH’s March 3, 2016 Directive Letter

cc: Bob Clark-Riddell, Pangea (Sent via E-mail to: briddell@pangeaenv.com)

Dilan Roe, ACDEH, (sent via e-mail to: dilan.roe@acgov.org)

Karel Detterman, ACDEH, (sent via e-mail to: karel.detterman@acgov.org)

Paresh Khatri, ACDEH, (sent via e-mail to: paresh.khatri@acgov.org)

Case Electronic File, GeoTracker

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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) for more information on these requirements.

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 ACDEH's FTP server and the SWRCB's GeoTracker website." 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 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. 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 case meet this requirement. 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

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: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP 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) Open File Explorer using the Windows  key + E keyboard shortcut.
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) On the address bar, type in ftp://alcoftp1.acgov.org.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
 - d) Click Log On.
 - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - f) 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.



March 3, 2016

Soon I. Kwon and Hwa S. Kwon
600 Mountain Blvd.
Oakland, CA 94611-1821

Gunter Kitsch
2603 Hoffman Court
El Dorado Hills, CA 95762

Subject: Fuel Leak Case No. RO0002608 and GeoTracker Global ID T06019754249, Hans and Gunter Roofing Company, 2834 E 7th Street, Oakland, CA 94601

Dear Mr. Kitsch:

Thank you for attending the meeting held at Alameda County Environmental Health's (ACEH) offices on August 4, 2015. The purpose of the meeting was to discuss the next steps to advance the case to closure under the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP).

ACEH staff evaluated the case file including a *Work Plan for Groundwater and Soil Gas Sampling (Work Plan)* dated December 10, 2012 (Attachment 2) prepared on behalf of the Kwon's by Pangea Environmental Services, Inc. (Pangea). The Work Plan proposed advancing one soil boring to obtain groundwater and one temporary soil vapor probe to evaluate the potential for vapor intrusion. ACEH's previous caseworker issued a Directive Letter dated July 30, 2013 (Attachment 3) which included a LTCP review that indicated the site did not meet the LTCP General Criteria d (Free Product), e (Site Conceptual Model), f (Secondary Source Removal), g (Soil and Groundwater have been tested for MTBE), and the Media-Specific Criteria for Groundwater, the Media-Specific Criteria for Vapor Intrusion to Indoor Air, and the Media-Specific Criteria for Direct Contact. The Directive Letter provided conditional approval of the Work Plan upon submittal of a Work Plan Addendum which was not submitted and the site investigation was not completed.

In the interim, I was assigned as the new caseworker and re-reviewed the Work Plan and the July 30, 2013 Directive Letter. Based on our meeting, ACEH conditionally re-approves the Work Plan with this Directive Letter for immediate implementation provided that the technical comments provided in both the July 30, 2013 Directive Letter and this Directive Letter are incorporated during the proposed work. Submittal of a work plan addendum is not required unless an alternate scope of work outside that described in the work plan or these technical comments is proposed. Please provide 72-hour advance written notification to this office (e-mail preferred to: karel.detterman@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Soil Vapor Testing:** Please ensure that the soil vapor sampling is conducted in accordance with the DTSC's *Advisory Active Soil Gas Investigations* dated April 2012; additionally, please analyze the soil vapor samples for percentage of methane, carbon dioxide, oxygen, and the leak detection tracer compound; and please analyze the vapor shroud for the leak detection tracer compound to

Ladies and Gentlemen
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allow the calculation of a leak rate percentage in the event of a leak in the soil gas probe. Please be aware of the additional request in the 2013 Directive Letter for soil vapor analysis by TO-17.

2. **Soil Sample Collection:** Please ensure soil sample collection at intervals between 0 to 5 feet and 5 to 10 feet below ground surface (bgs) and analysis of all soil samples as described in Technical Comment 5 in the July 30, 2013 Directive Letter.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Karel Detterman), and to the State Water Resources Control Board's Geotracker website as per the directions provided in Attachment 1 and in accordance with the following specified file naming convention and schedule:

- **May 6, 2016 – Soil and Groundwater Investigation Report - Request for Closure**
File to be named: RO2608_SWI_RFC_R_yy-mm-dd

This report is 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.

If your email address is not listed on the first page of this letter, or in the list of cc's listed below, ACEH is requesting your email address to help expedite communications and to help lower overall costs. Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>

Thank you for your cooperation. Should you have any questions or concerns regarding this correspondence or your case, please send me an e-mail message at karel.detterman@acgov.org or call me at (510) 567-6708.

Sincerely,



Digitally signed by Karel Detterman
DN: cn=Karel Detterman, o, ou,
email=karel.detterman@acgov.org, c=US
Date: 2016.03.03 11:57:57 -08'00'

Karel Detterman, PG
Hazardous Materials Specialist

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

Attachment 2 - *Work Plan for Groundwater and Soil Gas Sampling, December 10, 2012*, Pangea Environmental Services, Inc.

Attachment 3 – ACEH Directive Letter dated July 30, 2013

cc: Bob Clark-Riddell, Pangea (Sent via E-mail to: briddell@pangeaenv.com)
Dilan Roe, ACEH (Sent via E-mail to: dilan.roe@acgov.org)
Karel Detterman, ACEH (Sent via E-mail to: karel.detterman@acgov.org)
GeoTracker, e-file