



ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway
Alameda, CA 94502-6577

March 1, 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: Notice of Responsibility Update for 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:

In a *Notice of Requirement to Reimburse* dated May 9, 2005, Brigitte S. and G.H. Kitsch and Helmuth Oelschlaegel were notified that the above referenced site had been placed in the Local Oversight Program and that they had been named as a Responsible Party for the fuel leak case. Additional parties have been named as Responsible Parties for the fuel leak case in the attached updated Notice of Responsibility (NOR) as defined under 23 C.C.R Sec. 2720. Please see Attachment A – Responsible Parties Data Sheet, which identifies all Responsible Parties and provides background on the unauthorized release and Responsible Party Identification.

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

Sincerely,

A handwritten signature in blue ink that reads "Karel Detterman". The signature is fluid and cursive.

Digitally signed by Karel Detterman
DN: cn=Karel Detterman, o, ou,
email=karel.detterman@acgov.org, c=US
Date: 2016.03.01 12:36:43 -08'00'

Karel Detterman, PG
Hazardous Materials Specialist

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

Attachment A – Responsible Parties Data Sheet, Notice of Responsibility

cc: 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



AGENCY

Certified Mail #: 7009 2820 0001 4359 7399

March 1, 2016

NOTICE OF RESPONSIBILITY

Site Name & Address:
HANS AND GUNTER ROOFING COMPANY
2834 E. 7TH STREET
OAKLAND, CA 94601-2130

ACEH Case No.: RO0002608
Global ID: T06019754249

Responsible Party:
SOON I. AND HWA S. KWON
600 MOUNTIAN BOULEVARD
OAKLAND, CA 94611-1821

Date First Reported: 12/05/2003
Substance: Gasoline-Automotive (motor gasoline and additives), leaded & unleaded
Funding for Oversight: LOPS - LOP State Fund
Multiple RPs?: Yes

Pursuant to sections 25297.1 and 25297.15 of the Health and Safety Code, you are hereby notified that the above site has been placed in the Local Oversight Program and the individual(s) or entity(ies) shown above, or on the attached list, has (have) been identified as the party(ies) responsible for investigation and cleanup of the above site. Section 25297.15 further requires the primary or active Responsible Party to notify all current record owners of fee title before the local agency considers cleanup or site closure proposals or issues a closure letter. For purposes of implementing section 25297.15, this agency has identified Soon I. and Hwa S. Kwon as the primary or active Responsible Party. It is the responsibility of the primary or active Responsible Party to submit a letter to this agency, within 20 calendar days of receipt of this notice that identifies all current record owners of fee title. It is also the responsibility of the primary or active Responsible Party to certify to the local agency that the required notifications have been made at the time a cleanup or site closure proposal is made or before the local agency makes a determination that no further action is required. If property ownership changes in the future, you must notify this local agency within 20 calendar days from when you are informed of the change.

Any action or inaction by this local agency associated with corrective action, including responsible party identification, is subject to petition to the State Water Resources Control Board. Petitions must be filed within 30 days from the date of the action/inaction. To obtain petition procedures, please FAX your request to the State Water Board at (916) 341-5808 or telephone (916) 341-5752.

Pursuant to section 25296.10(c)(6) of the Health and Safety Code, a responsible party may request the designation of an administering agency when required to conduct corrective action. Please contact this office for further information about the designation process.

Please contact your caseworker Karel Detterman at this office at (510) 567-6708 if you have questions regarding your site.

 Date: 03-01-2016

Ronald Browder, Acting Director
Contract Project Director

Action: Update
Reason: Update

Attachment A: Responsible Parties Data Sheet



AGENCY

Certified Mail #: 7009 2820 0001 4359 7405

March 1, 2016

NOTICE OF RESPONSIBILITY

Site Name & Address:
HANS AND GUNTER ROOFING COMPANY
2834 E. 7TH STREET
OAKLAND, CA 94601-2130

ACEH Case No.: RO0002608
Global ID: T06019754249

Responsible Party:
BRIGITTE S. AND G.H. KITSCH AND
HELMUTH OELSCHLAEGEL
2603 HOFFMAN COURT
EL DORADO HILLS, CA 95762

Date First Reported: 12/05/2003
Substance: Gasoline-Automotive (motor gasoline and additives), leaded & unleaded
Funding for Oversight: LOPS - LOP State Fund
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 Date: 03-01-2016

Ronald Browder, Acting Director
Contract Project Director

Action: Update
Reason: Update

Attachment A: Responsible Parties Data Sheet

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/).

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: May 15, 2014
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 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 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.

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

March 1, 2016

Site Name & Address

HANS AND GUNTER ROOFING COMPANY
2834 E. 7TH STREET
OAKLAND, CA 94601-2130

ACEH Case No.: RO0002608

Global ID: T06019754249

All Responsible Parties

RP has been named a Primary RP – BRIGITTE S. AND G.H. KITSCH AND HELMUTH OELSCHLAEGEL
2603 Hoffman Court, El Dorado Hills, CA 95762

RP has been named a Primary RP – SOON I AND HWA KWON
600 Mountain Boulevard, Oakland, CA 94611-1821

Responsible Party Identification Background

Alameda County Environmental Health (ACEH) names a "Responsible Party," as defined under 23 C.C.R. Sec. 2720. Section 2720 defines a responsible party 4 ways. An RP can be:

1. "Any person who owns or operates an underground storage tank used for the storage of any hazardous substance."
2. "In the case of any underground storage tank no longer in use, any person who owned or operated the underground storage tank immediately before the discontinuation of its use."
3. "Any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred."
4. "Any person who had or has control over an underground storage tank at the time of or following an unauthorized release of a hazardous substance."

ACEH has named the responsible parties for this site as detailed below.

Existence of an Unauthorized Release

A soil and groundwater investigation was conducted at the site on July 28, 2003 as a part of a property transaction. One 1,000 gallon underground storage tank (UST) and associated piping were previously removed from the site without documentation. Soil samples collected from the former tank excavation detected up to 270 milligrams per kilogram (mg/kg) total petroleum hydrocarbons (TPH) as gasoline and 68 mg/kg TPH as diesel. Groundwater was not encountered during the investigation. Based on these results, an unauthorized release or releases occurred from the UST system.

Responsible Party Identification

Olga and Helmuth H. Oelschlaegel and Brigitte K. and G.H. Kitsch purchased or acquired the property on May 30, 1970. Olga and Helmuth H. Oelschlaegel and Brigitte K. and G.H. Kitsch are a responsible party because they are the business owner, tank owner, and tank operator an underground storage tank (UST) used for the storage of any hazardous substance (Definition 1), in the case of any underground storage tank no longer in use, any person who owned or operated the underground storage tank immediately before the discontinuation of its use (Definition 2), they are the property owner where an unauthorized release of a hazardous substance from a UST has occurred (Definition 3), and had control of the UST at the time of or following an unauthorized release of a hazardous substance (Definition 4).

Brigitte S. and G.H. Kitsch and Helmuth Oelschlaegel purchased or acquired the property on May 30, 1984. Brigitte S. and G.H. Kitsch and Helmuth Oelschlaegel are a responsible party because they are the business owner, tank owner, and tank operator an underground storage tank (UST) used for the storage of any hazardous substance (Definition 1), in the case of any underground storage tank no longer in use, any person who owned or operated the underground storage tank immediately before the discontinuation of its use (Definition 2), they are the property owner where an unauthorized release of a hazardous substance from a UST has occurred (Definition 3), and had control of the UST at the time of or following an unauthorized release of a hazardous substance (Definition 4).

Soon I. and Hwa Kwon purchased or acquired the property on July 30, 2004 and are the current property owners. Soon I and Hwa Kwon are a responsible party because they are the property owners where an unauthorized release of a hazardous substance from a UST has occurred (Definition 3).