

Khatri, Paresh, Env. Health

From: Khatri, Paresh, Env. Health
Sent: Friday, November 18, 2011 3:21 PM
To: 'Jim Roessler'
Cc: Mehrdad Javaher; Drogos, Donna, Env. Health
Subject: RE: Montessori Pre School
Attachments: RO0002863_FactSheet_2011-11-18.pdf

Dear Mr. Roessler:

Thank you for your prompt response. Please use Alameda County's Address as the return address (see below).

Alameda County Environmental Health
Local Oversight Program
1131 Harbor Bay Parkway
Alameda, CA 94502-6577

The certification we require would be your signature on a letter stating that you have mailed out the fact sheet to the addresses on the distribution list. Please attach the distribution list to the certification letter.

Lastly, please use the attached updated Fact Sheet as it correctly identifies the December 21, 2011 as the end of the 30-day comment period, provided that the Fact Sheets are mailed out on Monday November 21, 2011.

Thank you for your cooperation. Please do not hesitate to contact me should you have any questions or concerns regarding this e-mail.

Sincerely,

Paresh C. Khatri
Sr. Hazardous Materials Specialist
Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502-6577

Phone: (510) 777-2478
Fax: (510) 337-9335

E-mail: Paresh.Khatri@acgov.org

<http://www.acgov.org/aceh/index.htm>

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From: Jim Roessler [mailto:jim@roesslerinvestmentgroup.com]
Sent: Friday, November 18, 2011 12:25 PM
To: Khatri, Paresh, Env. Health
Cc: Mehrdad Javaher
Subject: FW: Montessori Pre School

Paresh,

As we are putting the Fact Sheet mailings together, my assistant thought that last time we did the mailings, the envelope had ACEH as the return address on the envelope. Please advise as to whether you want your address as the return address and, if so, exactly what you want it to read on the envelope.

Jim Roessler
Roessler Investment Group
360 Post Street, Suite 602
San Francisco, CA 94108
Phone: (415) 837-3722
Fax: (415) 837-3717
Email: Jim@RoesslerInvestmentGroup.com
Website: www.RoesslerInvestmentGroup.com
CA DRE #00339311

From: Jim Roessler
Sent: Friday, November 18, 2011 12:01 PM
To: 'Khatri, Paresh, Env. Health'
Cc: 'Mehrdad Javaher'
Subject: RE: Montessori Pre School

Paresh,

My apologies, we were so pleased that the Pre School was going to leave and now confirmed that they are leaving, that we were unaware that Fact Sheets would have to be sent to them regardless of the fact they won't be there very long. In any case, I have made a request to the Property Manager today that she obtain the current customer list from the Pre School. Attached is the original address mailer list for the prior Fact Sheets. I can convert this to a regular list form if that is what you want. I think these are all the lists you have requested. Threatening us with Notice of Violation is totally unnecessary since we want to get the Fact Sheets out as soon as possible. I intend to send the Fact Sheets out to the current Condo owners and to the current tenants on Monday and to the Pre School, if I get the list in time on time. As soon as I get the list from the Pre School, I will send to them. Please refresh my memory on how we confirm the Fact Sheets were sent without using Certified Mail?

Jim Roessler
Roessler Investment Group
360 Post Street, Suite 602
San Francisco, CA 94108
Phone: (415) 837-3722
Fax: (415) 837-3717
Email: Jim@RoesslerInvestmentGroup.com
Website: www.RoesslerInvestmentGroup.com
CA DRE #00339311

From: Khatri, Paresh, Env. Health [mailto:paresh.khatri@acgov.org]
Sent: Friday, November 18, 2011 10:44 AM
To: Jim Roessler
Cc: Drogos, Donna, Env. Health; 'Bud Duke'; 'Mehrdad Javaher'
Subject: RE: Montessori Pre School

Dear Mr. Roessler,

Thank you for the e-mailed fact sheet distribution list. However, this list is incomplete and does not contain attendees of the Montessori Pre-school nor does it include the previous fact sheet distribution list. Although the Montessori Pre-school may be re-locating, it doesn't change the fact the children have been attending the facility for several months or even years in certain instances. ACEH is requiring that the fact sheet is distributed to the Pre-school attendees and well as posted in a visible location at the school, in addition to the distribution list you provided. Please submit a complete distribution list as well as the previous distribution list no later than 5:00 pm **Monday, November 21, 2011**. Please note that this is not a due date extension as the original due date is September 23, 2011.

Failure to comply with these directives that were sent to on September 1, 2011, October 7, 2011, and on November 9, 2011 (Notice to Comply), may result in an issuance of a Notice of Violation and/or referral of this case to the Office of the District Attorney for non-compliance. Please note that civil penalties for non-compliance are assessed from the original due date (September 23, 2011). These directives are attached for your reference.

Sincerely,

Paresh C. Khatri
Sr. Hazardous Materials Specialist
Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502-6577

Phone: (510) 777-2478

Fax: (510) 337-9335

E-mail: Paresh.Khatri@acgov.org

<http://www.acgov.org/aceh/index.htm>

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From: Jim Roessler [mailto:jim@roesslerinvestmentgroup.com]
Sent: Wednesday, November 16, 2011 3:39 PM
To: Khatri, Paresh, Env. Health
Subject: Montessori Pre School

Paresh,

The Montessori Pre School was approved by the Dublin City Council last night for moving to a new location. We are getting confirmation of exactly when they intend to move for you.

Attached are the lists for the Fact Sheet Distribution to 1) existing tenants in the shopping center and 2) the condo owners behind the center. We will be updated the Fact Sheet immediately and start the distribution of the Fact Sheet once you provide approval.

Jim Roessler
Roessler Investment Group
360 Post Street, Suite 602
San Francisco, CA 94108
Phone: (415) 837-3722
Fax: (415) 837-3717
Email: Jim@RoesslerInvestmentGroup.com
Website: www.RoesslerInvestmentGroup.com
CA DRE #00339311

Khatri, Paresh, Env. Health

From: Khatri, Paresh, Env. Health
Sent: Friday, November 18, 2011 10:44 AM
To: 'Jim Roessler'
Cc: Drogos, Donna, Env. Health; 'Bud Duke'; 'Mehrdad Javaher'
Subject: RE: Montessori Pre School
Attachments: DIR_L_2011-10-07.pdf; ENF_L_2011-11-09.pdf; DIR_L_2011-09-01.pdf

Dear Mr. Roessler,

Thank you for the e-mailed fact sheet distribution list. However, this list is incomplete and does not contain attendees of the Montessori Pre-school nor does it include the previous fact sheet distribution list. Although the Montessori Pre-school may be re-locating, it doesn't change the fact the children have been attending the facility for several months or even years in certain instances. ACEH is requiring that the fact sheet is distributed to the Pre-school attendees and well as posted in a visible location at the school, in addition to the distribution list you provided. Please submit a complete distribution list as well as the previous distribution list no later than 5:00 pm **Monday, November 21, 2011**. Please note that this is not a due date extension as the original due date is September 23, 2011.

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Sincerely,

Paresh C. Khatri
Sr. Hazardous Materials Specialist
Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502-6577

Phone: (510) 777-2478
Fax: (510) 337-9335

E-mail: Paresh.Khatri@acgov.org

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Paresh,

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Jim Roessler
Roessler Investment Group
360 Post Street, Suite 602
San Francisco, CA 94108
Phone: (415) 837-3722
Fax: (415) 837-3717
Email: Jim@RoesslerInvestmentGroup.com
Website: www.RoesslerInvestmentGroup.com
CA DRE #00339311

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
ALEX BRISCOE, Director



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

September 1, 2011

Bruce Burrows
(Sent via E-mail to: bburrowsre@aol.com)
The Burrows Company
6 South Point Road
Orinda, CA 94563

Dwight & Carleton Perry
P.O. Box 20610
Castro Valley, CA 94546

Gabriel Chui
(Sent via E-mail to: GabrielHC8@aol.com)
Gabriel H. Chui & Lai H. Trust
10898 Inspiration Circle
Dublin, CA 94568

Lee Family
20117 Forest Ave., #3
Castro Valley, CA 94546

Nam Sun and Seung Hee Park
(Sent via E-mail to: jpark1015@gmail.com)
Crow Canyon Cleaners
7242 San Ramon Road
Dublin, CA 94568

William Karkozian
Robert Wiebe
Robert Jeha
Dublin Town & Country Association
318 Diablo Road, Ste. 255
Danville, CA 94526

Subject: Summary of Meeting (August 26, 2011), Interim Remedial Action, and Feasibility Study/Corrective Action Plan for Spills, Leaks, Investigations, and Cleanup (SLIC) Case No. RO0002863 and GeoTracker Global ID T06019764784, Crow Canyon Cleaners, 7272 San Ramon Road, Dublin, CA 94568

Ladies and Gentlemen:

This letter is being sent to memorialize the meeting on August 26, 2011 between Paresh Khatri, Donna Drogos (Alameda County Environmental Health), Jim Roessler (Roessler Investment Group), and Mehrdad Javaherian (Endpoint Consulting, Inc.). The meeting was requested by Mr. Roessler and Mr. Javaherian with the primary objective of discussing the necessity of ACEH's June 9, 2011 request for a Feasibility Study/Corrective Action Plan (FS/CAP) and whether the Interim Remedial Action (IRA) consisting of Soil Vapor Extraction (SVE) can be re-started due to the significant PCE concentration rebound exhibited in soil vapor samples collected at the site, foregoing the FS/CAP preparation.

Please note that the FS/CAP is a requirement of the site cleanup process. Therefore, as discussed in our meeting, preparation of an FS/CAP as described in our June 9, 2011 correspondence is required and is now due by September 30, 2011.

In the interim, Mr. Roessler and Mr. Javaherian requested to continue the formerly implemented IRA and re-start the SVE system. ACEH is not opposed to restarting IRA provided that you address the following technical comments and send us the technical reports described below.

TECHNICAL COMMENTS

1. **Interim Remedial Action** – As mentioned above, Mr. Roessler and Mr. Javaherian requested to re-start the SVE system and continue IRA while the FS/CAP is being prepared. At this time, please submit a brief, but concise Technical Memorandum that justifies re-starting the SVE system. To that end, please address the following:
 - a. In the “Interim Remedial Action Report” dated January 26, 2010, Endpoint stated that “the SVE operation has met its primary objective of PCE concentration reduction in both the source area and near the Montessori School. The system operational data (e.g. mass removal rates and influent samples) indicated that continued operation of the SVE system yields minimal returns in terms of mass removal.” Please justify that SVE is the most cost-effective interim measure and should be re-started while the FS/CAP is being prepared.
 - b. Endpoint refers to the former dry cleaning machine as the source area. Please elaborate in detail the nature and extent of the source area. Include a discussion on whether PCE vapor contamination is primarily in the shallow vadoze zone near the former dry cleaning machine (based on soil vapor samples collected at the site) or whether there is a potential PCE source that is residing directly below the concrete and within the baserock and above the shallow vadose zone soil, which has resulted in PCE vapor detections in sub-slab sampling locations or a combination of both. Adequate comprehension of the source area is necessary to precisely target the contaminated zone, support extraction well locations and screened intervals, and ultimately, cost-effective and successful cleanup of the site. Please include figures/cross-sections that illustrate the source area(s) and support your conclusions.
 - c. During our meeting on August 26, 2011, Mr. Javaherian stated that induced vacuum was measured to determine the radius of influence during the IRA operation. I apologize in advance, but please direct ACEH to the report(s) and page(s) where this and other SVE system analysis information/discussion can be found. If information is not available in previous submittals, please include the information in the Technical Memorandum.

2. **Fact Sheet List of Recipients** – Following the submittal of the above-mentioned FS/CAP, a Fact Sheet describing the selected remedial alternative must be prepared and sent out to the affected stakeholders in the vicinity of the subject site, including parents of the children attending the Montessori School. In an effort to expedite review of the FS/CAP and to move this case forward, please submit a List of Recipients, by September 23, 2011, who will be receiving the updated Fact Sheet. ACEH expects that this list would be different than the previously compiled List of Recipients as it is expected that some children will leave the Montessori School and new children will be enrolled. Therefore, to aid in our review, please

submit the Previous List of Recipients along the newly revised list by the date specified below.

3. **Cleanup Goals** – During our August 26, 2011 meeting, ACEH raised concerns regarding Endpoint's Site-Specific School Cleanup goal of 2,600 µg/m³ for PCE. Endpoint stated that this cleanup goal is appropriate based on the three to four year duration that children will spend at the school. However, it does not appear that this goal accounts for the school teachers who may spend more than three to four years at the facility (i.e. 1,400 µg/m³ for PCE, commercial exposure scenario). Therefore, as stated in Endpoint's June 21, 2010 "Addendum Letter to Vapor Well Installation and Monitoring Work Plan" and as discussed in our August 26, 2011 meeting, the "...cleanup goal for screening of detected vapor concentrations at the site will correspond to the residential soil vapor intrusion environmental screening level...of 410 µg/m³ [for PCE and] will be used as the preliminary clean up goal" to be protective of human health and the environment.

4. **Updated Contact Information for Responsible Parties** – ACEH has e-mail contact information for most of the Responsible Parties. ACEH is requesting that each responsible party confirm or update their contact information in an e-mail to paresh.khatri@acgov.org so that we can contact maintain contact with all parties. In your e-mail message, please include your name, address, telephone number, and e-mail address. Please submit the information by September 16, 2011.

TECHNICAL REPORT REQUEST

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

- **September 16, 2011** – Technical Memorandum (IRA)
- **September 23, 2011** – List of Fact Sheet Recipients (Previous & Revised)
- **September 30, 2011**– Feasibility Study/Corrective Action Plan

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
Sr. Hazardous Materials Specialist

Enclosure: Responsible Party(ies) Legal Requirements/Obligations
ACEH Electronic Report Upload (ftp) Instructions

cc: Mehrdad Javaherian, Endpoint Consulting, Inc., 98 Battery Street, Suite 200, San Francisco, CA 94111 (*Sent via E-mail to: mehrdad@endpoint-inc.com*)
James Roessler, Roessler Investment Group, 360 Post Street, Suite 602 San Francisco, CA 94108 (*Sent Via E-mail to: jim@roesslerinvestmentgroup.com*)
Bud Duke, DTSC, Sacramento Schools Unit , Brownfields and Environmental Restoration, Program, Department of Toxic Substances Control, 8800 Cal Center Drive, Sacramento, CA 95826 (*Sent via e-mail to: BDuke@dtsc.ca.gov*)
Cheryl Dizon (QIC 8021), Zone 7 Water Agency, 100 North Canyons Pkwy, Livermore, CA 94551 (*Sent via e-mail to: cdizon@zone7water.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
ALEX BRISCOE, Director



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

October 7, 2011

Bruce Burrows
(Sent via E-mail to: bburrowsre@aol.com)
The Burrows Company
6 South Point Road
Orinda, CA 94563

Dwight & Carleton Perry
(Sent via E-mail to: DWP5334@aol.com)
P.O. Box 20610
Castro Valley, CA 94546

Gabriel Chui
(Sent via E-mail to: GabrielHC8@aol.com)
Gabriel H. Chui & Lai H. Trust
10898 Inspiration Circle
Dublin, CA 94568

Lee Family
20117 Forest Ave., #3
Castro Valley, CA 94546

Nam Sun and Seung Hee Park
(Sent via E-mail to: jpark1015@gmail.com)
Crow Canyon Cleaners
7242 San Ramon Road
Dublin, CA 94568

William Karkozian
Robert Wiebe
Robert Jeha
Dublin Town & Country Association
318 Diablo Road, Ste. 255
Danville, CA 94526

Subject: Interim Remedial Action and Feasibility Study/Corrective Action Plan for Spills, Leaks, Investigations, and Cleanup (SLIC) Case No. RO0002863 and GeoTracker Global ID T06019764784, Crow Canyon Cleaners, 7272 San Ramon Road, Dublin, CA 94568

Ladies and Gentlemen:

Thank you for the recently submitted document entitled, "Draft Corrective Action Plan," dated September 2011 (received on September 23, 2011), which was prepared by Endpoint for the subject site. Alameda County Environmental Health (ACEH) staff has reviewed the case file including the above-mentioned Draft Corrective Action Plan (CAP) for the above-referenced site. Endpoint evaluated potential remedial alternatives and selected Soil Vapor Extraction (SVE) as the most cost effective remedial alternative to remediate PCE contamination detected at the site.

The remediation alternative presented in the CAP is acceptable. However, public participation is a requirement for the CAP process. Therefore, you must notify potentially affected stakeholders who live or own property in the surrounding area of the proposed remediation, including faculty and parents of children attending the Montessori School, as described in the "Draft Corrective Action Plan" through mailing of a fact sheet. Please submit a draft fact sheet (MS Word format) for agency review by the date specified below. Once the fact sheet has been approved, public comments on the proposed remediation will be accepted for a period of thirty days. Following the public comment period, the comments received including ACEH's comments described below, must be addressed and incorporated into a Final CAP.

Also included in the CAP as Appendix A was a Request for Resumption of Interim Remedial Action (IRA). ACEH is not opposed to re-initiation the IRA during the CAP review and public participation process and requests that you address the technical comments and submit an IRA Summary Report following system start-up.

TECHNICAL COMMENTS

1. **Interim Remedial Action Summary Report** – Thank you for informing ACEH that the radius of influence data was presented on Page 4 of the January 26, 2010 IRAP and in Appendix B of the above-mentioned IRAP document. Based on a review of the above-mentioned sections, it appears that an adequate discussion was not presented. Although ACEH appreciates that the field sheets containing vacuum data readings were included, a detailed, but concise discussion evaluating the data was not included in the text. This basic information should include how vacuum pressure was measured, which wells detected vacuum pressure while which well(s) had applied vacuum (including the distance between extraction well(s) and observation well(s)), whether vacuum pressure was applied at multiple wells or individual wells and for what duration, relationship between concentration reduction and mass removal (which can be portrayed in graphical format), etc. This data and evaluation is necessary to justify operation or cessation of the SVE system. For example, if asymptotic behavior is present, but contaminant concentrations rebound, additional extraction points may be needed, or operation of the system as a bioventing system with reduced vacuum and air flow may be an effective remedial alternative. However, without an adequate evaluation and discussion of the data, these technical decisions that can expedite this case towards closure cannot be made. Therefore, following the IRA start up, please submit an IRA summary report that addresses the above-comments, by the date specified below.
2. **Cleanup Goals** – Endpoint presented two scenarios for the site, Commercial ESLs as cleanup goals if the Montessori School was no longer located at the subject commercial center, or Residential ESLs as cleanup goals if the Montessori School is still present at the site. ACEH understands that at this time, the Montessori School is still located at the site. Therefore, as such, the Residential Land-use Cleanup goal of $410 \mu\text{g}/\text{m}^3$ [for PCE] shall be adopted as the preliminary clean up goal for the site to be protective of human health and the environment.
3. **Draft Fact Sheet and Recipient List** – As mentioned above and in our September 1, 2011 correspondence, a Fact Sheet and distribution list must be submitted for review, prior to mailing. Please submit a draft Fact Sheet, the Previous List of Recipients along the newly revised distribution list by the date specified below. Once the Fact Sheet is reviewed, the 30-day Public Participation period can commence.

TECHNICAL REPORT REQUEST

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

- **October 21, 2011** – Draft Fact Sheet (in MS Word format) with List of Fact Sheet Recipients (Previous & Revised)
- **November 4, 2011** – IRA Summary 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
Sr. Hazardous Materials Specialist

Enclosure: Responsible Party(ies) Legal Requirements/Obligations
ACEH Electronic Report Upload (ftp) Instructions

cc: Mehrdad Javaherian, Endpoint Consulting, Inc., 98 Battery Street, Suite 200, San Francisco, CA 94111 (*Sent via E-mail to: mehrdad@endpoint-inc.com*)
James Roessler, Roessler Investment Group, 360 Post Street, Suite 602 San Francisco, CA 94108 (*Sent Via E-mail to: jim@roesslerinvestmentgroup.com*)
Bud Duke, DTSC, Sacramento Schools Unit , Brownfields and Environmental Restoration, Program, Department of Toxic Substances Control, 8800 Cal Center Drive, Sacramento, CA 95826 (*Sent via e-mail to: BDuke@dtsc.ca.gov*)
Cheryl Dizon (QIC 8021), Zone 7 Water Agency, 100 North Canyons Pkwy, Livermore, CA 94551 (*Sent via e-mail to: cdizon@zone7water.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.**
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- 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>
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 - 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.



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

November 9, 2011

Bruce Burrows
(Sent via E-mail to: bburrowsre@aol.com)
The Burrows Company
6 South Point Road
Orinda, CA 94563

Dwight & Carleton Perry
(Sent via E-mail to: DWP5334@aol.com)
P.O. Box 20610
Castro Valley, CA 94546

Gabriel Chui
(Sent via E-mail to: GabrielHC8@aol.com)
Gabriel H. Chui & Lai H. Trust
10898 Inspiration Circle
Dublin, CA 94568

Lee Family
20117 Forest Ave., #3
Castro Valley, CA 94546

Nam Sun and Seung Hee Park
(Sent via E-mail to: jpark1015@gmail.com)
Crow Canyon Cleaners
7242 San Ramon Road
Dublin, CA 94568

William Karkozian
Robert Wiebe
Robert Jeha
Dublin Town & Country Association
318 Diablo Road, Ste. 255
Danville, CA 94526

Subject: Interim Remedial Action and Feasibility Study/Corrective Action Plan for Spills, Leaks, Investigations, and Cleanup (SLIC) Case No. RO0002863 and GeoTracker Global ID T06019764784, Crow Canyon Cleaners, 7272 San Ramon Road, Dublin, CA 94568

Ladies and Gentlemen:

A review of the case file for the above-referenced site indicates that your case is not in compliance with Alameda County Environmental Health's (ACEH) September 1, 2011 and October 7, 2011 correspondences, and November 4, 2011 e-mail correspondence, which required distribution of the "Fact Sheet on Environmental Assessment" for the subject site, including submittal of the previous Fact Sheet distribution/recipient list for initial distribution and the revised recipient list for the current distribution due by September 23, 2011. Also an IRA Summary Report that was due on November 4, 2011, has not been received rendering your case to non-compliance status.

Your consultant's October 20, 2011 e-mail correspondence stated that the Montessori Pre-school may be re-locating off-site and requested a delay until the City Council has made a final determination. ACEH responded on November 4, 2011 and requested that the Fact Sheet be distributed as planned as the CAP contained provisions for both cleanup goal scenarios, one with the Montessori Pre-school on-site and one without the Montessori Pre-school.

Since your selected cleanup alternative has no bearing on whether or not the Montessori Pre-school is re-located, a delay in fact sheet distribution and implementing the remedial alternative is not justified and appears negligent. In order to regain compliance, please submit the previously requested Fact Sheet distribution lists (previous and revised) by Wednesday, November 16, 2011, so that site cleanup can be initiated, as site remediation is crucial to be protective of human health and the environment. 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. Please note that civil penalties for non-compliance are assessed from the original due date (September 23, 2011).

TECHNICAL REPORT REQUEST

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

- **November 16, 2011** – Draft Fact Sheet (in MS Word format) with List of Fact Sheet Recipients (Previous & Revised), originally due September 23, 2011.
- **November 30, 2011** – IRA Summary Report, originally due November 4, 2011.

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
Sr. Hazardous Materials Specialist

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Cheryl Dizon (QIC 8021), Zone 7 Water Agency, 100 North Canyons Pkwy, Livermore, CA 94551 (*Sent via e-mail to: cdizon@zone7water.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*)
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- 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.
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Khatri, Paresh, Env. Health

From: Jim Roessler [jim@roesslerinvestmentgroup.com]
Sent: Friday, November 18, 2011 12:25 PM
To: Khatri, Paresh, Env. Health
Cc: Mehrdad Javaher
Subject: FW: Montessori Pre School
Attachments: labels for original full mailer.doc

Paresh,

As we are putting the Fact Sheet mailings together, my assistant thought that last time we did the mailings, the envelope had ACEH as the return address on the envelope. Please advise as to whether you want your address as the return address and, if so, exactly what you want it to read on the envelope.

Jim Roessler
Roessler Investment Group
360 Post Street, Suite 602
San Francisco, CA 94108
Phone: (415) 837-3722
Fax: (415) 837-3717
Email: Jim@RoesslerInvestmentGroup.com
Website: www.RoesslerInvestmentGroup.com
CA DRE #00339311

From: Jim Roessler
Sent: Friday, November 18, 2011 12:01 PM
To: 'Khatri, Paresh, Env. Health'
Cc: 'Mehrdad Javaher'
Subject: RE: Montessori Pre School

Paresh,

My apologies, we were so pleased that the Pre School was going to leave and now confirmed that they are leaving, that we were unaware that Fact Sheets would have to be sent to them regardless of the fact they won't be there very long. In any case, I have made a request to the Property Manager today that she obtain the current customer list from the Pre School. Attached is the original address mailer list for the prior Fact Sheets. I can convert this to a regular list form if that is what you want. I think these are all the lists you have requested. Threatening us with Notice of Violation is totally unnecessary since we want to get the Fact Sheets out as soon as possible. I intend to send the Fact Sheets out to the current Condo owners and to the current tenants on Monday and to the Pre School, if I get the list in time on time. As soon as I get the list from the Pre School, I will send to them. Please refresh my memory on how we confirm the Fact Sheets were sent without using Certified Mail?

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Website: www.RoesslerInvestmentGroup.com
CA DRE #00339311

From: Khatri, Paresh, Env. Health [<mailto:paresh.khatri@acgov.org>]
Sent: Friday, November 18, 2011 10:44 AM
To: Jim Roessler
Cc: Drogos, Donna, Env. Health; 'Bud Duke'; 'Mehrdad Javaher'
Subject: RE: Montessori Pre School

Dear Mr. Roessler,

Thank you for the e-mailed fact sheet distribution list. However, this list is incomplete and does not contain attendees of the Montessori Pre-school nor does it include the previous fact sheet distribution list. Although the Montessori Pre-school may be re-locating, it doesn't change the fact the children have been attending the facility for several months or even years in certain instances. ACEH is requiring that the fact sheet is distributed to the Pre-school attendees and well as posted in a visible location at the school, in addition to the distribution list you provided. Please submit a complete distribution list as well as the previous distribution list no later than 5:00 pm **Monday, November 21, 2011**. Please note that this is not a due date extension as the original due date is September 23, 2011.

Failure to comply with these directives that were sent to on September 1, 2011, October 7, 2011, and on November 9, 2011 (Notice to Comply), may result in an issuance of a Notice of Violation and/or referral of this case to the Office of the District Attorney for non-compliance. Please note that civil penalties for non-compliance are assessed from the original due date (September 23, 2011). These directives are attached for your reference.

Sincerely,

Paresh C. Khatri
Sr. Hazardous Materials Specialist
Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502-6577

Phone: (510) 777-2478

Fax: (510) 337-9335

E-mail: Paresh.Khatri@acgov.org

<http://www.acgov.org/aceh/index.htm>

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From: Jim Roessler [<mailto:jim@roesslerinvestmentgroup.com>]

Sent: Wednesday, November 16, 2011 3:39 PM

To: Khatri, Paresh, Env. Health

Subject: Montessori Pre School

Paresh,

The Montessori Pre School was approved by the Dublin City Council last night for moving to a new location. We are getting confirmation of exactly when they intend to move for you.

Attached are the lists for the Fact Sheet Distribution to 1) existing tenants in the shopping center and 2) the condo owners behind the center. We will be updated the Fact Sheet immediately and start the distribution of the Fact Sheet once you provide approval.

Jim Roessler
Roessler Investment Group
360 Post Street, Suite 602
San Francisco, CA 94108

Phone: (415) 837-3722

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Sent: Friday, November 18, 2011 10:44 AM
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Phone: (510) 777-2478
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E-mail: Paresh.Khatri@acgov.org

<http://www.acgov.org/aceh/index.htm>

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From: Khatri, Paresh, Env. Health [<mailto:paresh.khatri@acgov.org>]
Sent: Friday, November 18, 2011 10:44 AM
To: Jim Roessler
Cc: Drogos, Donna, Env. Health; 'Bud Duke'; 'Mehrdad Javaher'
Subject: RE: Montessori Pre School

Dear Mr. Roessler,

Thank you for the e-mailed fact sheet distribution list. However, this list is incomplete and does not contain attendees of the Montessori Pre-school nor does it include the previous fact sheet distribution list. Although the Montessori Pre-school may be re-locating, it doesn't change the fact the children have been attending the facility for several months or even years in certain instances. ACEH is requiring that the fact sheet is distributed to the Pre-school attendees and well as posted in a visible location at the school, in addition to the distribution list you provided. Please submit a complete distribution list as well as the previous distribution list no later than 5:00 pm **Monday, November 21, 2011**. Please note that this is not a due date extension as the original due date is September 23, 2011.

Failure to comply with these directives that were sent to on September 1, 2011, October 7, 2011, and on November 9, 2011 (Notice to Comply), may result in an issuance of a Notice of Violation and/or referral of this case to the Office of the District Attorney for non-compliance. Please note that civil penalties for non-compliance are assessed from the original due date (September 23, 2011). These directives are attached for your reference.

Sincerely,

Paresh C. Khatri
Sr. Hazardous Materials Specialist
Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502-6577

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E-mail: Paresh.Khatri@acgov.org

<http://www.acgov.org/aceh/index.htm>

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From: Jim Roessler [<mailto:jim@roesslerinvestmentgroup.com>]

Sent: Wednesday, November 16, 2011 3:39 PM

To: Khatri, Paresh, Env. Health

Subject: Montessori Pre School

Paresh,

The Montessori Pre School was approved by the Dublin City Council last night for moving to a new location. We are getting confirmation of exactly when they intend to move for you.

Attached are the lists for the Fact Sheet Distribution to 1) existing tenants in the shopping center and 2) the condo owners behind the center. We will be updated the Fact Sheet immediately and start the distribution of the Fact Sheet once you provide approval.

Jim Roessler
Roessler Investment Group
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