



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

September 30, 2014

Bishop Robert Jackson  
Acts Community Development  
1034 66<sup>th</sup> Avenue  
Oakland, CA 94621

Daniel Ustin  
P.O. Box 591  
Gordon Vall, ID 83622

Man F. And Siumei L. Chu  
2985 California St.  
Oakland, CA 94602

Subject: LOP Case No. RO0002905 and Geotracker Global ID SL0600129548, ACTS Community Development, 1001 77<sup>th</sup> Avenue, Oakland, CA 94621

Dear Bishop Jackson, etal:

Alameda County Environmental Health (ACEH) staff sent a letter dated April 3, 2008 requesting a work plan for additional investigation and for a groundwater monitoring plan. ACEH subsequently issued an enforcement letter on June 3, 2011 requesting a soil and groundwater investigation work plan. ACEH has not received a work plan as requested nor has ACEH been made aware of any monitoring performed on the wells thus leaving the site in noncompliance. Since the dates of the of ACEH's most recent work requests, the State Water Resources Control Board (SWRCB) adopted the *Low Threat Underground Storage Tank Case Closure Policy* (Policy). ACEH requested to schedule a meeting with you to discuss your case with regard to the Policy in our letter dated June 24, 2014. A response to our meeting request has not been received.

ACEH still wishes to meet with you to discuss how best to move this case toward closure. Therefore, at this juncture, ACEH requests you delay any proposed work other than that requested below, until we have met to discuss your case.

#### **Work Request**

1. Please provide ACEH several dates and times during which a meeting can be scheduled to discuss the path to closure for these cases. ACEH staff will select dates and times from your list. Please provide the list of available dates and times by **October 17, 2014**.
2. A review of the case file indicates that the SWRCB Geotracker database and/or the ACEH database is not complete, 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:

- Analytical data for soil and water samples collected for the purpose of subsurface investigation or remediation (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 streets bordering the facility, and sampling locations for all soil and water 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).

ACEH requests these documents be uploaded to GeoTracker submittals by **October 31, 2014**, or the date of our proposed meeting, whichever is sooner.

Thank you for your cooperation. ACEH looks forward to working with you to advance the case toward closure. Should you have any questions regarding this correspondence or your case, please call me at (510) 567-6764 or send an electronic mail message at [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org).

If your email address does not appear on the cover page of this notification ACEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

Sincerely,

Keith Nowell, PG, CHG.  
Hazardous Materials Specialist

Enclosure: Attachment 1- Responsible Party(ies) Legal Requirements/Obligations and ACEH Electronic Report Upload (ftp) Instructions

cc: Frank Goldman, CHG, Environmental and Hydrogeological Consulting, P.O. Box 59, Sonoma, CA 95476 (Sent via E-mail to [fjgoldmanchg@yahoo.com](mailto:fjgoldmanchg@yahoo.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](mailto:lgriffin@oaklandnet.com))

Dilan Roe, ACEH (Sent via E-mail to: [Dilan.Roe@acgov.org](mailto:Dilan.Roe@acgov.org))  
Keith Nowell, ACEH (Sent via E-mail to: [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org))  
GeoTracker, e-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.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, 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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> July 20, 2010
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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](mailto: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.
  - 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](mailto: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.