



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

### NOTICE TO COMPLY

June 5, 2014

Ms. Mary K. Wright (*Sent via e-mail to: [ksaveourkids@aol.com](mailto:ksaveourkids@aol.com)*)  
Heirs of Mary L. Wright Estate  
1829 9<sup>th</sup> Avenue  
Oakland, CA 94606-3019

Subject: Notice to Comply for Conditional Approval of the Work Plan Addendum for Fuel Leak  
Case No. RO0003077 and GeoTracker Global ID T10000003190, F&M Auto Service/Gas  
Station, 1839 Foothill Boulevard, Oakland, CA 94606

Dear Ms. Wright:

On July 1, 2013 Alameda County Environmental Health (ACEH) staff issued a directive letter conditionally approving the Soil Boring Transect portion of the May 3, 2013 Work Plan Addendum and requested submittal of an e-mail with the boring logs and soil and groundwater analytical results for expedited review and approval by ACEH of the proposed well locations prior to installation. The directive letter also requested a conference call by July 15, 2013 to discuss the soil vapor assessment scope of work.

The requested work was not e-mailed to ACEH and a conference call was not scheduled. Your site is now out of compliance with directives from this agency. **Because this agency is tasked by the State to manage these tasks, you are also out of compliance with State requirements.** This letter is an attempt to preclude enforcement actions. Pursuant to State of California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, you are required to transmit electronic reports and other site data.

In order to regain compliance with local and State requirements, and to move the site towards case closure, please submit the documents requested in the July 1, 2013 directive letter to both ACEH's FTP site and to GeoTracker by the dates specified below. Failure to submit the documents may additionally result in referral 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 (May 3, 2013). ACEH would prefer these funds be used for site closure rather than enforcement.

### **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, in accordance with the following specified file naming convention and schedule:

Ms. Mary Wright  
RO0003077  
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- **July 1, 2014** – Deadline to schedule a conference call to discuss the site status and the soil vapor assessment scope of work of the May 3, 2013 Work Plan Addendum
- **July 31, 2014** – Second Quarter 2014 semi-annual groundwater monitoring and sampling event  
File to be named: RO3077\_GWM\_R\_YYYY-mm-dd
- **August 8, 2014** - E-mail boring logs and soil and groundwater analytical results  
File to be named: RO3077\_MISC\_R\_YYYY-mm-dd
- **60 Days after E-Mail Approval of Proposed Well Locations** - Updated SCM and Soil and Groundwater Investigation Report  
File to be named: RO3077\_SCM\_SWI\_R\_YYYY-mm-dd

Please note that all technical reports submitted to ACEH must be signed and stamped by a registered professional and must be accompanied by a perjury statement signed by the Responsible Party. Please see Attachment 1.

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.

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](mailto:karel.detterman@acgov.org) or call me at (510) 567-6708.

Sincerely,

Karel Detterman, PG  
Hazardous Materials Specialist

Enclosures: July 1, 2013 ACEH Directive Letter

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

cc: Leroy Griffin (Sent via e-mail to [lgriffin@oaklandnet.com](mailto:lgriffin@oaklandnet.com))

Marisa Rodarte, Orphan Site Cleanup Fund, State Water Resources Control Board, Division of Financial Assistance Special Program Units (Sent via e-mail to: [mrodarte@waterboards.ca.gov](mailto:mrodarte@waterboards.ca.gov))

Jeff Bensch, Sierra West Consultants, Inc. (Sent via e-mail to: [jbensch@sierra-west.net](mailto:jbensch@sierra-west.net))

Dilan Roe, ACEH (Sent via E-mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org))

Karel Detterman, ACEH (Sent via E-mail to: [karel.detterman@acgov.org](mailto:karel.detterman@acgov.org))

GeoTracker, Electronic Case File

**From:** [Detterman, Karel, Env. Health](#)  
**To:** [ksaveourkids@aol.com](mailto:ksaveourkids@aol.com)  
**Cc:** [Roe, Dilan, Env. Health](#); "Jeff Bensch"; "Brian Whalen"; "Marisa Rodarte"; "lgriffin@oaklandnet.com"; [dehloptoxic, Env. Health](#)  
**Subject:** Conditional Work Plan Addendum Approval for Fuel Leak Case No. RO0003077 and GeoTracker Global ID T10000003190, F&M Auto Service/Gas Station, 1839 Foothill Boulevard, Oakland, CA 94606  
**Date:** Monday, July 01, 2013 6:56:10 PM

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Dear Ms. Wright:

Alameda County Environmental Health Department (ACEH) staff has reviewed the case file, including the *First Semi-Annual Groundwater Monitoring and Sampling Report of 2013* dated April 22, 2013 and the *Work Plan Addendum (Addendum)* dated May 3, 2013 submitted on your behalf by Sierra West Consultants, Inc (Sierra West). Thank you for submitting the reports to ACEH.

Based on ACEH staff review of the *Addendum*, at this juncture we would like to decouple the Soil Boring Transect scope of work from the Soil Vapor Assessment scope of work. The Soil Boring Transect scope of work of the *Addendum* is conditionally approved for implementation provided that the technical comments below are incorporated during the proposed work. Submittal of a revised work plan or 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. However, ACEH would like to schedule a teleconference call with you and your consultants prior to approval of the soil vapor assessment scope of work.

We request that you address the following technical comments, perform the proposed Soil Boring Transect scope of work, and send us the information requested below. Please provide 72-hour advance written notification to this office (e-mail preferred to: [karel.detterman@acgov.org](mailto:karel.detterman@acgov.org)) prior to the start of field activities.

## TECHNICAL COMMENTS

- 1) **Semi-Annual Groundwater Monitoring and Sampling Report Modification** - Thank you for including a rose diagram for the five monitoring and sampling events to date in the *First Semi-Annual Groundwater Monitoring and Sampling Report of 2013*. The rose diagram indicated a single groundwater gradient was towards the southeast, however, four of the five gradients were towards the south and one gradient was towards the southwest. Please include a revised rose diagram in subsequent reports.
- 2) **Addendum Work Plan Soil Boring Transect Scope of Work Modifications** – The referenced work plan addendum proposes a series of actions with which ACEH is in general agreement; however, ACEH requests several modifications to the approach.
  - a. **Request to move Gleason Way Soil Boring B-7** – Please move the soil boring B-7 an additional 30 feet to the northwest along Gleason Way because the groundwater gradient direction appears to fluctuate from due south to the southwest as indicated on the rose diagram discussed previously.
  - b. **Request for submittal of transect boring data packet prior to well installation** – In your work plan you state that “following interpretation of the boring logs and laboratory analytical results from B-4 through B-9, the final well locations and construction details will be determined.” Please send the soil and groundwater analytical results and completed soil bore logs to [karel.detterman@acgov.org](mailto:karel.detterman@acgov.org) in order to facilitate an expedited review and approval of well placement locations prior to well installation. ACEH will provide

comments on the transect boring data packet within one week of receipt.

**3) Addendum Work Plan Soil Vapor Assessment Scope of Work Modifications –**  
Please provide a list of time and days within the next two weeks to have a conference call to discuss several aspects of the soil vapor assessment scope of work.

Thank you,

Karel Detterman, PG  
Hazardous Materials Specialist  
Alameda County Environmental Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502  
Direct: 510.567.6708  
Fax: 510.337.9335  
Email: karel.detterman@acgov.org

PDF copies of case files can be downloaded at:

<http://www.acgov.org/aceh/lop/ust.htm>

## 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/](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> May 15, 2014
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 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 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](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.