

ALAMEDA COUNTY
**HEALTH CARE SERVICES
AGENCY**

COLLEEN CHAWLA, DIRECTOR



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
1131 HARBOR BAY PARKWAY, SUITE 250
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

NOTICE OF VIOLATION

June 19, 2018

Alameda Unified School District
c/o Mr. Robbie Lyng
2060 Challenger Drive
Alameda, CA 94501
Sent via e-mail to: rlyng@alameda.k12.ca.us

City of Alameda
c/o Mr. Flavio Barrantes
950 W. Mall Square
Alameda, CA 94501
Sent via e-mail to: fbarrant@alamedaca.gov

Subject: Notice of Violation Letter for Fuel Leak Case No. RO0003144 and GeoTracker Global ID T10000006142, Alameda Mound Street UST, 1380 Mound Street, Alameda, CA 94501

Dear Ladies and Gentlemen:

A review of the case file for the above-referenced site indicates that your case is currently in not in compliance with Alameda County Department of Environmental Health's (ACDEH's) May 15, 2017 Directive Letter, which requested implementation of the *Soil and Groundwater Investigation Work Plan (Work Plan)* dated June 10, 2015, approved by ACDEH on October 10, 2015, and originally due on January 4, 2016. The May 15, 2017 Notice to Comply Letter requested set-up of a meeting or conference call to identify a path to case closure. It has been 13 months since ACDEH sent the meeting request letter, but ACDEH has not received any communications to arrange a meeting or conference call.

Implementation of site characterization and/or cleanup at this site is crucial to be protective of human health and the environment and to move this case towards completion and closure. Please note that as Responsible Parties, you are required by California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11, §2720 through §2728 to characterize the site and implement corrective action.

As previously communicated in ACDEH's July 7, 2016 Extension Approval Letter, if the property owner is denying site access, and causing the delay, ACDEH can provide assistance to the City of Alameda and the Alameda Unified School District in securing an access agreement with the property owner.

In order to regain compliance, please contact ACDEH as described below. Failure to contact ACDEH by the required date may result in enforcement action by the District Attorney. Pursuant to Chapter 6.7, California Health and Safety code, civil penalties up to \$10,000 for each UST for each day of violation may be imposed. Please note that civil penalties for non-compliance are assessed from the original due date of May 31, 2017 to contact ACDEH.

MEETING/ CONFERENCE CALL REQUEST

We invite you to attend a meeting or conference call at ACDEH's office to discuss your case and identify steps to closure. Please send me an e-mail (karel.detterman@acgov.org) by June 29, 2018 with your meeting time/date choice from the following two choices:

- **10:00 AM to noon, Friday July 20, 2018: Meeting or conference call**
- **10:00 AM to noon, Friday July 27, 2018: Meeting or conference call**

This meeting is being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

Ladies and Gentlemen
RO0003144
June 19, 2018
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Thank you for your cooperation. If you have any questions, please call me at (510) 567-6708 or send me an electronic 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,

Karel Detterman, PG 5628
Senior Hazardous Materials Specialist

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

cc: David Solis, Shoreline Environmental Resources, 1818 Camino Verde, Suite C, Walnut Creek, CA 94597 (Sent via E-mail to: dsolis@shoreline-env.com)

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

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

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

GeoTracker, eFile

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| Alameda County Environmental Cleanup Oversight Programs (LOP and SCP) | REVISION DATE: December 14, 2017 |
| | ISSUE DATE: July 25, 2012 |
| | PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016 |
| SECTION: ACDEH Procedures | SUBJECT: Responsible Party(ies) Legal Requirements / Obligations |

REPORT & DELIVERABLE REQUESTS

Alameda County Department of Environmental Health (ACDEH) Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) require submission of all reports in electronic form to the State Water Board's (SWB) GeoTracker website in accordance with California Code of Regulations, Chapter 30, Division 3, Title 23 and Division 3, Title 27.

Leaking Underground Fuel Tank (LUFT) Cases

Reports and deliverable requests are 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 (RP) in conjunction with an unauthorized release from a petroleum underground storage tank (UST) system.

Site Cleanup Program (SCP) Cases

For non-petroleum UST cases, reports and deliverables requests are pursuant to California Health and Safety Code Section 101480.

ELECTRONIC SUBMITTAL OF REPORTS

A complete report submittal includes the PDF report and all associated electronic data files, including but not limited to GEO_MAP, GEO_XY, GEO_Z, GEO_BORE, GEO_WELL, and laboratory analytical data in Electronic Deliverable Format™ (EDF). Additional information on these requirements is available on the State Water Board's website (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)

- Do not upload draft reports to GeoTracker
- Rotate each page in the PDF document in the direction that will make it easiest to read on a computer monitor.

GEOTRACKER UPLOAD CERTIFICATION

Each report submittal is to include a GeoTracker Upload Summary Table with GeoTracker valid values¹ as illustrated in the example below to facilitate ACDEH review and verify compliance with GeoTracker requirements.

GeoTracker Upload Table Example

| Report Title | Sample Period | PDF Report | GEO_MAPS | Sample ID | Matrix | GEO_Z | GEO_XY | GEO_BORE | GEO_WELL | EDF |
|---|---------------|------------|----------|-----------|--------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 2016 Subsurface Investigation Report | 2016 S1 | ✓ | ✓ | Effluent | SO | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| 2012 Site Assessment Work Plan | 2012 | ✓ | ✓ | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2010 GW Investigation Report | 2008 Q4 | ✓ | ✓ | SB-10 | W | ✓ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| | | | | SB-10-6 | SO | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| | | | | MW-1 | WG | ✓ | ✓ | ✓ | ✓ | ✓ |
| | | | | SW-1 | W | ✓ | ✓ | ✓ | ✓ | ✓ |

¹ GeoTracker Survey XYZ, Well Data, and Site Map Guidelines & Restrictions, CA State Water Resources Control Board, April 2005

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| Alameda County Environmental Cleanup Oversight Programs (LOP and SCP) | REVISION DATE: NA |
| | ISSUE DATE: December 14, 2017 |
| | PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016 |
| SECTION: ACDEH Procedures | SUBJECT: Responsible Party(ies) Legal Requirements / Obligations |

ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to the State Water Board's GeoTracker website." This letter must be signed by the Responsible Party, or legally authorized representative of the Responsible Party.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6731, 6735, and 7835) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately licensed or certified professional and include the professional registration stamp, signature, and statement of professional certification. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

UNDERGROUND STORAGE TANK CLEANUP FUND

For LUFT cases, RP's non-compliance with these regulations may result in ineligibility to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse the cost of cleanup. Additional information is available on the internet at: https://www.waterboards.ca.gov/water_issues/programs/ustcf/

AGENCY OVERSIGHT

Significant delays in conducting site assessment/cleanup or report submittals may result in referral of the case to the Regional Water 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.