

ALAMEDA COUNTY  
**HEALTH CARE SERVICES  
AGENCY**

REBECCA GEBHART, Interim 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

March 30, 2017

D. W. Nicholson Corporation  
PO Box 4197  
Hayward, CA 94540-4197  
Attention: Thomas Reed Jr.  
(Sent via electronic mail to [reedjr@dwnicholson.com](mailto:reedjr@dwnicholson.com))

Subject: Request for Work Plan, Site Cleanup Program Case No. RO0003213 and GeoTracker Global ID T10000009567, 24747 Clawiter Rd., 24747 Clawiter Rd., Hayward, CA 94545

Dear Mr. Reed:

Thank you and your consultant, Ms. Lita Freeman of Environmental Risk Assessors (ERA), for meeting with Alameda County Department of Environmental Health (ACDEH) staff last fall. At the meeting, we became aware that previous investigations, including a Phase I Environmental Site Assessment (ESA) and a Phase II investigation have been conducted at the site. Though a preliminary presentation of these reports was discussed at the meeting, they are not located in the ACDEH case file and are not available for review beyond that presented in the meeting.

Based on the review of the case file, ACDEH requests that you address the following technical comments and send us the documents requested below.

### **TECHNICAL COMMENTS**

1. **Electronic Submittal of Information** – As discussed above, the ACDEH FTP site does not contain any documents pertaining to the ESA, the Phase II investigation, or other investigations or remedial actions that may have occurred for the site. However, data presented at the meeting indicates environmental investigation(s) have occurred. Therefore, ACDEH requests submittal of these documents by the date specified below. Note that site documents are maintained in two separate electronic databases – ACDEH's FTP site and the State Water Resource Control Board's (SWRCBs) GeoTracker database. Both databases act as repositories for regulatory directives and reports. In addition to the complete written reports being submitted for regulatory review, only GeoTracker has the functionality to store electronic compliance data including analytical laboratory data for soil, vapor and water samples (EDFs), bore logs (GEO\_BOREs), and site maps showing locations of investigation bore holes and monitoring wells (GEO\_MAPs). For GeoTracker submittal, each GEO\_REPORT is associated with a "Title" and "Report Type" that is entered during the electronic submission (i.e. upload) process. The complete report should include the signed transmittal sheet, text, graphs, diagrams, tables, maps, figures, and appendices.

Although the SWRCB is responsible for the overall operation and maintenance of the GeoTracker System, ACDEH, as lead regulatory agency, is responsible to ensure the GeoTracker database is complete and accurate for sites regulated under ACDEH's Environmental Cleanup Oversight Programs (SWRCB March 2011 document entitled *Electronic Reporting Roles and Responsibilities*) Responsible Party obligations are presented in California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, which states that beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including Site Cleanup Program (SCP) cases. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites was required in GeoTracker.

Note that prior to electronic submittal of information to GeoTracker, the site must be claimed. ACDEH requests that you claim your site and submit the appropriate files.

Please upload the requisite documents to GeoTracker and the ACDEH FTP sites. See Attachment 1 for limited additional details, and the State's GeoTracker website for full details. ACDEH requests notification and a list of the documents uploaded to Geotracker. Please provide the document list to ACDEH via electronic mail, Attention: Keith Nowell, by the date specified below.

Additional information pertaining to GeoTracker submittals may be obtained online at:

[http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)

and at

[http://www.swrcb.ca.gov/ust/electronic\\_submittal/report\\_rqmts.shtml](http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml)

Additional information and/or clarification may be obtained by contacting the GeoTracker Help Desk at [geotracker@waterboards.ca.gov](mailto:geotracker@waterboards.ca.gov) or by calling (866) 480-1028.

- 2. Work Plan** – As indicated at our meeting, ACDEH requests preparation of a work plan to further delineate the extent of contamination at the site. ACDEH will review of the work plan in conjunction with the data presented in the documents requested above.

### **SUBMITTAL ACKNOWLEDGEMENT STATEMENT**

Please note that ACDEH has updated it's Attachment 1 with regard to report submittals to ACDEH. ACDEH will now be requiring a Submittal Acknowledgement Statement, replacing the perjury statement, as a cover letter signed by the Responsible Party (RP). The language for the Submittal Acknowledgement Statement is as follows:

*"I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website."*

Please make this change to your submittals to ACDEH.

### **TECHNICAL REPORT REQUEST**

Please upload technical reports to the ACDEH FTP site (Attention: Keith Nowell), and to the SWRCBs GeoTracker website, in accordance with the following specified file naming convention and schedule:

- **April 14, 2017** – Claim site in GeoTracker
- **April 14, 2017** – Phase I Environmental Site Assessment (Files to be named: RO0003213\_PHASE1\_R\_YYYY-MM-DD)
- **April 14, 2017** – Site Investigation Reports (Files to be named: RO0003213\_SWI\_YYYY-MM-DD)
- **April 14, 2017** – Document Submittal List; Provided to ACDEH via electronic mail, Attention: Keith Nowell
- **June 13, 2017** – Work Plan for Further Site Investigation; (File to be named: RO0003213\_WP\_R\_YYYY-MM-DD)

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.

Please include the ACDEH case file number in the subject line of future correspondences with this agency.

Thank you for your cooperation. ACDEH looks forward to working with you and your consultants 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).

Sincerely,

Keith Nowell, PG, CHG  
Hazardous Materials Specialist

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

cc: Lita Freeman, Environmental Risk Assessors, 1420 East Roseville Parkway, Suite 140-262, Roseville, CA  
95661 (*Sent via electronic mail to: [litafreeman@gmail.com](mailto:litafreeman@gmail.com)*)

Dilan Roe, ACDEH (*Sent via electronic mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org)*)  
Paresh Khatri, ACDEH (*Sent via electronic mail to: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org)*)  
Keith Nowell, ACDEH (*Sent via electronic mail to: [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org)*)  
GeoTracker, file

## 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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 ([http://www.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)) for more information on these requirements.

#### 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 ACDEH's FTP server and the SWRCB's GeoTracker website." 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 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. 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 case meet this requirement. 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

Please note that delays in investigation, late 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 SCP)</b>	<b>REVISION DATE:</b> December 1, 2016
	<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; May 15, 2014, November 29, 2016
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions


The Alameda County Environmental Cleanup Oversight Programs (LOP and SCP) 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 acknowledgement 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) Open File Explorer using the Windows  key + E keyboard shortcut.
    - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
  - b) On the address bar, type in ftp://alcoftp1.acgov.org.
  - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
  - d) Click Log On.
  - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
  - f) 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.