

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

April 22, 2013

Mr. Chris Panaitescu
(Sent via E-mail to:
panaitescu@ThriftyOil.com)
Thrifty Oil Company
13116 Imperial Highway
Santa Fe Springs, CA 90670-00138

Mr. John Skance
(Sent via E-mail to: john.skance@bp.com)
BP West Coast Products, LLC
P.O. Box 1257
San Ramon, CA 94583

Subject: Fuel Leak Case No. RO0000004 and GeoTracker Global ID T0600101365, Thrifty Oil #49, 3400 San Pablo Avenue, Oakland, CA 94608

Dear Mr. Panaitescu and Mr. Skance:

Thank you for the recently submitted document entitled *Fourth Quarter 2012, Status Report and Request for Low-Threat Underground Storage Tank Case Closure* (RFC), dated January 7, 2013 and prepared by Thrifty Oil Co. (Thrifty Oil) for the subject site. Thrifty Oil requests case closure citing that current site conditions and remediation activities warrant case closure in accordance with the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP).

Alameda County Environmental Health (ACEH) staff has reviewed the RFC in conjunction with the case files and the LTCP criteria. Based on this review and discussions with Thrifty Oil's Project Manager Mr. Simon Tregurtha, in March and April 2013, ACEH has determined that the site fails to meet LTCP General Criteria c, e, f, and h, and Media Specific Criteria for Groundwater. ACEH's determination is based on evidence of a new release in 2012 as indicated by significantly elevated levels of total petroleum hydrocarbons as gasoline (TPH-g), benzene, toluene, ethylbenzene, and xylenes (BTEX), and ethanol detected in several of the site monitoring wells during quarterly monitoring events conducted in 2012, observations of sheen in four of the eight monitoring wells during 2012, lack of off-site plume delineation downgradient and cross gradient of the UST tank holds and dispenser islands, and shallow groundwater conditions and potential migration of contaminants in utility trenches located in streets bordering the site.

In the RFC, Thrifty Oil acknowledges that groundwater monitoring data suggests that a new release(s) has occurred. However, Thrifty Oil states that they terminated their operation of the station and underground storage tanks (USTs) and associated piping in May 1997 and this first generation of USTs and associated piping were removed from the site in March 1998 at which time ethanol was not used as a gasoline additive. Therefore, Thrifty contends that the current presence of ethanol in several site wells strongly suggests that release(s) have occurred from a source other than Thrifty, and surmises that the ethanol has likely originated from Atlantic Richfield Company (ARCO) who operated the station from May 1997 to May 2012, from Tesoro (who operated the station from May 2012 to present), or from the adjacent and cross gradient Shell Station located at 3420 San Pablo Avenue.

Subsequent to the detection of ethanol in upgradient wells MW-5 and MW-6 in June 2012, ARCO provided comment to Thrifty Oil on the Second Quarter 2012 Status Report prepared for the site by Stratus Environmental in a letter dated August 10, 2012 from Mr. John Skance to Mr. Panaitescu. In the 2nd Quarter 2012 Status Report, Stratus suggests first time detections in upgradient wells MW-5 and MW-6 are a result of a new release either by ARCO, Shell, or an upgradient source. ARCO's response stated that based on the upgradient location of wells MW-5 and MW-6 relative to the fueling system components and UST system testing results performed in March 2012 and June 2012, it does not appear a new release has occurred on site, and given the location of the wells and groundwater data, conjectured that an offsite source may exist.

ACEH's review of the data indicates that adequate justification has not been provided by ARCO or Thrifty to support their conclusions regarding an off-site source, or Thrifty's assertion that the plume is defined, stable, essentially restricted to the site property, and will continue to diminish through natural attenuation, and poses very little to no threat to human health or the environment. Therefore, ACEH cannot consider case closure for the subject site at this time. A summary of our comments is presented in the Technical Comments section below.

ACEH requests that you prepare an updated Site Conceptual Model and Data Gap Investigation Work Plan to address the Technical Comments provided below, and evaluate the source of the new release and potential preferential pathways and contaminant transport via utility corridors, and further delineate the contaminant plume.

This decision to deny closure is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39.2(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Please contact the SWRCB Underground Storage Tank Program at (916) 341-5851 for information regarding the appeals process.

TECHNICAL COMMENTS

1) **Updated Site Conceptual Model and Data Gap Investigation Work Plan** – Please address the technical comments described below in an Updated Site Conceptual Model (SCM) and Data Gap Investigation Work Plan:

- i. During the 2nd Quarter 2012 monitoring event, significantly elevated levels of total petroleum hydrocarbons as gasoline (TPH-g), benzene, toluene, ethylbenzene, and xylenes (BTEX), and ethanol were detected in two of the eight monitoring wells (MW-5 and MW-6). Maximum concentrations of each of the chemicals of concern were detected in well MW-6 at 131,000 micrograms per liter (µg/L) TPH-g, 5,700 µg/L benzene, 26,000 µg/L toluene, 3,600 µg/L ethylbenzene, 19,000 µg/L xylenes and 51,000 µg/L ethanol.
- ii. Concentrations of TPH-g and BTEX in monitoring well MW-1, located adjacent to the current UST tank hold, have shown increasing trends during the four quarterly sampling events conducted in 2012. Sheen was observed in this well during the 2nd quarter monitoring event.
- iii. During the 4th Quarter 2012 monitoring event, ethanol was detected in five of the eight monitoring wells at concentrations of 2,600 µg/L in MW-1, 4,600 µg/L in MW-2, 13,000 µg/L in MW-3, 5,400 µg/L in MW-4R, and 5,300 µg/L in MW-7. However,

ethanol was not detected above the analytical laboratory reporting limits in the two wells (MW-5 and MW-6) where ethanol was detected during the 2nd quarter monitoring event. Elevated levels of TPH-g and BTEX were observed in well MW-3, located downgradient of the dispenser islands.

- iv. The TPH-g iso-concentration contour map presented in the RFC indicates the contaminant plume has migrated into and potentially across 34th Street and San Pablo Avenue.
- v. Historic depths to groundwater in wells located along San Pablo Avenue have ranged from 4.20 to 17.9 feet below ground surface (bgs) in MW-3, 3.09 to 8.10 feet bgs in MW-2R, and 2.78 to 7.02 feet bgs in MW-4R. These wells are located downgradient of the dispenser islands and tank holds (current and former) and upgradient and adjacent to the several underground utilities located in San Pablo Avenue that may potentially act as preferential pathways for contaminant transport.
- vi. Historic depths to groundwater in wells located along 34th Street have ranged from 3.54 to 9.39 feet bgs in MW-1, and 3.09 to 7.23 feet bgs in RW-1R. These wells are located downgradient (southwest) of tank holds (current and former) and adjacent to the several underground utilities located in 34th Street that may potentially act as preferential pathways for contaminant transport.

Please utilize a tabular format to highlight the major SCM elements and their associated data gaps, which need to be addressed to progress the site to case closure. Additionally, we encourage you to utilize ACEH's Data Gap Identification Tool (DGIT) in developing a strategy that focuses data collection efforts on the LTCP criteria and an efficient path to site closure. Please sequence activities in the proposed scope of work to enable efficient data collection in the fewest mobilizations possible. ACEH will provide an example of a tabular SCM and an electronic DGIT upon request.

Please include site map(s) utilizing an aerial photographic base map with sufficient resolution to show the facility, delineation of streets and property boundaries within the adjacent neighborhood.

- 2) **Groundwater Contaminant Plume Monitoring** – Please resume quarterly groundwater sampling for a minimum of one hydrologic cycle to assist in evaluating the source of new release(s) and determining groundwater contaminant plume stability and submit reports by the dates listed below.
- 3) **Landowners Notification Form** – Pursuant to Section 25297.15 (a), ACEH, the local agency, shall not consider cleanup or site closure proposals from the primary or active responsible party, issue a closure letter, or make a determination that no further action is required with respect to a site upon which there was an unauthorized release of hazardous substances from an underground storage tank subject to this chapter unless all current record owners of fee title to the site of the proposed action have been notified of the proposed action by the primary or active responsible party. ACEH is required to notify the primary or active responsible party of their requirement to certify in writing to the local agency that the notification requirement in the above-mentioned regulation has been satisfied and to provide the local agency with a complete mailing list of all record fee title owners.

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To satisfy this requirement, please complete the enclosed "List of Landowners Form," and mail it back to ACEH as soon as possible so that we can update our records. Please include the contact information for Tesoro, the current station operator.

TECHNICAL REPORT REQUEST

Please submit technical reports to ACEH (Attention: Dilan Roe), according to the following schedule:

- **May 22, 2013** – Landowners Notification Form
File to be named: LNDOWNR_F_YYYY-mm-dd_RO0004
- **June 28, 2013** – Quarterly Monitoring Report (2nd Quarter 2013)
File to be named: GWM_R_YYYY-mm-dd_RO0004
- **June 28, 2013** – Updated Site Conceptual Model and Data Gap Investigation Workplan
File to be named: SCM_WP_R_YYYY-mm-dd_RO0004
- **October 31, 2013** – Quarterly Monitoring Report (3rd Quarter 2013)
File to be named: GWM_R_YYYY-mm-dd_RO0004
- **January 31, 2014** – Quarterly Monitoring Report (4th Quarter 2013)
File to be named: GWM_R_YYYY-mm-dd_RO0004
- **April 30, 2014** – Quarterly Monitoring Report (1st Quarter 2014)
File to be named: GWM_R_YYYY-mm-dd_RO0004

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 call me at (510) 567-6767 or send me an electronic mail message at dilan.roe@acgov.org.

Sincerely,

Dilan Roe
Supervising Hazardous Materials Specialist

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

cc: Simon Tregurtha, Thrifty Oil Company, 13116 Imperial Hwy, Santa Fe Springs, CA 90670-0138 (Sent via E-mail to: Tregurtha@thriftyoil.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)
Donna Drogos, ACEH (Sent via E-mail to: donna.drogos@acgov.org)

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Dilan Roe, ACEH (*Sent via E-mail to: dilan.roe@acgov.org*)
GeoTracker
File

LIST OF LANDOWNERS FORM

County of Alameda
Environmental Health Services
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR:

Site Name: _____

Address: _____

City, State, Zip: _____

Record ID #: RO _____

Please fill out item 1 if there are multiple site landowners (attach an extra sheet if necessary). If you are the sole site landowner, skip item 1 and fill out item 2.

1. In accordance with Section 25297.15(a) of Chapter 6.7 of the California Health & Safety Code, I, _____ (name of primary responsible party), certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site:

Name: _____

Address: _____

City, State, Zip: _____

E-mail Address: _____

Name: _____

Address: _____

City, State, Zip: _____

E-mail Address: _____

Name: _____

Address: _____

City, State, Zip: _____

E-mail Address: _____

2. In accordance with Section 25297.15(a) of Chapter 6.7 of the California Health & Safety Code, I _____, certify that I am the sole landowner for the above site.

Sincerely,

Signature of Primary Responsible Party

Printed Name

Date

E-mail Address

Attachment 1

Responsible Party(ies) Legal Requirements/Obligations

REPORT/DATA REQUESTS

These reports/data are being requested pursuant to Division 7 of the California Water Code (Water Quality), Chapter 6.7 of Division 20 of the California Health and Safety Code (Underground Storage of Hazardous Substances), and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations (Underground Storage Tank Regulations).

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (Local Oversight Program [LOP] for unauthorized releases from petroleum Underground Storage Tanks [USTs], and Site Cleanup Program [SCP] for unauthorized releases of non-petroleum hazardous substances) require submission of reports in electronic format pursuant to Chapter 3 of Division 7, Sections 13195 and 13197.5 of the California Water Code, and Chapter 30, Articles 1 and 2, Sections 3890 to 3895 of Division 3 of Title 23 of the California Code of Regulations (23 CCR). Instructions for submission of electronic documents to the ACEH FTP site are provided on the attached "Electronic Report Upload Instructions."

Submission of reports to the ACEH FTP site is in addition to requirements for electronic submittal of information (ESI) to the State Water Resources Control Board's (SWRCB) Geotracker website. In April 2001, the SWRCB adopted 23 CCR, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1 (Electronic Submission of Laboratory Data for UST Reports). Article 12 required electronic submittal of analytical laboratory data submitted in a report to a regulatory agency (effective September 1, 2001), and surveyed locations (latitude, longitude and elevation) of groundwater monitoring wells (effective January 1, 2002) in Electronic Deliverable Format (EDF) to Geotracker. Article 12 was subsequently repealed in 2004 and replaced with Article 30 (Electronic Submittal of Information) which expanded the ESI requirements to include electronic submittal of any report or data required by a regulatory agency from a cleanup site. The expanded ESI submittal requirements for petroleum UST sites subject to the requirements of 23 CCR, Division, 3, Chapter 16, Article 11, became effective December 16, 2004. All other electronic submittals required pursuant to Chapter 30 became effective January 1, 2005. Please visit the SWRCB website for more information on these requirements. (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, 7835, 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, 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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: July 25, 2012
	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 (petroleum UST 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 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 .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 <://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 .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.