

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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November 26, 2008

Mr. Michael Desso
Nestle USA, Inc.
800 North Brand Blvd.
Glendale, CA 91203

Mr. Mark Hall
Encinal 14th Street, LLC
1855 Olympic Blvd., Suite 250
Walnut Creek, CA 94596

Subject: Fuel Leak Case No. RO0000018 and Geotracker Global ID T0600100262, Carnation Dairy, 1310 14th Street, Oakland, CA 94607

Dear Mr. Desso and Mr. Hall:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site including the recently submitted document entitled, "*Revised Site Conceptual Model Report, Former Nestle USA, Inc. Facility, 1310 14th Street, Oakland, CA,*" dated November 4, 2008 (SCM). The SCM, which was prepared on behalf of Nestle USA by Environmental Cost Management, Inc. (ECM), presents a revision to the information previously presented in the January 2001, "*Comprehensive Site Characterization Report,*" prepared by ETIC Engineering.

Section 7.2 – Future Action Plan of the SCM proposes preparation of a revised Risk Assessment for the site to, "provide an understanding of any exposure risks associated with current, residual, subsurface COC concentrations." We do not agree with the proposal to prepare a revised Risk Assessment at this time due to the elevated concentrations of residual fuel hydrocarbons remaining in soil, soil vapor, and groundwater at the site. In general, quantitative risk assessments, such as the proposed Revised Risk Assessment, are more typically conducted at fuel leak sites where residual concentrations may exceed Tier 1 screening levels (*Environmental Screening Levels, San Francisco Bay Regional Water Quality Control Board updated May 2008*) but consideration of site-specific conditions and preparation of a site-specific risk assessment may conclude that potential risks are not significant. For the above referenced site, the residual concentrations of fuel hydrocarbons in soil, soil vapor, and groundwater are several orders of magnitude greater than Tier 1 screening levels (ESLs). Based on the highly elevated residual concentrations and significant hydrocarbon mass remaining on site, the results of a site-specific risk assessment would appear unlikely to affect the decision as to whether corrective action was needed for the site. Residual TPHg and benzene concentrations in shallow soil at the site are up to 12,000 and 140 milligrams per kilogram, respectively. TPHg and benzene concentrations in soil vapor are up to 2,600,000 and 40,000 micrograms per cubic meter, respectively. TPHg and benzene concentrations in groundwater are up to 870,000 and 50,000 micrograms per liter (µg/L), respectively.

We request that you address the following technical comments in the format of a revised SCM or a Response to Comments. Nestle's proposal to meet with ACEH to discuss the revised SCM and technical comments is agreeable to ACEH. Please contact Jerry Wickham to arrange a meeting time and date.

TECHNICAL COMMENTS

- 1. Subsurface Utilities.** The subsurface utility survey presented in the SCM indicates that utilities are located north and east of the former UST area but do not extend into the area associated with the former USTs. Given the distribution of known utilities, we agree with the conclusion that abandoned utilities do not appear to be conduits from the former UST area. In the Revised SCM or Response to Comments requested below, please clarify the discussion regarding the potential for utilities to provide conduits for migration from the area beneath the building off-site to the area beneath 16th Street. In particular, please comment upon the depth of the utilities and whether the soil boring and monitoring well sampling data beneath 16th Street provide reliable indications that off-site migration is not occurring along utility corridors.
- 2. Soil Vapor Sampling Results.** We concur with the conclusion in the SCM that soil vapor concentrations may increase in the future if water levels decrease and expose residual VOCs in the vadose zone or submerged below the water table. The SCM indicates that potential increases in soil vapor concentrations will be considered in a revised Risk Assessment but does not specify how the potential increases would be evaluated. An additional uncertainty in the soil vapor data appears to be a lack of correlation between benzene concentrations in soil gas and shallow groundwater at several sampling locations. An example of this lack of correlation between soil gas and groundwater sampling results is sampling location SB-17 where benzene was detected in shallow groundwater at a concentration of 12,000 µg/L but was not detected in soil gas. Given that the soil vapor samples were collected only a few feet above the depth where groundwater is typically encountered and the shallow soils consist of silty sands, these results appear unusual. A revised Risk Assessment, if prepared, would need to calculate indoor air concentrations using both soil vapor and groundwater concentrations and use the higher concentration to estimate risk. Please include a discussion of this uncertainty in the Revised SCM or Response to Comments requested below.
- 3. Mass Removal.** The SCM indicates that remediation efforts have removed in excess of 44,000 pounds of hydrocarbons from the subsurface and have significantly reduced the mass of hydrocarbons present. The removal of 44,000 pounds of hydrocarbons is a significant effort; however, the percent reduction in mass is not clear since the total mass of hydrocarbons is not known. A review of the site data indicates that elevated concentrations of petroleum hydrocarbons remain in soil and groundwater over a large area of the site. Although mass removal efforts have taken place, the mass of hydrocarbons remaining at the site is significant and constitutes an ongoing source of dissolved phase hydrocarbons.
- 4. Abandoned Sewer Lines, Dairy Fats, and Detergents.** We concur that dairy fats and detergents do not represent COCs requiring further attention for the site. ACEH's previous comments regarding abandoned sewer lines, dairy fats, and detergents have not been directed towards direct investigation of dairy fats and detergents but instead have been directed toward other effects including the following:

- Observations of dairy fats and detergents in the subsurface indicate that subsurface releases were occurring from the sewer lines or other sources. Could other groundwater contaminants have been released from the sanitary sewers with the dairy fats and detergents?
- Could the discharges to the subsurface have affected subsurface movement of the hydrocarbon plume by creating groundwater mounding beneath the sanitary sewer lines?
- We concur that the dairy fats would have a high potential to degrade in the subsurface. Would the release of large volumes of degradable liquids into the subsurface use the available oxygen in groundwater and create an anoxic zone that would significantly diminish future potential degradation of petroleum hydrocarbons?

Please address these questions in the Revised SCM or Response to Comments requested below

5. **Groundwater Isoconcentration Figures.** The figures presenting groundwater concentrations in April 2000 and May 2008 are useful for comparison purposes and are appreciated additions to the SCM. In general, we concur with the conclusion stated in the SCM that based on data presented in the report; the dissolved hydrocarbon plume does not appear to be migrating. However, please see technical comment 1 regarding possible migration along utility corridors.
6. **PCBs.** PCBs were not detected in any soil or groundwater samples collected during the May 2008 investigation. Based on these results, no further investigation for PCBs is requested at this time.
7. **Geotracker EDF Submittals.** Pursuant to CCR Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the LUFT program, must be transmitted electronically to the SWRCB Geotracker website via the internet. Additionally, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude accurate to within 1-meter accuracy, using NAD 83, and transmitted electronically to the SWRCB Geotracker website. Beginning July 1, 2005, electronic submittal of a complete copy of all reports (LUFT or SLIC) is required in Geotracker (in PDF format). In order to remain in regulatory compliance, please upload all SLIC analytical data and copies of reports post July 1, 2005, to the SWRCB's Geotracker database website in accordance with the above-cited regulation.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **February 20, 2009** – Revised Site Conceptual Model or Response to Comments

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.swrcb.ca.gov/ust/cleanup/electronic_reporting).

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.

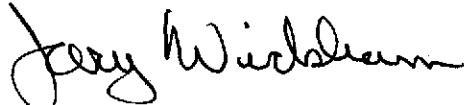
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AGENCY OVERSIGHT

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.

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,



Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341,
Oakland, CA 94612-2032

Kenneth Cheitlin, Hall Equities Group, 1855 Olympic Blvd., Suite 250
Walnut Creek, CA 94596

Jennifer Costanza, Nestle USA, Inc., 800 North Brand Blvd.
Glendale, CA 91203

Brent Searcy, Environmental Cost Management, 660 Baker Street, Suite 253, Costa Mesa, CA
92626

Robert Flory, AEI Consultants, 2500 Camino Diablo Blvd., Suite 200
Walnut Creek, CA 94597

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: December 16, 2005
	PREVIOUS REVISIONS: October 31, 2005
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

Effective **January 31, 2006**, 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

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- 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)

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

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 dehloptoxic@acgov.org
 - or
 - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of Alicia Lam-Finneke.
- 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 and Firefox browsers will not open the FTP site.
- b) Click on File, then on Login As.
- 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 dehloptoxic@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 at 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)