

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(415)

August 29, 1991

Mr. Chuck Carmel  
Environmental Engineer  
ARCO Products Company  
Box 5811  
San Mateo, CA 94402

Re: 1260 Park Street, Alameda, California-#2112

Dear Mr. Carmel:

I am in receipt of your August 26, 1991 letter with enclosures. I shall deal sequentially with each issue you raise.

1. Your Summary of communication at page 1, paragraph 3, is accurate.
2. In my August 3, 1991 letter, I requested information concerning the disposal of the waste oil tank and contaminated soils associated with the waste oil tank. You question "the need for these documents."

Title 23, Section 2652 provides that a report to the local agency shall be submitted which details the "method and location of disposal of the released hazardous substance and any contaminated soils". Until August 26, 1991, that information had not been provided the local agency.

3. You state, "all of the piping has been removed". As you know, the piping at this site was removed in phases. Thank you for including in your August 26, 1991 letter a definitive statement that all piping has been removed; such a declaration has not been provided in any report submitted to this office.

Thank you for supplying the billing invoices in response to our request for full documentation of the disposal of the soils.

Thank you for declaring, "no excavated soils were placed back into the ground".

Reference is made to the fact that these "soils were aerated on site". The District Attorney's Office has contacted the Bay Area Air Quality Management District. I am advised the

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Air District was never notified 24 hours before the commencement of aeration in violation of Regulation 8, Rule 40.

4. Thank you for supplying the manifests for the five underground tanks removed on 7/26/90.

When I reviewed your workplan, I also reviewed the entire file. A condition of the closure permit, #22, was that ARCO would supply the manifests within 60 days of receipt of sample results. As noted at point 2 above, Title 23, Section 2652, also requires the requested information.

Your letter suggests you believe I required the manifests "to be submitted before review of the workplan". Actually, as my August 3, 1991 letter states at page 1, "we have reviewed the proposal and note the following areas of concern".

As you know, the Alameda County District Attorney's Office is suing your company. I have been instructed to provide ARCO information so that it can come into compliance with the law. Rather than being challenged on the request for manifests, I rather thought you would appreciate the courtesy of my pointing out to you ARCO had failed to supply the manifests to this agency.

5. While I am pleased that ARCO has indicated that it will follow the LUFT guidelines as it assesses and remediates this site, I must remind you that the specific issues I mentioned in my 8/3/91 letter (starting at the bottom of page 2 and continuing half way down page 3) must be addressed before I will consider remediation complete.

I also wish to clarify the relationship between the LUFT manual and the Tri-Regional Recommendations issued by the San Francisco Bay Regional Water Quality Control Board and two other regional boards. The Tri-Regional Recommendations are "intended to expand and clarify and, in some cases, present alternatives to several areas addressed in LUFT", (Introduction Page 1, Paragraph 2, last sentence). Keeping this in mind, it is necessary to follow both LUFT and the Tri-Regional Recommendations.

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6. Your detailed comments regarding the proposed in-situ remediation using vapor extraction wells are consistent with the requirements of my letter. Thank you for clarifying areas of concern such as the expedient removal of any free product and the development of a remediation action plan with a time schedule for implementation which were not addressed in the proposed work plan.
7. In my August 3, 1991 letter, I wrote:

This department will oversee the assessment and remediation for this site. You may implement remedial actions before approval of the workplan to act diligently in protecting the waters of the State. Please be advised that final concurrence by this office will depend on the extent to which the work done meets the requirements of this letter.

In his November 23, 1988 letter to ARCO's Kyle Christie, Steven R. Ritchie, Executive Officer of the California Regional Water Quality Control Board-San Francisco Bay Region, wrote:

The Regional Board is responsible for the oversight of soil and groundwater pollution cases which threaten or impact waters of the State...In some counties, local agencies are working with the Regional Board and are taking the lead role for case handling. Regardless of the level of oversight from agencies, you are responsible for the timely reporting, investigation, and cleanup of soil and groundwater pollution such that the beneficial uses of water of the State are protected, and appropriate policies complied with.

Because of the implications for this and other sites within the jurisdiction of the Alameda County Health Care Services Agency, there must be no misunderstanding between us on this issue.

This department will oversee assessment and remediation. As a general rule, site work in the form of assessment and remediation is to be implemented only after workplans have been approved by this department.

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However, ARCO must protect the beneficial use of the waters of the state from the contamination it caused. If the beneficial uses of state waters are endangered, ARCO can't use the inherent delay factor in the workplan preparation/approval process as an excuse to not protect our water. (Note: The same rule holds if there is a fire or explosive threat.)

For example, if ARCO has knowledge that there is free product at a given site or that there is dissolved product in a source of drinking water, ARCO can and must commence appropriate remedial actions while it is in the process of preparing and obtaining approval of the measures it has implemented.

This approach makes common sense. In appropriate cases, ARCO must be in a position of being able to protect its property, the property of others and water resources without waiting for the workplan preparation/approval process to be completed. Obviously, such work will have to be reviewed by this office after the fact. If the work is deficient, it will have to be done correctly. (Note: ARCO must, of course, also comply with any local permitting requirements.)

I encourage you to have Mr. Meck contact Mr. Thomson if ARCO feels it needs further clarification of this matter.

You inquire as to "written guidelines for ARCO to follow in performing assessment and remedial work". The guidelines include, but are not limited to, the following:

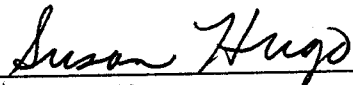
- 1) Chapter 6.7 of the Health and Safety Code
- 2) California Code of Regulations  
Title 23 Waters  
Chapter 3 Water Resources Control Board  
Subchapter 16 UST Regulations
- 3) The LUFT Manual
- 4) The Tri-Regional Recommendations
- 5) The Alameda County Water District Guidelines for Investigation and Remediation at Fuel Leak Sites
- 6) Directives from the California Regional Water Quality Control Board, San Francisco Bay Region

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With the supplemental information provided in your August 26, 1991 letter, I can approve your January 2, 1991 workplan on the following conditions:

- 1) The condition detailed at 5 above must be followed.
- 2) Reports documenting implementation of the workplan must contain the 14 points I detail in my August 3, 1991 letter.

Very truly yours,



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Susan Hugo  
Hazardous Materials Specialist

cc: John Meck  
Mark Thomson  
Rafat A. Shahid  
Lester Feldman  
Howard Hatayama  
Keith Bullock

SH:shb