



ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
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(510) 567-6700
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December 2, 2010

Mr. Bill Borgh
ConocoPhillips
76 Broadway
Sacramento, CA 95818
(sent via electronic mail to:
Bill.Borgh@conocophillips.com)

Mr. Najmeddin Revan
Emeryville Chevron
1400 Powell Street
Emeryville, CA 94608

Subject: Modified Work Plan Approval; Fuel Leak Case No. RO0000067 and Geotracker Global ID T0601745736, Tosco 76 #3737 / Chevron, 1400 Powell Street, Emeryville, CA 94608

Dear Mr. Borgh, Ms. Kambin, and Mr. Revan:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site, including the *Work Plan for Soil and Groundwater Investigation*, dated May 19, 2010. The work plan was prepared and submitted on your behalf by Delta Environmental (Delta). ACEH has also reviewed the *Monitoring Well Installation Work Plan*, dated July 12, 2010 submitted by Treadwell & Rollo, Inc for the adjacent Emeryville Industrial Court redevelopment site. Both the Tosco 76 / Chevron service station on the south and Emeryville Industrial Court redevelopment on the north currently occupy a formerly larger parcel that previously contained a Unocal bulk oil facility.

ACEH requests modifications to the work plan prior to implementation. Provided the technical comments below are incorporated in to the field investigation a revised work plan or a work plan addendum is not required unless an alternate scope of work outside that described in the work plan or technical comments below is proposed. We request that you address the following technical comments, perform the proposed work, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to: mark.detterman@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Work Plan Modifications** – There are several areas of the work plan that require modification or clarification:
 - a. **Depth of Investigation** - Three three-well clusters (MW-1, MW-2, and MW-3) were proposed to be installed at the site. These wells were proposed to be installed to enable the monitoring of four identified water-bearing zones (A, B, C, and D) in several configurations. A fourth well (MW-4) was also proposed for installation at a single depth (A zone). ACEH is in general agreement with the intent of the work; however, judges it appropriate at this stage to limit the depth of investigation to the A and B water-bearing zones pending receipt of further data. This is based on limited detection of contaminants in soil and groundwater in deeper sediments and groundwater. ACEH also judges it appropriate at this stage to combine well locations MW-3 and MW-4 into a single well cluster in the vicinity of proposed well MW-4. This is based on a review of available analytical data at the subject site and at the adjacent site to the north where the depth of impacts appear to be mostly shallow.

- b. **Well Screen Intervals** – The work plan specified a series of well screen intervals for the four identified water-bearing zones. The A zone was proposed to be screened from approximately 5 to 15 feet below grade surface (bgs), with deeper zones slated for shorter screen intervals. ACEH requires shorter screen intervals in order to collect more representative groundwater samples, generally with no more than a 5 foot sand interval. ACEH requests an effort to minimize the screen length at each well location to the extent possible, with well screens no longer than 5 feet. If longer screen intervals are judged appropriate single water-bearing zone well clusters or CMT multilevel wells may be appropriate. Please communicate the preferred changed interval or well installation technology with ACEH in an email or other brief communication prior to work initiation.
 - c. **Fuel Oxygenate Analysis** – In an effort to prevent miscommunications, please include analysis for all fuel oxygenates and lead scavengers in the planned VOC analytical request by EPA Method 8260B for soil and groundwater samples.
2. **Coordinated Groundwater Monitoring** – While currently premature, ACEH requests that Wareham Development and ConocoPhillips coordinate future groundwater monitoring events of the two sites, and to continue to share data since both properties overlie the former Unocal bulk fuel plant and share a common source area.

TECHNICAL REPORT REQUEST

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

- **January 31, 2011** – Soil and Groundwater Investigation

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.

If you have any questions, please call me at (510) 567-6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark E. Detterman, PG, CEG
Hazardous Materials Specialist

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

cc: Lia Holden, Delta Environmental, Inc, 312 Piercy Road, San Jose, CA 95138
(sent via electronic mail to: LHolden@deltaenv.com)

Geoffrey Sears, Wareham Development Corp, 1120 Nye St. Suite #400, San Rafael, CA 94901
(sent via electronic mail to: gsears@warehamproperties.com)

Matt Hall, Treadwell & Rollo, Inc., 555 Montgomery Street, Suite 1300, San Francisco, CA 94111
(sent via electronic mail to: mbhall@treadwellrollo.com)

Donna Drogos, (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman (sent via electronic mail to mark.detterman@acgov.org)
File, GeoTracker

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

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/electronic_submittal/report_rqmts.shtml).

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.

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 SLIC)	REVISION DATE: July 20, 2010
	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 (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

- **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 dehloptoxic@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 <ftp://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 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 @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.