March 28, 2013
File No. 01-2344 (BGS)

ABE Petroleum
c/o Mr. Abe Gupta; abegupta@gmail.com
2224 Railroad Avenue
Pittsburg, CA 94565

SUBJECT: **Case Closure Denied -** ABE Petroleum, 17715 Mission Boulevard, Hayward, Alameda County

Dear Mr. Gupta:

This letter denies your January 31, 2013, request for case closure. This letter also presents a brief description of the case, and our reasons for denial of case closure.

This letter supersedes our March 25, 2013, *Case Closure Denied* letter, which was addressed to Mr. Paul Garg and Mr. Som Gupta at ABE Petroleum, LLC. During the telephone conversations on March 25 and 26, 2013, you informed staff of the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) that you are the attorney representing Mr. Paul Garg and Mr. Som Gupta. Per your request, we are addressing this letter to ABE Petroleum, c/o Mr. Abe Gupta, at the address you provided to us. We have removed the March 25, 2013, letter from our files.

Background
On March 22, 2012, the Alameda County Environmental Health Department (ACEHD), that had overseen the initial site cleanup, referred the case to the Regional Water Board for further oversight. The site has been contaminated by hydrocarbon leaks from the former underground storage tanks (USTs). The leaking USTs were replaced in 1997. Subsequent environmental investigations confirmed that significant hydrocarbon contamination is present in soil and groundwater beneath the site. The plume extends offsite, beneath the adjacent residential properties. In December 2011, during the last groundwater monitoring event, hydrocarbon concentrations in groundwater beneath the site were up to 31,900 ug/L of TPHg, 1,720 ug/L of benzene, and 1,490 ug/l of MtBE. The nearest surface water is San Lorenzo Creek, located approximately 900 feet south of the site. Two water wells were identified within 1 mile of the site - the closest well located within ¼ to ½ mile southwest (downgradient to crossgradient) of the site.

Closure Denied
On January 31, 2013, you requested that the Regional Water Board process your request for case closure at the site. Regional Water Board staff reviewed the case file and evaluated the case for

closure under the State Board's Low-Threat UST Case Closure Policy (Policy). Based on available site data we conclude that the case does not qualify for closure at this time, due to the incomplete conceptual site model (CSM) and high residual hydrocarbon concentrations in soil and groundwater.

Your site does not meet the general and medial-specific criteria of the Policy, as indicated below:

General Criteria:

- The Policy specifies that a CSM that assesses the nature, extent, and mobility of the release must be developed. The CSM for your site is incomplete. Your 2003 sensitive receptor survey did not address the potential presence of unpermitted domestic or irrigation wells near the plume, which could become potential sensitive receptors or preferential vertical conduits for contaminant migration. The site vicinity includes older residential areas, which may contain such wells.

- The Policy specifies that the secondary source must be removed to the extent practicable. You have not removed the secondary source. Based on your remedial option feasibility study, you concluded that a dual phase extraction (DPE) is the best remedial option for the site, and you proposed to perform remedial action testing (*Work Plan for 5-Day DPE System Test*, dated August 26, 2011. ACEHD conditionally approved the work plan on November 28, 2011, and required submittal of the Interim Remediation Results (pilot test report) by February 3, 2012. To date, you have not submitted the required DPE pilot test report either to the ACEHD or the Regional Water Board. Your consultant verbally reported that the pilot test wells have been installed, and the laboratory results of the soil samples collected from the well borings have been uploaded to the GeoTracker database. These results confirmed that a significant hydrocarbon contamination (up to 9,875 mg/Kg of TPHg, 2.34 mg/Kg of benzene, and 1.83 mg/Kg of MtBE) remains in soil beneath the site. However, you terminated the remedial work at the site in March 2012.

Groundwater-Specific Criteria:

- The Policy specifies > 1,000 feet to surface water from the edge of the plume for three of the five classes of sites for low threat closure based on groundwater criteria. Your plume is approximately 900 feet from San Lorenzo Creek.

- The Policy specifies<1,000 or <3,000 ug/L for dissolved benzene, and <1,000 ug/L for MtBE. The most recent samples from your site had benzene and MtBE at concentrations up to 1,720 ug/L and 1,490 ug/l, respectively.

Our evaluation of the case indicates that the residual contamination at the site may pose an ecological and human health threat. A significant reservoir of residual contamination is still present beneath the site, which will continue to degrade groundwater for an extended period of time. We believe that the active remediation is needed to remove this source material so that natural attenuation processes can occur at the site. Our case closure denial decision is in agreement with the previous decisions by ACEHD (November 28, 2011), UST Cleanup Fund (*UST Cleanup Fund 5-Year Review Summary, Second Review – March 2012*), and USEPA (May 15, 2012, draft case review).

Prior to referring the case to the Regional Water Board, ACEHD required implementation of interim remediation, and submittal of technical reports for the site. The site is not in compliance with these requirements, because to date, several reports (e.g. the DPE pilot test report and the 2012 semi-annual groundwater monitoring reports) have not been submitted either to ACEHD or the Regional Water Board. We are preparing a Cleanup and Abatement Order for the case, which will specify the tasks to be completed to move the case to closure.

Please direct all questions and correspondence regarding this matter to Barbara Sieminski at 510-622-2423 or via e-mail at bsieminski@waterboards.ca.gov.

Sincerely,

Stephen Hill for

Digitally signed by Stephen Hill
Date: 2013.03.28 10:33:47
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Bruce H. Wolfe
Executive Officer

cc:
Ms. Donna Drogos, ACEHD, donna.drogos@acgov.org
Mr. Mark Detterman, ACEHD: mark.detterman@acgov.org
Mr. Pat G. Cullen, SWRCB, UST Cleanup Fund: pcullen@waterboards.ca.gov