



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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September 3, 2009

Paul Supple (*Sent via E-mail to: paul.supple@bp.com*)
Atlantic Richfield Company
(A BP Affiliated Company)
P.O. Box 1257
San Ramon, CA 94583

Terry Grayson (*Sent via E-mail to: Terry.L.Grayson@contractor.conocophillips.com*)
Conoco Phillips
76 Broadway Street
Sacramento, CA 95818

Raymond Yeung
1541 Park Street
Alameda, CA 94501-2933

Subject: Incomplete Scope of Work for Fuel Leak Case No. RO0000318 and GeoTracker Global ID T0600100207, BP #11266, 1541 Park Street, Alameda, CA 94501

Dear Messrs. Supple, Grayson, and Yeung:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted document entitled, "On-Site Soil Investigation and Second Quarter 2009 Ground-Water Monitoring Report," dated August 14, 2009, which was prepared by Broadbent and Associates, Inc. (BAI) for the subject site. Two borings were originally proposed by BAI in their December 15, 2008 "Work Plan for Soil & Water Investigation." Since the two proposed boring locations did not appear to adequately characterize the current subsurface conditions within the former source areas, the scope of work was approved on the condition that BAI "install an additional boring immediately adjacent to soil sample C-1." ACEH further stated that "[s]hould safety concerns prevent boring installation, please note that this boring may be hand-augered to the desired sampling depth or soil vapor sampling wells can be installed in the immediate vicinity to evaluate subsurface conditions." Based on a review of the above-mentioned report, boring B-1 was not installed due to the presence of pea gravel, discussion of the additional boring was not presented, and only boring B-2 was installed, rendering the approved scope of work incomplete. In the above-mentioned report, BAI recommends that "[b]ased on the analytical results obtained from the soil investigation, no further action relating to soil contamination should be required." ACEH respectfully disagrees with BAI's recommendations, since the intent of the scope of work was to evaluate subsurface conditions in the vicinity of the former source areas, and the work was not completed.

ACEH requests that you address the following technical comments and send us the technical reports requested below.

TECHNICAL COMMENTS

1. **Former Source Areas Uncharacterized (Incomplete Scope of Work)** – As mentioned above, the scope of work was approved provided that three borings would be installed to characterize the former source areas at the site. ACEH further stated in our April 8, 2009 correspondence that “[s]hould safety concerns prevent boring installation, please note that this boring may be hand-augered to the desired sampling depth or soil vapor sampling wells can be installed in the immediate vicinity to evaluate subsurface conditions.” However, with only one boring installed at the site, the former source areas at the site appear to remain uncharacterized. Although ACEH stated that vapor sampling may be conducted to characterize the former source areas, no discussion regarding vapor sampling was included in the report. Please note that soil sample C-1 collected at 11.5 feet bgs, detected TPH-g and benzene at concentrations of 3,200 mg/kg and 81 mg/kg, respectively, indicating that the site may pose a potential risk to human health and the environment. At this time, please propose a scope of work to address the above-mentioned concerns and submit a work plan due by the date specified below.

TECHNICAL REPORT REQUEST

Please submit technical reports to ACEH (Attention: Paresh Khatri), according to the following schedule:

- **November 2, 2009** – Soil and Water Investigation Work Plan

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).

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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.

If you have any questions, please call me at (510) 777-2478 or send me an electronic mail message at paresh.khatri@acgov.org.

Sincerely,

Paresh C. Khatri
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

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cc: Tom Venus, Broadbent & Associates, Inc., 1324 Mangrove Ave., Ste 212, Chico, CA 95926
(Sent via E-mail to: tvenus@broadbentinc.com)
Donna Drogos, ACEH (Sent via E-mail to: donna.drogos@acgov.org)
Paresh Khatri, ACEH (Sent via E-mail to: paresh.khatri@acgov.org)
GeoTracker
File

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: March 27, 2009
	PREVIOUS REVISIONS: December 16, 2005, October 31, 2005
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

- 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 My Le Huynh.
 - 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 @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.