



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

June 7, 2012

NOTICE TO COMPLY

Mr. Ian Robb
Chevron Corporation
6101 Bollinger Canyon Road
San Ramon, CA 94583
(sent via electronic mail to:
ianrobb@chevron.com)

Kevin & Julia Hinkley
Kevin Hinkley Service
5269 Crow Canyon Road
Castro Valley, CA 94552

Subject: Notice to Comply; Fuel Leak Case No. RO0000350 and GeoTracker Global ID T0600100344, Chevron #9-5607, 5269 Crow Canyon Road, Castro Valley, CA 94552

Dear Mr. Robb, and Mr. and Ms. Hinkley:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site including the *Site Status Update*, dated January 26, 2010, the *Site Status Update*, dated August 17, 2010, and the *First Semi-Annual 2012 Groundwater Monitoring and Sampling Report*, dated February 27, 2012. The reports were prepared and submitted on your behalf by Conestoga-Rovers & Associates (CRA). A document entitled *Two-Phase Extraction Pilot Test Report*, dated July 12, 2005 documented an apparently successful pilot test (conducted in October 2003) of this remedial technology and reported that a minimum radius of influence of over 30 feet was achieved with less than 1 gallon of groundwater extracted. The July 2005 report also reported a significant residual contaminant mass.

An August 2005 directive letter expressed concern about the delay in reporting of the results and the lack of a submitted Remedial Action Plan. This directive letter also requested a groundwater sampling transect between C-16 to C-15, to protect Crow Creek from direct discharges, and a Site Conceptual Model (SCM). Due dates for a Remedial Action Plan, the transect work plan, and the initial SCM were set in the directive letter. A work plan submitted in June 2006 proposed additional bores around the former UST complex for the purpose of refining the remedial area of concern. Ultimately a Remedial Action Plan was submitted in January 2007 and modified the remedial technology to Dual-Phased Extraction (DPE). In a directive letter in February 2007, ACEH approved the remedial action and requested a remedial action report 60 days after installation of the DPE.

While remedial work design has progressed, to this date implementation has been stalled for multiple years. These delays are apparently related to concern regarding the location of a remedial compound. Please note that all responsible parties are jointly and severally liable to implement corrective actions. The delays in remedial implementation are not justified nor acceptable. While ACEH notes significant more recent declines in groundwater concentrations in offsite well C-9, the migration pathways for contamination have not been evaluated nor has an SCM been submitted. This site is out of compliance with ACEH directives.

Implementation of site characterization and/or cleanup at this site is necessary to be protective of human health and the environment and to move this case towards completion. Please note that as Responsible Parties, you are required by California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11, §2720 through §2728 to characterize the site and implement corrective action. In order to regain compliance with directives from this agency, please complete the work requested below and submit the identified reports by the dates listed below. Failure to submit the requested documents by the due dates specified below may result in issuance of a Notice of Violation and possible enforcement action by the District Attorney and/or ineligibility for reimbursement of corrective action costs incurred at the site from

the Underground Storage Tank Cleanup Fund. Furthermore, ACEH may recommend removal of this site from the Underground Storage Tank Cleanup Fund.

Based on ACEH staff review of the case file, we request that you address the following technical comments and send us the reports described below.

TECHNICAL COMMENTS

- 1) **Request for Implementation of Interim Remedial Action** – Residual groundwater concentrations up to 35,000 µg/l TPHg and 15,000 µg/l benzene are present offsite in offsite well C-6. Groundwater in onsite well C-3 contains up to 46,000 µg/l TPHg and 9,000 µg/l benzene. Non-cooperative property owners not only can retain future financial liability for contamination that exists beneath the property vicinity, but also current financial liability, and can be required to financially participate in site investigations and remedial action. ACEH requests that a final compound location selection be immediately prioritized and that ACEH be informed that remedial actions have been implemented by the date identified below.
- 2) **Request for Work Plan** – Significant decreases in the dissolved-phase groundwater plume at well C-9 over the past approximately 1.5 years are apparent. This may preclude the need to install a bore transect between C-15 and C-16; however, it does appear appropriate to define the lateral and vertical extent of the groundwater plume between C-9 and C-12, a distance of approximately 85 to 90 feet. This is intended to be protective of the residential units immediately downgradient of these well locations, and may address the data gap associated with potential direct discharges to Crow Creek. As a consequence, please submit a work plan for this task by the date identified below. Data gaps currently known can dovetailed with this work plan, or if identified in the SCM (requested below), can be addressed at a later time.
- 3) **Request for Preferential Pathway Study** – As you are aware, the purpose of a preferential pathway study is to locate potential migration pathways and conduits and determine the probability of a groundwater plume encountering preferential pathways and conduits that could spread contamination.

ACEH is aware that a limited utility survey (sanitary sewer only) was conducted and reported on in the August 1997 *Vapor Pathway Survey*; however, the data is limited. Additionally ACEH has located a written notation concerning the presence of an unknown well located, or previously located, on the immediately downgradient parcel. The notation dates from 2008, at about the time of the destruction of well C-15, so is presumed not to be one of the wells installed by Chevron. As a consequence, ACEH requests that you perform a preferential pathway study that details the potential migration pathways and potential conduits (utilities, utility laterals, pipelines, foundational, and etc.) for vertical and lateral migration that may be present in the vicinity of the site.

Discuss your analysis and interpretation of the results of the preferential pathway study (including the well survey and utility survey requested below) and report your results in the report requested below. The results of your study shall contain all information required by California Code of Regulations, Title 23, Division 3, Chapter 16, §2654(b). ACEH requests that this available information be utilized and that it be augmented with onsite, or site vicinity, utility lateral locations, including utility invert depths. ACEH has found that the location of utility laterals can be of import in vadose zone contaminant migration.

- a. **Utility Survey** - An evaluation of all utility lines, utility laterals, and trenches (including sewers, storm drains, pipelines, trench backfill, foundation backfill, etc.) within and near the site and plume area(s) is required as part of your study. Please reduce, and synthesize available information and maps, and generate appropriate (vicinity and / or site specific) maps and cross-sections illustrating the location and depth of all utility lines and trenches within and near the site and plume areas(s) as part of your study.
- b. **Well Survey** - The preferential pathway study is requested to include a well survey of all wells (monitoring and production wells: active, inactive, standby, decommissioned (sealed

with concrete), abandoned (improperly decommissioned or lost); and dewatering, drainage, and cathodic protection wells) within a ¼ mile radius of the subject site.

- 4) **Request for an SCM** – The SCM for the site is overdue, and will be required by the new Low-Threat Policy, once implemented. Identification of data gaps in the SCM is appropriate and required. As a consequence ACEH requests the submittal of an initial SCM by the date identified below.
- 5) **Groundwater Monitoring** – Groundwater monitoring at recovery well RW-1 has not been conducted since January 1996, at which time the concentration of benzene was higher than near source wells C-6 and C-3. As a consequence, ACEH requests the incorporation of this well into the semi-annual groundwater monitoring currently conducted at the site, and the reporting of any and all sampling or product removal events since that time.

TECHNICAL REPORT REQUEST

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

- **July 20, 2012** – Notification of Remedial Action Implementation
- **August 10, 2012** – Work Plan and Preferential Pathway Study
- **August 31, 2012** - SCM
- **60 Days After Work Plan Approval** – Soil and Groundwater Investigation Report
- **September 28, 2012** – Second Semiannual 2012 Groundwater Monitoring Report
- **March 1, 2013** – First Semiannual 2013 Groundwater Monitoring Report

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.

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

Sincerely,

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

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

cc: Kiersten Hoey, Conestoga-Rovers & Assoc., 5900 Hollis Street, Suite A, Emeryville, CA 94608
(sent via electronic mail to khoey@croworld.com)

Greg Barclay, Conestoga-Rovers & Associates, 10969 Trade Center Drive, Suite 107, Rancho Cordova, CA 95670; (sent via electronic mail to: GBarclay@CRAworld.com)

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

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.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

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 deh.loptoxic@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 deh.loptoxic@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.