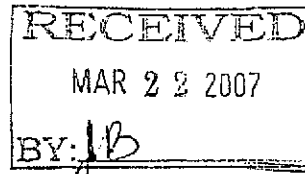


ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



March 19, 2007

Mr. Paul Supple
BP West Coast Product LLC
PO Box 6549
Moraga, CA 94570

Ms. Liz Sewell
ConocoPhillips
76 Broadway
Sacramento, CA 95818

Mr. Jim Givens
One Eastmont Town Center
Oakland, CA 94605-1907

Ms. Diane Clark
Eastmont Town Center CX LLC
7200 Bancroft Avenue
Oakland, CA 94605-2403

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

Subject: Fuel Leak Case No. RO0000356, BP #11117, 7210 Bancroft Avenue, Oakland, California.

Dear Messrs. Supple and Givens, Mses. Sewell and Clark

Alameda County Environmental Health (ACEH) has reviewed the case file and the recently submitted reports entitled "Work Plan for Onsite Soil and Groundwater Investigation (SWI)", dated November 30, 2005 and "Corrective Action Plan" and submitted on your behalf by Broadbent & Associates (Broadbent). The scope of work as presented in the work plan recommends the installation of two additional soil borings that will delineate the vertical extent of soil and groundwater contamination on the southeastern portion of the site.

The most recent soil and groundwater investigation conducted in September 2005 indicates that dissolved phase petroleum hydrocarbons are present in groundwater in soil boring A-4 at concentrations of up to 120,000 µg/L TPHg, 11,000 µg/L benzene and 39,000 µg/L MtBE. Furthermore, no groundwater sampling was conducted at soil boring A-7 to determine the extent of groundwater contamination to the northeast of the source area. ACEH generally agrees with the scope of work as proposed in the Work Plan provided the following comments discussed below are implemented.

We request that you address the following technical comments and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to steven.plunkett@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Soil Boring Locations.** ACEH generally concurs with the propose location and total depth of 60 feet bgs. for soil boring installation as presented in the Work Plan. The proposed use of a fuel fluorescence detector to determine the vertical extent of contamination is acceptable. During recent site investigations conducted in September 2005, the extent to dissolved phase petroleum hydrocarbon contamination was not adequately defined downgradient of MW-4 and soil boring A-4. Therefore, ACEH requests that one additional soil boring be installed near the northeast corner of the

at this location. Depth discrete groundwater samples are to be collected at first encountered, at 10 feet below the capillary fringe and other discrete water-bearing zones, if other discrete water-bearing zones are encountered. Please present the results of the SWI in the report requested below.

2. **Corrective Action Plan (CAP).** Previous remedial activities at the site included vacuum extraction from onsite monitoring wells, with approximately 10,900 gallons of petroleum hydrocarbon impacted groundwater extracted. Further remedial activities consisted of a dual-phase extraction pilot test that included the removal of an additional 6,500 gallons of impacted groundwater. The CAP evaluated nine remedial alternatives and retained three alternatives as the most viable for the site including; monitored natural attenuation, In-Situ oxidations and DPE. ACEH agrees with the remedial alternative recommended by Broadbent, with implementation of the CAP to follow the completion SWI according to the schedule below.

TECHNICAL REPORT REQUEST

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

- April 30, 2007 – Soil and Groundwater Investigation
- June 30, 2007 – CAP Implementation

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

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. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

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. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for 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 monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

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) 383-1767.

Sincerely,



Steven Plunkett
Hazardous Materials Specialist

cc: Tom Venus
Broadbent and Associates, Inc.
1324 Mangrove Ave., Suite 212
Chico, Ca 95926

Donna Drogos, Steven Plunkett, File