

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

COLLEEN CHAWLA, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP) FOR
HAZARDOUS MATERIALS RELEASES
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

October 2, 2018

Palm Peninsula LLC & 7200 Bancroft Avenue LLC
c/o Jacob Levy & Jonathan Aryeh
201 Wilshire Blvd., 2nd Floor
Santa Monica CA, 90401-1219
(Sent via E-mail to jacob@levyaffiliated.com &
john@levyre.com)

Atlantic Richfield Company, (A BP Affiliated
Company)
c/o John Skance
PO Box 1257
San Ramon CA, 94583
(Sent via E-mail john.skance@bp.com)

Eastmont Oakland Associates LLC
c/o TPF VI REIT
825 Third Ave., 36th Floor
New York NY, 10022-7519
Attn.: Scott Schonfeld

Phillips 66 Company
c/o Ed Ralston
76 Broadway
Sacramento CA, 95818
(Sent via E-mail Ed.C.Ralston@p66.com)

Eastmont Oakland Associates LLC
c/o James Paul
825 Third Ave.
New York NY, 10022
(Sent via E-mail jpaul@skbcos.com)

Bancroft Oakland Investment Company
c/o SB Management Corporation
433 N. Camden Dr., Suite 1070
Beverly Hills CA, 90210-4434

Argonaut Financial Services
c/o Jim Givens
One Eastmont Mall
Oakland, CA, 94605

ConocoPhillips
c/o Liz Sewell
76 Broadway
Sacramento CA, 9581

BP, Dba BP West Coast Product LLC
c/o Paul Supple
Address Unknown

Eastmont Town Center Company LLC
c/o Ting Liu
Address Unknown

Eastmont Oakland Associates, LP
c/o ScanlanKemperBard Companies
810 NW Marshall St., Ste 300
Portland OR, 97209
(Sent via E-mail jpaul@skbcos.com)

Tosco Corporation
c/o Chester Bennett
Address Unknown

AO ETC LLC
c/o Allen Orwitz
Address Unknown

BDE ETC LLC
c/o Benjamin Eisler
Address Unknown

Subject: Closure Request Review
Leaking Underground Storage Tank (LUST) Cleanup Site Case No. RO0000356
GeoTracker Global ID T0600100201
BP #11117
7210 Bancroft Avenue, Oakland, CA 94605

Dear Responsible Party(ies):

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file associated with the above referenced property, including the document entitled *Amended Closure Request and 2Q18 Monitoring Results Summary* (RFC) dated August 8, 2018 and prepared by Antea USA, Inc. (Antea). Based on our review ACDEH is of the opinion the case is not eligible for closure as it does not meet the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP) closure criteria, including the Groundwater Media Specific criteria. The Groundwater criteria is not met as the contaminant plume remains undefined.

ACDEH approved the destruction of the site's monitoring well network on June 2, 2014 with the condition the well network would be replaced. The well network has not been replaced, and ACDEH has not received a work plan for replacement well installation. ACDEH authorized the well destruction to avoid possible damage to the wells during station decommissioning activities, which included removal of underground storage tanks (USTs) and station demolition. Additionally, ACDEH authorized destruction of several off-site wells as their well construction was inadequate to monitor the contaminant plume.

Light non-aqueous phase petroleum hydrocarbons (LNAPL) concentrations were reported in groundwater beneath the site during the most recent monitoring event conducted in 2014, prior to the destruction of the well network. Concentrations of petroleum hydrocarbons indicative of LNAPL were also reported in soil samples associated with the site investigation conducted in 2015. Our letter dated August 19, 2015, documented the proposals of remedial strategies presented in several work plan submittals. However, none of these proposed remedial actions have been implemented. Therefore, residual source material remains which may be leaching in to groundwater.

In order to proceed along the path to closure, ACDEH requests submittal of a work plan for the installation of a monitoring well network to adequately delineate the contaminant plume. ACDEH requests work plan submittal by the date specified below.

TECHNICAL REPORT REQUEST

Please upload technical reports to the State Water Resources Control Board's GeoTracker website, in accordance with the following specified file naming convention and schedule. Please provide ACDEH with notification of the document submittal via electronic mail, Attention: Keith Nowell.

- **December 3, 2018** – Replacement Well installation Work Plan (File to be named: RO356_WP_R_yyyy-mm-dd)

This report is 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.

Thank you for your cooperation. ACDEH looks forward to working with you and your consultants to advance the case toward closure. Should you have any questions regarding this correspondence or your case, please call me at (510) 567-6764 or send an electronic mail message at keith.nowell@acgov.org.

Regards,

Keith Nowell, PG, CHG
Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party(ies) Legal Requirements / Obligations

CC: Dacre Bush, Antea U.S. Inc., 1155 N. First St., San Jose, CA 90806; (*Sent via electronic mail to: dacre.bush@anteagroup.com*)

Dilan Roe, ACDEH, (*Sent via electronic mail to: dilan.roe@acgov.org*)

Paresh Khatri, ACDEH; (*Sent via electronic mail to: paresh.khatri@acgov.org*)

Keith Nowell, ACDEH, (*Sent via electronic mail to: keith.nowell@acgov.org*)

Electronic File; GeoTracker

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: December 14, 2017
	ISSUE DATE: July 25, 2012
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	SUBJECT: Responsible Party(ies) Legal Requirements / Obligations

REPORT & DELIVERABLE REQUESTS

Alameda County Department of Environmental Health (ACDEH) Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) require submission of all reports in electronic form to the State Water Board's (SWB) GeoTracker website in accordance with California Code of Regulations, Chapter 30, Division 3, Title 23 and Division 3, Title 27.

Leaking Underground Fuel Tank (LUFT) Cases

Reports and deliverable requests are 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 (RP) in conjunction with an unauthorized release from a petroleum underground storage tank (UST) system.

Site Cleanup Program (SCP) Cases

For non-petroleum UST cases, reports and deliverables requests are pursuant to California Health and Safety Code Section 101480.

ELECTRONIC SUBMITTAL OF REPORTS

A complete report submittal includes the PDF report and all associated electronic data files, including but not limited to GEO_MAP, GEO_XY, GEO_Z, GEO_BORE, GEO_WELL, and laboratory analytical data in Electronic Deliverable Format™ (EDF). Additional information on these requirements is available on the State Water Board's website (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)

- Do not upload draft reports to GeoTracker
- Rotate each page in the PDF document in the direction that will make it easiest to read on a computer monitor.

GEOTRACKER UPLOAD CERTIFICATION

Each report submittal is to include a GeoTracker Upload Summary Table with GeoTracker valid values¹ as illustrated in the example below to facilitate ACDEH review and verify compliance with GeoTracker requirements.

GeoTracker Upload Table Example

Report Title	Sample Period	PDF Report	GEO_MAPS	Sample ID	Matrix	GEO_Z	GEO_XY	GEO_BORE	GEO_WELL	EDF
2016 Subsurface Investigation Report	2016 S1	✓	✓	Effluent	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
2012 Site Assessment Work Plan	2012	✓	✓			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2010 GW Investigation Report	2008 Q4	✓	✓	SB-10	W	✓	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				SB-10-6	SO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✓
				MW-1	WG	✓	✓	✓	✓	✓
				SW-1	W	✓	✓	✓	✓	✓

¹ GeoTracker Survey XYZ, Well Data, and Site Map Guidelines & Restrictions, CA State Water Resources Control Board, April 2005

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: NA
	ISSUE DATE: December 14, 2017
	PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016
SECTION: ACDEH Procedures	SUBJECT: Responsible Party(ies) Legal Requirements / Obligations

ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to the State Water Board's GeoTracker website." This letter must be signed by the Responsible Party, or legally authorized representative of the Responsible Party.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6731, 6735, and 7835) 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 licensed or certified professional and include the professional registration stamp, signature, and statement of professional certification. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

UNDERGROUND STORAGE TANK CLEANUP FUND

For LUFT cases, RP's non-compliance with these regulations may result in ineligibility to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse the cost of cleanup. Additional information is available on the internet at: https://www.waterboards.ca.gov/water_issues/programs/ustcf/

AGENCY OVERSIGHT

Significant delays in conducting site assessment/cleanup or report submittals may result in referral of the case to the Regional Water 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.