

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

March 21, 2008

Mr. William Borgh
ConocoPhillips Company
76 Broadway
Sacramento, CA 95818

Henry O. Armour
P.O. Box 2527
Olympia, WA 98507

Subject: Fuel Leak Case No. RO0000361 and Geotracker Global ID T0600100101, Unocal #7376, 4191 First Street, Pleasanton, CA 94566

Dear Mr. Borgh:

In a Notice of Responsibility dated December 21, 1995, Mr. Bob Boust of Unocal Corporation, Mr. Henry O. Armour of Cordova Corporation, and Mr. Ogden B. Armour were notified that the above referenced site had been placed in the Local Oversight Program and they or their respective organizations had been named as Responsible Parties for the fuel leak case. CD & PWS Enterprises, Inc. purchased the property in 2005 and has been named an additional Responsible Party for the fuel leak case as defined under 23 C.C.R Sec. 2720. De L Liu and Na Li purchased the property in 2008 and have also been named as additional Responsible Parties for the fuel leak case as defined under 23 C.C.R Sec. 2720. Please see Attachment A – Responsible Parties Data Sheet, which identifies all Responsible Parties and provides background on the unauthorized release and Responsible Party Identification.

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,

Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

Attachment A – Responsible Parties Data Sheet

cc: Donna Drogos, ACEH
Jerry Wickham, ACEH
File

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
LUFT LOCAL OVERSIGHT PROGRAM

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET

March 20, 2008

Site Name & Address:
UNOCAL #7376
4191 1ST ST
Pleasanton, CA 94566

Local ID: RO0000361
Related ID: 5017
RWQCB ID: 01-0109
Global ID: T0600100101

All Responsible Parties

RP has been named a Primary RP - BILL BORGH
CONOCOPHILLIPS
76 BROADWAY | SACRAMENTO, CA 95818 | Phone (916) 558-7612

RP has been named a RP - DE L LIU AND NA LI

922 SADDLEHORN COURT | DANVILLE, CA 94506 | Phone No Phone Number Listed

RP has been named a RP - HENRY O ARMOUR
CORDOVA CORPORATION
PO BOX 2527 | OLYMPIA, WA 98507 | Phone No Phone Number Listed

RP has been named a RP - FIRST2294 LAST2294
CD & PWS ENTERPRISES INC
103 BLOSSOM CT | DANVILLE, CA 94506-4434 | Phone No Phone Number Listed

Responsible Party Identification Background

Alameda County Environmental Health (ACEH) names a "Responsible Party," as defined under 23 C.C.R Sec. 2720. Section 2720 defines a responsible party 4 ways. An RP can be:

1. "Any person who owns or operates an underground storage tank used for the storage of any hazardous substance."
2. "In the case of any underground storage tank no longer in use, any person who owned or operated the underground storage tank immediately before the discontinuation of its use."
3. "Any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred."
4. "Any person who had or has control over an underground storage tank at the time of or following an unauthorized release of a hazardous substance."

ACEH has named the responsible parties for this site as detailed below.

ATTACHMENT A - RESPONSIBLE PARTIES DATA SHEET (Continued)

March 20, 2008

Responsible Party Identification

Existence of Unauthorized Release

A service station was constructed at the site in 1976. Between 1982 and 1985, the Pleasanton Fire Department responded to several reports of fuel releases at the site. During the period from 1980 to 1988, the service station was owned and operated by Armour Oil Company of San Diego, CA. Armour Oil Company of San Diego changed its name to Cordova Corporation in 1986. Soil and groundwater contamination was detected at the site during soil and groundwater sampling conducted at the site in June 1987.

Responsible Party Identification

As documented in correspondence from the California Regional Water Quality Control Board dated December 7, 1995, a Pre-Enforcement Review Panel meeting conducted on January 24, 1995 made determinations that Cordova Corporation should be named as a responsible party for the fuel leak case because Cordova Corporation owned and operated the underground storage tanks (USTs) (Definition 1), had control of the USTs following an unauthorized release (Definition 4), and succeeded to a corporation that had control of the USTs at the time of an unauthorized release (Definition 4). Cordova Corporation filed a bankruptcy petition in 1984 and bankruptcy proceedings were concluded on January 2, 1990.

As documented in correspondence from the California Regional Water Quality Control Board dated December 7, 1995, a Pre-Enforcement Review Panel meeting conducted on January 24, 1995 made determinations that Ogden B. Armour should be named as a responsible party because, "there is a reasonable basis to conclude that San Diego Armour Company and Cordova Corporation were acting as the alter ego of Ogden Armour." Ogden B. Armour died on November 5, 1995.

Union Oil Company of California, which was succeeded by ConocoPhillips, purchased the property on February 8, 1988. ConocoPhillips is a responsible party because they owned property where an unauthorized release from a UST has occurred (Definition 3).

CD & PWS Enterprises, Inc. owned the property from April 29, 2005 until January 4, 2008. CD & PWS Enterprises, Inc. is a responsible party because they owned property where an unauthorized release from a UST has occurred (Definition 3).

De L Liu and Na Li purchased the property on January 4, 2008 and are the currently property owners. De L Liu and Na Li are responsible parties because they are the current owners of a property where an unauthorized release from a UST has occurred (Definition 3).

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March 21, 2008

Mr. William Borgh
ConocoPhillips Company
76 Broadway
Sacramento, CA 95818

De L Liu and Na Li
922 Saddlehorn Court
Danville, CA 94506

Henry O. Armour
P.O. Box 2527
Olympia, WA 98507

CD & PWS Enterprises, Inc.
103 Blossom Court
Danville, CA 94506

Subject: Fuel Leak Case No. RO0000361 and Geotracker Global ID T0600100101, Unocal #7376, 4191 First Street, Pleasanton, CA 94566

Dear Mr. Borgh:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site. In correspondence dated November 29, 2005, ACEH conditionally approved an investigation that included cone penetration test (CPT) borings on site and within the former railway corridor (Alameda County Transportation Corridor) located immediately northwest of the service station at 4191 First Street. Due to a lengthy process to obtain access to the former railway corridor, the field investigation was delayed until February 2008. One of the purposes of this correspondence is to establish a revised schedule for submittal of a site investigation report presenting results of the CPT investigation. We request that you submit a Soil and Groundwater Investigation Report presenting the results of the CPT investigation by **May 23, 2008**.

The second purpose of this correspondence is to discuss the presence and possible source of long chain hydrocarbons detected in the former railway corridor. ACEH staff have reviewed two recently submitted reports entitled, "*Soil Investigation Report, Alameda County Transportation Corridor, West of First Street, between Bernal Avenue and Stanley Boulevard, Pleasanton, California*," dated January 25, 2008 and "*Phase I Environmental Site Assessment Report, Alameda County Transportation Corridor, West of First Street, between Bernal Avenue and Stanley Boulevard, Pleasanton, California*," dated November 7, 2007. Both reports were prepared for the City of Pleasanton by BSK Associates and present results from investigation of the Alameda County Transportation Corridor. The Alameda County Transportation Corridor is a linear property that was a former railway line from approximately 1939 until 1982. A portion of the Alameda County Transportation Corridor is located immediately northwest of the service station at 4191 First Street.

Seven soil borings were advanced within the Alameda County Transportation Corridor as part of the investigation conducted by BSK. The borings were advanced along a linear transect northwest (downgradient) of the service station at 4191 First Street. Petroleum hydrocarbons were detected in three of the seven soil borings. The highest concentrations of petroleum

hydrocarbons were detected in the diesel oil range and as oil & grease. TPH as gasoline and MTBE were also detected in the soil samples. Previous investigations conducted on behalf of ConocoPhillips in the former railway corridor have also detected fuel hydrocarbons and oxygenates in soil and groundwater as well as petroleum hydrocarbons in the heavier range. Monitoring well MW-5 is located in the Alameda County Transportation Corridor northwest (downgradient) from the USTs at 4191 First Street. Free-phase product accumulated and was sampled from monitoring well MW-5 in June 1997. A forensic geochemical analysis indicated that the free product consisted of both gasoline and a long chain hydrocarbon mixture. The gasoline and long chain hydrocarbon mixture are likely from two separate sources and releases. The gasoline in well MW-5 appears to correlate to the fuel release from 4191 First Street. Two possible sources of the long chain hydrocarbon mixture have been identified: 1) a fuel pipeline within the Alameda County Transportation Corridor and 2) a former bunker fuel tank south of the Alameda County Transportation Corridor. Based on inspection data from the pipeline, the type of fuel carried in the pipeline, and the apparent distribution of the contamination, the pipeline does not appear to be a source of the long chain hydrocarbons. The bunker fuel tank appears to be a more likely source of the long chain hydrocarbons. A 1907 Sanborn map (Attachment A) shows the bunker fuel tank on the property south of the Alameda Transportation Corridor. This location is estimated to be along the northwestern boundary of parcel 94-110-12-4, which is the 4191 First Street parcel. Because the bunker fuel tank appears to be or have been located within the same parcel as the fuel release from the service station, investigation of the possible release from the bunker fuel tank is to be conducted as part of case RO0000361.

We request that you review the relevant investigation data including the attached map showing the former bunker fuel tank and present recommendations to investigate whether a tank may still be in place and whether long chain hydrocarbon contamination is present near the former location of the bunker fuel tank. Technical reports submitted to Alameda County Environmental Health since 2006 can be viewed over the Internet at the following website (<http://ehgis.acgov.org/dehpublic/dehpublic.jsp>). Please include these recommendations in the Soil and Groundwater Investigation Report requested below.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **May 23, 2008** – Soil and Groundwater Investigation Report
- **35 days following end of each quarter** - Quarterly Monitoring Reports

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) now request submission of reports in electronic form. The electronic copy is intended to replace the need for a paper copy 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 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, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). Please visit the State Water Resources Control Board for more information on these requirements ([http://www.swrcb.ca.gov/ust/cleanup/electronic reporting](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.

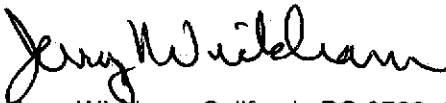
William Borgh
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AGENCY OVERSIGHT

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) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,



Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

Attachment A: Sanborn Map 1907

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Cheryl Dizon, QIC 80201, Zone 7 Water Agency, 100 North Canyons Parkway
Livermore, CA 94551

Danielle Stefani, Livermore-Pleasanton Fire Department, 3560 Nevada Street
Pleasanton, CA 94566

Les Hausrath, Wendel, Rosen, Black & Dean, 1111 Broadway, 24th Floor, Oakland, CA
94607

Rory MacNeil, Alameda County Public Works, 399 Elmhurst Street, Hayward, CA 94544-
1307

Dennis Dettloff, Delta Environmental Consultants, Inc., 3164 Gold Camp Drive, Suite 200
Rancho Cordova, CA 95670

Donna Drogos, ACEH
Jerry Wickham, ACEH
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