

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

September 4, 2008

Ms. Rita Sullins
Don Sul, Inc.
187 North L Street
Livermore, CA 94550

Ms. Jennifer Sedlacheck
Exxon Mobil
4096 Piedmont, #194
Oakland, CA 94611

Subject: Fuel Leak Case No. RO0000394 and Geotracker Global ID T0600100116, Arrow Rentals, 187 North L Street, Livermore, CA 94550.

Dear Ms. Sullins and Ms. Sedlacheck:

Alameda County Environmental Health (ACEH) staff has reviewed correspondence from Tony and Rita Sullins dated July 30, 2008, which requests case closure on the stated basis that the above referenced site does not pose an immediate risk to human health. The July 30, 2008 correspondence also states a belief that the expected remedial costs for the site are not justified and that residual contamination can be left in place without risk to human health.

This correspondence presents ACEH's response to your formal request for case closure. Prior to presenting our response, a review of the steps taken during the past two years may be appropriate, particularly since the site has been progressing toward cleanup:

- In October 2006, a Dual-Phase Extraction (DPE) pilot test was conducted.
- Based on the results of the DPE pilot test, DPE was proposed in a Draft Corrective Action Plan dated January 25, 2007.
- The Draft Corrective Action Plan (CAP) was approved by ACEH on March 21, 2007.
- A Public Participation Plan was prepared and a public comment period for the Draft CAP was conducted from April 27, 2007 to May 27, 2007.
- Public comments were addressed in a Final CAP dated August 1, 2007. DPE was the remedial alternative recommended for site cleanup in the Final CAP.
- ACEH approved the Final CAP in correspondence dated August 17, 2007 and requested that a remediation system start-up report be submitted by December 19, 2007.
- In correspondence dated March 13, 2008, Geological Technics, Inc., on behalf of Mr. and Ms. Sullins, requested a schedule extension to September 1, 2008 for the remediation system start-up report due to vendor and contractor scheduling issues following UST Cleanup Fund cost pre-approval.
- ACEH approved the schedule extension to September 1, 2008, in correspondence dated April 15, 2008.
- ACEH received your request for case closure dated July 30, 2007.

RESPONSE TO CASE CLOSURE REQUEST

SWRCB Resolution 92-49, Policies and Procedures for Investigation and Cleanup and Abatement of Discharges (Water Code Section 13304) applies to leaking underground fuel cases. Resolution No. 92-49 directs regulatory agencies to ensure that groundwater affected by an unauthorized release attains either background water quality or the best water quality which is reasonable if background water quality cannot be restored (SWRCB Resolution No. 92-49, III.G). Any alternative level of water quality less stringent than background must be consistent with the maximum benefit to the people of the state, not unreasonably affect current and probable future beneficial use of affected water, and not result in water quality less than that prescribed in the water quality control plan for the basin within which the site is located.

Resolution No. 92-49 does not require that the requisite level of water quality be met at the time of case closure. A site may be closed if the requisite level of water quality will be attained within a reasonable time period in the future (SWRCB Resolution No. 92-49, III.A).

Your site is located within the Livermore-Amador Groundwater Basin where groundwater is currently used as a source of drinking water. We do not believe that the requisite level of drinking water quality will be attained within a reasonable time period at your site. Although unauthorized releases occurred at the site more than 20 years ago, highly elevated concentrations of petroleum hydrocarbons still remain in soil and groundwater beneath the site. Restoration of water quality to the requisite drinking water quality by natural attenuation processes is likely to require several additional decades or longer. Given the potential for groundwater use within the Livermore-Amador Groundwater Basin, we do not believe this long-term degradation of water quality in this area of the basin is justified. Therefore, your case cannot be closed at this time.

This decision is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). The petition process is explained on the SWRCB website (<http://www.swrcb.ca.gov/ust/cleanup/petitions.shtml>). Please contact Mr. George Lockwood of the SWRCB Underground Storage Tank Program at (916) 341-5752 for further information regarding the petition process.

TECHNICAL REPORT REQUEST

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

- **September 1, 2008** – Remediation System Start-Up Report
- **February 13, 2009** – Second 2008 Semi-Annual Groundwater Monitoring Report
- **August 13, 2009** – First 2009 Semi-Annual 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.

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).

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.

Rita Sullins
Jennifer Sedlacheck
RO0000394
September 4, 2008
Page 4

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

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

Chris Davidson, City of Livermore, Economic Development, 1052 S. Livermore Ave.,
Livermore, CA 94550

Raynold Kablonow, Geological Technics, Inc., 1101 7th Street, Modesto, CA 95354

Heidi Timken, Timken, Johnson, Hwang, 500 Ygnacio Valley Road, Suite 360, Walnut
Creek, CA 94596

Christa Marting, ETIC Engineering, Inc., 2285 Morello Avenue, Pleasant Hill, CA 94523

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: December 16, 2005
	PREVIOUS REVISIONS: October 31, 2005
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

Effective **January 31, 2006**, 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 Alicia Lam-Finneke.
- 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 at 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)