

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

October 23, 2008

Mr. Rob Speer
Chevron Environmental Management
6001 Bollinger Canyon Rd K2256
PO Box 6012
San Ramon, CA 94583-2324

J. Jeannero
Gerber Products
445 State Street
Fremont, MI 49412

Ms. Linda Hothem
Linda Hothem Trust
104 Caledonia Street
Sausalito, CA 94565-1952

Subject: Fuel Leak Case No. RO0000412 (Global ID # T0600101789), Chevron #9-1723, 9757 San Leandro Street, Oakland, CA 94603

Dear: Mr. Speer, Ms Hothem and J. Jeannero

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site and the document entitled "Closure Request," received December 14, 2006 and prepared by Conestoga Rovers Associates (CRA). In May 1996 Chevron completed a site investigation that included the installation of 23 soil borings located throughout the site. Results from the investigation detected high levels of TPHg and benzene contamination at concentrations of up to 1,800 ppm and 99 ppm, respectively. We note that benzene levels in soil detected throughout the site significantly exceed the ESLs. In addition, grab groundwater samples collected during the investigation detected 19,000 µg/L TPHg and 400 µg/L benzene. However, limited groundwater samples were collected and not in areas of high benzene concentrations

In October 1997, Chevron completed an investigation which detected benzene in soil gas at concentrations of up to 319,000 µg/m³ (sample ID #SV-5) which exceed RWQCB ESLs of 280 µg/m³ (Screening For Environmental Concerns at Sites With Contaminated Soil and Groundwater November 2007, San Francisco Bay Regional Water Quality Control Board, California EPA, <http://www.waterboards.ca.gov/sanfranciscobay/esl.htm>.) Furthermore, in April 1997 Chevron concluded that the human health risk associated with residual benzene contamination in soil would require institutional controls, if future site redevelopment was considered. Then, in November 2001 Chevron completed a Tier 2 Risk Based Corrective Action which neglected to adequately evaluate the risk associated with the soil vapor data collected from previous soil vapor sampling.

In December 2006, Chevron submitted a "Request for Closure" for the site. In addition, Chevron asserts that soil vapor data collected from soil vapor point SV-5 (319,000 µg/m³ benzene) is anomalous. ACEH does not agree with Chevron's assumption that simply because soil gas data collected from SV-5 conflicts with soil gas data from SV-1 (1,310 µg/m³ benzene) the data from SV-5 is anomalous. Rather, data from all soil vapor probes, including SV-5, must be used to evaluate the potential human health risk associated with the soil vapor and the vapor intrusion pathway. Therefore, ACEH cannot consider case closure at this time. This decision to deny closure is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39.2(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Please contact the SWRCB Underground Storage Tank Program at (916) 341-5851 for information regarding the appeal process.

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. Please provide 72-hour advance written notification to this office (e-mail preferred to [mail to: steven.plunkett@acgov.org](mailto:steven.plunkett@acgov.org)) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Residual Contamination in Soil and Soil Vapor.** Initial site characterization activities, including the installation of 23 soil borings located throughout the site, indicate that a source of residual contamination remains in soil beneath the former UST tank pit and dispenser islands. Results from the investigation detected high levels of TPHg and benzene contamination at concentrations of up to 1,800 ppm and 99 ppm, respectively. In addition, grab groundwater samples collected during the investigation detected 19,000 µg/L TPHg and 400 µg/L benzene. However, groundwater was only collected from a select set of soil boring, and groundwater was not sampled in areas of high benzene concentration. Furthermore, no remedial action has been performed to mitigate contamination in soil and groundwater beneath the site.

CRA's assertion that the soil vapor contamination detected in SV-5 (319,000 µg/m³ benzene) is anomalous is a specious argument. ACEH strongly disagrees with the assumption that low levels of benzene in soil gas collected from SV-1 negate the high concentrations of soil gas detected in SV-5. Furthermore, soil gas data collected from SV-2 (3,100 µg/m³ benzene), SV-6 (1,850 µg/m³ benzene) and SV-5 (319,000 µg/m³ benzene) would indicate that the low concentrations of benzene detected in SV-1 may be anomalous. Prior to the evaluation of your site for regulatory closure, ACEH requests that you assess soil vapor contamination throughout the site. Please prepare a work plan and present your plan to evaluate soil vapor contamination beneath your site. Please submit the work plan according to the schedule presented below.

Please report your soil gas data in units of µg/m³, consistent with reporting units utilized soil gas guidance and resubmit the soil gas tables as an attachment in the work plan requested below.

TECHNICAL REPORT REQUEST

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

- **February 14, 2009 – Work Plan**

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

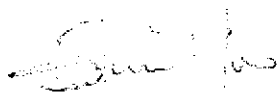
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

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) 383-1761 or send me an electronic mail message at steven.plunkett@acgov.org.

Sincerely,



Steven Plunkett
Hazardous Materials Specialist



Donna Drogos, PE
Supervising Hazardous Materials Specialist

cc: Laura Genin

Rob Speer, J. Jeannero, Linda Hothem
October 23, 2008
RO0000412
Page 4

CRA
5900 Hollis Street, Suite A
Emeryville, CA 94608

Donna Drogos, ACEH, Steven Plunkett ACEH, File