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From: Clara Chun <cchun@rjo.com>
Sent: Thursday, June 22, 2017 1:33 PM
To: waterqualitypetitions@waterboards.ca.gov
Cc: bwolfe@waterboards.ca.gov; Detterman, Mark, Env. Health; Carryl MacLeod (cmacleod@chevron.com); Robert C. Goodman; E. Jacob Lubarsky
Subject: Chevron Environmental Management Company's Petition for Review and Request for a Hearing
Attachments: Petition for Review.pdf; Proof of Service.pdf

Dear Ms. Crowl:

Attached is Chevron Environmental Management Company's Petition for Review and Request for a Hearing. Please send a receipt confirming that you have received the attached Petition.

Thank you very much.

Clara Chun | Assistant to Robert C. Goodman, Dean D. Paik, E. Jacob Lubarsky and Nicholas T. Niiro
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9 STATE WATER RESOURCES CONTROL BOARD
10 STATE OF CALIFORNIA

11
12 In the Matter of

13 CHEVRON ENVIRONMENTAL
14 MANAGEMENT COMPANY,

15 Petitioner

16 For Review of Alameda County Department
17 of Environmental Health Request for
18 Closure Response, dated May 23, 2017, –
19 Chevron Site #20-6145 / Signal SS, 800
20 Center Street, Oakland, Alameda County,
21 CA 94607

Case No.

**CHEVRON ENVIRONMENTAL
MANAGEMENT COMPANY'S
PETITION FOR REVIEW AND
REQUEST FOR A HEARING**

22 **I. PETITION FOR REVIEW**

23 Pursuant to California Water Code section 13320, California Health and Safety
24 Code sections 25296.10 and 25296.40, and Title 23 of the California Code Regulations
25 (“CCR”) §§ 2050 *et seq.*, Petitioner Chevron Environmental Management Company (“EMC”
26 or “Petitioner”), hereby petitions the State Water Resources Control Board (“State Board”)
27 for review of the Alameda County Department of Environmental Health’s¹ (“ACDEH”) letter

28 ¹ ACDEH implements a Local Oversight Program (“LOP”) under contract with the State Board to provide regulatory oversight of the investigation and cleanup of soil and groundwater contamination from leaking petroleum underground storage tanks (“UST”).

1 dated May 23, 2017 (the "Letter"), for Chevron Site #20-6145 / Signal SS, 800 Center Street,
2 Oakland, Alameda County, CA 94607 (the "Site"). ACDEH's Letter denies EMC's request
3 for site closure in accordance with the Low Threat Underground Storage Tank Case Closure
4 Policy ("LTCP"), and requires EMC to address certain technical comments and submit
5 additional documents and data. Petitioner requests that the information and data requests in
6 the Letter be rescinded and the Site be closed. EMC requests a hearing in this matter and that
7 the information and data requests in the Letter be stayed until said hearing takes place and a
8 decision by the State Board is issued.

9 As is discussed below, the Letter is the opposite approach ACDEH took to the
10 Site previously and forces EMC to navigate a "moving target" in order to obtain site closure.
11 Further, the Letter violates State Board Resolution 92-49 because it requires EMC to perform
12 substantial additional groundwater investigation at the Site despite the fact that the record
13 demonstrates "a substantial likelihood of achieving compliance, within a reasonable time
14 frame, with cleanup goals and objectives." (State Board Resolution No. 92-49 at p. 5.) The
15 requirements imposed by the Letter, and the conclusions upon which the requirements are
16 based, are inappropriate and improper because they are not supported by the record, are
17 arbitrary and capricious, and are in violation of law and policy.

18 **II. THE NAME AND ADDRESS OF PETITIONER**

19 The name and address of Petitioner is:

20 Chevron Environmental Management Company
21 6001 Bollinger Canyon Road
22 San Ramon, CA 94583

23 Petitioner should be contacted through its legal counsel:

24 ROGERS JOSEPH O'DONNELL
25 ROBERT C. GOODMAN
26 E. JACOB LUBARSKY
27 311 California Street, 10th Floor
28 San Francisco, CA 94104
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III. THE BOARD ACTION TO BE REVIEWED

EMC petitions the State Board to review ACDEH’s letter dated May 23, 2017, for Chevron Site #20-6145 / Signal SS, 800 Center Street, Oakland, Alameda County, CA 94607 (the “Site”). ACDEH’s Letter denies EMC’s request for site closure and requires it to address certain technical comments and submit additional documents in accordance with the LTCP. EMC requests the State Board direct ACDEH to re-evaluate EMC’s request for site closure and grant site closure consistent with ACDEH’s previous communications related to the Site. ACDEH’s May 23, 2017, Letter is attached as **Exhibit A**.

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IV. DATE OF THE REGULATORY ACTION

ACDEH issued the Letter denying site closure status and requiring EMC to address certain technical comments and submit additional documents on May 23, 2017.

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V. STATEMENTS OF REASONS WHY THE ACDEH’S ACTION WAS INAPPROPRIATE AND IMPROPER

As set forth more fully below, the action of ACDEH is not supported by the record, violates, State Board Resolution No. 92-49, and is arbitrary, capricious, and in violation of law and policy.

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A. Background

The Site is a former Signal Oil-branded gasoline service station located on the northeastern corner of 8th Street and Center Street in a mixed commercial and residential area of Oakland, California. A service station operated at the site from 1932 to 1973. The site is currently undeveloped and surrounded by a chain-link fence. Future use is currently unknown. (June 27, 2014, CRA Site Assessment Report at p. 2)²

The Site was first developed as a service station in 1932. Four 1,000-gallon fuel USTs and one used-oil UST were installed when the site was developed. These USTs were removed in 1973 when the station was closed. In 1999, Gettler-Ryan (“G-R”) was contracted to remove dispenser islands, sump, hydraulic hoist, building foundations, garbage

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² Available at https://geotracker.waterboards.ca.gov/esi/uploads/geo_report/8714331924/T0600102230.PDF

1 enclosure, yard lights and asphalt. During station demolition activities, an orphaned 1,000-
2 gallon gasoline UST, an orphaned 550-gallon used-oil UST, and a buried 55-gallon drum
3 were encountered, and after UST ownership was established, the USTs and drum were
4 removed in 2001. Based on soil data, the primary source of hydrocarbons was the former fuel
5 USTs located on the west edge of the site and the former dispenser island located in the
6 southwestern corner of the site. In 2002, G-R excavated approximately 1,600 tons of
7 hydrocarbon-bearing soil to 12 to 14 fbg. Prior to backfilling the excavation, approximately
8 900 pounds of oxygen releasing compound was placed at the base of the excavation. *Id.* at p.
9 3.

10 Environmental investigation of the Site has been ongoing since 1989. To date,
11 17 monitoring wells, eight air sparge wells, 58 soil borings, and 11 soil vapor probes have
12 been installed/advanced at and near the site. A remedial excavation was completed in 2002
13 removing approximately 1,600 tons of soil, and a low flow air sparge pilot test was conducted
14 from January through April 2011. Groundwater is currently monitored by eight onsite and
15 offsite monitoring wells. *Id.* Details of past site assessment and remediation activities are
16 voluminous and span over two decades.³

17 Beginning in 2013, ACDEH was considering the Site for case closure.⁴ EMC
18 complied with the additional data requests and procedures requested by ACDEH at that time.
19 *Id.* In August 2014, ACDEH informed EMC that its staff “has evaluated the case file and
20 believes the case may be eligible for closure under the [LTCP].”⁵ EMC was required to
21 prepare a Site Management Plan (“SMP”) and initiate the public participation requirement
22 related to site closure. *Id.* EMC complied with all ACDEH request, the public comment
23 period concluded, and on April 4, 2016, ACDEH informed EMC as follows:

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26 ³ Available at https://geotracker.waterboards.ca.gov/profile_report?global_id=T0600102230

27 ⁴ See ACDEH letters dated March 14, 2013, and September 20, 2013, attached as **Exhibits B**
and **C**, respectively.

28 ⁵ See ACDEH letter dated August 26, 2014, attached as **Exhibit D**.

1 The public comment period for [the site] ended on November 23,
2 2015. [ACDEH] received one comment in opposition to the
3 potential closure of the case. The comment was evaluated and
4 responded to, but under the [LTCP], the current intended use of
5 the properties as vacant parcels, and the apparently sufficient
6 isolation of petroleum hydrocarbons from human and
7 environmental receptors due to the parcels' current planned use;
8 it does not appear to be appropriate to delay case closure further.

9 Therefore, at this time it is appropriate to request the destruction
10 of site wells. Case closure will follow review of the associated
11 well destruction report, and the opening of a Voluntary Remedial
12 Action Program (VRAP) case in order to manage surficial soil
13 contamination (pesticides, lead, PCBs, etc.) at the site.⁶

14 Despite the above finding by ACDEH that the Site was a proper candidate for
15 closure, ACDEH requested additional groundwater monitoring and an updated site closure
16 request and Site Conceptual Model ("SCM").^{7,8} ACDEH then reversed course and informed
17 EMC on May 23, 2017, that the Site "fails to meet the Media-Specific Criteria for
18 Groundwater and the Media-Specific Criteria for Direct Contact and Outdoor Air."⁹ ACDEH
19 also requested additional data related to the Site. *Id.* ACDEH cited groundwater elevation
20 changes and groundwater concentration changes, length of groundwater plume, and elevated
21 residual soil contamination as justifications for denying site closure. *Id.*

22 **B. ACDEH's Site Closure Denial Should Be Reversed Because Its Arbitrary
23 Nature Contradicts Its Previous Position and It Violates State Board
24 Policy**

25 EMC's SCM, which followed decades of investigation and remediation,
26 demonstrated "a substantial likelihood of achieving compliance, within a reasonable time
27 frame, with cleanup goals and objectives." (State Board Resolution No. 92-49 at p. 5.)
28 Accordingly, the Letter, by requiring further investigation in the face of such evidence, is
contrary to the provisions of State Board Resolution No. 92-49. The Letter also contradicts

24 ⁶ See ACDEH letter dated April 4, 2016, attached as **Exhibit E**.

25 ⁷ See ACDEH letter dated December 29, 2016, attached as **Exhibit F**

26 ⁸ See March 24, 2017, Updated Sensitive Receptor Survey and Site Conceptual Model and
27 Low-Threat Closure Request ("SCM"), available at
https://geotracker.waterboards.ca.gov/esi/uploads/geo_report/8078211188/T0600102230.PDF

28 ⁹ See ACDEH letter dated May 23, 2017, attached as **Exhibit A**.

1 ACDEH's previously held position on the Site related to its closure and is arbitrary in its
2 requests and refusal to close the Site.

3 **1. The SCM Demonstrates that the LTCP Media Specific Criteria for**
4 **Groundwater and Direct Contact and Outdoor Air are Satisfied**
5 **and there is a "Substantial Likelihood of Petitioner Achieving**
6 **Compliance, Within a Reasonable Time Frame, With Cleanup**
7 **Goals and Objectives of the Site Without Further Investigation or**
8 **Remediation"**

9 As discussed in the SCM, Site data demonstrate that no further investigation or
10 remediation is necessary at the Site because no ongoing contaminant sources are present at or
11 beneath the Site and the contaminant plumes are stable and decreasing. Further, data at the
12 Site demonstrate that the criteria of the State Board's Low-Threat Underground Storage Tank
13 Case Policy have been satisfied given the Site's status as a vacant lot. (SCM at Section 5.)

14 **a. LTCP Media Specific Criteria for Groundwater**

15 The LTCP requires that water quality objectives ("WQOs") be attained through
16 natural attenuation within a reasonable amount of time and the contaminant plume that
17 exceeds WQOs is stable or decreasing in areal extent. WQOs must also meet the additional
18 characteristics of one of the five classes of sites listed in the LTCP. The Site satisfies the
19 Class 2 criteria listed in the LTCP for groundwater.¹⁰ While groundwater in the East Bay
20 Plain basin (where the Site is located) is designated as a potential drinking water source, no
21 municipal wells were identified within a half mile radius, and the Site is provided water by
22 the EBMUD which relies solely on imported water to supply the region with drinking water.
23 Therefore, non-drinking water WQOs are appropriate for this site. Further, the following
24 facts related to the Site demonstrate its compliance with LTCP Media Specific Criteria for
25 Groundwater:

- The dissolved hydrocarbon plume from the source area that exceeds WQOs is

26 ¹⁰ Class 2 is stated in the LTCP as follows: (a) The contaminant plume that exceeds WQOs is
27 less than 250 feet in length; (b) There is no free product; (c) The nearest existing water supply
28 well and/or surface water body is greater than 1,000 feet from the defined plume boundary;
and (d) The dissolved concentration of benzene is less than 3,000 µg/l and the dissolved
concentration of MTBE is less than 1,000 µg/l.

1 less than 250 feet in length in all directions. The distance between the downgradient well and
2 upgradient well is 220 feet and there are no hydrocarbons detected in either of the wells. The
3 downgradient well, where no hydrocarbons are detected, is approximately 111 feet from the
4 plume center.

- 5 • No LNAPL has been observed in any monitoring wells.
- 6 • No drinking water wells were identified in the Department of Water
7 Resources or Alameda County Public Works Agency records or during the door-to-door
8 survey.
- 9 • The nearest surface water body is the Oakland Inner Harbor, located over
10 1,000 feet from the plume boundary (approximately 1 mile to the south).
- 11 • Dissolved benzene and MTBE are two orders of magnitude lower than the
12 criteria of 3,000 µg/L benzene and 1,000 µg/L MTBE.
- 13 • Dissolved hydrocarbon concentrations are decreasing in extent under typical
14 site hydrologic conditions.

15 **b. LTCP Media Specific Criteria for Direct Contact and**
16 **Outdoor Air Criteria**

17 The LTCP describes conditions where direct contact with contaminated soil or
18 inhalation of contaminants volatilized to outdoor air poses an insignificant threat to human
19 health. Release sites where human exposure may occur must satisfy the media-specific
20 criteria for direct contact and outdoor air exposure and are considered low-threat if they meet
21 certain criteria.

22 As the SCM demonstrates, no benzene, ethylbenzene, naphthalene or PAH
23 concentrations in soil at the Site exceed the direct contact exposure criteria for residential or
24 commercial (0-5 fbg). Of the 124 soil samples collected between 5 and 10 fbg, 24 contain
25 benzene and/or ethylbenzene concentrations above the residential outdoor air exposure
26 criteria and 13 contain benzene and/or ethylbenzene concentrations above the
27 commercial/industrial outdoor air exposure criteria. Additionally, nine samples contain
28 benzene and/or ethylbenzene concentrations above the utility worker exposure criteria. Six

1 naphthalene concentrations detected between 5 and 10 fbg exceed the commercial and/or
2 residential outdoor air exposure scenarios, and no naphthalene concentrations exceed the
3 utility worker outdoor air exposure scenario. Given site-specific vapor data¹¹, residential or
4 commercial/industrial risk to outdoor air exposure is unlikely. Risk to a utility worker from
5 direct contact with residual hydrocarbons in soil could be possible for excavations exceeding
6 5 fbg, but unlikely, and is addressed through the implementation of the soil and groundwater
7 management plan that was submitted by EMC in 2015.¹²

8 Accordingly, as the dissolved hydrocarbons remaining in groundwater pose no
9 significant threat to human health, safety, and the environment, the requirements imposed by
10 the Letter, and the statements that serve as a basis for those requirements, are inappropriate
11 and improper because they are not supported by the record, are arbitrary, and capricious, and
12 are in violation of law and policy.

13 **c. ACDEH's Most Recent Justification for Denying Site**
14 **Closure is Unfounded**

15 **(1) Groundwater Elevation Changes and Groundwater**
16 **Concentration Changes**

17 ACDEH states in its May 23, 2017, letter that it "is concerned that the
18 groundwater plume has the potential to intercept basements and sumps located proximal to
19 the site on downgradient residential properties[]" due to fluctuations in groundwater levels at
20 the Site and its impact on concentrations of total petroleum hydrocarbons.¹³ However, there
21 do not appear to be basements in the immediate proximity of the Site.¹⁴ Further, there is no
22 trend of increasing contamination presence or risk to human health or the environment at the
23 Site. *Id.*

24 ¹¹ See SCM at p. 10.

25 ¹² Available at https://geotracker.waterboards.ca.gov/profile_report?global_id=T0600102230

26 ¹³ See ACDEH letter dated May 23, 2017, attached as **Exhibit A**.

27 ¹⁴ See June 19, 2017, GHD Report Re: Petition for Review of Closure Denial, attached as
28 **Exhibit G**.

(2) **Length of Groundwater Plume**

1 ACDEH states that it “is concerned that the length of the groundwater plume,
2 underlying residential properties...has not been adequately defined and may leave the
3 properties at some risk should basements be associated with the properties.”¹⁵ However, this
4 statement ignores the facts present at the Site. Dissolved TPHg concentrations have
5 decreased one order of magnitude and benzene concentrations have decreased four orders of
6 magnitude in source area well over the past 20 years and dissolved hydrocarbons are
7 adequately laterally defined by the other seven shallow groundwater monitoring wells.
8 Furthermore, there are no basements or wells associated with the property south of the site
9 across 8th Avenue. Therefore, the shrinking dissolved hydrocarbon plume does not pose a
10 significant risk to human health or the environment.¹⁶

(3) **Elevated Residual Soil Contamination**

12 ACDEH is also concerned that soil contaminants “fail to meet the LTCP
13 Volatilization to Outdoor Air goals in the 5 to 10 foot depth interval and [are] not protective
14 of commercial, residential, and utility workers” because “[c]oncentrations in the 5 to 10 foot
15 depth interval of up to 92 milligrams per kilogram (mg/kg) benzene and 480 mg/kg
16 ethylbenzene are documented to be present.”¹⁷ Conditions at the Site, however, do not reflect
17 this concern. The site-specific vapor data collected at 5 fbg indicate volatiles in the residual
18 hydrocarbons present at approximately 10 fbg are not reaching the surface and therefore not
19 volatilizing to outdoor air. Therefore, residential or commercial/industrial risk to outdoor air
20 exposure is unlikely. Further, because residual hydrocarbons in soil are located at
21 approximately 10 fbg, there is no risk for inhalation of hydrocarbons from surficial dust.¹⁸

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24 ¹⁵ See ACDEH letter dated May 23, 2017, attached as **Exhibit A**.

25 ¹⁶ See June 19, 2017, GHD Report Re: Petition for Review of Closure Denial, attached as
26 **Exhibit G**.

27 ¹⁷ See ACDEH letter dated May 23, 2017, attached as **Exhibit A**.

28 ¹⁸ See June 19, 2017, GHD Report Re: Petition for Review of Closure Denial, attached as
Exhibit G.

1 **2. The Letter Contradicts ACDEH’s Previously Stated Position on**
2 **Closure of the Site and Unfairly Creates a Moving Target for EMC**
3 **to Obtain Site Closure**

4 As stated above, beginning in 2013, ACDEH was considering the Site for
5 closure. EMC complied with the additional data requests and procedures requested by
6 ACDEH at that time. In August 2014, ACDEH informed EMC that its staff “has evaluated
7 the case file and believes the case may be eligible for closure under the [LTCP].” EMC was
8 required to prepare a SMP and initiate the public participate requirement related to site
9 closure. EMC complied with all ACDEH requests and on April 4, 2016, ACDEH informed
10 EMC that “it does not appear to be appropriate to delay case closure further.”¹⁹

11 ACDEH’s sudden reversal of its decision to close the Site defies logic and
12 leaves EMC in regulatory limbo related to requirements to finally obtain site closure. EMC
13 followed all ACDEH’s directives and data requests and was told site closure was imminent.
14 At the eleventh hour, however, ACDEH somehow changed its mind despite compelling
15 evidence that the Site satisfies all LTCP criteria (including those additional ones requested by
16 ACDEH in its May 23, 2017, letter). Again, the requirements imposed by the Letter, and the
17 statements that serve as a basis for those requirements, are inappropriate and improper
18 because they are not supported by the record and are arbitrary, and capricious. The Site
19 should be closed just as ACDEH concluded before it reversed its own decision.

20 **VI. THE MANNER IN WHICH THE PETITIONER HAS BEEN AGGRIEVED**

21 Petitioner has been aggrieved by the ACDEH’s actions because it will be
22 subjected to provisions of an arbitrary and capricious finding unsupported by evidence in the
23 record. Further, Petitioner will be forced to unnecessarily incur substantial costs at the Site
24 when remediation and monitoring has been going on for decades and all closure criteria have
25 been satisfied.

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28 ¹⁹ See ACDEH letter dated April 4, 2016, attached as **Exhibit E**.

1 **VII. STATE WATER BOARD ACTION REQUESTED BY PETITIONER**

2 As discussed above, Petitioner requests that the State Board determine that it
3 was inappropriate and improper to issue the Letter for the reasons stated above. EMC further
4 requests the Letter be rescinded, the information requests contained in the letter be
5 withdrawn, and the Site ordered closed.

6 **VIII. STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF LEGAL
7 ISSUES RAISED IN THE PETITION**

8 For purposes of this filing, the Statement of Points and Authorities is subsumed
9 in section V of the Petition. EMC reserves the right to file a Supplemental Statement of
10 Points and Authorities. EMC also reserves its right to supplement its request for a hearing to
11 consider testimony, other evidence and argument.

12 **IX. STATEMENT REGARDING SERVICE OF THE PETITION ON ACDEH,
13 THE REGIONAL WATER BOARD, AND INTERESTED PARTIES**

14 A copy of this Petition is being sent to ACDEH and the San Francisco
15 Regional Water Quality Control Board. Copies are also being sent to the interested parties
16 (including neighboring property owners²⁰) identified on the attached proof of service. By
17 copy of this Petition, Petitioner is also notifying the ACDEH and identified parties of the
18 Petitioner's request for a hearing and that the State Board issue a stay.

19 **X. STATEMENT REGARDING ISSUES PRESENTED TO ACDEH**

20 To the extent it had an opportunity to do so, Petitioner raised the substantive
21 issues and objections raised in this Petition before ACDEH prior to the filing of the Petition.
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28 ²⁰ See List of Neighboring Property Owners attached as **Exhibit H**.

1 For the foregoing reasons, Petitioner respectfully requests that the State Board
2 grant the relief as set forth above.

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4 Dated: June 22, 2017

ROGERS JOSEPH O'DONNELL

5
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7 By: 

ROBERT C. GOODMAN
E. JACOB LUBARSKY

8 Attorneys for Petitioner
9 CHEVRON ENVIRONMENTAL
10 MANAGEMENT COMPANY
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EXHIBIT A



May 23, 2017

Ms. Carryl MacLeod
Chevron Environmental Management Co.
6001 Bollinger Canyon Road
San Ramon, CA 94583
(Sent via electronic mail to:
CMacleod@chevron.com)

Mr. Rene Boisvert
800 Center LLC
c/o Boulevard Equity Group
484 Lake Park Ave #246
Oakland, CA 94610-2730

Mr. Terrilla Sadler
618 Brooklyn Avenue
Oakland, CA 94606

Subject: Request for Closure Response, Fuel Leak Case RO0000454 (Global ID # T0600102230),
Chevron #20-6145 / Signal SS, 800 Center Street, Oakland CA 94607

Ms. MacLeod, and Messrs. Boisvert and Sadler:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file for the referenced site including the *First Quarter 2017 Groundwater Monitoring and Sampling Report*, dated March 22, 2017, and the *Updated Sensitive Receptor Survey and Site Conceptual Model and Low-Threat Closure Request*, dated March 24, 2017. The reports were prepared and submitted on your behalf by GHD. Thank you for submitting them.

ACDEH has evaluated site data, in conjunction with the case files, to determine if the site is eligible for closure as a low risk site under the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP). Based on ACDEH staff review, we have determined that the site fails to meet the Media-Specific Criteria for Groundwater and the Media-Specific Criteria for Direct Contact and Outdoor Air (see Geotracker for an updated checklist).

Based on the review of the case file ACDEH requests that you address the following technical comments and send us the documents requested below.

TECHNICAL COMMENTS

1. **LTCP Media Specific Criteria for Groundwater** – To satisfy the media-specific criteria for groundwater, the contaminant plume that exceeds water quality objectives must be stable or decreasing in areal extent, and meet all of the additional characteristics of one of the five classes of sites listed in the policy.

Our review of the case files indicates that insufficient data collection and analysis has been presented to support the requisite characteristics of plume stability or plume classification as follows:

- a. **Groundwater Elevation Changes and Groundwater Concentration Changes** - The recent rise in groundwater elevations at the site is reflective of observations at many sites in Alameda County after this past winter's significant rainfall. Water level measurements collected in February 2017 indicate that depth to water is as shallow as 4.74 feet in onsite wells and 6.68 feet in downgradient wells. In general, historic groundwater data indicate that concentrations at the subject site appear to decrease upon rising groundwater elevations, and conversely groundwater concentrations generally increase upon declining groundwater elevations. However, data from MW-6, located downgradient of the former underground storage tank (UST), suggests this is not universally observed at the site. Concentrations of Total Petroleum Hydrocarbons as gasoline (TPHg), benzene, and ethylbenzene, increased relative to the previous seven years (since at least September 2010) when shallower groundwater elevations were documented. Due to the recent increase in concentrations in MW-6 seen in conjunction with the higher groundwater levels, and the significant residual contamination remaining at the site, ACDEH is concerned that the

groundwater plume has the potential to intercept basements and sumps located proximal to the site on downgradient residential properties.

- b. **Length of Groundwater Plume** – The rose diagram included in the referenced reports indicates the groundwater flow direction varies from westerly (rarely) to southerly (rarely), and appears to predominately flow to the southwest. ACDEH is in general agreement that well MW-8 suggests groundwater is defined to the west-southwest of MW-3. However, ACDEH is concerned that the length of the groundwater plume, underlying residential properties, to the south-southwest of well MW-3 and to the west of MW-6, has not been adequately defined and may leave the properties at some risk should basements be associated with the properties. The recent basement survey did not receive responses from the properties proximal to the site, thus it is unknown if these properties could be so affected. An address by address basement evaluation and survey in close proximity to the site may provide sufficient additional data to address this concern.

Please present a strategy in the Data Gap Work Plan (described in Technical Comment 3 below) to address the items discussed above. Alternatively, please provide justification of why the site satisfies the Media-Specific Criteria for Groundwater in the focused SCM described in Technical Comment 3 below.

2. **LTCP Media Specific Criteria for Direct Contact and Outdoor Air Criteria** – The LTCP describes conditions where direct contact with contaminated soil or inhalation of contaminants volatilized to outdoor air poses a low threat to human health. According to the policy, release sites where human exposure may occur satisfy the media-specific criteria for direct contact and outdoor air exposure and shall be considered low-threat if the maximum concentrations of petroleum constituents in soil are less than or equal to those listed in Table 1 for the specified depth bgs. Alternatively, the policy allows for a site specific risk assessment that demonstrates that maximum concentrations of petroleum constituents in soil will have no significant risk of adversely affecting human health, or controlling exposure through the use of mitigation measures, or institutional or engineering controls.

The *Technical Justification for Soil Screening Levels for Direct Contact and Outdoor Air Exposure Pathways*, (SWRCB, March 15, 2012) states the exposure pathways considered under this scenario include the incidental ingestion of soil, dermal contact with soil, and the inhalation of dust and volatile emissions from soil, and that the exposure pathways are assumed to occur simultaneously.

- a. **Elevated Residual Soil Contamination** - Our review of the case files indicates site data appears to meet the LTCP Direct Contact goals in the 0 to 5 foot depth interval for commercial and residential land use, and is protective of utility workers in this depth interval; however, fails to meet the LTCP Volatilization to Outdoor Air goals in the 5 to 10 foot depth interval and is not protective of commercial, residential, and utility workers. Concentrations in the 5 to 10 foot depth interval of up to 92 milligrams per kilogram (mg/kg) benzene and 480 mg/kg ethylbenzene are documented to be present.

The subject property has been described as a fenced vacant dirt lot in a residential and commercial neighborhood. Under the current land use scenario residual concentrations of contaminants in soil create a potential risk for inhalation of dust and contaminants present in soil and volatilizing into outdoor air. Additionally, ACDEH is aware that the subject site has been the location of unauthorized removal of site fencing and an ensuing urban farming effort which has included raised planting beds and egg laying chickens. Thus institutional controls of this nature do not appear to be effective for the site.

Finally, while not a part of this fuel leak case, surficial contaminants including lead, organochlorine pesticides, and PCBs are present in surficial soils at one or more parcels that comprise the site. A separate Site Cleanup Case will be opened to address these non-petroleum contaminants.

Please present a strategy in the Data Gap Work Plan described in Technical Comment 3 below to demonstrate the site satisfies the direct contact and outdoor air exposure criteria at the site and assures that volatilization of petroleum constituents in soil will have no significant risk of adversely affecting human health.

- 3. Data Gap Investigation Work Plan and Focused Site Conceptual Model** – Please prepare a Data Gap Investigation Work Plan to address the technical comments listed above. Please support the scope of work in the Data Gap Investigation Work Plan with a focused SCM and Data Quality Objectives (DQOs) that relate the data collection to each LTCP criteria. For example please clarify which scenario within each Media-Specific Criteria a sampling strategy is intended to apply to.

In order to expedite review, ACDEH requests the focused SCM be presented in a tabular format that highlights the major SCM elements and associated data gaps, which need to be addressed to progress the site to case closure under the LTCP.

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

Please note that ACDEH has updated Attachment 1 with regard to report submittals to ACDEH. ACDEH will now be requiring a Submittal Acknowledgement Statement, replacing the Perjury Statement, as a cover letter signed by the Responsible Party (RP). The language for the Submittal Acknowledgement Statement is as follows:

I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's Geotracker Website.

Please make this change to your submittals to ACDEH.

TECHNICAL REPORT REQUEST

Please submit reports to Alameda County Environmental Health (Attention: Mark Detterman), and upload technical reports to the ACDEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with the following specified file naming convention and schedule:

- **July 28, 2017** – Data Gap Work Plan
(File name: RO0000454_WP_R_yyyy-mm-dd)

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,



Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions

cc: Kiersten Hoey, GHD, Inc., 5900 Hollis Street, Suite A, Emeryville, CA 94608
(Sent via electronic mail to: Kiersten.Hoey@ghd.com)

Messrs. Horne, Boisvert, and Sadler
RO0000454
May 23, 2017, Page 4

Greg Barclay, 5900 Hollis Street, Suite A, Emeryville, CA 94608
(Sent via electronic mail to: Greg.Barclay@ghd.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)
Mark Detterman, ACDEH, (Sent via electronic mail to: mark.detterman@acgov.org)
Electronic File; GeoTracker

Attachment 1

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) for more information on these requirements.

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 ACDEH's FTP server and the SWRCB's GeoTracker website." 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 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. 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 case meet this requirement. 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

Please note that delays in investigation, late 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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP and SCP) 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

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection.**
- 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)

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 deh.loptoxic@acgov.org.
 - 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) Open File Explorer using the Windows  key + E keyboard shortcut.
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) On the address bar, type in `ftp://alcoftp1.acgov.org`.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
 - d) Click Log On.
 - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - f) 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 deh.loptoxic@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 @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) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.

EXHIBIT B



206145

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

March 14, 2013

Mr. Erik Hetrick
Chevron Environmental Management Co.
6101 Bollinger Canyon Road
San Ramon, CA 94583
(Sent via electronic mail to:
EHetrick@chevron.com)

Mr. Rene Boisvert
800 Center LLC
c/o Boulevard Equity Group
484 Lake Park Ave #246
Oakland, CA 94610-2730

Mr. Terrilla Sadler
618 Brooklyn Avenue
Oakland, CA 94606-1004

Subject: Request for Revised Draft CAP; Fuel Leak Case No. RO0000454 (Global ID # T0600102230),
Chevron #20-6145 / Signal SS, 800 Center Street, Oakland CA 94607

Dear Messrs. Hetrick, Boisvert, and Sadler:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the referenced site including the recently submitted documents entitled Second Semi-Annual 2012 Groundwater Monitoring and Sampling Report, dated October 2, 2012 (received November 5, 2012), and the *Closure Request*, dated November 29, 2012, which were prepared by Conestoga-Rovers & Associates, Inc. (CRA). Thank you for submitting the reports.

In the report CRA finds that the subject site meets the General and Media Specific Criteria of the recently adopted Low-Threat Closure Policy (LTCP). ACEH has also reviewed the site against the recently enacted policy and finds that the site does currently not meet the policy; therefore, ACEH cannot consider case closure for the subject site 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 appeals process.

Based on the review of the case file ACEH requests that you address the following technical comments and send us the documents requested below. This is intended to act as a "Path to Closure" that will collect sufficient information to assess the site against the new policy as discussed further below.

TECHNICAL COMMENTS

1. **Request for a Data Gap Work Plan** – The November 29, 2012 report cited above indicates that the site meets all General and Media Specific criteria of the LTCP. ACEH is not in agreement with this assessment and attaches the Geotracker LTCP Checklist and the ACEH *Data Gap Identification Tool* (DGIT) checklist to document data gaps identified by ACEH when the site is compared to the LTCP criteria, and to initiate a "Path to Closure" dialogue between ACEH and Responsible Parties. In order to continue this dialogue, ACEH requests that a data gap work plan be submitted by the date identified below. In ACEH's analysis of the site, the following data gaps are present:
 - a. **General Criteria b – Does the Unauthorized Release Consist Only of Petroleum?** – Existing near surface analytical sampling indicates that concentrations of lead, PCBs, and organochlorine pesticides are present in near surface soil across the three parcel redevelopment site. ACEH is aware that not all of these chemicals are equally on all three parcels; however, each parcel is a part of this site. Because Chevron owns (as of May 2012) each of the three parcels, Chevron remains as a Responsible Party for contamination on each parcel. An existing proposal indicates that the removal of approximately two feet of

surficial soil will be conducted to remove these contaminants. As a consequence this data gap would not appear to require further investigation.

- b. General Criteria f: Has Secondary Source Been Removed to the Extent Practicable? -** Significant residual petroleum hydrocarbons remain in soil at the site (up to 3,400 mg/kg TPHd, 18,000 mg/kg TPHg, 92 mg/kg benzene, 440 mg/kg ethylbenzene, and uncharacterized naphthalene and PAHs). Residual contamination is predominately located between 5 and 10 feet below grade surface, extends to at least 16 feet bgs, but is undefined vertically in a central residual soil contamination core zone (but appears defined vertically outside the core zone). An approved Low-Flow Air Sparge pilot test has successfully mobilized residual contamination at the site and introduced it to groundwater; however, a collection device (such as vapor extraction) has not been implemented.
- c. Media-Specific Criteria 3 – Direct Contact and Outdoor Air Exposure, or does the site Qualify for the Exemption? – Exemption:** The site does not qualify for an exemption because the upper ten feet beneath the site is documented to contain petroleum hydrocarbon compounds.

Criteria 3a: As noted above, significant residual petroleum hydrocarbons remain in soil at the site (up to 3,400 mg/kg TPHd, 18,000 mg/kg TPHg, 92 mg/kg benzene, 440 mg/kg ethylbenzene, and uncharacterized naphthalene and PAHs). Residual contamination is predominately located between 5 and 10 feet below grade surface, extends to at least 16 feet bgs, but is undefined vertically in a central residual soil contamination core zone (but appears defined vertically outside the core zone). These concentrations fail the residential, commercial, and utility worker direct contact values of Table 1 of the LTCP, and indicate that the secondary mass has not been removed to the maximum extent practicable. An approved Low-Flow Air Sparge pilot test has successfully mobilized residual contamination at the site and introduced them to groundwater; however, a collection device (such as vapor extraction) has not been utilized. Essentially, the remedial system appears to have stopped before it affected cleanup.

Criteria 3b: A site specific risk assessment has not incorporated all analytes of concern in the LTCP.

Criteria 3c: Insufficient data is present to allow an evaluation of the use of mitigation measures and institutional controls to mitigate exposure to petroleum vapors migrating from soil or groundwater due to site disturbances at redevelopment (utility trenches, utility penetrations through a concrete slab, reduced soil moisture and oxygen percentages beneath a slab, increased soil moisture in landscaping, etc.), the unknown future land use, or the unknown (unproposed) construction type.

- 2. Request for Groundwater Monitoring Reduction –** Groundwater wells monitoring the intermediate-and deep-water bearing zones have not had detectable concentrations since late 2008, approximately 1.5 years after the wells were installed. As a consequence, ACEH requests that the monitoring and sampling of these wells be eliminated until further notice. This specifically includes wells MW-9, MW-11, MW-13, MW-15 (intermediate), and MW-10, MW-12, MW-14, MW-16, and MW-17 (deep). Please continue monitoring the wells at the site on a semi-annual basis.
- 3. Path To Closure Schedule -** The State Water Resources Control Board passed Resolution No. 2012-0062 on November 6, 2012 which requires development of a "Path to Closure Plan" by December 31, 2013 that addresses the impediments to closure for the site. The Path to Closure must have milestone dates to calendar quarter which will achieve site cleanup and case closure in a timely and efficient manner that minimizes the cost of corrective action. The Project Schedule should include, but not be limited to, the following key environmental elements and milestones as appropriate:
- Preferential Pathway Study
 - Soil, Groundwater, and Soil Vapor Investigations
 - Initial, Updated, and Final/Validated SCMs
 - Interim Remedial Actions

- Feasibility Study/Corrective Action Plan
- Pilot Tests
- Remedial Actions
- Soil Vapor and Groundwater Monitoring Well Installation and Monitoring
- Public Participation Program (Fact Sheet Preparation/Distribution/Public Comment Period, Community Meetings, etc.)
- Case Closure Tasks (Request for closure documents, ACEH Case Closure Summary Preparation and Review, Site Management Plan, Institutional Controls, Public Participation, Landowner Notification, Well Decommissioning, Waste Removal, and Reporting.)

Please include time for regulatory and RP in house review, permitting, off-site access agreements, and utility connections, etc.

Please use a critical path methodology/tool to construct a schedule with sufficient detail to support a realistic and achievable Path to Closure Schedule. The schedule is to include at a minimum:

- Defined work breakdown structure including summary tasks required to accomplish the project objectives and required deliverables
- Summary task decomposition into smaller more manageable components that can be scheduled, monitored, and controlled
- Sequencing of activities to identify and document relationships among the project activities using logical relationships
- Identification of critical paths, linkages, predecessor and successor activities, leads and lags, and key milestones
- Identification of entity responsible for executing work
- Estimated activity durations (60-day ACEH review times are based on calendar days)

Please submit an electronic copy of the Path to Closure Schedule by the date listed below. ACEH will review the schedule to ensure that all key elements are included.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with the specified file naming convention below, according to the following schedule:

- **May 10, 2013** – Data Gap Work Plan and Path to Closure Schedule
File to be named: RO454_WP_R_yyyy-mm-dd

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.

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>. If your email address is not listed on the first page of this letter, or in the list of cc's listed below, ACEH is requesting your email address to help expedite communications and to help lower overall costs.

Messrs. Hetrick, Boisvert, and Sadler
RO0000454
March 14, 2013, Page 4

If you have any questions, please call me at (510) 567-6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,



Digitally signed by Mark Detterman
DN: cn=Mark Detterman, o, ou,
email=mark.detterman@acgov.org, c=US
Date: 2013.03.15 09:29:17 -07'00'

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions
Geotracker LTCP Checklist
ACEH Data Gap Identification Tool (DGIT)

cc: Greg Barclay, 5900 Hollis Street, Suite A, Emeryville, CA 94608
(sent via electronic mail to GBarclay@croworld.com)

Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA
94612-2032 (Sent via E-mail to: lgriffin@oaklandnet.com)

Donna Drogos, (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman (sent via electronic mail to mark.detterman@acgov.org)
Electronic File, GeoTracker

Attachment 1

Responsible Party(ies) Legal Requirements/Obligations

REPORT/DATA REQUESTS

These reports/data are being requested pursuant to Division 7 of the California Water Code (Water Quality), Chapter 6.7 of Division 20 of the California Health and Safety Code (Underground Storage of Hazardous Substances), and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations (Underground Storage Tank Regulations).

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (Local Oversight Program [LOP] for unauthorized releases from petroleum Underground Storage Tanks [USTs], and Site Cleanup Program [SCP] for unauthorized releases of non-petroleum hazardous substances) require submission of reports in electronic format pursuant to Chapter 3 of Division 7, Sections 13195 and 13197.5 of the California Water Code, and Chapter 30, Articles 1 and 2, Sections 3890 to 3895 of Division 3 of Title 23 of the California Code of Regulations (23 CCR). Instructions for submission of electronic documents to the ACEH FTP site are provided on the attached "Electronic Report Upload Instructions."

Submission of reports to the ACEH FTP site is in addition to requirements for electronic submittal of information (ESI) to the State Water Resources Control Board's (SWRCB) Geotracker website. In April 2001, the SWRCB adopted 23 CCR, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1 (Electronic Submission of Laboratory Data for UST Reports). Article 12 required electronic submittal of analytical laboratory data submitted in a report to a regulatory agency (effective September 1, 2001), and surveyed locations (latitude, longitude and elevation) of groundwater monitoring wells (effective January 1, 2002) in Electronic Deliverable Format (EDF) to Geotracker. Article 12 was subsequently repealed in 2004 and replaced with Article 30 (Electronic Submittal of Information) which expanded the ESI requirements to include electronic submittal of any report or data required by a regulatory agency from a cleanup site. The expanded ESI submittal requirements for petroleum UST sites subject to the requirements of 23 CCR, Division, 3, Chapter 16, Article 11, became effective December 16, 2004. All other electronic submittals required pursuant to Chapter 30 became effective January 1, 2005. Please visit the SWRCB website for more information on these requirements. (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)

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, 7835, 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, late 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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: July 25, 2012
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (petroleum UST and SCP) 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

- Please **do not** submit reports as attachments to electronic mail.
- Entire report including cover letter must be submitted to the ftp site as a **single Portable Document Format (PDF) with no password protection**.
- 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)

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 deh.loptoxic@acgov.org
 - 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://alcoftpi.acgov.org>
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
 - 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 deh.loptoxic@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 @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) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.

EXHIBIT C



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

September 20, 2013

Mr. Brian Waite
Chevron Environmental Management Co.
6101 Bollinger Canyon Road
San Ramon, CA 94583
(Sent via electronic mail to:
BWaite@chevron.com)

Mr. Rene Boisvert
800 Center LLC
c/o Boulevard Equity Group
484 Lake Park Ave #246
Oakland, CA 94610-2730

Mr. Terrilla Sadler
618 Brooklyn Avenue
Oakland, CA 94606-1004

Subject: Path To Closure and Followup to September 9, 2013 Meeting; Fuel Leak Case No. RO0000454
(Global ID # T0600102230), Chevron #20-6145 / Signal SS, 800 Center Street, Oakland CA 94607

Dear Messrs. Waite, Boisvert, and Sadler:

On September 9, 2013, Alameda County Environmental Health (ACEH) staff met with Mr. Brian Waite of Chevron Environmental Management Co. to discuss ACEH's review comments on the *Closure Request* dated November 29, 2012, that was contained in our directive letter of March 14, 2013, and to identify Path To Closure possibilities for the site. ACEH's review of the case file determined that the site did not meet the LTCP general criteria b (unauthorized release consists only of petroleum), f (secondary source removal), and Media-Specific Criteria for Vapor Intrusion and the Direct Contact and Outdoor Air.

During the meeting with Mr. Waite ACEH explored the data gaps and the possibility of closing the case under the LTCP based on alternate interpretations of the criteria. At the conclusion of the meeting ACEH indicated that the site may be closable with conditions that included development of a Site Management Plan to address non-petroleum contamination in shallow soils, and the installation of vapor barriers beneath future buildings to mitigate vapor intrusion to indoor air, and direct contact and outdoor air exposures.

Subsequent to the meeting and based on a further review of the case file, ACEH identified additional data gaps that needs to be addressed in conjunction with this identified path to closure. Therefore ACEH requests that we schedule another meeting to discuss the technical comments below.

TECHNICAL COMMENTS

- 1. General Criteria b – Does the Unauthorized Release Consist Only of Petroleum?** – ACEH concurs that the release from the USTs is separate from surficial contamination of lead, PCBs, and organochlorine pesticides on the various parcels associated with the case. An existing proposal in the case file indicates that the removal of approximately two feet of surficial soil could be conducted to remove these contaminants during site redevelopment. ACEH understands that there are no current plans for redevelopment, but that Chevron is currently marketing the three parcels for sale. During the meeting, two options were identified to manage shallow contamination at the site. The first option included the closure of the UST case, and the opening of a separate non-LUFT environmental case with Chevron as the Responsible Party to manage the shallow soil contamination. The second option discussed included closure of the UST case, with the condition that shallow soil would be removed at a later date by the new owner during site redevelopment. To facilitate this action under the second option, a Site Management Plan would be required as a condition of closure of the UST case. It is our understanding as discussed in the meeting, that Chevron prefers the second option. ACEH would like to confirm this in our telephone conversation.
- 2. General Criteria f: Has Secondary Source Been Removed to the Extent Practicable?** –Significant residual petroleum hydrocarbons remain in soil at the site (up to 3,400 mg/kg TPHd, 18,000 mg/kg

TPHg, 92 mg/kg benzene, 440 mg/kg ethylbenzene, and uncharacterized for naphthalene and PAHs). Residual contamination is predominately located between 5 and 10 feet below grade surface, extends to at least 16 feet bgs, but is undefined vertically in a central residual soil contamination core zone. Analytical data also indicates significant residual source zone contamination remains below the former UST and dispenser island locations. Concentrations up to 1,100 mg/kg TPHd, 6,900 mg/kg TPHg, 41 mg/kg benzene, and 200 mg/kg ethylbenzene are documented to be present below the zone of excavation (12 to 14 feet in depth) in these two source zones.

The Low-Flow Air Sparge pilot test conducted in early 2011 without vapor extraction mobilized residual contamination at the site and resulted in increased groundwater concentrations and significantly elevated soil vapor concentrations. Partly as a result of these significant changes in concentrations the pilot test was discontinued and concentrations dropped below levels of concern.

As discussed in the meeting, it appears that residual contamination is sequestered in the formation and as long as there are no disturbances in the subsurface residual contamination appears to be degrading under lower threat diffusive conditions and may not pose a vapor intrusion concern to future site occupants. However, based on further consideration, ACEH remains concerned that subsurface disturbances at or after redevelopment could potentially be created due to leaks in pressurized utility lines (i.e. natural gas, water lines, etc.) that would result in advective flow conditions and subsequent soil gas generation that would overwhelm the assimilative biodegradation capacity of the subsurface soil.

Therefore, there appear to be two options at the site. The first includes additional remediation of residual contamination. The second option includes the installation of a vapor barrier system beneath future buildings to control exposure and mitigate risk to human health. Under this scenario ACEH would require use of institutional controls, such as a deed restriction, to ensure the vapor barrier remains intact and unbreached in perpetuity. ACEH requests clarification on Chevron's preference.

3. **Media-Specific Criteria 2 – Petroleum Vapor Intrusion to Indoor Air** – During the meeting, it was ACEH's understanding that the site had the requisite bioattenuation zone characteristics to satisfy the media specific criteria for vapor intrusion to indoor air. However, further review of site analytical data indicate that there are areas of the site where TPH is greater than 100 mg/kg in the 0 to 5 foot depth interval. Although these areas are relatively limited, and do not appear to be in the principal core contamination area with elevated residual concentrations of benzene and ethylbenzene in soil, the results of the air sparge pilot test as discussed above indicate that soil vapor can be mobilized under advective flow conditions and have the potential to migrate to areas where TPH concentrations in soil would prevent bioattenuation. Therefore it appears that there are several options to manage this criterion, including:
 - a. A Site Management Plan as discussed above to require the use of a vapor intrusion barrier in future construction at the site;
 - b. Collection of additional data to determine if a site specific risk assessment can demonstrate that human health is protected; or
 - c. Additional remediation of this shallow contamination.

Please note that if options b or c are selected, ACEH requests the collection of naphthalene and PAH data as the areas identified with shallow TPH contamination are in the vicinity of the former waste oil UST and these analytes do not appear to have been previously analyzed for.

4. **Media-Specific Criteria 3 – Direct Contact and Outdoor Air Exposure, or does the site Qualify for the Exemption?** – As cited above, significant residual petroleum hydrocarbons remain in soil beneath the site including in source zones. These concentrations fail the residential, commercial, and utility worker direct contact and outdoor air values of Table 1 of the LTCP. During the meeting Chevron stated that residual contamination exceeding the direct contact and outdoor air criterion could be managed with a Site Management Plan. Upon further evaluation, although risk to utility works and direct contact can be mitigated under a Site Management Plan, ACEH is concerned that unless the entire site (three parcels) is covered with a building, the potential exists for risk to human health due to outdoor air exposure under the criteria identified by the LTCP. Therefore there appears to be two options to address this criterion.

Messrs. Waite, Boisvert, and Sadler
RO0000454
September 20, 2013, Page 3

The first option includes the development of a site specific risk assessment incorporating all petroleum related analytes that will remain in soil at the site upon closure. Please note that under this option the shallow soil contamination (lead, chlorinated pesticides, and PCBs) would be excluded from the risk assessment as it is assumed that it would be managed under a Site Management Plan as discussed above.

Because of the uncertainty of the future site redevelopment configuration it is not feasible to manage outdoor air exposure risk with a Site Management Plan. Therefore either additional data needs to be collected to support closure under this criterion or additional remediation needs to be conducted in the 5 to 10 foot interval to mitigate outdoor air exposure to future site occupants.

Please contact ACEH to schedule a meeting to discuss these items further.

If you have any questions, please call me at (510) 567-6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,



Digitally signed by Mark Detterman
DN: cn=Mark Detterman, o, ou,
email=mark.detterman@acgov.org, c=US
Date: 2013.09.20 17:14:39 -07'00'

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions

cc: Greg Barclay, Conestoga-Rovers & Associates, 5900 Hollis Street, Suite A, Emeryville, CA 94608
(sent via electronic mail to GBarclay@craworld.com)

Brandon Wilken; Conestoga-Rovers & Associates, 5900 Hollis Street, Suite A, Emeryville, CA 94608; (sent via electronic mail to BWilken@craworld.com)

Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 (Sent via E-mail to: lgriffin@oaklandnet.com)

Dilan Roe, (sent via electronic mail to: dilan.roe@acgov.org)
Mark Detterman (sent via electronic mail to mark.detterman@acgov.org)
Electronic File, GeoTracker

Attachment 1

Responsible Party(ies) Legal Requirements/Obligations

REPORT/DATA REQUESTS

These reports/data are being requested pursuant to Division 7 of the California Water Code (Water Quality), Chapter 6.7 of Division 20 of the California Health and Safety Code (Underground Storage of Hazardous Substances), and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations (Underground Storage Tank Regulations).

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (Local Oversight Program [LOP] for unauthorized releases from petroleum Underground Storage Tanks [USTs], and Site Cleanup Program [SCP] for unauthorized releases of non-petroleum hazardous substances) require submission of reports in electronic format pursuant to Chapter 3 of Division 7, Sections 13195 and 13197.5 of the California Water Code, and Chapter 30, Articles 1 and 2, Sections 3890 to 3895 of Division 3 of Title 23 of the California Code of Regulations (23 CCR). Instructions for submission of electronic documents to the ACEH FTP site are provided on the attached "Electronic Report Upload Instructions."

Submission of reports to the ACEH FTP site is in addition to requirements for electronic submittal of information (ESI) to the State Water Resources Control Board's (SWRCB) Geotracker website. In April 2001, the SWRCB adopted 23 CCR, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1 (Electronic Submission of Laboratory Data for UST Reports). Article 12 required electronic submittal of analytical laboratory data submitted in a report to a regulatory agency (effective September 1, 2001), and surveyed locations (latitude, longitude and elevation) of groundwater monitoring wells (effective January 1, 2002) in Electronic Deliverable Format (EDF) to Geotracker. Article 12 was subsequently repealed in 2004 and replaced with Article 30 (Electronic Submittal of Information) which expanded the ESI requirements to include electronic submittal of any report or data required by a regulatory agency from a cleanup site. The expanded ESI submittal requirements for petroleum UST sites subject to the requirements of 23 CCR, Division, 3, Chapter 16, Article 11, became effective December 16, 2004. All other electronic submittals required pursuant to Chapter 30 became effective January 1, 2005. Please visit the SWRCB website for more information on these requirements: (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

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, 7835, 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, late 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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: July 25, 2012
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (petroleum UST and SCP) 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

- Please **do not** submit reports as attachments to electronic mail.
- Entire report including cover letter must be submitted to the ftp site as a **single Portable Document Format (PDF) with no password protection**.
- 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)

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 deh.loptoxic@acgov.org
 - 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, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
 - 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 deh.loptoxic@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 @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) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.

EXHIBIT D



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

August 26, 2014

Ms. Alexis Fischer
Chevron Environmental Management Co.
6101 Bollinger Canyon Road
San Ramon, CA 94583
(Sent via electronic mail to:
AFischer@chevron.com)

Mr. Rene Boisvert
800 Center LLC
c/o Boulevard Equity Group
484 Lake Park Ave #246
Oakland, CA 94610-2730

Mr. Terrilla Sadler
618 Brooklyn Avenue
Oakland, CA 94606

Subject: Landowner Identification for Case Closure Consideration for Fuel Leak Case No. RO0000454
(Global ID # T0600102230), Chevron #20-6145 / Signal SS, 800 Center Street, Oakland CA
94607

Dear Responsible Parties:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the referenced site including the *Site Assessment Report and Site Conceptual Model*, dated June 27, 2014. The report was prepared and submitted on your behalf by Conestoga-Rovers & Associates, Inc. (CRA). Thank you for submitting the report.

Alameda County Environmental Health (ACEH) is considering the above referenced site for potential case closure. As you are aware a site investigation and groundwater monitoring for underground storage tank leaks has been performed at the subject property to which you are named as the primary or active responsible parties.

List of Landowners Form

Pursuant to Section 25297.15 (a) of the California Health and Safety Code, Alameda County Environmental Health (ACEH), the local agency, shall not consider cleanup or site closure proposals from the primary or active responsible party, issue a closure letter, or make a determination that no further action is required with respect to a site upon which there was an unauthorized release of hazardous substances from an underground storage tank subject to this chapter unless all current record owners of fee title to the site of the proposed action have been notified of the proposed action by the primary or active responsible party. ACEH is required to notify the primary or active responsible party of their requirement to certify in writing to the local agency that the notification requirement in the above-mentioned regulation has been satisfied and to provide the local agency with a complete mailing list of all record fee title owners.

To satisfy this requirement, please complete the enclosed *List of Landowners Form*, and mail it back to ACEH by the date identified below.

Site Management Requirements

ACEH staff has evaluated the case file and believes the case may be eligible for closure under the Low-Threat Closure Policy. Closure would be under a commercial land use scenario with site management requirements, as residual soil contamination remains in soil beneath the site. Additionally, soil analytical data for the 5 to 10 foot interval of soil exceed LTCP residential, commercial / industrial, and utility worker direct contact and volatilization to outdoor air criteria. Therefore, ACEH will require preparation of a Site Management Plan (SMP) prior to closure to address potential contaminants of concern and management of contaminated soil or groundwater should excavation or construction activities occur in areas of residual contamination. These activities require planning and implementation of appropriate health and safety

procedures by the responsible party (or current property owner/developer) prior to and during excavation and construction activities.

Re-evaluation of this case is required if land uses changes to any commercial / industrial use, or to residential or other conservative land use, as residual contamination is documented to remain in the soil beneath the site.

This site is to be entered into the City of Oakland Permit Tracking System due to the residual contamination on site.

Public Participation

Public participation is a requirement for the Corrective Action Plan and case closure processes. In order to notify potentially affected members of the public of the potential fuel leak case closure, *Notification of Potential Case Closure* will be distributed to addresses in the immediate vicinity. The *Notification of Potential Case Closure* requests that landowners or residents submit any comments or questions to ACEH regarding potential case closure. ACEH will consider all comments from the public prior to potential case closure.

Prior to distribution of the notification, please return the List of Landowner form to ensure that the current landowner(s) are included in this process.

Monitoring Well Destruction and Waste Removal Activities

After public comments have been addressed you will be requested to destroy site monitoring wells and remove any remaining investigation, remediation, and well destruction derived waste from the site.

ACEH will request the well destruction in a separate letter following the conclusion of the public notification period.

TECHNICAL REPORT REQUEST

Please submit reports to Alameda County Environmental Health (Attention: Mark Detterman), and upload technical reports to the ACEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with the following specified file naming convention and schedule:

- **September 26, 2014** – Return of *List of Landowner Form*
- **October 24, 2014** – **Site Management Plan**
(File name: RO0000454_SITE_MANAGE_R_yyyy-mm-dd)

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.

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

If your email address does not appear on the cover page of this notification ACEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

If you have any questions, please call me at (510) 567-6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,



Digitally signed by Mark E. Detterman
DN: cn=Mark E. Detterman, o, ou,
email, c=US
Date: 2014.08.26 15:11:32 -07'00'

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

Ms. Fischer, and Messrs. Boisvert, and Sadler
RO0000454
August 26, 2014, Page 3

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements/Obligations and
Electronic Report Upload (ftp) Instructions

Attachment 2 - *List of Landowners Form*

cc: Nathan Allen, Conestoga-Rovers & Associates, 10969 Trade Center Drive, Suite 107, Rancho
Cordova, CA 95670; (Sent via electronic mail to nallen@croworld.com)

Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA
94612-2032 (Sent via E-mail to: lgriffin@oaklandnet.com)

Dilan Roe, ACEH, (sent via e-mail to dilan.roe@acgov.org)
Mark Detterman (sent via electronic mail to mark.detterman@acgov.org)
Geotracker, Electronic File

Attachment 1

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

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.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: May 15, 2014
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

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

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection.**
- 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)

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 deh.loptoxic@acgov.org
 - 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, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
 - 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 deh.loptoxic@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 @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) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.

LIST OF LANDOWNERS FORM

County of Alameda
Environmental Health Services
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR:

Site Name: Chevron #20-6145 / Signal SS
Address: 800 Center Street
City, State, Zip: Oakland, CA 94607
Record ID #: RO0000454

Please fill out item 1 if there are multiple site landowners (attach an extra sheet if necessary). If you are the sole site landowner, skip item 1 and fill out item 2.

1. In accordance with Section 25297.15(a) of Chapter 6.7 of the California Health & Safety Code, I, _____ (name of primary responsible party), certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site:

Name: _____
Address: _____
City, State, Zip: _____
E-mail
Address: _____

Name: _____
Address: _____
City, State, Zip: _____
E-mail
Address: _____

Name: _____
Address: _____
City, State, Zip: _____
E-mail
Address: _____

2. In accordance with Section 25297.15(a) of Chapter 6.7 of the California Health & Safety Code, I _____, certify that I am the sole landowner for the above site.

Sincerely,

Signature of Primary Responsible Party	Printed Name	Date	E-mail Address
--	--------------	------	----------------

EXHIBIT E



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-670
FAX (510) 337-9335

April 4, 2016

Mr. Mark Horne
Chevron Environmental Management Co.
6101 Bollinger Canyon Road
San Ramon, CA 94583
(Sent via electronic mail to:
MarkHorne@chevron.com)

Mr. Rene Boisvert
800 Center LLC
c/o Boulevard Equity Group
484 Lake Park Ave #246
Oakland, CA 94610-2730

Mr. Terrilla Sadler
618 Brooklyn Avenue
Oakland, CA 94606

Subject: Request for Well Destruction, Fuel Leak Case RO0000454 (Global ID # T0600102230),
Chevron #20-6145 / Signal SS, 800 Center Street, Oakland CA 94607

Messrs. Horne, Boisvert, and Sadler:

The public comment period for the subject site ended on November 23, 2015. The Alameda County Department of Environmental Health (ACDEH) received one comment in opposition to the potential closure of the case. The comment was evaluated and responded to, but under the Low Threat Closure Policy (LTCP), the current intended use of the properties as vacant parcels, and the apparently sufficient isolation of petroleum hydrocarbons from human and environmental receptors due to the parcels' current planned use; it does not appear to be appropriate to delay case closure further.

Therefore, at this time it is appropriate to request the destruction of site wells. Case closure will follow review of the associated well destruction report, and the opening of a Voluntary Remedial Action Program (VRAP) case in order to manage surficial soil contamination (pesticides, lead, PCBs, etc.) at the site.

TECHNICAL COMMENTS

1. **Monitoring Well Destruction and Waste Removal Activities** – As indicated above, at this time you are requested to decommission site monitoring wells and document the removal of any remaining investigation, remediation, and well destruction derived waste from the site. Please submit a report to document well destruction, and the removal and documented disposal of any remaining associated waste by the date identified below.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with the specified file naming convention below, according to the following schedule:

- **July 8, 2016** – Well Destruction Report (including Waste Disposal Documentation)
File to be named RO454_WELL_DCM_R_yyyy-mm-dd

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. Detterman".

Digitally signed by Mark Detterman
DN: cn=Mark Detterman, o=ACEH, ou=ACEH,
email=mark.detterman@acgov.org, c=US
Date: 2016.04.04 14:43:27 -07'00'

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

Messrs. Horne, Boisvert, and Sadler
RO0000454
April 4, 2016, Page 2

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions

cc: Morgan Hargrave, Conestoga-Rovers & Associates, 10969 Trade Center Drive, Suite 107,
Rancho Cordova, CA 95670; (Sent via electronic mail to mhargrave@croworld.com)

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

Mark Detterman, ACDEH, (sent via electronic mail to mark.detterman@acgov.org)
Electronic File, GeoTracker

Attachment 1

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

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.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: May 15, 2014
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

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

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection.**
- 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)

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 deh.loptoxic@acgov.org
 - 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, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) Click on Page located on the Command bar on upper right side of window, and then scroll down to Open FTP Site in Windows Explorer.
 - 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 deh.loptoxic@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 @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) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.

EXHIBIT F



December 29, 2016

Mr. Mark Horne
Chevron Environmental Management Co.
6101 Bollinger Canyon Road
San Ramon, CA 94583
(Sent via electronic mail to:
MarkHorne@chevron.com)

Mr. Rene Boisvert
800 Center LLC
c/o Boulevard Equity Group
484 Lake Park Ave #246
Oakland, CA 94610-2730

Mr. Terrilla Sadler
618 Brooklyn Avenue
Oakland, CA 94606

NOTICE TO COMPLY

Subject: Request for Groundwater Monitoring, Updated Site Conceptual Model, Sensitive Receptor Survey, Fuel Leak Case RO0000454 (Global ID # T0600102230), Chevron #20-6145 / Signal SS, 800 Center Street, Oakland CA 94607

Messrs. Horne, Boisvert, and Sadler:

Alameda County Department of Environmental Health (ACDEH) has reviewed the case file, including the *Third Quarter 2016 Groundwater Monitoring and Sampling Report*, and dated November 9, 2016. The report was prepared and submitted on your behalf by GHD. Thank you for submitting the report. The report documented a groundwater monitoring event at the subject site on August 18, 2016.

A review of the case file for the above-referenced site indicates that your case is currently not in compliance with the ACDEH May 25, 2016 correspondence, which requested quarterly groundwater monitoring in addition to an updated Site Conceptual Model (SCM) and a sensitive receptor survey as detailed in that letter. Over four months have lapsed and the sensitive receptor survey and an updated SCM have not been received by ACDEH.

Completion of site characterization and/or cleanup at this site is necessary to ensure human health and the environment are protected, as well as to move this case towards closure under the State Water Boards (SWBs) Low Threat Closure Policy (LTCP). Please note that as Responsible Parties, you are required by California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11, §2720 through §2728 to characterize the site and implement corrective action, as required.

In order to regain compliance, please conduct the requested actions, and submit a summary report, and electronically upload all documents to GeoTracker and ACDEH's FTP server by the dates specified below. Failure to conduct the work by the due dates specified below may result in an issuance of a Notice of Violation and possible enforcement action by the District Attorney and/or ineligibility for reimbursement of corrective action costs incurred at the site from the Underground Storage Tank Clean-up Fund. ACDEH can recommend removal of this site from the Underground Storage Tank Clean-up Fund. Pursuant to Chapter 6.7, California Health and Safety code, civil penalties up to \$10,000 for each UST for each day of violation may be imposed. Please note that once removed from the Clean-up Fund, the costs associated with site characterization/site cleanup work that is required will not be reimbursed. Please note that civil penalties for non-compliance are assessed from the original due date (August 19, 2016).

Based on the review of the case file ACDEH requests that you address the following technical comments and send us the documents requested below.

TECHNICAL COMMENTS

1. **LTCP General Criteria e (Site Conceptual Model) – (LATE)** Our review of the case files indicates that insufficient data collection or analysis has been presented to assess the nature, extent, and mobility of the release and to support compliance with Media Specific Criteria Groundwater as described below.

Based on changes in the depth to groundwater, it appears that depth to groundwater affects groundwater concentrations. During the January 2014 monitoring and sampling event, groundwater was at a historic low point for the preceding six years, and contaminant concentrations were at historic high concentrations for the preceding six years. The relationship appears to indicate historic low groundwater levels may cause historic plume concentration spikes that must be considered within the context of the LTCP.

2. **LTCP Media Specific Criteria for Groundwater – (LATE)** Our review of the case files indicates that insufficient data collection and analysis has been presented to support the requisite characteristics of plume stability or plume classification as follows:

- a. **Groundwater Plume Length** – The January 2014 groundwater monitoring event documented all site wells contained significantly higher TPHd concentrations than prior monitoring events. Conversely, TPHg and petroleum hydrocarbon volatiles, including benzene, ethylbenzene, toluene, and total xylenes (BTEX) did not change significantly. As a consequence, it is appropriate to define the groundwater TPHd plume length by means contained in the LTCP, such as use of maximum plume lengths as defined in the LTCP *Technical Justification for Groundwater Media-Specific Criteria*, (April 2012), and determine if sensitive receptors are located within 1,000 feet of the assumed maximum plume length. ACDEH defines sensitive receptors to include wells, sensitive populations, and dewatering structures such as basements with sumps that remove groundwater from the subsurface, and discharge it to surface conveyance such as curbs with potential direct exposures to humans and the environment including storm water discharges. ACDEH is aware that an updated well survey and sensitive population survey has more recently been conducted for the site.

- b. **Stability of Groundwater Concentrations** – It appears appropriate to resume groundwater monitoring of all on- and offsite shallow groundwater monitoring wells in an attempt to determine current groundwater depths and current concentrations in an effort to support an updated SCM.

3. **Quarterly Groundwater Monitoring** – In order to quickly determine groundwater plume concentration stability, please conduct quarterly groundwater monitoring and sampling at the site and submit reports by the dates identified below.

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

Please note that ACDEH has updated Attachment 1 with regard to report submittals to ACDEH. ACDEH will now be requiring a Submittal Acknowledgement Statement, replacing the Perjury Statement, as a cover letter signed by the Responsible Party (RP). The language for the Submittal Acknowledgement Statement is as follows:

I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's Geotracker Website.

Please make this change to your submittals to ACDEH.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with the specified file naming convention below, according to the following schedule:

- **February 24, 2017 (LATE)** – Sensitive Receptor Survey, Updated SCM
File to be named RO454_SCM_R_yyyy-mm-dd
- **April 7, 2017** – First Quarter 2017 Groundwater Monitoring Report
File to be named RO454_GWM_R_yyyy-mm-dd

Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,



Digitally signed by Mark Detterman
DN: cn=Mark Detterman, o=ACEH,
ou=ACEH,
email=mark.detterman@acgov.org, c=US
Date: 2016.12.29 10:47:03 -08'00'

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions

cc: Morgan Hargrave, GHD, 10969 Trade Center Drive, Suite 107, Rancho Cordova, CA 95670;
(Sent via electronic mail to: morgan.hargrave@ghd.com)

Greg Barclay, GHD, 10969 Trade Center Drive, Suite 107, Rancho Cordova, CA 95670;
(Sent via electronic mail to: greg.barclay@ghd.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)
Mark Detterman, ACDEH, (Sent via electronic mail to: mark.detterman@acgov.org)
Electronic File; GeoTracker

Attachment 1

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) for more information on these requirements.

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 ACDEH's FTP server and the SWRCB's GeoTracker website." 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 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. 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 case meet this requirement. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsq.ca.gov/laws/index.shtml>.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, late 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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP and SCP) 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

- Please **do not** submit reports as attachments to electronic mail.
- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**.
- 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)

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 deh.loptoxic@acgov.org.
 - 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) Open File Explorer using the Windows  key + E keyboard shortcut.
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) On the address bar, type in ftp://alcoftp1.acgov.org.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
 - d) Click Log On.
 - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - f) 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 deh.loptoxic@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 @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) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.

EXHIBIT G



Memorandum

June 19, 2017

To: Carryl MacLeod Ref. No.: 312002

From: Kiersten Hoey - GHD Tel: 510-420-3347

Subject: **Technical Comments on Alameda County Department of Environmental Health
May 23, 2017, Denial of Case Closure
Former Signal Oil Station 206145
800 Center Street
Oakland, California
Fuel Leak Case No RO0454**

On November 29, 2012, GHD, on behalf of Chevron Environmental Management Company (CEMC) submitted a *Closure Request* to the Alameda County Department of Environmental Health (ACDEH) for the Former Signal Oil service station 206145 located at 800 Center Street in Oakland, California (Figure 1). GHD's evaluation indicated the site satisfies all of the general- and media-specific criteria established in the State Water Resource Control Board's *Low Threat Underground Storage Tank Case Closure* (LTCP). To facilitate case closure, in a September 15, 2015 letter, ACDEH subjected the site to a 60-day public comment period that was subsequently followed by a request by ACDEH to destroy all site monitoring wells in letter dated April 4, 2016. Then in a May 26, 2016 letter, ACDEH halted well destruction and requested additional groundwater monitoring and a sensitive receptor survey be completed based on total petroleum hydrocarbons as diesel (TPHd) concentrations detected in groundwater in 2014. Consequently, three quarterly groundwater monitoring and sampling events and a sensitive receptor survey were conducted. GHD's March 24, 2017 *Updated Sensitive Receptor Survey and Site Conceptual Model and Low-Threat Closure Request* (Low-Threat Closure Request) concluded TPHd concentrations are decreasing; the plume is shrinking in extent under normal hydrologic conditions and is laterally and vertically defined; no identified potential receptors are expected to be affected by the residual hydrocarbon plume; and site conditions meet the general and media-specific LTCP criteria. ACDEH objected to case closure in its May 23, 2017 letter (Attachment A).

In its letter, the ACDEH describes why they have determined that the site fails to meet the LTCP Media-Specific Criteria for Groundwater and the Media Specific Criteria for Direct Contact and Outdoor Air. GHD has reviewed the letter and provides these technical comments on the ACDEH May 23, 2017 letter.

The ACDEH's reasons for closure denial are summarized in italics and GHD's responses and rationale for petitioning the State for review of this case are presented below.



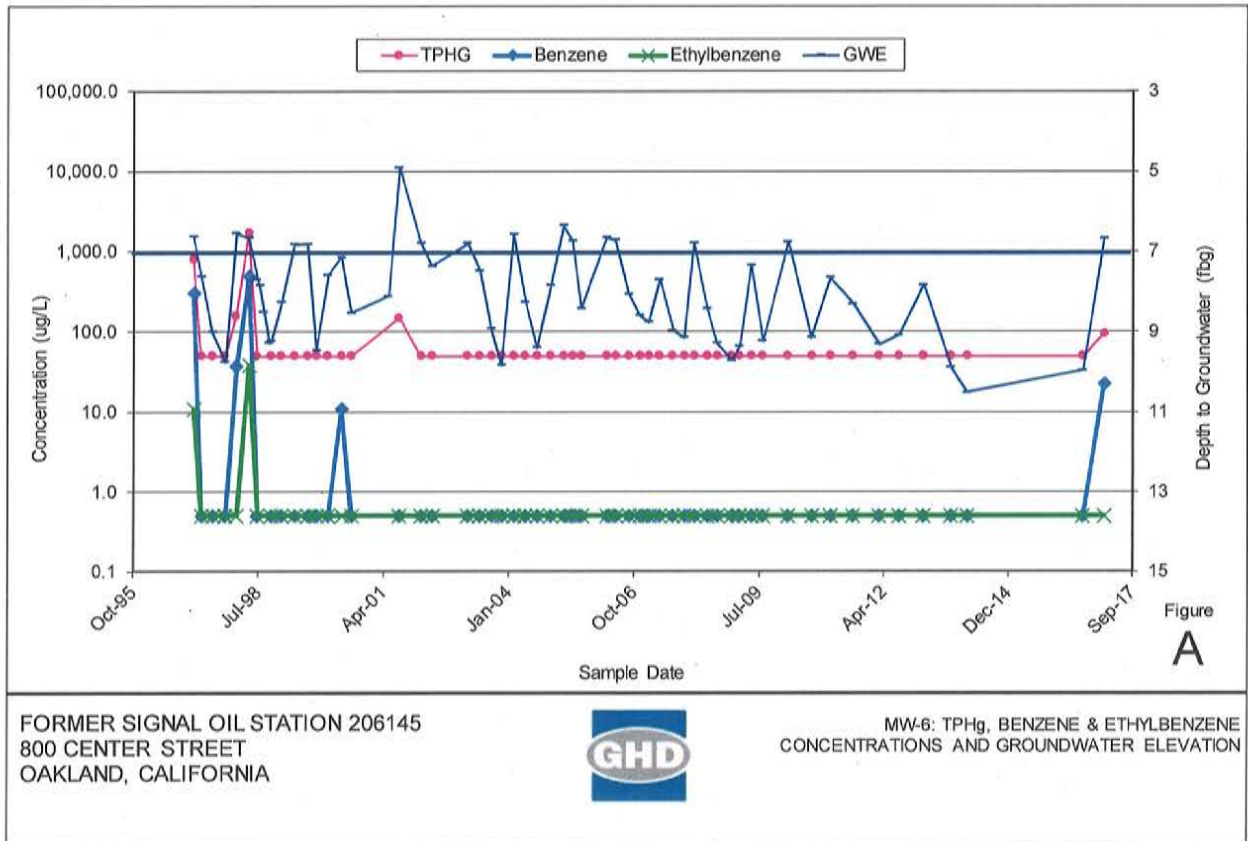
1. Response to Technical Comments

1.1 LTCP Media Specific Criteria for Groundwater

Groundwater Elevation Changes and Groundwater Concentration Changes

ACDEH states "In general, historic groundwater data indicate that concentrations at the subject site appear to decrease upon rising groundwater elevations, and conversely groundwater concentrations generally increase upon declining groundwater elevations. However, data from MW-6, located downgradient of the former underground storage tank (UST), suggest this is not universally observed at the site. Concentrations of total petroleum hydrocarbons as gasoline (TPHg), benzene, and ethylbenzene, increased relative to the previous seven years (since at least September 2010) when shallower groundwater elevations were documented. Due to the recent increase in concentrations in MW-6 seen in conjunction with the higher groundwater levels, and the significant residual contamination remaining at the site, ACDEH is concerned that the groundwater plume has the potential to intercept basements and sumps located proximal to the site on downgradient residential properties."

Until the first quarter 2017 sample event, no TPHg or benzene had been detected in well MW-6 since 2001. The 23 micrograms per liter ($\mu\text{g/L}$) benzene detected during the first quarter 2017 sampling event is the first benzene detection in 17 years and is not indicative of a trend, does not pose a risk to human health or the environmental, nor is there a direct correlation between groundwater depth and hydrocarbon concentrations in well MW-6. Since 1997, TPHg and/or benzene have been detected in well MW-6 during five sampling events. During each of these events, groundwater was shallower than 7 fbg. Out of the total 59 groundwater monitoring and sampling events, depth to water was shallower than 7 fbg, on 16 instances; however, during 10 of these instances, no TPHg or benzene were detected. Depth to groundwater, TPHg, benzene, and ethylbenzene concentrations in MW-6 between 1997 and 2017 are illustrated in Figure A below. Historical groundwater data for all wells is presented in GHD's March 22, 2017 *First Quarter 2017 Groundwater Monitoring and Sampling Report*.



Based on the 2016 door-to-door survey there do not appear to be basements in the immediate proximity of the site with the potential to be intercepted by groundwater. The property south of the site is new residential homes with no basements. Based on the response from the property west of the site, across Center Street and adjacent to well MW-6, the building was described as built slab-on-grade with a basement. Based on a site reconnaissance it looks as though the bottom floor of the building is a habitable basement with windows and is half above ground and half below ground. Given a standard basement is approximately 8 feet in height, the bottom of this basement would be approximately 4 fbg, which is above the shallowest historical measured depth to water in MW-6 of 4.90 fbg. Therefore, it is very unlikely groundwater intercepts this basement. Furthermore, the property owner indicated there is no sump on the property, which further supports that groundwater does not intercept the basement.

However, if a basement was intercepted by groundwater, the offsite groundwater conditions do not pose a significant risk.

- One benzene detection in 17 years from wells MW-5, MW-6, and MW-8, located west (crossgradient) and southwest (downgradient) of the site does not indicate a trend or present a risk to human health or the environment.



- The source of the hydrocarbon release was removed over 18 years ago in 1973 and 1999.
- A significant amount of secondary hydrocarbon source was removed during the 2002 remedial excavation that removed approximately 1,584 tons of soil, and during a low flow air sparge (LFAS) pilot test that operated from January through April 2011.
- The dissolved hydrocarbon plume is shrinking in lateral extent and limited to beneath the southwest corner of the site.
- Dissolved hydrocarbon concentrations have decreased one to four orders of magnitude over 20 years
- GHD's evaluation in the March 24, 2017 *Low-Threat Closure Request* indicated that the site satisfies all of the general- and media-specific criteria established in the LTCP.

Length of Groundwater Plume

ACDEH States, *"The rose diagram included in the referenced reports indicated groundwater flow direction varies from westerly (rarely) to southerly (rarely), and appears to predominately flow to the southwest. ACDEH is in general agreement that well MW-8 suggests groundwater is defined to the west-southwest of MW-3. However, ACDEH is concerned that the length of the groundwater plume, underlying residential properties, to the south-southwest of well MW-3 and to the west of MW-6 has not been adequately defined and may leave the properties at some risk should basements be associated with the properties..."*

As presented in previous GHD reports, dissolved TPHg concentrations have decreased one order of magnitude and benzene concentrations have decreased four orders of magnitude in source area well MW-3 over the past 20 years and dissolved hydrocarbons are adequately laterally defined by the other seven shallow groundwater monitoring wells. Furthermore, there are no basements or wells associated with the property south of the site across 8th Avenue. As discussed in the prior section, concentrations in MW-6 do not pose a risk. Therefore, the shrinking dissolved hydrocarbon plume does not pose a significant risk to human health or the environment. Historical groundwater data for is presented in GHD's March 22, 2017 *First Quarter 2017 Groundwater Monitoring and Sampling Report*. The first quarter 2017 groundwater data are illustrated in the enclosed figure.

1.2 LTCP Media Specific Criteria for Direct Contact and Outdoor Air Criteria

Elevated Residual Soil Contamination

Our review of the case files indicates site data appears to meet the LTCP Direct Contact goals in the 0 to 5 foot depth interval for commercial and residential land use, and is protective of utility workers in this depth interval; however, fails to meet the LTCP Volatilization to Outdoor Air goals in the 5 to 10 foot depth interval and is not protective of commercial, residential, and utility workers. Concentrations in the 5 to 10 foot depth interval of up to 92 milligrams per kilogram (mg/kg) benzene and 480 mg/kg ethylbenzene are documented to be present.



The subject property has been described as a fenced vacant dirt lot in a residential and commercial neighborhood. Under the current land use scenario, residual concentrations of contaminants in soil create a potential risk for inhalation of dust and contaminants present in the soil and volatilizing into the outdoor air. Additionally, ACDEH is aware that the subject site has been the location of unauthorized removal of site fencing and an ensuing urban farming effort which has included raised planting beds and egg laying chickens. Thus institutional controls of this nature do not appear to be effective for this site.

In 2011 and 2012, soil vapor samples were collected quarterly for over one year from six onsite soil vapor probes (VP-1 through VP-6) at 5 fbg. Soil vapor concentrations spiked in May 2011 immediately following four months of low flow air sparge (LFAS) operation, but dropped to low and non-detectable levels the subsequent four consecutive quarterly events. Following operation of LFAS, benzene, ethylbenzene, and naphthalene concentrations remained below LTCP residential soil gas criteria for four consecutive quarters. Oxygen in all six probes on all five sampling events ranged from 6.5 to 21 percent, indicating a sufficient bioattenuation zone exists. Table 1.1 below list the LTCP soil gas criteria and maximum concentrations detected in the last four sampling events. The site-specific vapor data collected at 5 fbg indicate volatiles in the residual hydrocarbons present at approximately 10 fbg are not reaching the surface and therefore not volatilizing to outdoor air. Residential or commercial/industrial risk to outdoor air exposure is unlikely.

Table 1.1 Soil Vapor Concentrations – Bioattenuation Zone (O₂ > 4%)

Constituent	Residential	Commercial	Maximum Detected Concentration 5/10/2011	Maximum Concentrations Subsequent 4 Quarterly Events 2011-2012
<i>Concentrations in µg/m³</i>				
Benzene	<85,000	<280,000	10,000	110
Ethylbenzene	<1,100,000	<3,600,000	4,200	9.1
Naphthalene	<93,000	<310,000	<18,000	<2,600
µg/m ³ = micrograms per cubic meter				

Additionally, because residual hydrocarbons in soil are located at approximately 10 fbg, there is no risk for inhalation of hydrocarbons from surficial dust. Risk to a utility worker from direct contact with residual hydrocarbons in soil could be possible for excavations exceeding 5 fbg. However, this exposure pathway is addressed by the soil and groundwater management plan that was submitted in 2015.

2. Closing

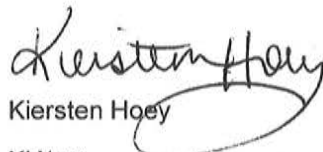
In conclusion, all available evidence indicates that onsite and offsite conditions meet LTCP criteria for the Media-Specific Criteria for Groundwater and the Media Specific Criteria for Direct Contact and Outdoor Air. Based on this finding, no additional investigation is warranted and case closure is appropriate.



Based on the data provided in the 2012 Closure Request and 2017 Low-Threat Closure Request and the information provided above, GHD does not agree with the ACDEH's assessment of the site and asserts the site meets the conditions for low threat closure set forth in the LTCP. As such, on behalf of CEMC, we are petitioning the SWRCB to review the case for possible closure under the guidelines set forth in the LTCP. Furthermore, CEMC will continue to monitor groundwater during the SWRCB's review of the site, but respectfully declines ACDEH's request to submit a Data Gap Work Plan until after the SWRCB makes its closure determination.

Sincerely,

GHD


Kiersten Hoey
KH/cw


Brandon S. Wilken, PG 7564

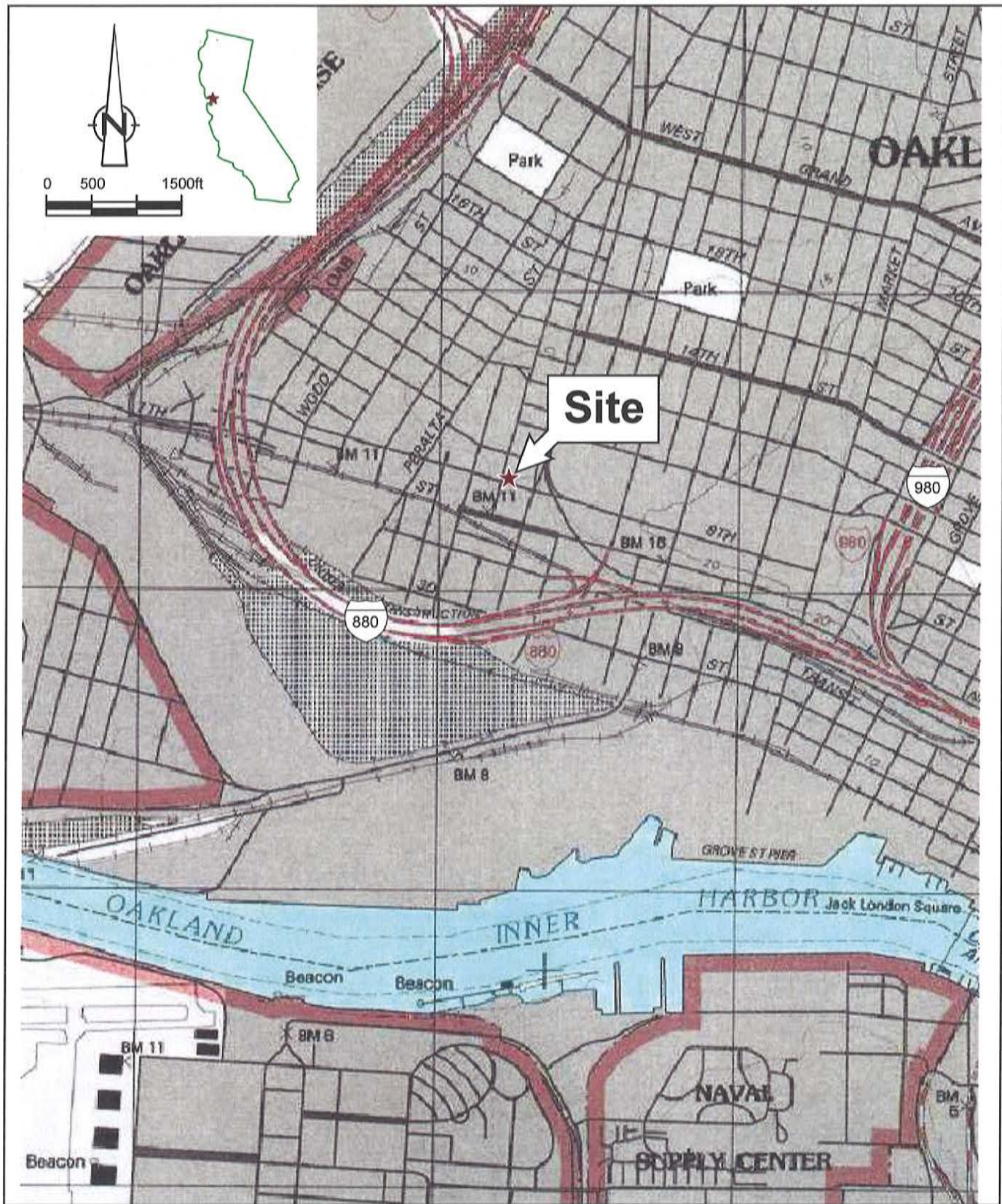


Figure 1 Vicinity Map

Figure 2 Groundwater Elevation Contour and Hydrocarbon Concentration Map – February 7, 2017

Attachment A Agency Correspondence

Figures



Source: TOPOI MAPS



FORMER SIGNAL OIL SERVICE STATION 206145
 800 CENTER STREET
 OAKLAND, CALIFORNIA

VICINITY MAP

312002-95
 Mar 2, 2017

FIGURE 1

Attachment A
Alameda County Department of
Environmental Health Correspondence



May 23, 2017

Ms. Carryl MacLeod
Chevron Environmental Management Co.
6001 Bollinger Canyon Road
San Ramon, CA 94583
(Sent via electronic mail to:
CMacleod@chevron.com)

Mr. Rene Boisvert
800 Center LLC
c/o Boulevard Equity Group
484 Lake Park Ave #246
Oakland, CA 94610-2730

Mr. Terrilla Sadler
618 Brooklyn Avenue
Oakland, CA 94606

Subject: Request for Closure Response, Fuel Leak Case RO0000454 (Global ID # T0600102230),
Chevron #20-6145 / Signal SS, 800 Center Street, Oakland CA 94607

Ms. MacLeod, and Messrs. Boisvert and Sadler:

Alameda County Department of Environmental Health (ACDEH) staff has reviewed the case file for the referenced site including *the First Quarter 2017 Groundwater Monitoring and Sampling Report*, dated March 22, 2017, and the *Updated Sensitive Receptor Survey and Site Conceptual Model and Low-Threat Closure Request*, dated March 24, 2017. The reports were prepared and submitted on your behalf by GHD. Thank you for submitting them.

ACDEH has evaluated site data, in conjunction with the case files, to determine if the site is eligible for closure as a low risk site under the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP). Based on ACDEH staff review, we have determined that the site fails to meet the Media-Specific Criteria for Groundwater and the Media-Specific Criteria for Direct Contact and Outdoor Air (see Geotracker for an updated checklist).

Based on the review of the case file ACDEH requests that you address the following technical comments and send us the documents requested below.

TECHNICAL COMMENTS

- 1. LTCP Media Specific Criteria for Groundwater** – To satisfy the media-specific criteria for groundwater, the contaminant plume that exceeds water quality objectives must be stable or decreasing in areal extent, and meet all of the additional characteristics of one of the five classes of sites listed in the policy.

Our review of the case files indicates that insufficient data collection and analysis has been presented to support the requisite characteristics of plume stability or plume classification as follows:

- a. Groundwater Elevation Changes and Groundwater Concentration Changes** - The recent rise in groundwater elevations at the site is reflective of observations at many sites in Alameda County after this past winter's significant rainfall. Water level measurements collected in February 2017 indicate that depth to water is as shallow as 4.74 feet in onsite wells and 6.68 feet in downgradient wells. In general, historic groundwater data indicate that concentrations at the subject site appear to decrease upon rising groundwater elevations, and conversely groundwater concentrations generally increase upon declining groundwater elevations. However, data from MW-6, located downgradient of the former underground storage tank (UST), suggests this is not universally observed at the site. Concentrations of Total Petroleum Hydrocarbons as gasoline (TPHg), benzene, and ethylbenzene, increased relative to the previous seven years (since at least September 2010) when shallower groundwater elevations were documented. Due to the recent increase in concentrations in MW-6 seen in conjunction with the higher groundwater levels, and the significant residual contamination remaining at the site, ACDEH is concerned that the

groundwater plume has the potential to intercept basements and sumps located proximal to the site on downgradient residential properties.

- b. **Length of Groundwater Plume** – The rose diagram included in the referenced reports indicates the groundwater flow direction varies from westerly (rarely) to southerly (rarely), and appears to predominately flow to the southwest. ACDEH is in general agreement that well MW-8 suggests groundwater is defined to the west-southwest of MW-3. However, ACDEH is concerned that the length of the groundwater plume, underlying residential properties, to the south-southwest of well MW-3 and to the west of MW-6, has not been adequately defined and may leave the properties at some risk should basements be associated with the properties. The recent basement survey did not receive responses from the properties proximal to the site, thus it is unknown if these properties could be so affected. An address by address basement evaluation and survey in close proximity to the site may provide sufficient additional data to address this concern.

Please present a strategy in the Data Gap Work Plan (described in Technical Comment 3 below) to address the items discussed above. Alternatively, please provide justification of why the site satisfies the Media-Specific Criteria for Groundwater in the focused SCM described in Technical Comment 3 below.

2. **LTCP Media Specific Criteria for Direct Contact and Outdoor Air Criteria** – The LTCP describes conditions where direct contact with contaminated soil or inhalation of contaminants volatilized to outdoor air poses a low threat to human health. According to the policy, release sites where human exposure may occur satisfy the media-specific criteria for direct contact and outdoor air exposure and shall be considered low-threat if the maximum concentrations of petroleum constituents in soil are less than or equal to those listed in Table 1 for the specified depth bgs. Alternatively, the policy allows for a site specific risk assessment that demonstrates that maximum concentrations of petroleum constituents in soil will have no significant risk of adversely affecting human health, or controlling exposure through the use of mitigation measures, or institutional or engineering controls.

The Technical Justification for Soil Screening Levels for Direct Contact and Outdoor Air Exposure Pathways, (SWRCB, March 15, 2012) states the exposure pathways considered under this scenario include the incidental ingestion of soil, dermal contact with soil, and the inhalation of dust and volatile emissions from soil, and that the exposure pathways are assumed to occur simultaneously.

- a. **Elevated Residual Soil Contamination** - Our review of the case files indicates site data appears to meet the LTCP Direct Contact goals in the 0 to 5 foot depth interval for commercial and residential land use, and is protective of utility workers in this depth interval; however, fails to meet the LTCP Volatilization to Outdoor Air goals in the 5 to 10 foot depth interval and is not protective of commercial, residential, and utility workers. Concentrations in the 5 to 10 foot depth interval of up to 92 milligrams per kilogram (mg/kg) benzene and 480 mg/kg ethylbenzene are documented to be present.

The subject property has been described as a fenced vacant dirt lot in a residential and commercial neighborhood. Under the current land use scenario residual concentrations of contaminants in soil create a potential risk for inhalation of dust and contaminants present in soil and volatilizing into outdoor air. Additionally, ACDEH is aware that the subject site has been the location of unauthorized removal of site fencing and an ensuing urban farming effort which has included raised planting beds and egg laying chickens. Thus institutional controls of this nature do not appear to be effective for the site.

Finally, while not a part of this fuel leak case, surficial contaminants including lead, organochlorine pesticides, and PCBs are present in surficial soils at one or more parcels that comprise the site. A separate Site Cleanup Case will be opened to address these non-petroleum contaminants.

Please present a strategy in the Data Gap Work Plan described in Technical Comment 3 below to demonstrate the site satisfies the direct contact and outdoor air exposure criteria at the site and assures that volatilization of petroleum constituents in soil will have no significant risk of adversely affecting human health.

3. **Data Gap Investigation Work Plan and Focused Site Conceptual Model** – Please prepare a Data Gap Investigation Work Plan to address the technical comments listed above. Please support the scope of work in the Data Gap Investigation Work Plan with a focused SCM and Data Quality Objectives (DQOs) that relate the data collection to each LTCP criteria. For example please clarify which scenario within each Media-Specific Criteria a sampling strategy is intended to apply to.

In order to expedite review, ACDEH requests the focused SCM be presented in a tabular format that highlights the major SCM elements and associated data gaps, which need to be addressed to progress the site to case closure under the LTCP.

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

Please note that ACDEH has updated Attachment 1 with regard to report submittals to ACDEH. ACDEH will now be requiring a Submittal Acknowledgement Statement, replacing the Perjury Statement, as a cover letter signed by the Responsible Party (RP). The language for the Submittal Acknowledgement Statement is as follows:

I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's Geotracker Website.

Please make this change to your submittals to ACDEH.

TECHNICAL REPORT REQUEST

Please submit reports to Alameda County Environmental Health (Attention: Mark Detterman), and upload technical reports to the ACDEH ftp site (Attention: Mark Detterman), and to the State Water Resources Control Board's Geotracker website, in accordance with the following specified file naming convention and schedule:

- **July 28, 2017** – Data Gap Work Plan
(File name: RO0000454_WP_R_yyyy-mm-dd)

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,



Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions

cc: Kiersten Hoey, GHD, Inc., 5900 Hollis Street, Suite A, Emeryville, CA 94608
(Sent via electronic mail to: Kiersten.Hoey@ghd.com)

Messrs. Horne, Boisvert, and Sadler
RO0000454
May 23, 2017, Page 4

Greg Barclay, 5900 Hollis Street, Suite A, Emeryville, CA 94608
(Sent via electronic mail to: Greg.Barclay@ghd.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)
Mark Detterman, ACDEH, (Sent via electronic mail to: mark.detterman@acgov.org)
Electronic File; GeoTracker

Attachment 1

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) for more information on these requirements.

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 ACDEH's FTP server and the SWRCB's GeoTracker website." 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 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. 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 case meet this requirement. 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

Please note that delays in investigation, late 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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP and SCP) 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

- **Please do not submit reports as attachments to electronic mail.**
- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection.**
- 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)

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 deh.loptoxic@acgov.org.
 - 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) Open File Explorer using the Windows  key + E keyboard shortcut.
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) On the address bar, type in `ftp://alcoftp1.acgov.org`.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
 - d) Click Log On.
 - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - f) 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 deh.loptoxic@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 @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) If site is a new case without an RO#, use the street address instead.
 - d) If your document meets the above requirements and you follow the submission instructions, you will receive a notification by email indicating that your document was successfully uploaded to the ftp site.

EXHIBIT H

ASSESSOR'S MAP 4

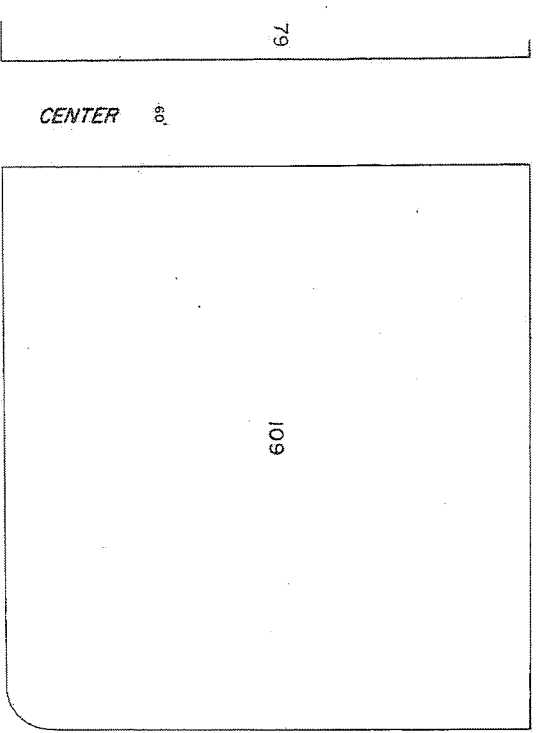
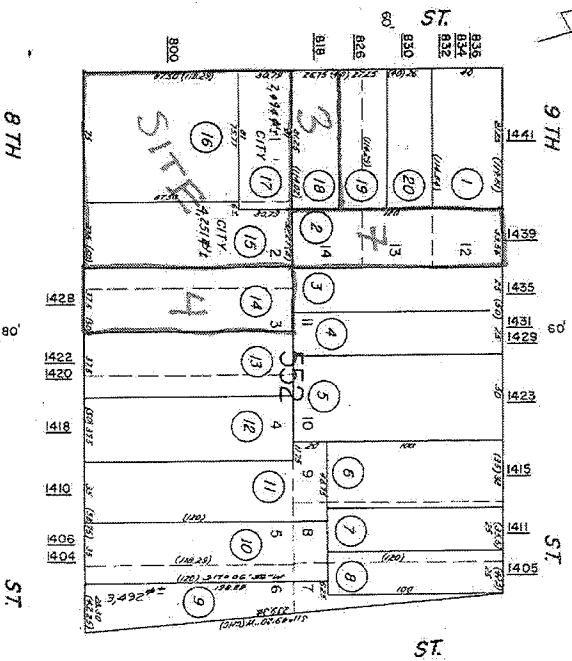
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67

Scale: 1" = 60'

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EIGHTH ST. TRACT (BK. 7 Pg. 22)

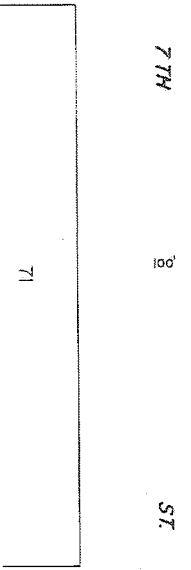
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7-19-68 CSL 9-05-03 EG
6-22-89 BV
4-19-02 WL



Formerly: Blks. 314, 315, 336

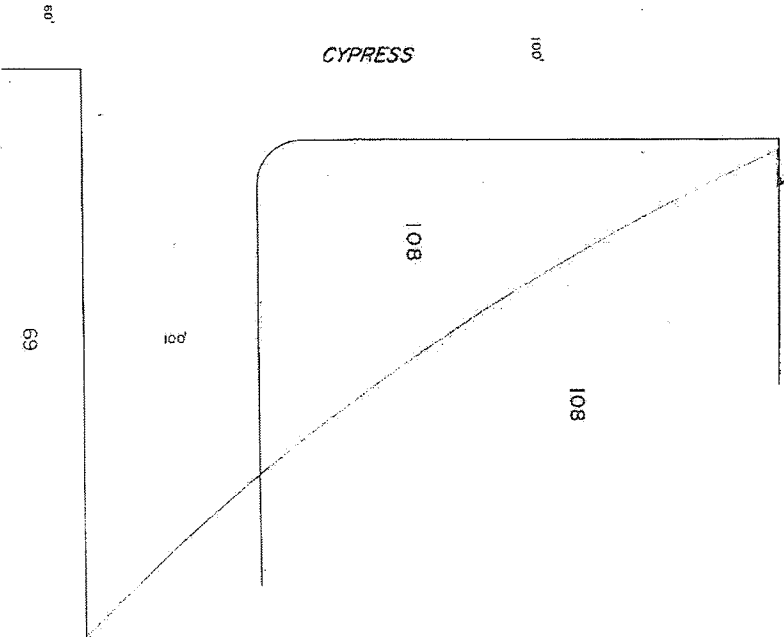
A.C.M.

Reference



17-046
17-014
FOR 7-621-2
2001-231653-6-19-01
(NIMITZ)
7-ALR-850 DK-000060-02-01

CYPRESS



ASSESSOR'S MAP 4

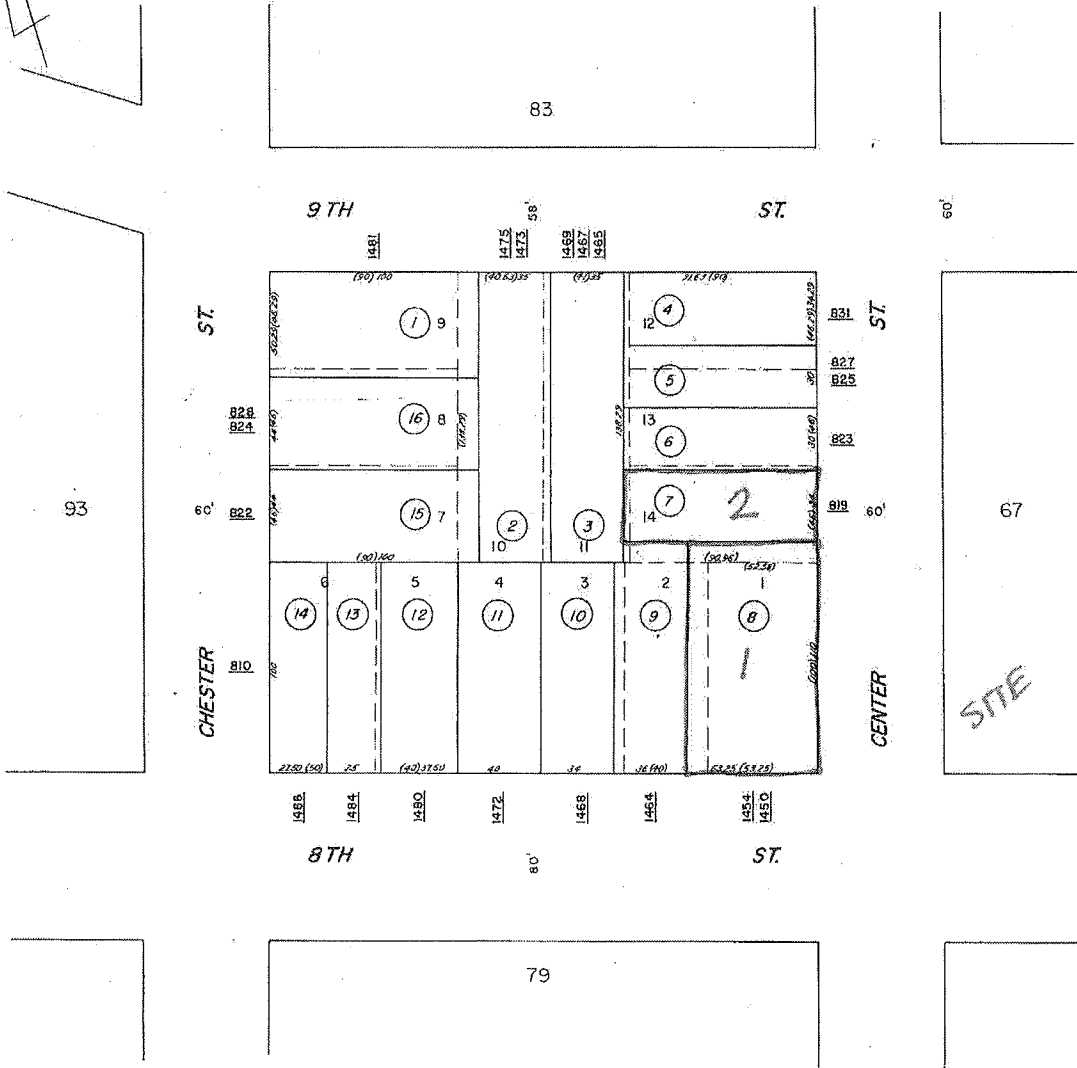
Code Area Nos. 17-046

ZIEGENBEIN SURVEY NO. 1007 (Bk. I Pg. III)

81

Scale: 1" = 50'

Drawn: 11-68 RG Revised: 3-11-70 MC
4-27-04 PB



normery: av. 500 11-04

ASSESSOR'S MAP 4

Code Area Nos. 17-046

109

SCALE: 1"=60'

(A) P.M.8058 276/14-17
(B) P.M.8218 254/51

AMENDED 298/98



06-14-04 LL
03-07-07 CC
11-15-07 CC
02-07-08 CW

REVISED:

DRAWN: 09-11-03 EG

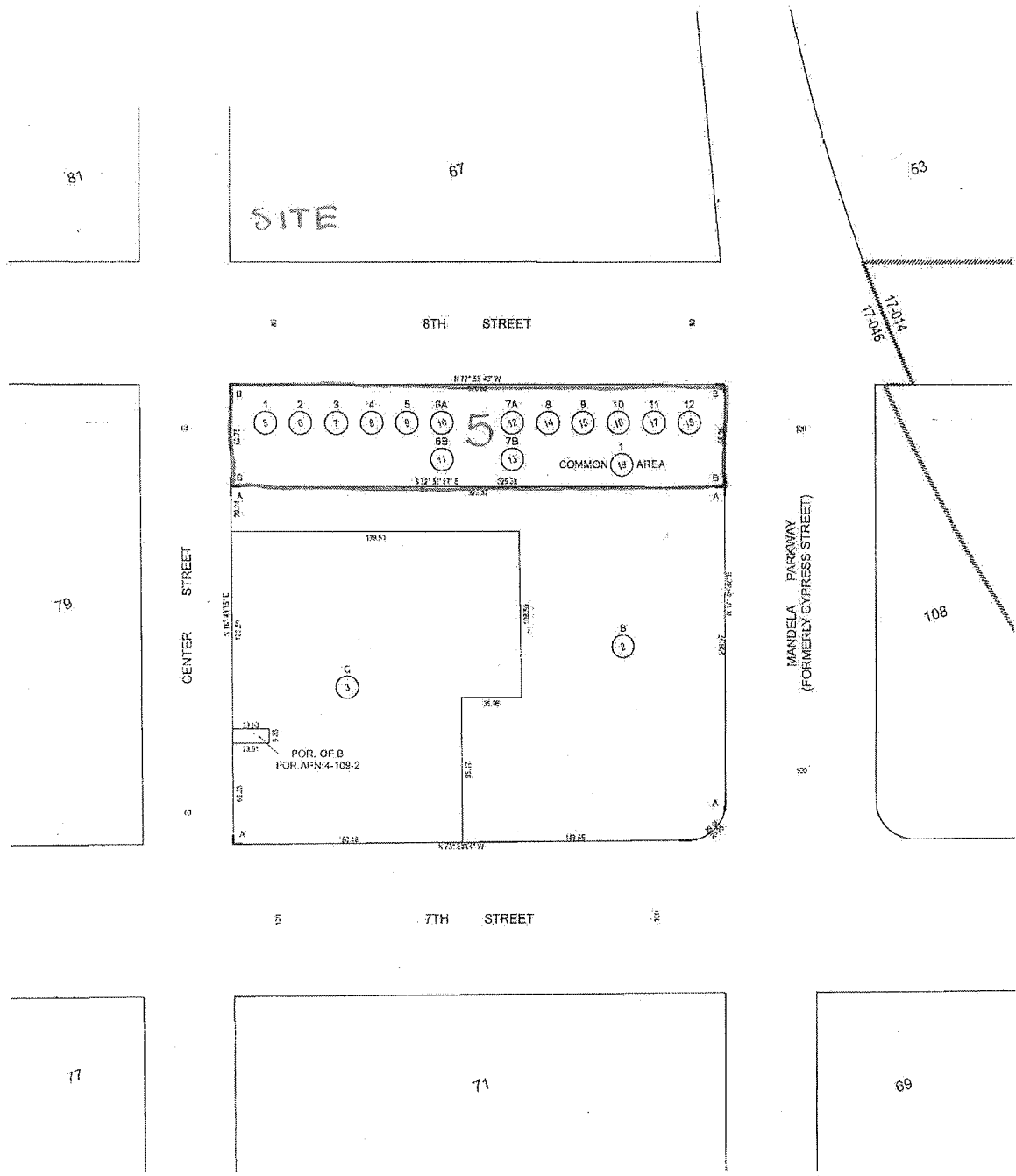
FORMERLY: POR.BLK 67

SBE: 20

REF.

HPN: 19

IND PG.



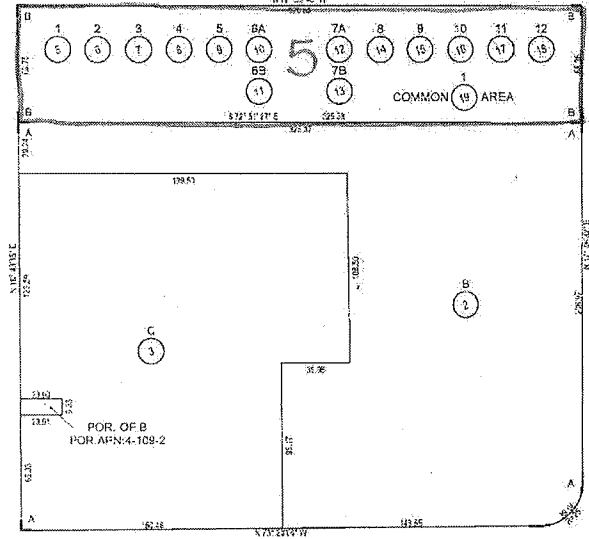
SITE

8TH STREET

CENTER STREET

7TH STREET

MANDELA PARKWAY
(FORMERLY CYPRESS STREET)



ASSESSOR'S MAP 4

Code Area Nos. 17-046

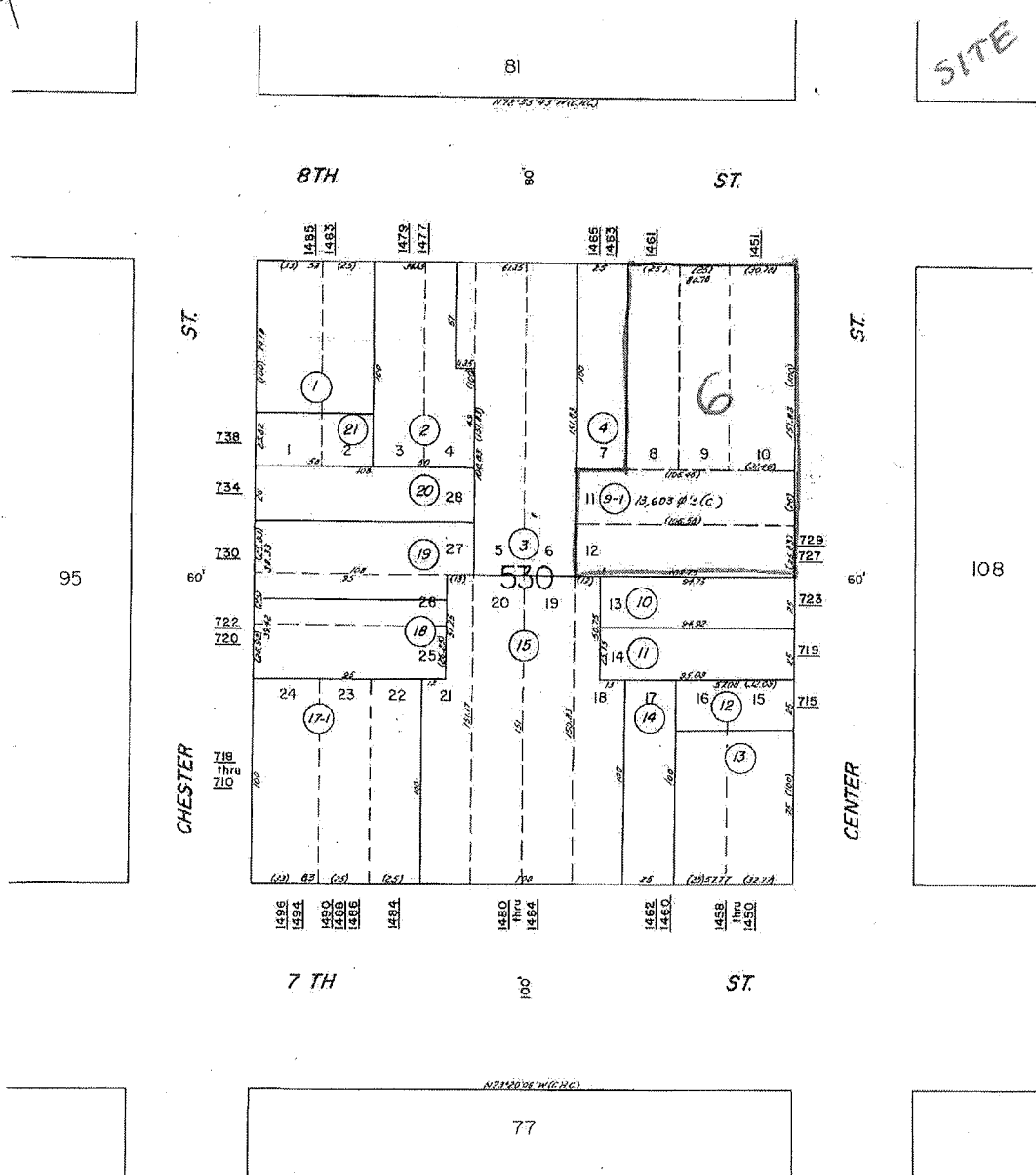
w 13

79

Scale: 1" = 50'

SUB. OF BLOCK 530 (Bk. 7 Pg. 25)

Drawn: 11-65 RG Revised: 6-16-79 RM
9-05-88 CSL
4-12-93 LG
9-12-03 GG
4-27-04 PB



norman@arc.com

LIST OF SURROUNDING PARCELS
 FORMER SIGNAL OIL SERVICE STATION 206145
 800 CENTER STREET
 OAKLAND, CALIFORNIA

APN#	Map Reference #	Site Address	Owner Name	Owner Address	Notes
004-0067-016-00, 004-0067-017-00, 004-0067-015-00	Site	800 Center Street, Oakland	Chevron USA Inc	PO Box 285 Houston, Texas 77001	Site consists of 3 parcels
004-0081-008-00	1	1454 8th Street, Oakland	Gebrelessie Yikaalo TR	1825 Poggi Street #308A, Alameda, California 94501	
004-0081-007-00	2	819 Center Street, Oakland	Gebrelessie Yikaalo TR	1825 Poggi Street #308A, Alameda, California 94501	
004-0067-018-00	3	818 Center Street, Oakland	Booker Keanna & Leon JR etal	743 Oakland Avenue #4, Oakland, California 94611	
004-0067-014-00	4	1428 8th Street, Oakland	Drachma Housing Inc,	2220 Oxford Street, Berkeley, California 94704	
004-0109-019-00	5	1431 8th Street, Oakland	Common Area For PM 8216	525 University Avenue #705, Palo Alto, California 94301	
004-0079-009-01	6	1451 8th Street, Oakland	Zion Church of God in Christ	1451 8th Street, Oakland, California 94607	
004-0067-002-00	7	1439 9th Street, Oakland	Young Walter R & Yvonne	1439 9th Street, Oakland, California 94607	

1 ROGERS JOSEPH O'DONNELL
2 Robert C. Goodman (State Bar No. 111554)
3 rgoodman@rjo.com
4 E. Jacob Lubarsky (State Bar No. 251289)
5 jlubarsky@rjo.com
6 311 California Street
7 San Francisco, California 94104
8 Telephone: 415.956.2828
9 Facsimile: 415.956.6457

6 Attorneys for Petitioner
7 CHEVRON ENVIRONMENTAL
8 MANAGEMENT COMPANY

9 STATE WATER RESOURCES CONTROL BOARD

10 STATE OF CALIFORNIA

11
12 In the Matter of

Case No.

13 CHEVRON ENVIRONMENTAL
14 MANAGEMENT COMPANY,

PROOF OF SERVICE

15 Petitioner

16 For Review of Alameda County Department
17 of Environmental Health Request for
18 Closure Response, dated May 23, 2017, –
19 Chevron Site #20-6145 / Signal SS, 800
Center Street, Oakland, Alameda County,
CA 94607

20
21 I, Clara Chun, state:

22 My business address is 311 California Street, 10th Floor, San Francisco, CA 94104. I
23 am employed in the City and County of San Francisco where this service occurred. I am over
the age of eighteen years and not a party to this action. On June 22, 2017, I served the
following document(s) described as:

24 **CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY'S PETITION
25 FOR REVIEW AND REQUEST FOR A HEARING**

26 on the following person(s) in this action as follows:
27
28

1 Mr. Bruce H. Wolfe, Executive Officer
2 San Francisco Bay Regional Water Quality
3 Control Board
4 1515 Clay Street, Suite 1400
5 Oakland, CA 94612
6 *bwolfe@waterboards.ca.gov*

Mark Detterman
Alameda County Health Care Services
Agency
1131 Harbor Bay Parkway
Alameda, CA 94502
mark.detterman@acgov.org

4 Ms. Carryl MacLeod
5 Chevron Environmental Management
6 Company
7 6001 Bollinger Canyon Road
8 San Ramon, CA 94583
9 *cmacleod@chevron.com*

8 X BY ELECTRONIC SERVICE: I caused the documents to be sent to the person(s)
9 at the electronic notification address(es) listed above. Within a reasonable time,
10 the transmission was reported as complete and without error.

10 I further certify that on June 22, 2017 I served a copy of the foregoing document on
11 the following parties by:

12 X BY FIRST CLASS MAIL: I am readily familiar with my firm's practice for
13 collection and processing of correspondence for mailing with the United States
14 Postal Service, to-wit, that correspondence will be deposited with the United States
15 Postal Service this same day in the ordinary course of business. I sealed said
16 envelope and placed it for collection and mailing on June 22, 2017, following
17 ordinary business practices for delivery within three (3) business days.

15 Rebecca Gebhart
16 Alameda County Health Care Services
17 Agency
18 1131 Harbor Bay Parkway
19 Alameda, CA 94502

Gebreselassie Yikaalo TR
1825 Poggi Street, #308A
Alameda, CA 94501

18 Booker Keanna & Leon Jr. etal
19 743 Oakland Avenue, #4
20 Oakland, CA 94611

Drachma Housing Inc.
2220 Oxford Street
Berkeley, CA 94704

20 Common Area for PM 8218
21 525 University Avenue, #705
22 Palo Alto, CA 94301

Zion Church of God in Christ
1451 8th Street
Oakland, CA 94607

22 Walter R. and Yvonne Young
23 1439 9th Street
24 Oakland, CA 94607

24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct and that this declaration was executed this date at San
26 Francisco, California.

26 Dated: June 22, 2017


27 Clara Chun