ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
ALEX BRISCOE, Agency Director

ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
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February 8, 2013

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

Mr. Patrick Elwood
College Square Associates
1345 Grand Avenue
Piedmont, CA 94611

Mr. Donald Sweet
San Francisco Property Mgmt Co.
1375 Sutter Street, Suite 308
San Francisco, CA 941095

Subject: Request for a Data Gap Work Plan and Path to Closure Implementation Schedule; Fuel Leak Case No. RO0000466 and Geotracker Global ID T06019752694, Chevron #20-9339, 5940 College Avenue, Oakland, CA 94618

Dear Messrs. MacLeod, Elwood, and Sweet:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Case Closure Request,* dated August 25, 2011, the *Addendum to Case Closure Request,* dated December 4, 2012, and the *Second Semi-Annual 2012 Groundwater Monitoring Report,* dated December 11, 2012. The reports were prepared and submitted on your behalf by Conestoga-Rovers & Associates (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 December 4, 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 Release Consist only of Petroleum? –** ACEH is in agreement that the release likely consists only of petroleum (which includes products associated with waste oils); however, because of the era the service station occupied the site (1938 to 1968), ACEH would generally anticipate the potential for both diesel and waste oil products to have been present and potentially released (It is understood that the upper four and six feet of soil has been removed from the site, thus removing near surface contaminants). However, because naphthalene is present in both of these products, it would be appropriate to investigate residual soil contamination

and determine the potential for the presence of SVOCs, including naphthalene, in any additional site investigation.

b. **General Criteria c – Has the Unauthorized Release been Stopped? –** The December 2008 Site Conceptual Model (CSM) identified several data gaps and a followup work plan proposed the collection of additional analytical data to verify that the tanks and tank cavity materials were removed. At this time removal of the tanks or the contents of tank cavity has not been determined.

c. **General Criteria e – Has an Adequate CSM Model Been Developed? -** The existing SCM identified several data gaps including the collection of additional analytical data to further characterize soil and grab groundwater contamination, to verify that the tanks and tank cavity materials were removed, to search governmental records in regards to the depth of building sub-excavation conducted at the time of redevelopment in 1979, and to sample the sump discharge (as a preferential pathway evaluation) beneath the stairway on the west side of the building. The answer to each of these data gaps affects site interpretation under the LTCP.

   Additionally, the SCM did not address the risk of vapor intrusion at the site. Under the LTCP the vapor intrusion can be approached in three ways; groundwater concentrations coupled with sufficient soil analytical data, a risk assessment requiring sufficient analytical robustness, or direct sampling of soil vapor. There is insufficient data for each of these three approaches at this site.

d. **Vapor Intrusion Media Specific Criteria –** The subject site was occupied by a service station until approximately 1968, was used for a period as a parking lot, and then was redeveloped in 1979 in its current configuration. The subject building is reported to be predominately approximately 4 feet below surface grade (bgs), and the associated and attached parking structure is up to 6 feet bgs. The extent of additional sub-excavation, if any, has been investigated, but is unknown.

   The extent of soil contamination characterization is limited to three soil samples, two of which were collected offsite and cross-gradient by approximately 70 feet distant, and the remaining single soil sample was collected offsite (beneath the sidewalk), above groundwater, at a (shallow) depth of 4.5 feet but within approximately 5 feet of the UST locations (presumed but not documented to be removed). All three samples were non-detectable for TPHg, benzene, and MTBE, but the closest soil sample had trace detections for toluene, ethylbenzene, and total xylenes.

   Four other soil bores were installed at the site; however, no soil samples were collected. The bore logs indicate that petroleum contamination (as recorded by PID readings and discolored soil) was generally encountered at the approximate depth of groundwater, approximately 9 to 10 feet bgs. Because soil analytical data is exceptionally limited at the site, and because the soil smear zone is not characterized onsite, data that would support this Medial Specific Criteria under the LTCP is not available. Additionally, it appears that the level of protection from vapor intrusion cannot be determined; in particular because of the lowered original site grade that eliminates a substantial portion of the soil buffer zone described in the LTCP. As noted above, there is insufficient data to determine the risk of vapor intrusion at the site. For full details, please see the attached DGIT checklist form.

e. **Direct Contact and Outdoor Air Exposure Medial Specific Criteria –** Because of the exceptionally limited "onsite" soil analytical data, it appears that these criteria also cannot be accurately determined. For full details, please see the attached DGIT checklist form.

2. **Request for Groundwater Monitoring Cessation –** The collection of additional groundwater monitoring data does not appear appropriate at the site. As a consequence, ACEH requests that groundwater monitoring be suspended at this time, and any unreported data be reported.

3. **Baseline Environmental Project 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:

- **February 22, 2013 –** Data Gap Work Plan and Path to Closure Schedule
  File to be named: RO466_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.

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, ou,
email=mark.detterman@acgov.org, c=US
Date: 2013.02.08 14:39:16 -08'00'

Mark Detterman, PG, CEG
Senior Hazardous Materials Specialist

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

cc: Celina Hernandez, Conestoga-Rovers & Associates, 5900 Hollis Street, Suite A, Emeryville, CA 94608
(sent via electronic mail to CHernandez@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, Suite 3341, Oakland, CA 94612-2032
(sent via electronic 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)
Geotracker, Electronic Files

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.