



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

July 15, 2010

Mr. Murray Kelsoe
Sunol Tree Gas
C/o Jeffery Lawson
25 Metro Drive, #600
San Jose, CA 95110

Mr. Hedayat Fedhai
Khan Petroleum
3004 Andrade Road
Sunol, CA 94586

Mr. Obaid Abdullah
Khan Petroleum
5500 Gold Creek Drive
Castro Valley, CA 94552

Subject: Fuel Leak Case No. RO0002448 and Geotracker Global ID T0600114064, Sunol Tree Gas, 3004 Andrade Road, Sunol, CA 94586 – Notice to Comply

Dear Mr. Kelsoe, Mr. Fedhai, and Mr. Abdullah:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the subject site including the most recent report entitled, "*Quarterly Groundwater Monitoring Report, Second Quarter 2010*," dated May 19, 2010. The Monitoring Report presents results from sampling of the on-site and off-site monitoring wells on April 19 and 23, 2010. In correspondence dated July 28, 2009 and March 18, 2010, ACEH requested that you sample the existing monitoring wells and conduct quarterly sampling of the well head carbon treatment system at the T Bear water supply well in order to assure that water quality is maintained for the T Bear water supply well. We also requested that you submit a report presenting a summary of the sampling methods and results for the T Bear water supply well from 2008 to the present.

The May 19, 2010 Monitoring Report did not include discussion of the T Bear water supply well sampling results or description of maintenance of the treatment system for the T Bear water supply well. As described in previous ACEH correspondence dated October 21, 2003, the responsible parties for your site are responsible for installation, operation, and system evaluation and reporting for the well head treatment system on the T Bear Ranch water supply well. Due to the missing information regarding the T Bear water supply well, your site is out of compliance with directives from this agency. In order for your site to return to compliance, we request that you submit a report presenting a summary of the sampling methods and results from 2008 to the present along with a log of the maintenance and operation of the wellhead treatment system for the T Bear water supply well **no later than September 8, 2010**.

Our previous directive letter dated March 18, 2010 requested that you sample the existing wells and present the results in a groundwater monitoring report. Thank you for completing this portion of the scope of work. Based on the groundwater monitoring results, the report was to include recommendations for future actions at the site, which may include additional investigation or corrective action. The May 19, 2010 Monitoring Report concluded that the MTBE plume is fairly defined and did not recommend additional site characterization. The only recommendation in the Monitoring Report was to reduce the frequency of groundwater monitoring.

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The use of the T Bear Ranch water supply well as a pump and treat system is not an acceptable remedial strategy for the site. We request that you prepare a Draft Corrective Action Plan that screens remedial technologies and evaluates viable remedial alternatives for the site. Please see technical comment 1 below regarding the scope of the Corrective Action Plan.

We request that you address the technical comments below, perform the requested work, and send us the reports requested below.

TECHNICAL COMMENTS

1. **Corrective Action Plan.** We request that you prepare a Draft Corrective Action Plan (Draft CAP) that meets the provisions of section 2725 of the UST regulations (CCR, Title 23, Chapter 16, section 2600, et seq.) and includes the following minimum information:

- Proposed cleanup goals and the basis for cleanup goals.
- Summary of site characterization data.
- Receptor information including likely future land use scenarios, adjacent land use and sensitive receptors, and potential groundwater receptors.
- Evaluation of a minimum of three active remedial alternatives including discussion of feasibility, cost effectiveness, estimated time to reach cleanup goals, and limitations for each remedial alternative.
- Detailed description of proposed remediation including confirmation sampling and monitoring during implementation.
- Post-remediation monitoring.
- Schedule for implementation of cleanup.

Public participation is a requirement for the Corrective Action Plan process. Therefore, we request that you submit a Draft CAP for ACEH review. Upon ACEH approval of a Draft CAP, ACEH will notify potentially affected members of the public who live or own property in the surrounding area of the proposed remediation described in the Draft CAP. Public comments on the proposed remediation will be accepted for a 30-day period.

2. **Groundwater Monitoring.** The May 19, 2010 Groundwater Monitoring Report indicates that the next schedule sampling event will occur in October 2010. The proposed reduced groundwater monitoring schedule proposed in the May 19, 2001 Groundwater Monitoring Report is acceptable for the October 2010 sampling event. The groundwater monitoring schedule is to be reviewed and modified as appropriate based upon the Corrective Action Plan requested below.

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TECHNICAL REPORT REQUEST

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

- **September 8, 2010** – Summary Report of Sampling Methods and Results and Well Head Treatment for T Bear Water Supply Well
- **October 27, 2010** – Draft Corrective Action Plan
- **November 23, 2010** – Third Quarter 2010 Groundwater Monitoring Report

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org. Online case files are available for review at the following website: <http://www.acgov.org/aceh/index.htm>.

Sincerely,

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

Attachment: Responsible Party(ies) Legal Requirements/Obligations

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Cheryl Dizon (QIC 8021), Zone 7 Water Agency, 100 North Canyons Pkwy, Livermore, CA 94551
(Sent via E-mail to: cdizon@zone7water.com)

Jennifer Rice, Law Offices of Jennifer Rice, 2175 North California Blvd., Suite 575, Walnut Creek, CA 94596,

Tim Cook, Cook Environmental Services, Inc., 1485 Treat Blvd., Suite 203A, Walnut Creek, CA 94597 (Sent via E-mail to: tcook@cookenvironmental.com)

Roy Tovani & Helen Hayes, P.O. Box 333, Sunol, CA 94586

Jeffery Lawson, Silicon Valley Law Group, 152 North Third Street, Suite 900, San Jose, CA 95112

Donna Drogos, ACEH (Sent via E-mail to: donna.drogos@acgov.org)
Jerry Wickham, ACEH
Geotracker, 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.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

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

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: July 8, 2010
	PREVIOUS REVISIONS: December 16, 2005, October 31, 2005
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

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- Signature pages and perjury statements **must** be included and have either original or electronic signature.
- **Do not password protect the document**. Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:
RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

Submission Instructions

- 1) Obtain User Name and Password:
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to dehloptoxic@acgov.org
 - Or
 - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of Teena Le Khan.
 - b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses**, and the **Case Numbers (RO# available in Geotracker) you will be posting for**.

- 2) Upload Files to the ftp Site
 - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape and Firefox browsers will not open the FTP site.
 - b) Click on Page on upper right side of browser, 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 dehloptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name @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.