



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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January 26, 2011

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: Review of Draft CAP for Fuel Leak Case No. RO0002448 and Geotracker Global ID T0600114064, Sunol Tree Gas, 3004 Andrade Road, Sunol, CA 94586

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, "*Draft Corrective Action Plan*," dated December 15, 2010 (CAP). The CAP was prepared on behalf of Khan Petroleum, Inc. by Cook Environmental Services, Inc. in response to a directive from ACEH dated July 15, 2010. The original deadline for CAP submittal was October 27, 2010. However, the deadline was extended to December 15, 2010 by ACEH based on a request from Cook Environmental Services, Inc. The CAP summarizes site characterization data and site conditions, proposes cleanup levels, describes and compares four remedial alternatives, and recommends monitored natural attenuation (MNA) as a preferred alternative.

Based on our review of the Draft CAP, we do not concur with the preferred remedial alternative and have several technical comments that need to be addressed prior to approval of a Final CAP. Therefore, we request that you address the technical comments below and revise the Draft CAP accordingly.

We have also reviewed the report entitled, "*Carbon System Test Results for the Well Head Carbon Treatment System*," dated October 7, 2010 (Treatment System Report) and "*Quarterly Groundwater Monitoring Report – Second Quarter 2010*," dated December 15, 2010 (CAP). We request that you address the technical comments below, perform the requested work, and send us the reports requested below.

#### **TECHNICAL COMMENTS ON DRAFT CAP**

1. **Plume Stability and Degradation of MTBE.** MTBE concentrations appear to be increasing in the intermediate and/or deep zones of several CMT wells (CMT-1, 2, -4, -5, -6, -7, and -12). Based on the increases in MTBE concentrations in the intermediate and deep wells, the decreases in MTBE concentrations noted in several shallow wells are more likely related to plume migration rather than degradation of MTBE. Given the absence of other evidence of MTBE degradation such as degradation daughter products (TBA), it is not clear that MTBE is degrading at a significant rate. Although overall MTBE concentrations can be expected to decrease as a result of plume expansion

and use of the T-Bear water well as a pump and treat system, an MNA alternative that allows continued expansion of the plume in a sole source aquifer is not protective of human health or groundwater beneficial uses. We request that you incorporate these factors into the evaluation and revise the Draft CAP.

2. **Exposure Pathways, Page 14.** The on-site Sunol Tree water supply well is within 60 feet of the soil sample that contained the highest concentration of MTBE (PT-2-4'); however, this on-site well is not discussed as a potential exposure pathway. In the revised Draft CAP requested below, please include the on-site water well in the evaluation of exposure pathways. Please present the well construction, current and historic pumping rates, current use of the well, and all sampling data for the on-site water supply well as part of the evaluation.
3. **Hotspot Remains at Site, Page 21.** We concur with the statement in the first paragraph on Page 21 that, "MNA works best where pollution hot spots have been removed and contaminant concentrations are near the cleanup goals. However, we do not concur with the statement in the next sentence indicating this is true for the Sunol Tree Gas site. The highest concentrations of MTBE detected in soil samples collected during the tank removal were soil samples collected from the piping trenches (PT-2-4' and PT-3-4'). In addition, the portions of the plume with the highest hydrocarbon concentrations appear to be directly downgradient from the product line and dispenser area rather than the USTs. Soil overexcavation occurred in the area above and around the tanks rather than the product line area. Therefore, a source or "hotspot," remains beneath the product lines. Please revise Draft CAP accordingly to address the remaining source or "hotspot
4. **Tables 3 through 6 - Cost Estimates.** In several of the cost estimates, the costs for some items which appear to be fixed costs such as Design, Pilot Testing, and Well Abandonment, are increased over time. Please revise the cost estimate as necessary to keep fixed costs the same for both lower and upper estimates. In addition, please add the costs for treating and sampling water at the T-Bear Ranch well to the cost estimates.
5. **Table 7 – Evaluation of Remedial Alternatives; Description of Alternative.** As previously noted, it has not been demonstrated that MTBE is being degraded by native microbes. Please revise the Description of Alternative 4 to state, "Monitor concentrations of petroleum hydrocarbons and oxygenates over time."
6. **Table 7 – Evaluation of Remedial Alternatives; Level of Protection.** We do not concur that all four alternatives provide an equal level of protection of human health, the environment, and beneficial uses of groundwater. Based on the discussion in the technical comments 1 through 3, Alternative 4 does not provide an adequate level of protection of human health, the environment, and beneficial uses of groundwater. Please revise the entry in Table 7 for Alternative 4 accordingly.
7. **Table 7 – Evaluation of Remedial Alternatives; Reduction of Hydrocarbon Mass.** Alternative 4 should have a lower ranking for Reduction of Hydrocarbon Mass than the other alternatives. Alternative 4 does not address the remaining hotspot in the product line area discussed in technical comment 3. Please revise the Draft CAP accordingly.

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8. **Table 7 – Evaluation of Remedial Alternatives; Compliance with Regulatory Guidelines.** We do not concur that Alternative 4 can be implemented within regulatory guidelines.
9. **Table 7 – Evaluation of Remedial Alternatives; Long-term Effectiveness.** Based on the continued migration of the plume and absence of evidence of MTBE degradation, Alternative 4 is not expected to have long-term effectiveness. Please revise Table 7 accordingly.

### **TECHNICAL COMMENTS ON CARBON TREATMENT SYSTEM REPORT**

10. **Well EB-2.** Sampling location EB-2 is identified as a Replacement Well on Figure 2 of the September 10, 2010 report entitled, "*Carbon System Test Results for the Well Head Carbon Treatment System,*" dated September 2010. In the revised Draft CAP requested below, please discuss whether a well is present at EB-2 and its status.
11. **Continued Sampling and Treatment of T-Bear Ranch Well.** We request that you continue maintenance and operation of the T-Bear Ranch water supply well treatment system and quarterly sampling of the influent, and effluent. Please present these results in the quarterly reports requested below.

### **TECHNICAL REPORT REQUEST**

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

- **February 17, 2011** – Fourth Quarter 2010 Groundwater Monitoring Report
- **February 17, 2011** – Fourth Quarter 2010 Sampling Results and Well Head Treatment Operations Report for T-Bear Water Supply Well
- **March 11, 2011** – Draft Corrective Action Plan
- **May 17, 2011** – First Quarter 2011 Sampling Results and Well Head Treatment Operations Report for T-Bear Water Supply Well
- **August 17, 2011** – Second Quarter 2011 Groundwater Monitoring Report
- **August 17, 2011** – Second Quarter 2011 Sampling Results and Well Head Treatment Operations Report for T-Bear Water Supply Well

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If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at [jerry.wickham@acgov.org](mailto: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](mailto:cdizon@zone7water.com))

Jennifer Rice, Law Offices of Jennifer Rice, 1350 Treat Blvd., Suite 410, Walnut Creek, CA 94597,  
(Sent via E-mail to: [jrice@jenricelaw.com](mailto:jrice@jenricelaw.com))

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

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

Donna Drogos, ACEH (Sent via E-mail to: [donna.drogos@acgov.org](mailto:donna.drogos@acgov.org))  
Jerry Wickham, ACEH (Sent via E-mail to: [jerry.wickham@acgov.org](mailto:jerry.wickham@acgov.org))

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](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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> July 20, 2010
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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 [dehloptoxic@acgov.org](mailto:dehloptoxic@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 [dehloptoxic@acgov.org](mailto: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.