

Wickham, Jerry, Env. Health

From: Andy Lojo [Andy.Lojo@anteagroup.com]
Sent: Friday, August 03, 2012 5:28 PM
To: Wickham, Jerry, Env. Health
Cc: Lynn_Petersen@deanfoods.com
Subject: update on Berkeley Farms Emeryville well decommissioning

Dear Mr. Wickham,

Since my last update to you provided below, we have made progress with obtaining an access agreement to abandon well MW-1A located on the KFC site. We have that abandonment permit in hand and expect to have that well abandonment work completed within the next two weeks.

Since May 24th, I have had several additional conversations/email exchanges with Mr. Mitch Fine, the owner of the other site that has wells MW-2 and MW-3 on it. The conversations resulted in additional document research and review on my part to address Mr. Fines concerns about historic issues and potential up gradient issues he felt may not have been adequately addressed. The information I found shows that his concerns either were well addressed already, or were never documented as potential issues in the available site documents.

On July 10, 2012 he informed me that he had retained Pangea Environmental to “review the file and advise”. I made two subsequent requests that we begin access negotiations simultaneously with Pangea’s review so that we could be in a position to comply with your instructions to abandon the wells, and complete the well abandonment report by our new September 4th deadline, once Pangea had reviewed the file and given Mr. Fine their advice. He has declined to do that however, and to date I have not heard anything from him about Pangea’s findings. I have done a thorough review of the files and believe that this site was ready for closure a long time ago as you already know, even before the new UST low risk closure guidelines became effective.

I am going on a two week vacation but wanted to get you this update well in advance of the September 4th deadline so you are aware of the situation. While we will have the one well abandoned in time to meet the September 4th, deadline it is very unlikely that we will be able to complete an access agreement with Mr. Fine and abandon the other two wells by that date. Rather than request another extension of the deadline however, I would like to talk to you when I am back to see what alternatives are open to us in a case like this. Please let me know if you have any time to meet or talk about this over the phone the week of August 20th.

Thanks

Andy

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From: Andy Lojo
Sent: Thursday, May 24, 2012 11:30 AM
To: 'jerry.wickham@acgov.org'
Cc: Lynn_Petersen@deanfoods.com
Subject: Compliance Status, and Request for extension for submittal of well decommissioning report. Former Berkeley Farms sites, Emeryville.

Dear Mr. Wickham,

As required, we have completed uploading the technical reports and relevant documents related to fuel leak cases R00245, and R002452 for the former Berkeley Farms sites located at 4575 and 4501 San Pablo Avenue, Emeryville California, to the RWQCB Geotracker Website. We were not able to obtain EDDs for such old analytical data, but the data is included in the reports we uploaded. We were also not able to locate the former monitoring well survey data.

We have discussed the well abandonment details with the Alameda County Public Works agency and have confirmed they can be abandoned by pressure grouting. We also determined that there are no physical access issues with well MW-1A located on the KFC site as previously thought. We are all set to abandon the wells subject to receipt of access permission from the two current property owners.

We began attempts to communication with the respective property owners, since you and I spoke on April 12, 2012.

We do not expect the owner of 4501 to have any objection to allowing us to abandon the well on their site, but they have not yet responded to our letter requesting access.

We have been in communication with the owner of 4575. My files show that back in 2007, they communicated technical concerns about the thoroughness of the investigation, remediation, and monitoring work that Berkeley Farms completed, and based upon which, were granted closure. I discussed those concerns briefly with the owner of 4575 on May 11. In response, I performed a thorough review of the historical data to evaluate the technical justification of those concerns. I found that those concerns were not substantiated and were most likely based on an incomplete data set. The full data set shows that the prior work was thorough and adequate to support closure of the site as a low risk fuel case. I therefore communicated my opinion on this to both Berkeley Farms and the owner of 4575 today, and recommended that the wells be abandoned without further delay in the regulatory process.

The owner of 4575 also said that there were cost recovery and indemnification issue discussions with Berkeley Farms back in 2007, that were not concluded. He said he would review his files and send over pertinent documents relating to these but we have not yet received anything. I have suggested today, that cost recovery issues be negotiated separately from the well abandonment so that regulatory closure can be completed without further delay. I do not think it is possible however, to obtain site access to abandon the wells in time to perform the work and submit the well decommissioning report by our current regulatory deadline of June 4, 2012. I therefore request a three month extension of the deadline to complete that task, due to the additional time that site access permission is taking since Berkeley Farms does not own the properties.

Sincerely

Andy Lojo.

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