

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



F

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

February 20, 2007

Mr. Satya Sinha  
Chevron Environmental Management Company  
6001 Bollinger Canyon Rd., K2256  
San Ramon, CA 94583-2324

Ms. Chris Davidson  
City of Livermore Economic Development  
1052 S. Livermore Ave.  
Livermore, CA 94550

Subject: Fuel Leak Case No. RO0002908 and Geotracker Global ID T0600196622, Mill Square Park, 2259 First Street, Livermore, CA 94550

Dear Mr. Sinha and Ms. Davidson:

In correspondence dated January 30, 2007, Alameda County Environmental Health (ACEH) staff requested that you prepare plans to remove suspected underground storage tanks at the site and conduct additional site investigation. This request was based upon the results from a geophysical investigation and soil borings conducted at the site in September and October 2006. We recently became aware of results from a previous investigation conducted at the site during September 2003. Results from the September 2003 investigation are presented in a report entitled, "Soil and Groundwater Investigation Report," dated January 6, 2004, that was prepared by Fugro West, Inc. for the City of Livermore Engineering Division. The January 6, 2004, report, which was discovered as an attachment to a drilling permit (see attachment), is not in the ACEH case files and the results do not appear to have been reported to a regulatory agency. The investigation results presented in the January 6, 2004 report indicate that elevated concentrations of fuel hydrocarbons were detected in groundwater and lead was detected at an elevated concentration in a shallow soil sample collected in Mill Square Park. Reporting of these results is a regulatory requirement that does not appear to have been met by the City of Livermore. In addition, these results were not made available for review during the planning of the 2006 site investigation conducted by Chevron. During the 2006 site investigation, Chevron conducted sampling and analysis for metals at four soil borings in the park. However, all of the 2006 soil samples were collected below the depth at which an elevated concentration of lead was detected in the September 2003 investigation. In light of the September 2003 results, additional investigation of metals in shallow soils is required.

We request that you address the following technical comments, perform the proposed work, and send us the reports described below. We also request that you submit the January 6, 2004 report in its entirety as well as results from any other environmental investigations that may have been conducted at the site. Furthermore, if environmental site investigations were conducted at other sites in downtown Livermore and the results not previously submitted to a regulatory agency, we request that you also submit those results to ACEH within 15 days of the date of this letter.

### **TECHNICAL COMMENTS**

1. **Lead in Shallow Soil.** During the September 2003 investigation, lead was detected at a concentration of 3,600 milligrams per kilogram in a soil sample collected at a depth of 3 feet bgs. The January 6, 2004 report speculated that the source of lead in soil was fill material in Mill Square Park. During the 2006 site investigation, no soil samples were collected for metals analysis at a depth shallower than 5 feet bgs. In the Work Plan for Site Investigation requested below by March 7, 2007, please propose soil sampling and metals analysis to define the extent of elevated concentrations of lead in shallow soil at the site.
2. **Elevated Concentrations of Petroleum Hydrocarbons in Groundwater.** Total petroleum hydrocarbons (TPH) as gasoline were detected in groundwater at concentrations up to 18,000 micrograms per liter ( $\mu\text{g/L}$ ). TPH as diesel was detected at concentrations up to 42,000  $\mu\text{g/L}$ . Please review the results presented in the January 6, 2004 report in order to plan additional investigation of the extent of groundwater contamination. Please propose additional site investigation activities in the Work Plan for Site Investigation requested below to define the horizontal and vertical extent of soil and groundwater contamination at the site. Please consider the use of cone penetrometer borings oriented along transects for investigation of the extent of contamination.

### **TECHNICAL REPORT REQUEST**

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

- **March 5, 2007** – Copy of Entire January 6, 2004 Report Entitled, "Soil and Groundwater Investigation, Regional Performing Arts Theater Site, Livermore, California"
- **March 7, 2007** – Underground Tank Closure Plan submitted to Livermore-Pleasanton Fire Department with copy to ACEH
- **March 7, 2007 for site investigation activities to be conducted simultaneously with tank and soil removal** – Work Plan for Site Investigation
- **April 24, 2007** – Removal of Suspected USTs and Contaminated Soil
- **No later than 30 days following tank removal for any site investigation activities to be conducted following tank and soil removal** – Work Plan for Site Investigation

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

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. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

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. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for 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 monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements ([http://www.swrcb.ca.gov/ust/cleanup/electronic\\_reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)).

### 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.

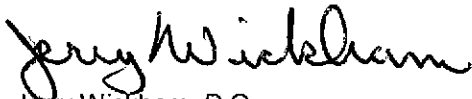
Mr. Satya Sinha  
Ms. Chris Davidson  
February 20, 2007  
Page 4

**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.

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham, P.G.  
Hazardous Materials Specialist

cc: Colleen Winey, QIC 80201  
Zone 7 Water Agency  
100 North Canyons Parkway  
Livermore, CA 94551

Danielle Stefani  
Livermore-Pleasanton Fire Department  
3560 Nevada Street  
Pleasanton, CA 94566

John Rigter  
Livermore-Pleasanton Fire Department  
3560 Nevada Street  
Pleasanton, CA 94566

Robert Foss  
Cambria Environmental Technology, Inc.  
5900 Hollis Street, Suite A  
Emeryville, CA 94608

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File