



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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June 27, 2013

Daniel V. Gulino, Esq.
Byron Power Partners, L.P.
14 Philips Parkway
Montvale, NJ 07645

Steve S. Lee and Puang J. Lee
3643 Ferry Lane
Fremont, CA 94555
(Sent via E-mail to: stevel8@yahoo.com)

Subject: Case File Review for SLIC Case RO0003079 and GeoTracker Global ID T10000003401,
Byron Power Company, 4901 Bruns Road, Byron, CA 94514

Dear Mr. Gulino and Mr. and Ms. Lee:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanup (SLIC) case file for the subject site including the recently submitted documents entitled, "*Remedial Excavation Report*," dated April 4, 2013 (Excavation Report) and "*Subsurface Site Characterization Report*," dated May 7, 2013 (Characterization Report). Both reports were prepared on behalf of Byron Power Partners LP by Quest GeoSystems Management, Inc. The Excavation Report presents results from a remedial excavation conducted in the area of the evaporator pads. The Site Characterization Report presents results from sludge and scale sampling, installation and sampling of four groundwater monitoring wells, and completion of 14 soil borings advanced in a grid pattern throughout the Engine Building.

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

TECHNICAL COMMENTS

1. **Petroleum Hydrocarbons in Soil.** Remedial excavation was conducted in the area of the evaporator pads between December 12, 2012 and January 3, 2013. The excavation was expanded beyond the planned extent based on observed contamination. The evaporator pads were removed in order to complete the excavation, which extended up to the foundation of the Engine Building. A total of approximately 1,220 cubic yards of petroleum-hydrocarbon impacted soil was disposed off-site. Free-phase product was observed in areas of the excavation. Observations of soil impacts during excavation indicated that the petroleum hydrocarbons migrated along preferential pathways at the site that included conduit trenches, evaporator pad base gravel, and building rods. A power conduit trench extends from the evaporator pad area a short distance inside the Engine Building.

A total of 14 soil borings were advanced in a grid pattern inside the Engine Building to investigate whether the contamination extended beneath the building. Total petroleum hydrocarbons as diesel (TPHd) were detected in 14 of 17 soil samples collected at

concentrations up to 140 milligrams per kilogram (mg/kg). The concentration of TPHd exceeded the Environmental Screening Level ([ESL] San Francisco Bay Regional Water Quality Control Board updated February 2013) for residential land use in 3 of the 17 soil samples. Total petroleum hydrocarbons as motor oil (TPHmo) were detected in 11 of 17 soil samples collected at concentrations up to 2,300 milligrams per kilogram (mg/kg). The concentration of TPHmo exceeded the Environmental Screening Level ([ESL] San Francisco Bay Regional Water Quality Control Board updated February 2013) for residential land use in 3 of the 17 soil samples.

Observation and confirmation sampling results from the remedial excavation indicate that the remedial excavation was successful in removing petroleum hydrocarbon contaminated soil within the evaporator pad area outside the Engine Building. No further excavation or investigation is requested within the evaporator pad area. Based on results from the site characterization within the Engine Building and observations from the remedial excavation, petroleum hydrocarbon contamination is likely present along the power conduit that extends a few feet beneath the eastern corner of the Engine Building. Soil sampling results indicate soils beneath two areas of the building are impacted by TPHd and TPHmo. Based on current site conditions, the residual contamination beneath the Engine Building does not appear to pose a risk to human health or the environment. The residual contamination may be managed in place through a land use restriction that would require evaluation of the residual contamination prior to redevelopment or excavation activities that potentially could result in exposure to the contaminated soil. Alternatively, you may propose cleanup within the impacted areas beneath the building in order to obtain case closure with unrestricted land use. If you intend to implement a soil cleanup beneath the building, please submit a Work Plan describing the proposed cleanup action.

2. **Groundwater Sampling Results.** The four groundwater monitoring wells installed in December 2012 were sampled once on December 28, 2102. Based on the results of the initial groundwater sampling event, the Site Characterization Report recommends no further action for groundwater. We request that you complete one additional groundwater sampling event using the sampling and analytical methods used in the initial sampling event to confirm the hydraulic gradient and monitoring results. Please submit the results of the groundwater sampling event in the Site Assessment Report requested below.
3. **Petroleum Hydrocarbon Spill near Lined Surface Impoundment.** We request that you complete the proposed excavation and confirmation sampling for petroleum-impacted soils in the area of a fuel spill near the edge of the lined surface impoundment. The interim remedial action to remove petroleum-impacted soils was proposed in the Work Plan entitled, "*Interim Remedial Action Workplan*," dated November 18, 2012. During a site visit on June 19, 2013, we noted that sludge remains within the lined surface impoundment. Removal of the sludge is necessary to complete the proposed interim remedial action. Although analytical results indicate that the sludge is not a hazardous waste, the sludge is to be properly disposed and should not be placed on site outside the lined surface impoundment. Please present the results in the Surface Spill Interim Remedial Action Report requested below.
4. **Molybdenum.** Molybdenum was detected in two sludge samples (SL-01 and SL-02) at concentrations of 87 and 140 milligrams per kilogram (mg/kg), respectively, which exceeds the ESL based on terrestrial ecology of 40 mg/kg. The two shallow soil samples (SP-02 and

SP-03) collected in June 2012 within the runoff areas north of the site were analyzed for cadmium, chromium, lead, nickel, and zinc. In order to assess whether shallow soil in the runoff areas may be affected by molybdenum, we request that you collect two shallow soil samples from the runoff area for molybdenum analysis. Please submit a brief plan (email is acceptable) to collect and analyze shallow soil samples from the runoff area for molybdenum. Please present the results in the Site Assessment Report requested below.

5. **GeoTracker Compliance** – A review of the State Water Resources Control Board's (SWRCB) GeoTracker website indicates that the most recent reports have not been uploaded to GeoTracker. Because this is a state requirement, ACEH requests that you submit all applicable reports to GeoTracker by the date identified below. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SLIC programs. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please upload applicable reports and all future submittals to GeoTracker and ACEH's ftp server by the date specified below. Electronic reporting is described below on the attachments.

Additional information regarding the SWRCB's GeoTracker website may be obtained online at http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/ and http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml) or by contacting the GeoTracker Help Desk at geotracker@waterboards.ca.gov or (866) 480-1028.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Jerry Wickham), and to the State Water Resources Control Board's GeoTracker website according to the following schedule and file-naming convention:

- **August 16, 2013** – GeoTracker Compliance
- **September 30, 2013** – Site Assessment Report
File to be named: GWM_SWI_R_yyyy-mm-dd RO3079
- **October 11, 2013** – Surface Spill Interim Remedial Action Report
File to be named: EX_R_yyyy-mm-dd RO3079

Responsible Parties
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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. Case files can be reviewed online at the following website: <http://www.acgov.org/aceh/index.htm>. If your email address does not appear on the cover page of this notification ACEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

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: William F. Murphy, Law Offices of Dillingham & Murphy, LLP, 225 Bush Street, Sixth Floor, San Francisco, CA 94104-4207 (Sent via E-mail to: joberein@wm.com)

Laurie Schrumm, Kroloff, Belcher, Smart, Perry & Christopherson, 7540 Shoreline Drive, Stockton, CA 95219 (Sent via E-mail to: lschrum@kroloff.com)

Eric Garcia, Quest Geosystems Management, Inc., 11275 Sunrise Gold Circle, Suite R, Rancho Cordova, CA 95742-6561 (Sent via E-mail to: ericgarcia@questgsm.com)

Jim Gwerder, Souza Realty & Development, 105 E. 10th Street, Tracy, CA 95376 (Sent via E-mail to: jgwerder@souzard.com)

Kristin Shelton, Central Valley Regional Water Quality Control Board, 11020 Sun Center Drive #200, Rancho Cordova, CA 95670-6114 (Sent via E-mail to: kshelton@waterboards.ca.gov)

Donna Drogos, ACEH (Sent via E-mail to: donna.drogos@acgov.org)

Jerry Wickham, ACEH (Sent via E-mail to: jerry.wickham@acgov.org)

GeoTracker, e-File

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 .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 <://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 .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.