ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
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February 13, 2008

Mr. Michael Desso
Nestle USA, Inc.
800 North Brand Blvd.
Glendale, CA 91203

Mr. Mark Hall
Encinal 14th Street, LLC
1855 Olympic Blvd., Suite 250
Walnut Creek, CA 94596

Subject: Fuel Leak Case No. RO0000018 and Geotracker Global ID T0600100262, Carnation Dairy, 1310 14th Street, Oakland, CA 94607

Dear Mr. Desso and Mr. Hall:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site including the document entitled, "Workplan for Supplemental Groundwater Sampling for Polychlorinated Biphenyls (PCBs), Carnation Dairy, 1310 14th Street, Oakland, CA," dated October 31, 2007 (work plan). The work plan, which was prepared by Environmental Cost Management, Inc. (ECM), proposes collection of one groundwater sample from a location adjacent to soil boring PR-12. The single groundwater sample would be analyzed for PCBs. NO soil sampling is proposed.

In response to a previous ACEH request, Nestle USA has also submitted several supporting documents related to PCBs. The supporting documents, which are referenced in correspondence dated November 15, 2007 from Nestle USA to the California Department of Toxic Substances Control, include various reports, memoranda, manifests, and other documentation regarding the use, detection, and disposal of PCBs at the facility. The supporting documents were received by ACEH on January 4, 2008.

Based upon our review of the supporting documents and work plan, we request some clarification of the information presented in the supporting documents and revisions to the Work Plan. Therefore, we request that you address the technical comments below and submit a revised Work Plan **by March 21, 2008**.

In correspondence dated December 17, 2007, Nestle USA proposed submittal of a revised SCM report by March 14, 2008. The proposed schedule for submittal of a revised SCM is acceptable. Based on the Site Conceptual Model (SCM) and ACEH comments on the revised SCM, work plans for the collection of additional data are to be submitted following ACEH review of the revised SCM.

TECHNICAL COMMENTS

1. **Historic Surface Staining.** As discussed in the report entitled, "Revised Preliminary Assessment – PCBs at Oakland," dated November 7, 1989 and prepared by Anania Geologic Engineering, "historic oil spills" were observed on photographs taken prior to 1960 in the area of former product recovery well PR-12. Surface staining on unpaved soils was observed over an area north of 15th Street. Boring logs from probes 78 through 81 described visibly stained soil from 1 to 5 feet bgs. Although the surface soils in this area contain petroleum hydrocarbons, the November 7, 1989 Preliminary Site Assessment concludes that there is no PCB contamination in surface soils based on PCB analyses of near surface soils. Analytical reports were not presented to confirm these results. Please present analytical data, if available, to support this conclusion. In the revised Work Plan requested below, please include aerial photographs taken prior to 1960 to show the area of historic surface staining. We request that you show the distribution of existing surface soil data for PCBs and petroleum hydrocarbons within the area of historic surface staining. If sufficient analytical data are not available to verify that PCBs are not present in surface soils within the area of historic staining, please propose additional sampling and analyses as necessary to characterize the surface soil.

2. **PCBs in Liquid Waste.** Correspondence dated January 10, 1991 from Mr. Andrew Dong of General Electric to Mr. Rick Flaget of Carnation Company discusses disposal of PCB-contaminated waste. Of particular interest is the discussion of disposal of 18 barrels of liquid waste. Analysis of the liquid waste indicates that four of the barrels contained liquid with PCB contents of between 50 and 500 ppm, three of the barrels contained liquid with PCB contents of between 5 and 49 ppm, and eleven of the barrels contained liquid with PCB contents of less than 1 ppm. These liquids appear to have been generated by the site remediation contractor; however, the specific source of the liquids is not clear. Please provide any additional information you may have on the source of the liquid wastes. Specifically, we would like to know how liquid wastes with these elevated concentrations of PCBs could be generated during site remediation. Please include this information in the revised Work Plan requested below.

3. **Proposed Groundwater Sampling Method.** The Work Plan indicates that groundwater samples will be collected with a low-flow peristaltic pump or new, disposable bailer. In the Revised Work Plan requested below, we recommend that you attempt to minimize turbidity in the groundwater samples in order to avoid mobilizing sorbed PCBs from soil to groundwater. The concentration of dissolved PCBs in groundwater may be overestimated if sample quality is poor. At a minimum, we request that you eliminate the possible use of a bailer for purging and sampling groundwater in proposed borings.

4. **Source of PCBs.** The November 7, 1989 report entitled, "Revised Preliminary Assessment – PCBs at Oakland," prepared by Anania Geologic Engineering ACEH concludes that the source of PCBs is upgradient (southeast) of PR-12. However, we note that the source of free product observed at PR-12 appears to be the former fuel tanks, which are north of PR-12. We also note that the concentration of PCBs detected in free product from PR-12 (66,000 µg/L) was approximately three orders of magnitude higher than the concentration of PCBs detected in groundwater (80 µg/L). Given that PCBs have relatively low solubilities in water

but high solubilities in organic solvents such as fuels, it appears much more likely that the PCBs detected in PR-12 were transported in the free product originating from the fuel tanks. Please review the potential for co solvency of PCBs in free product and the potential for a PCB source located between the former fuel tanks and PR-12. In addition, please provide a table that shows all historic analyses for PCBs in free product throughout the site.

5. **Excavation of PCB-Contaminated Soil.** Nestle USA memoranda in 1992 discuss incineration of 600 cubic yards of PCB-contaminated soil to be excavated in Oakland. In the revised Work Plan requested below, please confirm whether the excavation was proposed for the 1310 14th Street site or another facility in Oakland. If excavation was proposed for the site, please fully describe these activities.

TECHNICAL REPORT REQUEST

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

- **March 14, 2008** – Revised Site Conceptual Model
- **March 21, 2008** – Revised Work Plan for PCB Characterization

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).

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.

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

Sincerely,

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

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Kenneth Cheitlin
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