

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

REBECCA GEBHART, Acting Director



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

July 1, 2016

Union Oil Company of California, a Chevron affiliate
Dba Chevron Environmental Management Company
6101 Bollinger Canyon Road
San Ramon, CA 94583
Attn.: James Kiernan
(Sent via electronic mail to: jkiernan@chevron.com)

Phillips 66
76 Broadway
Sacramento, CA 95818
Attn.: Ed Ralston (Sent via electronic mail to:
Ed.C.Ralston@p66.com)

CJS Leung, LLC
C/o Clement Leung
3943 Broadway
Oakland, CA 94611

Clement K. Leung
Broadway Union #0746
3943 Broadway
Oakland, CA 94611

Clover Trust 1997-1
C/o Circle R Co #U-0746
Address Unknown

Suncor Holdings COP II LLC
Address Unknown

Subject: Request for Information, Fuel Leak Case No. RO0000203 and GeoTracker Global ID T0600101471, Unocal #0746, 3943 Broadway, Oakland, CA 94611

Dear Responsible Parties:

Alameda County Environmental Health (ACEH) has reviewed the case file for the subject site including the documents entitled *Response to Comments on Low-Threat Closure Request, Data Gap Investigation Workplan, and Focused Site Conceptual Model (RTC)*, dated October 30, 2015, and *Second Semi-Annual 2015 Groundwater Monitoring Report (GMR)*, dated January 15, 2016. Both documents were prepared by AECOM for the subject site.

The GMR presents the findings of the most recent groundwater monitoring event conducted on December 30, 2015. The GMR includes figures, including plume maps, tables containing current and historical data, and hydrographs for 13 wells.

The RTC contains responses to comments made by ACEH in our staff letter dated June 22, 2015, presents a path to address identified data gaps, and provides an updated site conceptual model. The data gaps identified by AECOM and path to address them are:

A. Extent and stability of LNAPL are not known.

To address this data gap, AECOM proposes to replace a skimmer in well MW-5 with a hydrophobic sock to be removed monthly.

B. Offsite vapor intrusion risk has not been assessed.

AECOM will prepare a soil vapor investigation workplan that is consistent with the Department of Toxic Substances Control's Final Vapor Intrusion Guidance once access to the down gradient property is secured.

- C. Groundwater immediately downgradient from known impacts has not been monitored since 12/29/2010.

AECOM states that groundwater has not been sampled at MW-8 and MW-9 since December 29, 2010 due to site access being denied by the property owner, and that data from these locations is essential to determining the extent and stability of dissolved hydrocarbon concentrations in site groundwater. Chevron is actively seeking access to the adjacent property and is currently working through negotiations with the property owner. Several past attempts to gain access have been unsuccessful. AECOM intends to sample MW-8 and MW-9 as soon as access is granted and incorporate these wells into the existing semi-annual groundwater monitoring schedule.

- D. Utilities and potential preferential pathways have not been investigated.

AECOM intends to perform a geophysical utility survey to identify subsurface utilities and potential preferential pathways. The survey will include a literature review of existing 'as-built' diagrams and a map showing the location of any surface features indicating subsurface utilities. AECOMs schedule for performing the survey is to wait until ground disturbing activities are next conducted at the site or at the adjacent property.

Additional data may be available that ACEH is not aware of, or may not have been submitted, and therefore has not been incorporated in to ACEH's review. If additional data is made available, the data can be incorporated in future LTCP reviews. The evaluation of the site under the LTCP that is presented below is intended to initiate further discussions, submittal of other available documents, or the collection of additional data in order to determine if or when the site can be closed under the LTCP and to document current LTCP data gaps.

Based on our review, ACEH requests you address the following Technical Comments and submit the documents requested below.

TECHNICAL COMMENTS

- 1. Groundwater monitoring wells MW-8 and MW-9** – Table 4 of the GMR, entitled *Historical Groundwater Monitoring Data and Analytical Results*, indicates wells MW-8 and MW-9 have not been sampled since December 2010. However, ACEH is unable to locate the discussion in the GMR regarding why the wells are not included in the well sampling program. ACEH requests a discussion why wells in the network have not been sampled for the current monitoring event. Please include the discussion of excluded wells for future monitoring events.
- 2. Extent and stability of LNAPL are not known** – As indicated above, AECOM proposes to replace a skimmer in well MW-5 with a hydrophobic sock to be removed monthly. It is unclear to ACEH if the sock will be removed and re- inserted in the well, if the sock will be replaced with an unused one, and what frequency a sock will be placed in the well. Please elaborate on the usage of hydrophobic socks at the site in the report requested below.
- 3. Offsite vapor intrusion risk has not been assessed** – On August 12, 1998, ACEH requested a risk assessment be performed as monitoring well MW-5, located at the property line, continues to identify elevated benzene concentrations, and indicated the contaminant plume has migrated beneath the adjacent down gradient property. In a letter dated June 19, 2014, ACEH requested a work plan to delineate the downgradient extent of the contaminant plume as benzene and free product in well MW-5 remain a concern to downgradient properties. We are unable to locate the response to these requests in the ACEH case file.

Due to the continuing presence of free phase product in monitoring well MW-5, on June 6, 2015, ACEH stated free product well MW-5 is located adjacent to a commercial building situated on the down gradient side of the site. It is not known if the nearby structures have basements. With depth to water (dtw) typically less than 10 feet below the ground surface (bgs), a bioattenuation zone may not exist,

potentially posing unacceptable health risks to human occupants of the existing buildings. Therefore, ACEH requested a strategy in the site conceptual model (SCM) to collect additional data to satisfy the bioattenuation zone characteristics of Scenarios 1, 2 or 3, or to collect soil gas data to satisfy Scenario 4.

The AECOM response is that a vapor intrusion investigation plan will be prepared once offsite access is secured; however, requests for site access to perform the survey have not been successful.

Therefore, in order to facilitate site access, ACEH requests copies of the correspondences requesting access to the property to conduct the vapor intrusion assessment. ACEH will prepare a letter to the property owner and occupant requesting site access, including a compilation of the dates of your requests, on ACEH letterhead. Please present your communications in an appendix in the report requested below.

- 4. Groundwater immediately downgradient from known impacts has not been monitored since December 29, 2010** – Sampling of wells MW-8 and MW-9 has not occurred since December 2010 due to site access being denied by the property owner. Therefore, similar to the discussion for Technical Comment 3 above, ACEH requests copies of the correspondences requesting access to the wells be submitted to ACEH. ACEH will prepare a letter to the property owner and occupant requesting site access, including a compilation of the dates of your requests, on ACEH letterhead. Please present your communications in an appendix in the report requested below.
- 5. Utilities and Potential Preferential Pathways have not been investigated** – It is unclear to ACEH why the preferential pathway study is dependent on other subsurface work. Please present an explanation of why the study is needed to be performed in conjunction with subsurface activities. Additionally, ACEH requests you review the case file to determine if all or part of a preferential pathway study has previously been performed. Please include your response in the report requested below.
- 6. Geology and Hydrogeology** – A review of this SCM element does not indicate if the groundwater layer monitored by the well network is confined, unconfined or is semi-confined. ACEH requests a documented description of the groundwater monitored by the network. Additionally, only the lateral extent of groundwater contamination is discussed. Please include a discussion of the vertical distribution of contaminants in groundwater. ACEH requests this element of the SCM be updated to further reflect groundwater conditions and be included in the SCM requested below.
- 7. Nearby Wells** – This element includes the statement that the results of the Alameda County Public Works Agency (ACPWA) well search was reported to have been provided at ACEH separately as it contains confidential data. ACEH has reviewed its case file and has been unable to locate the report. Therefore, ACEH requests that the report be resubmitted to the county ftp site as a confidential document.
- 8. Potential Receptors** – The only sensitive receptors identified in this SCM element is the Duck's Nest Preschool and the Oakland Medical Center. ACEH is of the opinion that until vapor intrusion risks have been evaluated, nearby structures are also potential receptors and should also be identified in this element. ACEH requests this element be updated to include potential vapor intrusion receptors until this data gap has been evaluated and a determination made.
- 9. Site History and Ownership** – This SCM element does not address historic station configurations, e.g. locations of the station buildings, tank locations, and the presence of the car wash. Additionally, there is no discussion of ownership. Therefore, ACEH requests this element be updated to address these data gaps and be included in the SCM requested below.
- 10. Utilities and Preferential Pathways** – Please see Technical Comment 5 above.
- 11. Distribution of Petroleum Hydrocarbons** – This element states soil analytical results are shown in Table 2. Table 2 presents a summary of soil analytical data, with shading utilized for samples which have been over excavated. It is unclear to ACEH that all the samples for the 8/24/1989 and 2/19/1998

dates have been over excavated. Please provide ACEH with the documentation, in the report requested below, indicating soil from these areas have been over excavated.

- 12. Remedial Actions** – This element identifies one excavation, one soil vapor extraction (SVE) pilot test, and one dual-phase extraction (DPE) pilot test as the remedial actions performed at the site. ACEH requests the case file be reviewed for other remedial actions which may have occurred at the site. Based on the findings of the document review, please update this element for inclusion in the SCM requested below.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Keith Nowell), and to the State Water Resources Control Board's Geotracker website, in accordance with the following specified file naming convention and schedule:

- **July 31, 2016– Well Search Report** – Alameda County Public Works Agency (file name: RO0000203_COND_WELL_R_Confidential_yyyy-mm-dd)
- **August 15, 2016– Response to Comments** (file name: RO0000203_SITE_SUM_R_yyyy-mm-dd)
- **August 15, 2016– Updated Site Conceptual Model** (may be included as an attachment to the Response to Comments report requested above or submitted as a standalone document with the file name: RO0000203_SCM_R_yyyy-mm-dd)

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.

Thank you for your cooperation. ACEH looks forward to working with you and your consultants to advance the case toward closure. Should you have any questions regarding this correspondence or your case, please call me at (510) 567-6764 or send an electronic mail message at keith.nowell@acgov.org.

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,

Keith Nowell, PG, CHG
Hazardous Materials Specialist

Attachment 1 - Responsible Party(ies) Legal Requirements/Obligations &
ACEH Electronic Report Upload (ftp) Instructions

cc: Tamera Rogers, Arcadis U.S. Inc., 6296 San Ignacio Ave, Suite C & D, San Jose, CA, 95119
(Sent via electronic mail to: tamera.rogers@arcadis.com)

Dilan Roe, ACEH, (Sent via electronic mail to dilan.roe@acgov.org)
Keith Nowell, ACEH, (Sent via electronic mail to keith.nowell@acgov.org)
Geotracker, Electronic 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.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, 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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: May 15, 2014
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: 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 deh.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 <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 deh.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.