

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

REBECCA GEBHART, Interim Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP) FOR
HAZARDOUS MATERIALS RELEASES
1131 HARBOR BAY
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

June 2, 2017

Walter Sprague
Pacific Convenience & Fuel
7180 Knoll Center Parkway, Suite 100
Pleasanton, CA 94566
(Sent via electronic mail to WSprague@pcandf.com)

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

Clover Trust 1997-1
c/o: ConocoPhillips Co RE
PO Box 1539
Paso Robles, CA 93447-1539

Convenience Retailers LLC
c/o: Smart Business Advisory
7180 Knoll Center Parkway, Suite 100
Pleasanton, CA 94566

Unocal Corp.
c/o: Tim Howard
6001 Bollinger Canyon Rd
San Ramon, CA 94583

Kayo Oil Company
c/o: Real Estate Admin.
315 S. Johnstone # 810G
Bartlesville, OK 74004-0001

GTY Pacific Leasing LLC
c/o Asset Management
2 Jericho Plaza, Suite 110
Jericho, NY 11753-1681.

Subject: Document Review, Fuel Leak Case No. RO0000219 and GeoTracker Global ID T0600101476, UNOCAL #5043, 449 Hegenberger Road, Oakland, CA 94621

Dear Responsible Parties:

Alameda County Department of Environmental Health staff (ACDEH) has reviewed the case file including the document entitled *Low-Threat Case Closure Request (RFC)* dated April 19, 2017 and prepared by Antea Group USA, Inc. (Antea). The RFC was recently submitted to the State Water Resources Control Board's GeoTracker website.

As presented in the RFC, Antea concludes the case meets all eight general criteria of the SWRCB's Low Threat Underground Storage Tank Case Closure Policy (LTCP), the LTCP media specific criteria for groundwater (scenario 2), and that their evaluation shows that site conditions meet the LTCP media specific criteria for direct contact and outdoor air. Additionally, Antea states the site qualifies for the exemption for the media specific criteria for vapor intrusion to indoor air as an active commercial petroleum fueling facility. Based on this determination, Antea states the case meets the closure criteria under the LTCP.

ACDEH requests that you address the following technical comments and send us the technical reports requested below.

TECHNICAL COMMENTS

1. **Electronic Submittal of Information (ESI)** – A review of the ACDEH case file indicates you are out of compliance with regard to the electronic submittal of information. The non-compliance status includes the

RFC not having been uploaded to our FTP site. Therefore, please submit the RFC to the ACDEH FTP site by the date specified below. See Attachment 1 for additional details.

Additionally, the document entitled *Site Investigation Report (SWI)*, dated August 26, 2015 and prepared by Antea for the subject site, was received by our office on September 8, 2015. The document contains laboratory analysis data for soil bores WCs -1, -2, and -3 and SBs -16, -17 and -18. These six soil bores are not discussed in the report, there are no logs for these soil bores, and the laboratory analysis data associated with these bores are not included in the report tables. Additionally, the bore locations are not plotted on the report figures. The August 26, 2015 SWI was resubmitted and received by our agency on November 11, 2015. Rather than include the WC and SB data, Antea removed the portion of the laboratory analytical report for these bores. In a discussion on December 8, 2015 with Mr. Dennis Dettloff, Antea's Senior Project Manager for this case, it was our understanding this data would be provided in Antea's *Excavation Completion Report (ECR)* which was released on November 22, 2016. The data does not appear in the ECR report. Please note that the SWI report has been denied in GeoTracker due to the missing documentation. ACDEH requests the SWI report be updated to include discussion and data associated with these bores. Rather than submit a third report with the same date and title, we request the revised report be submitted having a revision date. Additionally please upload the associated submittals (GEO_MAP and GEO_BORES) to GeoTracker. Please submit the revised report by the date specified below.

Additional data may be available that ACDEH is not aware of, or may not have been submitted, and therefore has not been incorporated in to ACDEH'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. ACDEH staff requests that you review your files and submit reports found missing from either GeoTracker or the ACDEH FTP sites.

If additional documents are submitted as a result of your file review, ACDEH staff requests notification of, and a list of, the documents uploaded to GeoTracker provided via electronic mail, Attention: Keith Nowell.

- 2. Contaminant Plume Delineation** – The *Site Investigation Report (SWI)*, dated August 26, 2015 and prepared by Antea, documents the advancement of two off-site down gradient soil bores, SB-11 and SB-12. The SWI states that the locations proposed for these soil bores were moved farther from the site due to difficulties in gaining site access. The new bore locations are approximately 200 feet farther from the site than those previously approved by ACDEH. Prior to the implementing the field work, ACDEH staff was notified of the boring relocation. ACDEH staff spoke with Mr. Dettloff regarding the soil bore relocations. In our discussion it was pointed out that moving the soil bore locations farther from the site opened a gap in the coverage for plume delineation. Therefore, ACDEH staff requested an additional soil bore be advanced to address the gap. In our letter dated July 6, 2015 ACDEH staff included a figure depicting a suggested location of the additional soil bore. The additional bore was not advanced.

Without the additional bore ACDEH staff is of the opinion the contaminant plume may not be defined. ACDEH staff requests the additional bore be advanced to aid in delineating the groundwater contaminant plume. In lieu of a formal work plan, please provide ACDEH a work plan addendum (Addendum) to the November 22, 2013 work plan (WP) prepared by Antea. The Addendum should consist of a brief scope of work and analysis, and include a figure depicting the soil bore location. Include in the Addendum language that indicates work will be performed in accordance with the procedures presented in the November 21, 2013 WP.

- 3. Vapor Intrusion** – At our meeting on September 30th, 2016, conceptual plans were provided to our office outlining a new convenience store with seating for patrons. This site may not meet the commercial petroleum fueling facility exemption as a convenience store with seating for patrons does not meet the definition of a commercial fueling facility. ACDEH wishes to revisit the site redevelopment plans and requests scheduling of a meeting no later than one month prior to the proposed redevelopment to discuss potential case closure impediments due to site redevelopment. Please provide ACDEH with the proposed redevelopment schedule, the current plan set for redevelopment, and several dates and times for the meeting. Please provide the requested documentation by the date specified below.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACDEH FTP site (Attention: Keith Nowell), and to the SWRCB's GeoTracker website, in accordance with the following specified file naming convention and schedule:

- **June 16, 2017 – Proposed Meeting Times/Dates;** provided as an electronic mail attachment, Attention Keith Nowell
- **June 16, 2017 – Low-Threat Case Closure Request;** report submittal to the County FTP site (file name: RO0000219_RFC_R_YYYY-MM-DD)
- **July 5, 2017 – Site Redevelopment Schedule;** (file to be named: RO0000219_DEV_SCHD_YYYY-MM-DD)
- **July 5, 2017 – Site Redevelopment Plans;** (file to be named: RO0000219_DEV_PLAN_YYYY-MM-DD)
- **July 5, 2017 – Revised Site Investigation Report;** (file to be named: RO0000219_SWI_YYYY-MM-DD)
- **August 1, 2017 – Soil and Groundwater Investigation Work Plan Addendum** (file name: RO0000219_WP_ADEND_R_YYYY-MM-DD)

SUBMITTAL ACKNOWLEDGEMENT STATEMENT

Please note that ACDEH has updated its Attachment 1 with regard to report submittals to ACDEH. ACDEH will now be requiring a Submittal Acknowledgement Statement, replacing the perjury statement, as a cover letter signed by the Responsible Party (RP). The language for the Submittal Acknowledgement Statement is as follows:

"I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website."

Please make this change to your submittals to ACDEH.

If your email address does not appear on the cover page of this notification ACDEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

Thank you for your cooperation. If you have any questions or concerns regarding this correspondence or your case, please call me at (510) 567-6764 or send me an electronic mail message at keith.nowell@acgov.org.

Responsible Parties
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Sincerely,

Keith Nowell, P.G., C.HG.
Hazardous Materials Specialist

Enclosures: Attachment 1- Responsible Party(ies) Legal Requirements/Obligations
ACDEH Electronic Report Upload (ftp) Instructions

cc: Dacre Bush, Antea Group, 3229 East Spring Street, Suite 100, Long Beach, CA 90806
(Sent via electronic mail to: dacre.bush@anteagroup.com)

Colleen Liang, Port of Oakland, 530 Water Street, Oakland, CA 94604-2064
(Sent via electronic mail to: CLiang@PortOakland.com)

Dilan Roe, ACDEH (Sent via electronic mail to: dilan.roe@acgov.org)
Paresh Khatri, ACDEH (Sent via electronic mail to: paresh.khatri@acgov.org)
Keith Nowell, ACDEH ((Sent via electronic mail to: keith.nowell@acgov.org)
GeoTracker, 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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) for more information on these requirements.

ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website." 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 6731, 6735, and 7835) 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 licensed 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 case meet this requirement. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

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: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP 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 acknowledgement 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) Open File Explorer using the Windows  key + E keyboard shortcut.
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) On the address bar, type in ftp://alcoftp1.acgov.org.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
 - d) Click Log On.
 - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - f) 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.