ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
ALEX BRISCOE, Agency Director

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March 5, 2013

Mr. Phillip Jaber
George H. Jaber Trust
2801 Encinal Avenue
Alameda, CA 94501-4726

Subject: Request for Revised Draft Corrective Action Plan, With Modified Approval of; Fuel Leak Case No. RO00000373 Olympic Station (Global ID T0600102256), 1436 Grant Avenue, San Lorenzo, CA 94580

Dear Mr. Jaber:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Corrective Action Plan,* dated September 30, 2012, and the *Quarterly Groundwater Monitoring Report – Third Quarter 2012,* dated October 15, 2012. The reports were prepared on your behalf by Stratus Environmental, Inc. (Stratus). Thank you for submitting the reports.

The *Corrective Action* Plan proposes the installation of a Dual Phase Extraction system, using mobile equipment. Included in the system is the installation of four extraction wells (augmenting three installed for pilot testing), and the installation of five new groundwater monitoring wells to monitor groundwater concentrations in downgradient areas not currently monitored. ACEH is in general agreement with this recommendation; however, requests a revision to the draft Corrective Action Plan (CAP) prior to making the document available for a 30-day public review and comment period. Based on ACEH staff review of the case file, we request that you address the following technical comments and send us the reports described below.

TECHNICAL COMMENTS

1. **Request for Revised Draft Corrective Action Plan –** ACEH is in general agreement with the referenced CAP report; however, requests several modifications to the CAP, and the submittal of a revised draft CAP. Because public participation is a requirement for the CAP process we request that you submit the revised draft CAP for ACEH review. Upon ACEH approval of the revised draft CAP, ACEH will notify potentially affected members of the public who live or own property in the surrounding area of the proposed remediation described in the revised draft CAP. Public comments on the proposed remediation will be accepted for a 30-day period.

   a. **Groundwater Monitoring Wells –** The CAP proposes the installation of five new groundwater monitoring wells. ACEH is in general agreement with the installation of a minimum of three new wells; however, judges the installation of wells MW-7 and MW-8 may be excessive and requests a phased approach to well installation in an attempt to eliminate costs. Please document intended changes in the revised Draft CAP by the date identified below.

   b. **Well Screen Intervals –** The work plan specified 20-foot wells, with 15-foot screen intervals. ACEH requires shorter screen intervals in order to collect more representative groundwater samples, generally with no more than a 5 foot sand interval; however, ACEH recognizes that fully screened water-bearing zones are appropriate in thinner permeable zones. ACEH requests an effort to minimize the screen length at each well location to the extent possible, with well screens minimally longer than the water-bearing zone, including the capillary fringe. If longer screen

intervals are judged appropriate well clusters or CMT multilevel wells may be appropriate. Please document intended changes in the revised Draft CAP by the date identified below.

c. **Site Remedial Goals –** The implementation of the Low-Threat Closure Policy (LTCP) requires remedial goals be defined in accordance with LTCP goals. This was acknowledged in the referenced CAP. This letter acknowledges these goals are appropriate and requests they be incorporated in future documents.

2 **Request for Draft Fact Sheet and List of Recipients** – In conjunction with the submittal of the referenced revised Draft CAP, a Fact Sheet describing the selected remedial alternative must be prepared and sent out to the affected stakeholders in the vicinity of the subject site, including vicinity residents. In an effort to expedite review of the Draft CAP and to move this case forward, please generate a Draft Fact Sheet, using the attached example, and submit a List of Interested Parties who will be receiving the Fact Sheet, by the date listed below.

3. **LTCP Review –** ACEH has reviewed the site against the LTCP and finds that the site does not meet the policy for a number of reasons. ACEH attaches the GeoTracker LTCP review page and the ACEH Data Gap Identification Tool (DGIT) review to help communicate identified data gaps, with the expectation that data gaps will be addressed in future proposed work. The communication of these data gaps under the LTCP is intended to initiate a "Path to Closure" dialogue between ACEH and Responsible Parties. In order to continue this dialogue, ACEH requests that a data gap work plan be submitted in conjunction with the following item.

4. **Path to Closure Schedule -** The State Water Resources Control Board passed Resolution No. 2012-0062 on November 6, 2012 which requires development of a "Path to Closure Plan" by December 31, 2013 that addresses the impediments to closure for the site. The Path to Closure must have milestone dates to calendar quarter which will achieve site cleanup and case closure in a timely and efficient manner that minimizes the cost of corrective action. The Project Schedule should include, but not be limited to, the following key environmental elements and milestones as appropriate:

- Preferential Pathway Study
- Soil, Groundwater, and Soil Vapor Investigations
- Initial, Updated, and Final/Validated SCMs
- Interim Remedial Actions
- Feasibility Study/Corrective Action Plan
- Pilot Tests
- Remedial Actions
- Soil Vapor and Groundwater Monitoring Well Installation and Monitoring
- Public Participation Program (Fact Sheet Preparation/Distribution/Public Comment Period, Community Meetings, etc.)
- Case Closure Tasks (Request for closure documents, ACEH Case Closure Summary Preparation and Review, Site Management Plan, Institutional Controls, Public Participation, Landowner Notification, Well Decommissioning, Waste Removal, and Reporting.)

Please include time for regulatory and RP in house review, permitting, off-site access agreements, and utility connections, etc.

Please use a critical path methodology/tool to construct a schedule with sufficient detail to support a realistic and achievable Path to Closure Schedule. The schedule is to include at a minimum:

- Defined work breakdown structure including summary tasks required to accomplish the project objectives and required deliverables
- Summary task decomposition into smaller more manageable components that can be scheduled, monitored, and controlled

- Sequencing of activities to identify and document relationships among the project activities using logical relationships
- Identification of critical paths, linkages, predecessor and successor activities, leads and lags, and key milestones
- Identification of entity responsible for executing work
- Estimated activity durations (60-day ACEH review times are based on calendar days)

Please submit an electronic copy of the Path to Closure Schedule by the date listed below. ACEH will review the schedule to ensure that all key elements are included.

TECHNICAL REPORT REQUEST

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

- **April 5, 2013** – Revised Draft Corrective Action Plan, List of Interested Parties, and Draft Notification
  File to be named: RO373_CAP_ADEND_L_yyyy-mm-dd

- **April 26, 2013** – Semi-Annual Groundwater Monitoring
  File to be named: RO373_GWM_R_yyyy-mm-dd

- **May 17, 2013** – Data Gap Work Plan and Path to Closure
  File to be named: RO373_SCM_WP_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.

Should you have any questions, please contact me at (510) 567--6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Digitally signed by Mark Detterman
DN: cn=Mark Detterman, o, ou,
email=mark.detterman@acgov.org, c=US
Date: 2013.03.05 14:06:50 -08'00'

Mark E. Detterman, PG, CEG
Senior Hazardous Materials Specialist

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

cc: Stephen Carter, Stratus Environmental, Inc, 3330 Cameron Park Drive, Suite 550, Cameron Park, CA 95682 (sent via electronic mail to: scarter@stratusinc.net)

Gowri Kowtha, Stratus Environmental, Inc, 3330 Cameron Park Drive, Suite 550, Cameron Park, CA 95682 (sent via electronic mail to: gkowtha@stratusinc.net)

Donna Drogos, (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman (sent via electronic mail to mark.detterman@acgov.org)
Electronic File, GeoTracker

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 <u>do not</u> 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.**
- **<u>Do not</u> 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 <u>will not</u> 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.