ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
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March 15, 2013

Ms. Catalina Espino Devine
6111 Bollinger Canyon Road
San Ramon, CA 94583
(sent via electronic mail to espino@chevron.com)

Subject: Request for Work Plan Addendum With Modified Approval of Work Plan; Fuel Leak Case No. RO0000383 (Global ID # T0600100315), Chevron #9-0260, 21995 Foothill Boulevard, Hayward, CA 94541

Dear Ms. Espino Devine:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above referenced site including the *Site Conceptual Model and Work Plan for Additional Subsurface Investigation,* dated August 31, 2012, and the *Fourth Quarter 2012, Groundwater Monitoring and Sampling Report,* dated February 19, 2013. The reports were prepared and submitted on your behalf by Conestoga Rovers Associates (CRA). Thank you for submitting the reports.

The Site Conceptual Model (SCM) identified several data gaps at the site and vicinity and the work plan proposed the installation of 13 CPT soil bores to a depth of 60 feet below grade surface (bgs) to fill those identified data gaps. Identified data gaps include the collection of post-remediation soil analytical data to assess post-remediation soil concentrations across the site and beneath the area of the former UST pit location. Additional identified data gaps are the delineation of dissolved concentrations downgradient of well MW-14, and the collection of additional data in the deeper water-bearing zone screened only by well MW-19. Post-remediation concentrations rebounded from essentially non-detectable up to 32,000 µg/l TPHg and 10,000 µg/l benzene. These concentrations appear to have since decreased to 470 µg/l TPHg and 120 µg/l benzene.

Based on ACEH staff review of the work plan, and the submittal of a Work Plan Addendum (a revised Figure 14), the proposed scope of work is conditionally approved for implementation provided that the technical comments below are incorporated during the proposed work. Please note that the submittal of a work plan addendum (a revised Figure 14) is required prior to proceeding with proposed work. If an alternative scope of work outside that described in the work plan or these technical comments is proposed, a revised work plan is required. We request that you address the following technical comments, perform the proposed work, and send us the report described below. Please provide 72-hour advance written notification to this office (e-mail preferred to: mark.detterman@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1) **Work Plan Modifications –** The referenced work plan proposes a series of actions with which ACEH is in general agreement of undertaking; however, ACEH requests several modifications to the approach. The requested modifications directly relate to the new Low-Threat Closure Policy (LTCP) and the LTCP review of the site. Please submit the Work Plan Addendum and a report by the dates specified below.

    a. **Data Gap - Request for Modified Soil Collection Protocols –** The LTCP review indicates that limited soil analytical data has been collected in the upper 0 to 5 foot depth interval at the site (the 5 to 10 foot interval is better represented in the soil analytical

profile). As a consequence, ACEH requests attention to the collection and analysis of soil in the 0 to 5 foot depth interval, as well as the 5 to 10 foot interval from each soil bore. Described soil collection and analysis is at minimum 5 foot interval and at indications of contamination.

b. **Data Gap – Request for Additional Soil Vapor Samples –** VP-1 and VP-3 were resampled under recent DTSC vapor guidance protocols in June 2012. The results are encouraging; however, VP-2 (located closest to the offsite residence) could not be relocated for sampling. Additionally, the LTCP indicates that vapor samples should be collected adjacent to either existing or future site buildings at a depth of five feet bgs. While, it is understood that VP-1 and VP-3 were installed to investigate property line vapor concentrations at the site, it also appears appropriate to collect additional vapor samples at locations proximal to the source areas (UST pit and dispenser islands) and within future use areas of the site, as well as closer to the (former?) location of VP-2 to allow assessment of offsite residents.

   To document additional planned vapor sampling points ACEH requests the submittal of a revised Figure 14 as a Work Plan Addendum, by the date indentified below.

2) **Low-Threat Closure Review –** ACEH includes a copy of the Geotracker Low-Threat Closure Policy (LTCP) review and the ACEH Data Gap Identification Tool (DGIT), which is a more detailed LTCP analysis. The site currently fails the LTCP review; however, the collection of additional data as identified above, may allow use of this tool (the LTCP) for site closure. Because of changes in regulations since the generation of the SCM and Work Plan, ACEH includes these two documents to help initiate a "Path to Closure" dialogue between ACEH and Responsible Parties.

3) **Request for Status of Residential Well Destruction Effort –** The referenced *Site Conceptual Model and Work Plan for Additional Subsurface Investigation* report indicates that Chevron will be undertaking negotiates with new (post-foreclosure) owners of the residential backyard well at 1180 Rex Road. ACEH requests a status update of this effort by the date identified below.

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.

5) **Copy of Hayward Fire Department Inventory Record –** As requested, attached is a copy of the two page inventory record sent by Chevron to the City of Hayward Fire Department. This record indicates the presence of a 1,000-gallon waste oil UST at the site as of December 1987.

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:

- **March 29, 2013 –** Work Plan Addendum (Revised Figure 14)
  File to be named: RO383_WP_ADEND_R_yyyy-mm-dd

- **May 10, 2013 –** Soil and Groundwater Investigation Report, and Path to Closure
  File to be named: RO383_SWI_R_yyyy-mm-dd

Online case files are available for review at the following website: http://www.acgov.org/aceh/index.htm. 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

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: 2013.03.18 11:20:19 -07'00'

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

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations
Electronic Report Upload (ftp) Instructions
GeoTracker LTCP Checklist
ACEH Data Gap Identification Tool (DGIT)
Chevron – Hayward Fire Dept. Letter

cc: Nathan Lee, Conestoga-Rovers & Associates, 5900 Hollis Street, Suite A, Emeryville, CA 94608; (sent via electronic mail to: NLee@craworld.com)
Donna Drogos, ACEH, (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman, ACEH, (sent via electronic mail to mark.detterman@acgov.org)
Geotracker, Electronic 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 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.