

Wickham, Jerry, Env. Health

From: James Barnard [JBarnard@deltaenv.com]
Sent: Friday, July 24, 2009 11:20 AM
To: Shouldice, John
Cc: Wickham, Jerry, Env. Health; Yoo, James; Grayson, Terry L (DXT Services)
Subject: RE: W2009-0597 (4276 MacArthur Blvd, Oakland) - PERMIT STATUS

Hi John!

Thank you for your response.

To update you on progress, Delta has scheduled the soil vapor test for August 11, 2009. It is estimated that one day will be required to sample all the vapor points.

Terry Grayson's email is Terry.L.Grayson@contractor.conocphillips.com.

Jim

Jim Barnard | Senior Project Manager | Global Oil and Gas Operating Group
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From: Shouldice, John [mailto:johns@acpwa.org]
Sent: Friday, July 24, 2009 11:08 AM
To: James Barnard
Cc: Wickham, Jerry, Env. Health; Yoo, James
Subject: RE: W2009-0597 (4276 MacArthur Blvd, Oakland) - PERMIT STATUS

Jim:

I would like to address some issues in your comments:

- My comments this morning (to the best of my knowledge) never indicated that the soil vapor borings were **continuously** open boreholes. The idea in condition # 2 is that the boreholes authorized under the permit be **completed and finished** within a very short time of original drilling and not just suspended for several weeks or longer (and/or to be **re-opened** later on down the line).
- The issue of the filler materials had been discussed with James Yoo before **initially** directing your field representative to remove such for completion of the project. Any deviation will need to be approved by James.
- Unless there was a breakdown in communication and/or understanding, your field representative indicated that the **work would be completed** (not just additional vapor samples taken) within one to two weeks. Since I had not received the necessary notification for project re-activation (including re-inspection) and it is now already two weeks since the work was temporarily placed on hold, I believe it appropriate to request a reasonable resolution of the matter (rather than keeping the permit in the nebulous realm).
- If the site soil conditions constitute a special in-situ situation, such that the necessary samples cannot be immediately taken, such should be taken up with James for a decision in the matter.

Jim, I don't wish to be at variance with you on any of the issues involved. Nevertheless, the situation should be resolved. In this vein, it may be incumbent on all parties to see if a reasonable resolution cannot be worked out prior to permit issuance in future and/or similar instances.

You will also notice that I have copied both James Yoo and Jerry Wickham with this e-mail. I did not copy Terry Grayson since I do not seem to have his complete e-mail address. As such, please feel free to copy him with this information.

Thanks

John Shouldice

From: James Barnard [mailto:JBarnard@deltaenv.com]
Sent: Friday, July 24, 2009 9:47 AM
To: Shouldice, John; Stephen Meninger
Cc: Yoo, James; Grayson, Terry L (DXT Services); Wickham, Jerry, Env. Health
Subject: RE: W2009-0597 (4276 MacArthur Blvd, Oakland) - PERMIT STATUS

Good Morning, John!

From conversions with Stephen, he stated to you that the hand-augered borings (soil vapor points) were to stabilize for a minimum of two weeks. This allows the vapors to equilibrate with the hole. This hole is five feet deep by three-inches in diameter. The bottom 1.5 feet is filled with sand. From 3.5 feet to 1.5 feet is bentonite pellets in six-inch lifts hydrated in place to form a seal. The upper six-inches is cold-patched to prevent damage and prevent water intrusion. These vapor point are not open boreholes.

When performing the soil vapor test, the cold-patch is removed and a probed is inserted by hand or hammer to approximately 4.5 to 5 feet. The probed is then pulled up slightly to expose the screen to the vapors. This tube is connected to the mobile lab by PVC flex tubing to the analyzer.

At this site, the vapor points were installed in heavy clay, which underlies the site. There is no groundwater present within the upper five-feet of soil. This is why a minimum of two weeks is required to allow any hydrocarbon vapors present.

Each vapor point is sampled only once. Once the vapors are collected, the probe hole and the upper six-inches is sealed with neat cement flush with the surface.

I understand that hand-augered soil vapors points seem to be a gray area in the regulations concerning soil borings. Therefore, I respectfully request that these soil vapor points be allowed to equilibrate properly within this tight soil. I also request that abandonment procedures for soil vapor points be allowed according to the above description above.

Please call me with any questions or comments.

Jim

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Confidentiality Notice: If you are not the intended recipient of this email, please delete it. Thank you.

From: Shouldice, John [mailto:johns@acpwa.org]
Sent: Friday, July 24, 2009 8:53 AM
To: Stephen Meninger
Cc: James Barnard; Yoo, James
Subject: W2009-0597 (4276 MacArthur Blvd, Oakland) - PERMIT STATUS

Stephen:

This e-mail will serve to follow-up to our last discussion on the above indicated permit and to assess its current status. The project work was performed on the week of July 6 – 10, 2009. At the end of the week, you asked me concerning two (2) aspects of the approved permit:

- If the installed filler materials (sand, bentonite, etc) in the soil vapor borings could be essentially left in place and the grouting limited to the top portion of the boring?
- If the soil vapor borings could be left uncompleted (with temporary asphalt cap installed) for approx one to two weeks to permit you to come back and take additional soil vapor measurements?

My response to these items included the following general comments:

- **Filler Materials:** The filler materials were to be removed and grouting to be installed in accordance with county permit requirements and approved industry practice.
- **Soil Vapor Measurements:** I indicated that the soil vapor measurements involving longer periods of time (see permit condition # 2) would normally require a separate permit. However, upon your specific request I agreed that since the permit had already been issued and the borings already in place, that the additional vapor readings could be done **provided** such were completed within two weeks (i.e. the time extension you specifically requested; two weeks from July 10, 2009), provided the borings were temporarily & properly sealed in the interim, and provided the borings were completed (re-drilled and grouted to permit requirements) in accordance with county requirements at the end of the two week period. In addition, I specifically requested that you contact me with normal scheduling notice when such was going to be done. [NOTE: I should also like to take this opportunity to point out that this approval was in relation to this specific permit **only** and did not necessarily reflect/constitute county policy for future/other permits.]

As of this date, it is now two (2) weeks since the above authorization was given which is long past the date of the permit condition (boring opening time limit of 24 hours) and you have not contacted me regarding the completion of the soil vapor borings. Please advise how you wish to proceed with this permit so that the permit status can be assessed. Unless otherwise approved for continued soil vapor monitoring by James Yoo, the permit is subject to being rescinded. Please respond at your earliest convenience to avoid any such action.

You will note that I have copied both Jim Barnard and James Yoo with this information.

Thanks

John Shouldice