ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
ALEX BRISCOE, Agency Director

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ENVIRONMENTAL PROTECTION
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March 14, 2013

Mr. Erik Hetrick
Chevron Environmental Management Co.
6101 Bollinger Canyon Road
San Ramon, CA 94583
(Sent via electronic mail to:
EHetrick@chevron.com)

Mr. Rene Boisvert
800 Center LLC
c/o Boulevard Equity Group
484 Lake Park Ave #246
Oakland, CA 94610-2730

Mr. Terrilla Sadler
618 Brooklyn Avenue
Oakland, CA 94606-1004

Subject: Request for Revised Draft CAP; Fuel Leak Case No. RO0000454 (Global ID # T0600102230), Chevron #20-6145 / Signal SS, 800 Center Street, Oakland CA 94607

Dear Messrs. Hetrick, Boisvert, and Sadler:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the referenced site including the recently submitted documents entitled Second Semi-Annual 2012 Groundwater Monitoring and Sampling Report, dated October 2, 2012 (received November 5, 2012), and the *Closure Request,* dated November 29, 2012, which were prepared by Conestoga-Rovers & Associates, Inc. (CRA). Thank you for submitting the reports.

In the report CRA finds that the subject site meets the General and Media Specific Criteria of the recently adopted Low-Threat Closure Policy (LTCP). ACEH has also reviewed the site against the recently enacted policy and finds that the site does currently not meet the policy; therefore, ACEH cannot consider case closure for the subject site at this time. This decision to deny closure is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39.2(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Please contact the SWRCB Underground Storage Tank Program at (916) 341-5851 for information regarding the appeals process.

Based on the review of the case file ACEH requests that you address the following technical comments and send us the documents requested below. This is intended to act as a "Path to Closure" that will collect sufficient information to assess the site against the new policy as discussed further below.

TECHNICAL COMMENTS

1. **Request for a Data Gap Work Plan –** The November 29, 2012 report cited above indicates that the site meets all General and Media Specific criteria of the LTCP. ACEH is not in agreement with this assessment and attaches the Geotracker LTCP Checklist and the ACEH *Data Gap Identification Tool* (DGIT) checklist to document data gaps identified by ACEH when the site is compared to the LTCP criteria, and 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 by the date identified below. In ACEH's analysis of the site, the following data gaps are present:

    a. **General Criteria b – Does the Unauthorized Release Consist Only of Petroleum? –** Existing near surface analytical sampling indicates that concentrations of lead, PCBs, and organochlorine pesticides are present in near surface soil across the three parcel redevelopment site. ACEH is aware that not all of these chemicals are equally on all three parcels; however, each parcel is a part of this site. Because Chevron owns (as of May 2012) each of the three parcels, Chevron remains as a Responsible Party for contamination on each parcel. An existing proposal indicates that the removal of approximately two feet of

surficial soil will be conducted to remove these contaminants. As a consequence this data gap would not appear to require further investigation.

b. **General Criteria f: Has Secondary Source Been Removed to the Extent Practicable? -** Significant residual petroleum hydrocarbons remain in soil at the site (up to 3,400 mg/kg TPHd, 18,000 mg/kg TPHg, 92 mg/kg benzene, 440 mg/kg ethylbenzene, and uncharacterized naphthalene and PAHs). Residual contamination is predominately located between 5 and 10 feet below grade surface, extends to at least 16 feet bgs, but is undefined vertically in a central residual soil contamination core zone (but appears defined vertically outside the core zone). An approved Low-Flow Air Sparge pilot test has successfully mobilized residual contamination at the site and introduced it to groundwater; however, a collection device (such as vapor extraction) has not been implemented.

c. **Media-Specific Criteria 3 – Direct Contact and Outdoor Air Exposure, or does the site Qualify for the Exemption? –** Exemption: The site does not qualify for an exemption because the upper ten feet beneath the site is documented to contain petroleum hydrocarbon compounds.

   Criteria 3a: As noted above, significant residual petroleum hydrocarbons remain in soil at the site (up to 3,400 mg/kg TPHd, 18,000 mg/kg TPHg, 92 mg/kg benzene, 440 mg/kg ethylbenzene, and uncharacterized naphthalene and PAHs). Residual contamination is predominately located between 5 and 10 feet below grade surface, extends to at least 16 feet bgs, but is undefined vertically in a central residual soil contamination core zone (but appears defined vertically outside the core zone). These concentrations fail the residential, commercial, and utility worker direct contact values of Table 1 of the LTCP, and indicate that the secondary mass has not been removed to the maximum extent practicable. An approved Low-Flow Air Sparge pilot test has successfully mobilized residual contamination at the site and introduced them to groundwater; however, a collection device (such as vapor extraction) has not been utilized. Essentially, the remedial system appears to have stopped before it affected cleanup.

   Criteria 3b: A site specific risk assessment has not incorporated all analytes of concern in the LTCP.

   Criteria 3c: Insufficient data is present to allow an evaluation of the use of mitigation measures and institutional controls to mitigate exposure to petroleum vapors migrating from soil or groundwater due to site disturbances at redevelopment (utility trenches, utility penetrations through a concrete slab, reduced soil moisture and oxygen percentages beneath a slab, increased soil moisture in landscaping, etc.), the unknown future land use, or the unknown (unproposed) construction type.

2. **Request for Groundwater Monitoring Reduction –** Groundwater wells monitoring the intermediate-and deep-water bearing zones have not had detectable concentrations since late 2008, approximately 1.5 years after the wells were installed. As a consequence, ACEH requests that the monitoring and sampling of these wells be eliminated until further notice. This specifically includes wells MW-9, MW-11, MW-13, MW-15 (intermediate), and MW-10, MW-12, MW-14, MW-16, and MW-17 (deep). Please continue monitoring the wells at the site on a semi-annual basis.

3. **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:

- **May 10, 2013 –** Data Gap Work Plan and Path to Closure Schedule
  File to be named: RO454_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.

Online case files are available for review at the following website: http://www.acgov.org/aceh/index.htm. If your email address is not listed on the first page of this letter, or in the list of cc's listed below, ACEH is requesting your email address to help expedite communications and to help lower overall costs.

If you have any questions, please call 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: 2013.03.15 09:29:17 -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)

cc: Greg Barclay, 5900 Hollis Street, Suite A, Emeryville, CA 94608
(sent via electronic mail to GBarclay@craworld.com)

Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 (Sent via E-mail to: lgriffin@oaklandnet.com)

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.