ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director

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April 2, 2009

Paul Supple
Atlantic Richfield Company
(A BP Affiliated Company)
P.O. Box 1257
San Ramon, CA 94583

Shelby Lathrop
ConocoPhillips
76 Broadway
Sacramento, CA 95818

Subject: Fuel Leak Case No. RO0000066 and GeoTracker Global ID T0600100208, BP #11126, 1700 Powell Street, Emeryville, CA 94608

Dear Mr. Supple and Ms. Lathrop:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted document entitled, "Response to ACEH Correspondence Dated February 1, 2007," and the "Remedial Action Plan," both dated March 30, 2007, which were prepared by SECOR International Incorporated, now Stantec Consulting Corporation (Stantec) for the subject site. In our February 1, 2007 correspondence, ACEH requested groundwater contaminant plume delineation to the west of the site and a Remedial Action Plan to address source area contamination that may be adding contaminant mass to the dissolved-phase contaminant plume in groundwater currently present at the site.

In Stantec's response to ACEH's concerns regarding lack of groundwater contaminant plume definition, Stantec "feels the site is adequately delineated to the west," and submitted a remedial action plan. ACEH respectfully disagrees that the groundwater contaminant plume is adequately delineated to the west and also has concerns regarding the proposed remedial technology for the site.

ACEH requests that you address the following technical comments and send us the soil and groundwater characterization work plan and revised Feasibility Study/Corrective Action Plan (FS/CAP) requested below.

TECHNICAL COMMENTS

1. **Soil and Groundwater Characterization** – As mentioned above, Stantec believes that the groundwater contaminant plume is adequately characterized and states that "since April 2005 the groundwater gradient has been to the southwest." Stantec further states that MTBE was detected at a concentration of 6.7 µg/L in groundwater monitoring well located 50 feet south monitoring well MW-4 during the fourth quarter of 2006 and that monitoring well MW-11, also located to the southwest of the site has not detected MTBE above the laboratory detection limit since April 2005. Stantec also states that the "two offsite wells to the south of the site (MW-5 and MW-10) have contained low to non-detect levels of MtBE since 2003, with MtBE only being detected above the California Primary MCL three times; the highest detection

being 18 µg/L in MW-5 in August 2003. Based on this data, SECOR [now Stantec] feels the site is adequately delineated to the west."

Based on the groundwater elevation contours in Stantec's January 23, 2009, "Quarterly Monitoring Progress Report Fourth Quarter 2008," it would appear that there may be at least two different gradients directions present at the site (see Figure 1). While Stantec identifies that the groundwater gradient is to the southwest, to which ACEH concurs, Stantec does not consider the possibility that there may be a westerly component of groundwater flow direction at the site, as illustrated on Figure 1. Figure 2 illustrates the TBA concentrations detected in groundwater samples collected at the site. Based on the isoconcentration contours, the down-gradient extent of the TBA plume appears undefined in the direction of the plume axis. Concentrations of TBA in monitoring well MW-7 appear to have been increasing in the recent past with TBA being detected at 3,500 µg/L during the fourth quarter 2008 monitoring event. Since concentrations of TBA appear to be increasing and the extent of the contaminant plume in the western direction appears undefined, based on groundwater elevation contours and TBA isoconcentration contours, a work plan to define the extent of the groundwater contaminant plume is required. Please propose a scope of work to address the above-mentioned concerns and submit a work plan due by the date specified below.

Figure 1: Groundwater Elevation Contours

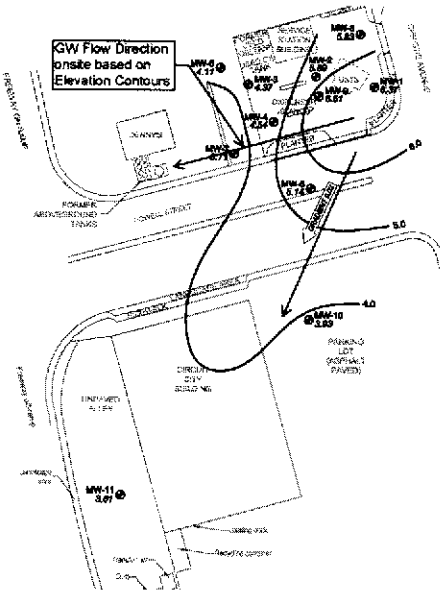
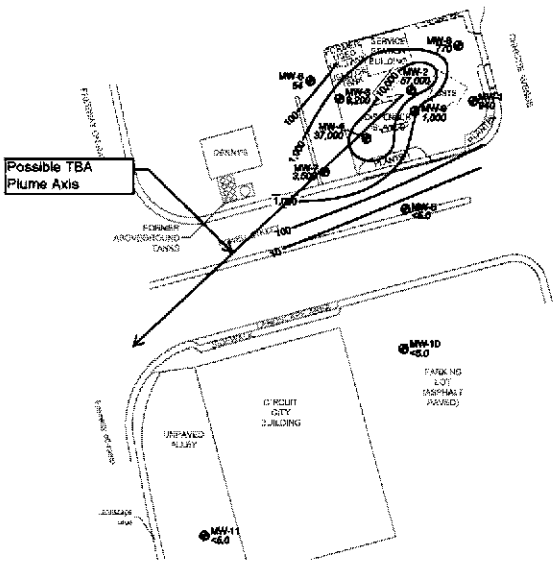


Figure 2: TBA Isoconcentration Map



2. **<u>Contaminant Source Area Characterization</u>** – In September 1993, Alisto oversaw the installation of groundwater monitoring wells MW-5 through MW-9. Soil sample analytical results detected TPH-g and benzene at concentrations of 4,600 mg/kg and 76 mg/kg, respectively, in soil sample MW-9 collected at 4.5 feet bgs, indicating that a secondary source of contamination exists at the site, the vertical and lateral extent of soil contamination is undefined and the site appears to pose a risk to human health and the environment. A groundwater sample collected from monitoring well MW-9 detected 0.08 feet of free product, confirming that a significant release(s) had occurred at the site. Based on the analytical results, the contaminant source area appears undefined. Please propose a scope of work to

address the above-mentioned concerns and submit a work plan due by the date specified below.

3. **Feasibility Study/Corrective Action Plan** – Stantec evaluated six remediation alternatives and selected Oxygen Injection as the most cost-effective remedial alternative. However, no cleanup goals were discussed and some of the alternatives that were evaluated appear to have been dismissed solely due to cost concerns and not whether the alternative, if employed could remediate the site. ACEH is concerned that the proposed selected remediation alternative may not achieve cleanup in a reasonable timeframe.

   At this time, please submit a revised Feasibility Study/Corrective Action Plan (FS/CAP) prepared in accordance with Title 23, California Code of Regulations, Section 2725. Please include a concise site background and description of previous site investigations, as well as but not limited to, a detailed description of site lithology, including soil permeability, and most importantly, contamination cleanup levels and cleanup goals, in accordance with the San Francisco Regional Water Quality Control Board Basin Plan and appropriate ESL guidance for all COCs and for the appropriate groundwater designation. Please note that according to the San Francisco Bay RWQCB's Water Quality Control Plan (Basin Plan) for the San Francisco Bay Basin, 'the term 'groundwater' includes all subsurface waters, whether or not these waters meet the classic definition of an aquifer or occur within identified groundwater basins.' It is also stated in the Basin Plan that 'all groundwaters are considered suitable, or potentially suitable, for municipal or domestic water supply (MUN).' Therefore, the groundwater beneath the subject site must be considered beneficial for these uses unless shown to be non-beneficial using criteria presented in the Basin Plan. It is also stated in the Basin Plan that '[a]t a minimum, groundwaters designated for use as domestic or municipal supply shall not contain concentrations in excess of the secondary maximum contaminant levels (Secondary MCLs) specified in Tables 64449-A (Secondary MCLs-Consumer Acceptance Limits) and 64449-B (Secondary MCLs-Ranges) of Section 64449 of Title 22 of the California Code of Regulations, which is incorporated by reference into this plan.' Currently, concentrations of contaminants in groundwater are significantly above the secondary MCLs as well as RWQCB's ESLs. Lastly, please note that soil cleanup levels should ultimately (within a reasonable timeframe) achieve water quality objectives (cleanup goals) for groundwater in accordance with San Francisco Regional Water Quality Control Board Basin Plan. Please propose appropriate cleanup levels and cleanup goals in accordance with 23 CCR Section 2725, 2726, and 2727 in the FS/CAP.

   The FS/CAP must evaluate at least two viable alternatives for remedying or mitigating the actual or potential adverse effects of the unauthorized release(s) besides the 'no action' and 'monitored natural attenuation' remedial alternatives. Each alternative shall be evaluated for its likelihood to achieve cleanup goals within a reasonable timeframe in a cost-effective manner and the Responsible Party must propose the most cost-effective corrective action. Please submit the FS/CAP by the date specified below.

4. **ACEH FTP Server & GeoTracker Uploads** – ACEH requires that that all submittals are uploaded to ACEH's FTP Server as well as the SWRCB's GeoTracker website. The remedial action plan was not uploaded to the FTP server, which has resulted in delays in its review as well as non-compliance with ACEH's directives. At this time, please reconcile both ACEH's

FTP server and GeoTracker and upload the missing documents. Please see the attachment for upload instructions.

5. **Groundwater Contaminant Plume Monitoring** – Several years of quarterly groundwater monitoring has been conducted at the site. Your consultant may propose a revised groundwater monitoring plan for review. You may include your proposal in the work plan due by the date specified below.

NOTIFICATION OF FIELDWORK ACTIVITIES

Please schedule and complete the fieldwork activities by the date specified below and provide ACEH with at least three (3) business days notification prior to conducting the fieldwork, including routine groundwater sampling.

TECHNICAL REPORT REQUEST

Please submit technical reports to ACEH (Attention: Paresh Khatri), according to the following schedule:

- **April 30, 2009** – Quarterly Monitoring Report (1st Quarter 2009)
- **June 2, 2009** – Soil and Water Investigation Work Plan
- **July 2, 2009** – FS/CAP
- **July 30, 2009** – Quarterly Monitoring Report (2nd Quarter 2009)
- **October 30, 2009** – Quarterly Monitoring Report (3rd Quarter 2009)
- **January 30, 2010** – Quarterly Monitoring Report (4th Quarter 2009)

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

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) 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 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 Spills, Leaks, Investigations, and Cleanup (SLIC) 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 for more information on these requirements (http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml.

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, 6835, 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, later 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.

If you have any questions, please call me at (510) 777-2478 or send me an electronic mail message at paresh.khatri@acgov.org.

Sincerely,

Paresh C. Khatri
Hazardous Materials Specialist

Donna L. Drogos, PE
Supervising Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Brad Shelton, Stantec Consulting Corporation, 3017 Kilgore Road, Suite 100, Rancho Cordova, CA 95670
Donna Drogos, ACEH
Paresh Khatri, ACEH
GeoTracker
File

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	**ISSUE DATE:** July 5, 2005
	REVISION DATE: December 16, 2005
	PREVIOUS REVISIONS: October 31, 2005
SECTION: Miscellaneous Administrative Topics & Procedures	**SUBJECT:** Electronic Report Upload (ftp) Instructions

Effective **January 31, 2006**, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) 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

- Entire report including cover letter must be submitted to the ftp site as **a single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- 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)

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

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 dehloptoxic@acgov.org
         or
      ii) Send a fax on company letterhead to (510) 337-9335, to the attention of Alicia Lam-Finneke.
   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 and Firefox browsers will not open the FTP site.
   b) Click on File, then on Login As.
   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 dehloptoxic@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 at 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)