

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



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ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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May 2, 2008

Mr. Bill Borgh  
Conoco Phillips  
76 Broadway  
Sacramento, CA 95818

Clement K Leung  
CJS Leung, LLC.  
3943 Broadway  
Oakland, CA 94611-5615

Subject: Fuel Leak Case No. RO0000203 and Geotracker Global ID T0 600101471, Unocal #0746, 3943 Broadway, Oakland, CA

Dear Messrs. Borgh and Leung:

Alameda County Environmental Health (ACEH) staff has reviewed the May 24, 2005 *Dual-Phase Extraction Report* and the March 8, 2007 *Feasibility Study Work Plan* submitted by TRC. The work plan recommended that another pilot test be performed using a mobile treatment system. The pilot test report indicated that dual-phase extraction (DPE) is a feasible option for the site. At this time, we request that you address the technical comments and send us the reports described below.

**TECHNICAL COMMENTS**

- 1. Contaminant Source Area Characterization.** It appears that the lateral extent of both the soil and groundwater plumes have been defined at this site. However, the vertical extent of hydrocarbons and oxygenates have not been defined in the soil or groundwater. The on-site areas adjacent to MW-3, MW-4 and MW-5 contain hydrocarbons in the deepest soil sample. The maximum concentrations were detected in soil from MW-3 at 11 feet below ground surface (bgs) at 1,100 milligrams per kilogram (mg/Kg) total petroleum hydrocarbons as gasoline (TPHg) and 16 mg/Kg benzene. No soil samples were collected below 12 feet bgs. Groundwater samples collected from the shallow zone indicate that there is free product on the groundwater in MW-5 and MW-3 contains 6,700 micrograms per liter ( $\mu\text{g/L}$ ) TPHg, 33  $\mu\text{g/L}$  benzene, 75  $\mu\text{g/L}$  methyl tertiary butyl ether (MTBE) and 110  $\mu\text{g/L}$  tertiary butyl alcohol (TBA). Please submit a work plan to investigate the vertical extent of the hydrocarbons and oxygenates in the source area. Report the results of your investigation in the SWI requested below.
- 2. Feasibility Study.** A dual-phase extraction pilot test was performed at the site in 2005. The data from this pilot test concluded that DPE may be an appropriate remedial method for this site. In addition to this pilot test, pilot tests for soil vapor extraction and DPE have been performed at the site. The information obtained during these three pilot tests should provide enough data to prepare a feasibility study/corrective action plan (FS/CAP). At this time please prepare an FS/CAP in accordance with Title 23, California Code of Regulations, Section 2725. The FS/CAP must include a concise background of soil and groundwater investigations performed in connection with this case and an assessment of the residual impacts of the chemicals of concern (COCs) for the site and the surrounding area where the

unauthorized release has migrated or may migrate. The FS/CAP should also include, but is not limited to, a detailed description of site lithology, including soil permeability, and most importantly, contamination cleanup goals. These can be applicable and justified ESLs or calculated, site-specific risk-based cleanup goals.

The FS/CAP must evaluate at least three 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 cost-effectiveness and the Responsible Party must propose the most cost-effective corrective action.

Please understand that long-term use of a mobile treatment system is considered by the RWQCB to be expensive. We understand that the Underground Storage Tank Cleanup Fund reimbursement may be obtained for short-term pilot tests using a mobile treatment system, but if long-term use is planned, an extraction system is typically found to be less expensive and the fund may no longer reimburse for long-term mobile DPE units.

3. **Sensitive Receptor Survey and Conduit Study.** As discussed at our April 14, 2008 meeting, the correct well survey map for the site was not included in the report. Please include this map with your next report and also perform a conduit study of the area since groundwater depth is from 6 to 12 feet below ground surface and utilities may be pathways for contaminant migration. Please include maps, data tables, and an analyses and interpretation of the data in the report requested below.
4. **Site Maps.** The maps that are included in the groundwater monitoring reports do not include the locations of the former underground storage tanks, piping or dispensers. Please include the location of all former tanks, product piping and dispensers on the maps that are submitted in the future.

#### **LANDOWNER NOTIFICATION REQUIREMENTS**

Pursuant to California Health & Safety Code Section 25297.15, the active or primary responsible party for a fuel leak case must inform all current property owners of the site of cleanup actions or requests for closure. Furthermore, ACEH may not consider any cleanup proposals or requests for case closure without assurance that this notification requirement has been met. Additionally, the active or primary responsible party is required to forward to ACEH a complete mailing list of all record fee title holders to the site.

At this time we require that you submit a complete mailing list of all record fee title owners of the site by **June 9, 2008**, which states, at a minimum, the following:

A. *In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (name of primary responsible party), certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site:*

- OR -

B. *In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (name of primary responsible party), certify that I am the sole landowner for the above site.*

*(Note: Complete item A if there are multiple site landowners. If you are the sole site landowner, skip item A and complete item B.)*

In the future, for you to meet these requirements when submitting cleanup proposals or requests for case closure, ACEH requires that you:

1. Notify all current record owners of fee title to the site of any cleanup proposals or requests for case closure;
2. Submit a letter to ACEH which certifies that the notification requirement in 25297.15(a) of the Health and Safety Code has been met;
3. Forward to ACEH a copy of your complete mailing list of all record fee title holders to the site; and
4. Update your mailing list of all record fee titleholders, and repeat the process outlined above prior to submittal of any additional *Corrective Action Plan* or your *Request for Case Closure*.

Your written certification to ACEH (Item 2 above) must state, at a minimum, the following:

*A. In accordance with Section 25297.15(a) of the Health & Safety Code, I, (name of primary responsible party), certify that I have notified all responsible landowners of the enclosed proposed action. (Check space for applicable proposed action(s)):*

*cleanup proposal (Corrective Action Plan)*

*request for case closure*

*local agency intention to make a determination that no further action is required*

*local agency intention to issue a closure letter*

- OR -

*B. In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (name of primary responsible party), certify that I am the sole landowner for the above site.*

*(Note: Complete item A if there are multiple site landowners. If you are the sole site landowner, skip item A and complete item B.)*

#### **TECHNICAL REPORT REQUEST**

Please submit technical reports to Alameda County Environmental Health (Attention: Barbara Jakub), according to the following schedule:

1. **June 9, 2008** – Soil and Water Investigation Work Plan, with updated well survey map, conduit study, and Landowner Notification Document.
2. **August 29, 2008** – Feasibility Study.

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](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) 639-1287 or send me an electronic mail message at [barbara.jakub@acgov.org](mailto:barbara.jakub@acgov.org).

Sincerely,



Barbara J. Jakub, PG  
Hazardous Materials Specialist

Enclosures: ACEH Electronic Report Upload (ftp) Instructions

cc: Daniel Davis, Delta Consultants, 11050 White Rock Rd., Rancho Cordova, CA 95670

Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341 Oakland, CA  
94612-2032

Donna Drogos, ACEH  
Barbara Jakub, ACEH  
File

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|---|---|
| <b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b> | <b>ISSUE DATE:</b> July 5, 2005                             |
|   | <b>REVISION DATE:</b> December 16, 2005                     |
|   | <b>PREVIOUS REVISIONS:</b> October 31, 2005                 |
| <b>SECTION:</b> Miscellaneous Administrative Topics & Procedures              | <b>SUBJECT:</b> 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](mailto: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](mailto: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)