

ALAMEDA COUNTY  
**HEALTH CARE SERVICES  
AGENCY**

REBECCA GEBHART, Interim Director



DEPARTMENT OF ENVIRONMENTAL HEALTH  
LOCAL OVERSIGHT PROGRAM (LOP) FOR  
HAZARDOUS MATERIALS RELEASES  
1131 HARBOR BAY PARKWAY, SUITE 250  
ALAMEDA, CA 94502  
(510) 567-6700  
FAX (510) 337-9335

November 10, 2016

Union Oil Company of California, a Chevron affiliate  
Dbas Chevron Environmental Management Company  
6101 Bollinger Canyon Road  
San Ramon, CA 94583  
Attn.: James Kiernan  
(Sent via electronic mail to: [jkiernan@chevron.com](mailto:jkiernan@chevron.com))

Phillips 66  
76 Broadway  
Sacramento, CA 95818  
Attn.: Ed Ralston (Sent via electronic mail to:  
[Ed.C.Ralston@p66.com](mailto:Ed.C.Ralston@p66.com))

Broadway Union #0746  
Dbas Broadway Union 76, Inc.  
3943 Broadway  
Oakland, CA 94611  
Attn.: Clement K. Leung  
(Sent via electronic mail to: [broadwayunion76@yahoo.com](mailto:broadwayunion76@yahoo.com))

CJS Leung, LLC  
C/o Clement Leung  
3943 Broadway  
Oakland, CA 94611

Clover Trust 1997-1  
C/o Circle R Co #U-0746  
Address Unknown

Suncor Holdings COP II LLC  
Address Unknown

Subject: Work Plan Request, Fuel Leak Case No. RO0000203 and GeoTracker Global ID T0600101471, Unocal #0746, 3943 Broadway, Oakland, CA 94611

Dear Responsible Parties:

Alameda County Department of Environmental Health (ACDEH) has reviewed the case file for the subject site including the document entitled *Response to Comments and Updated Site Conceptual Model* (SCM) dated October 14, 2016 and prepared by Arcadis U.S. Inc. (Arcadis) for the subject site. The SCM was prepared at the request of ACDEH in our letter dated July 1, 2016. The SCM was prepared in conjunction with the State Water Resources Control Board's (SWRCB's) Low Threat Underground Storage Tank Case Closure Policy (LTCP) and addresses several data gaps identified in our letter which have been incorporated in the updated site conceptual model portion of the document.

Additionally, the SCM includes a summary outline of correspondences requested by ACDEH which document attempts to gain access to off-site groundwater monitoring wells MW-8 and MW-9.

Based on the information provided in the SCM, Arcadis is of the opinion that the site meets the eight (8) General and the three (3) Media-Specific Criteria of the LTCP and requests the site be considered for low-threat closure.

ACDEH notes that SCM states approximately 1.04 gallons of free product as light non-aqueous phase petroleum hydrocarbons (LNAPL) were removed from monitoring well MW-5 between January and March (inclusive), 2016 using absorbent socks. As ongoing attempts at free product removal have been successful at removing measurable free product, ACDEH is of the opinion free product has not been removed to the extent practicable. Therefore, LTCP General Criteria d has not been met.

Additionally, as free product well MW-5 is situated along the downgradient property boundary, ACDEH is of the opinion free product extends off-site with regard to the Groundwater Media Specific Criteria.

Based on the reported groundwater flow and distribution of wells, ACDEH is of the opinion the contaminant plume may not be captured by the wells currently sampled in the well network. By including wells MW-8 and MW-9 in the network of wells actively sampled, information may be gained that could aid in making a determination of plume length in addition to plume direction. Without the inclusion of wells MW-8 and MW-9 in the active sampling network, ACDEH is of the opinion the plume has not been defined and does not meet the Groundwater Media Specific Criteria. Therefore, ACDEH will work to gain access to the off-site wells MW-8 and MW-9.

ACDEH is in agreement that, as an active fueling station, the site does not need to meet the Petroleum Vapor Intrusion to Indoor Air Media Specific (VI-IA) Criteria. As indicated above however, monitoring well MW-5, located adjacent to the southern property line, continues to exhibit free product. MW-5 is also located adjacent to a commercial building situated on the down gradient side of the site. Therefore, it is unclear to ACDEH that the VI-IA Criteria is met for off-site receptors. Additionally, as proposed in the SCM, Arcadis plans to conduct a soil vapor investigation to determine if there are any potential vapor intrusion concerns for off-site receptors. Hence, it appears that Arcadis is in agreement with ACDEH that the VI-IA Media Specific Criteria has not been met.

As indicated above, ACDEH does not agree with the LTCP assessment provided by Arcadis in the SCM and requests that you address the following technical comments and submit the requested work plan by the date provided below.

### **TECHNICAL COMMENTS**

- 1. Off-Site Access** – ACDEH requests that you continue with your negotiation attempts for gaining access to off-site wells MW-8 and MW-9. To facilitate access, ACDEH will prepare and present a letter addressed to the property owner requesting access to the wells. ACDEH is also willing to schedule a meeting with the parties to facilitate resolution of access impediments.
- 2. Free Product Removal** – ACDEH requests continued monthly free product monitoring of well MW-5. Please include the reporting of product removal in the semi-annual groundwater monitoring reports requested below.
- 3. Soil Gas Investigation** – Please prepare a work plan to investigate the down gradient off-site vapor intrusion risk in accordance with the document entitled *Final- Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air (Vapor Intrusion Guidance)* prepared by Cal/EPA, dated October 2011.

ACDEH requests that you include contingency on-site sampling locations in the event that off-site access is not available. Please conduct the on-site soil gas investigation in accordance with the July 2015 *Advisory- Active Soil Gas Investigations* prepared by California Environmental Protection Agency/ Department of Toxic Substances Control (Cal EPA / DTSC), and the Regional Water Quality Control Boards of the Los Angeles (LARWQCB) and San Francisco (SFRWQCB) regions.

ACDEH requests the work plan be prepared in conjunction with the LTCP regardless of the on-site or off-site sampling scenarios.

### **TECHNICAL REPORT REQUEST**

Please upload technical reports to the ACDEH ftp site (Attention: Keith Nowell) and the SWRCB's GeoTracker website in accordance with the following specified file naming convention and schedule:

- **January 13, 2017** – Vapor Intrusion Investigation Work Plan- (file to be named: RO0000203\_WP\_R\_yyyy-mm-dd)

- **January 31, 2017** – Fourth Quarter Semi-annual Groundwater Monitoring Report- (file to be named: RO0000203\_GWM\_R\_YYYY-MM-DD)
- **July 31, 2017** – Second Quarter Semi-annual Groundwater Monitoring Report- (file to be named: RO0000203\_GWM\_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.

Thank you for your cooperation. ACDEH looks forward to working with you and your consultants to advance the case toward closure. Should you have any questions regarding this correspondence or your case, please call me at (510) 567-6764 or send an electronic mail message at [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org).

Sincerely,

Keith Nowell, PG, CHG  
Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements

Cc: Tamera Rogers, Arcadis U.S. Inc., 6296 San Ignacio Ave, Suite C & D, San Jose, CA, 95119 (*Sent via electronic mail to: [tamera.rogers@arcadis.com](mailto:tamera.rogers@arcadis.com)*)

Dilan Roe, ACDEH (*Sent via electronic mail to: [dilan.roe@acgov.org](mailto:dilan.roe@acgov.org)*)

Paresh Khatri, ACDEH (*Sent via electronic mail to: [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org)*)

Keith Nowell, ACDEH, (*Sent via electronic mail to [keith.nowell@acgov.org](mailto:keith.nowell@acgov.org)*)

GeoTracker, file

## Attachment 1

### Responsible Party(ies) Legal Requirements / Obligations

#### REPORT REQUESTS

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.waterboards.ca.gov/water\\_issues/programs/ust/electronic\\_submittal/](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, 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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)</b>	<b>REVISION DATE:</b> May 15, 2014
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> Electronic Report Upload (ftp) Instructions

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

- **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](mailto: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](mailto: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.