



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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March 14, 2014

Mr. Chuck Carmel  
Atlantic Richfield Company  
San Ramon, CA 94583  
(sent via electronic mail to  
[Chuck.carmel@bp.com](mailto:Chuck.carmel@bp.com))

Lois Declercq  
Lois Declercq Trust  
22455 S. Fork Road  
Sonora, CA 95370

DDJ Property Holding, Inc.  
2501 North Main Street  
Walnut Creek, CA 94597

Tosco Corporation  
Re Alfred and Lois Declercq Trust  
2300 Clayton Road  
Concord, CA 94520

Ms. Shelby Lathrop  
ConocoPhillips Co.  
76 Broadway  
Sacramento, CA 95818

Mr. DeLong Liu  
DeLong Oil, Inc.  
2501 N. Main Street  
Walnut Creek, CA 94597

Subject: Request for Closure Response; Fuel Leak Case No. RO0000281; (Global ID # T0600101651); BP #11104 1716 Webster Street, Alameda, CA 94501

Dear Ladies and Gentlemen:

It has become apparent that a fairly complex interplay of events involving the conversion of a gasoline underground storage tank (UST) to a diesel UST on October 29, 2009, and the subsequent detection of diesel Light Non-Aqueous Phase Liquids (LNAPL) in well RW-1 in July 2011, and the removal of a waste oil UST on September 6, 2013, and the detection of diesel- and oil-range LNAPL in the waste oil UST excavation pit on September 6, 2013, has occurred which involves multiple Responsible Parties at the site. This has complicated the case closure request for the site. It appears appropriate to request specific site details in order for ACEH to determine the appropriateness of the closure request by Arco, versus the appropriateness of case closure for Arco and the opening of a new case with DDJ Property Holdings, Inc and DeLong Oil, Inc. as remaining primary Responsible Parties at the site.

In order for ACEH to make a determination on RP status for the diesel and motor oil contamination at the site we request that each of you address the following technical comments and submit the documents as requested and described below. Subsequent to the submittal of these documents, ACEH would like to convene a meeting with all parties, on the date identified below. Please place this date in your calendars or immediately notify ACEH that the date is not workable for you.

### **TECHNICAL COMMENTS**

- 1. Timeline of Property Ownership and Tank Ownership at the Site** – One of the keys to understanding the diesel and waste oil groundwater contamination at the site appears to be a timeline of the complete history of the two USTs from installation, including conversion history, tank ownership history, and property ownership history.

Please enhance this timeline by incorporating historic diesel usage and waste oil storage at the site, reported detections of diesel- and oil-range hydrocarbons in soil and groundwater, and any other information pertinent to resolving these issues.

- 2. Diesel Source Evaluation** – A second key to the site is to understand the location of the diesel dispensing infrastructure and the location of the possible sources of diesel detections in soil and groundwater. The location of diesel related infrastructure has not been reported, other than the presence of a diesel UST at the site. Please prepare a figure depicting the location of the diesel dispenser(s), product piping, and tank on site plans. Please include the locations of soil and

groundwater where diesel hydrocarbon contamination has been detected on the figure showing the site infrastructure.

3. **Waste Oil Source Evaluation** – A third key to the site is to understand the location of the waste oil infrastructure (product lines and tank location), and the location of the possible sources of oil hydrocarbon detections in soil and groundwater. At present only the location of the former waste oil UST has been reported. Please prepare a figure depicting the location of the waste oil infrastructure on site plans. Please include the locations of soil and groundwater where oil-range hydrocarbon contamination has been detected on the figure showing the site infrastructure.
4. **Evaluation of Current Site Conditions** – Please evaluate and report on the current condition of all site wells, including current well integrity during site redevelopment, the status of redevelopment, and the current UST system configuration, including the status of CUPA permits. Please also review the current groundwater monitoring schedule for appropriateness to capture adequately representative concentrations and free-phase thicknesses of diesel and waste oil contamination.

### **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 23, 2014** – Timeline, Diesel and Waste Oil Source Evaluation, and Current Site Conditions  
File to be named: MISC\_R\_yyyy-mm-dd
- **June 6, 2014** – Stakeholder Meeting

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 does not appear on the cover page of this notification, ACEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

If you have any questions, please call me at (510) 567-6876 or send me an electronic mail message at [mark.detterman@acgov.org](mailto:mark.detterman@acgov.org).

Sincerely,

Mark E. Detterman, PG, CEG  
Senior Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements / Obligations  
Electronic Report Upload (ftp) Instructions

cc: Kristene Tidwell, Broadbent, 875 Cotting Land, Suite G, Vacaville, CA 95688  
(sent via electronic mail to [Ktidwell@broadbentinc.com](mailto:Ktidwell@broadbentinc.com))

Rob Miller, Broadbent, 875 Cotting Land, Suite G, Vacaville, CA 95688  
(sent via electronic mail to [Rhmillier@broadbentinc.com](mailto:Rhmillier@broadbentinc.com))

Terry Grayson, (sent via electronic mail to [Terry.Grayson@gmail.com](mailto:Terry.Grayson@gmail.com))

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Valentin Constantinescu, Alfa Environmental Remediation Services, Inc, 9000 Crow Canyon Road,  
Suite S, Danville, CA 94506; (sent via electronic mail to [Val@alfaenv.com](mailto:Val@alfaenv.com))

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

Mark Detterman (sent via electronic mail to [mark.detterman@acgov.org](mailto: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/](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.

<b>Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)</b>	<b>REVISION DATE:</b> July 25, 2012
	<b>ISSUE DATE:</b> July 5, 2005
	<b>PREVIOUS REVISIONS:</b> October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
<b>SECTION:</b> Miscellaneous Administrative Topics & Procedures	<b>SUBJECT:</b> 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 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.