



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
(510) 567-6700  
FAX (510) 337-9335

June 10, 2014

**NOTICE TO COMPLY**

Mr. DeLong Liu  
DeLong Oil, Inc.  
2501 N. Main Street  
Walnut Creek, CA 94597  
(sent via electronic mail to [delongliu@yahoo.com](mailto:delongliu@yahoo.com))

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

Subject: Notice to Comply - Request for Work Plan and Site Redevelopment Status; Fuel Leak Case No. RO0000281; (Global ID # T0600101651); BP #11104 1716 Webster Street, Alameda, CA 94501

Dear Ladies and Gentlemen:

Thank you for attending the June 6, 2014 meeting with representatives of Alameda County Environmental Local Oversight Program (ACEH), and British Petroleum (BP) to discuss the status of recent site redevelopment activities and the path to closure for the subject site. As a result of discussions during the meeting and information provided to ACEH by BP based on a site visit conducted immediately after the June 6, 2014 meeting to observe the condition of their groundwater monitoring wells, ACEH has significant concerns regarding DeLong Oil's non-compliance with ACEH's previous directives, unreported damage to site groundwater monitoring wells, and unreported soil excavation and import activities conducted during site redevelopment.

As a result of this information, ACEH requests that you address the following technical comments and send us the documents requested below.

**TECHNICAL COMMENTS**

- 1. Diesel and Waste Oil Releases at the Site** - On March 14, 2014, ACEH issued a directive letter requesting a timeline of property and tank ownership at the site, a diesel and waste oil source evaluation, and an evaluation of current site conditions from both BP and DeLong Oil. The response was due on May 23, 2014 in order to allow time for a followup meeting on June 6, 2014. ACEH received the requisite documentation from BP but to date ACEH received has not received a response that is public from DeLong Oil. You are thereby out of compliance with directives issued by ACEH. In order to regain compliance, ACEH requests the submittal of documentation to the ACEH ftp website and to Geotracker by the date identified below.

Based on the information provided to ACEH by BP and additional information obtained by ACEH on June 6, 2014 (see discussion in Technical Comments 2, 3 and 4 below), ACEH is proceeding with closing the existing Fuel Leak Case No. RO0000281 in which BP and DeLong Oil are both named as Responsible Parties (RP) and opening a new Fuel Leak Case in which DeLong Oil is named as the sole RP.

- 2. Site Status Progress Report** – ACEH understands that site redevelopment activities are complete however no documentation has been provided to ACEH to document soil excavation and import activities and damage to groundwater monitoring wells. As a result ACEH requests the submittal of a Site Redevelopment Progress Report, by the date listed below, to document the recent site activities. The report is requested to include documentation of the following:

- Areas of soil excavation relative to existing structures (building, dispensers, underground storage tanks (USTs), monitoring wells, soil bores, etc.), the depth of soil excavation or removal, analytical data characterizing the excavated soil, waste manifests for the soil including total yardage figures, documentation of imported backfill material (source and contaminant characterization, if recycled AB).
- Status and condition of all wells at the site. During the June 6, 2014 meeting, representatives of Delong Oil informed ACEH and BP that well MW-3 was irreparably damaged approximately 2 months ago during excavation activities to a depth of 6 to 7 feet below grade surface (bgs) in the vicinity of the well, however has not been properly destroyed under permit. Subsequent to the meeting, BP visited the site and notified ACEH that wells MW-2 and RW-1 have also been compromised and that the extent of the damage cannot be determined, but may not be limited to the near surface environment. Therefore, please conduct an evaluation of the integrity of all on-site monitoring wells and provide photographs, descriptions of well and wellhead conditions, tagging of total well depths, downhole camera survey results (if appropriate), and proposed repair or replacement of damaged wells, and a resurvey of repaired wells to Geotracker standards.

- 3. Diesel LNAPL In Vicinity of Fuel USTs** – LNAPL has been detected in well RW-1 since discovery in July 2011. Review of ACEH Certified Unified Program Agency (CUPA) records indicate that one of the three gasoline USTs was converted to diesel in early November 2009 by Mr. Delong Liu, approximately 1.75 years prior. Fingerprinting of the LNAPL in well RW-1 was conducted August 2011 by representatives of BP and the hydrocarbon was identified as most closely resembling diesel, based on a technical analysis of multiple points of comparison.

During the June 6, 2014 meeting ACEH, Delong Oil, and BP agreed that representatives of Delong Oil would collect a sample of LNAPL from well RW-1 and a sample of fresh diesel from the diesel tank for fingerprinting and comparison by an analytical laboratory. Please be aware that expected dissimilarities that are related to weathering of a product do not invalidate similarity comparisons as has been previously suggested.

It was also agreed in the meeting that if LNAPL is not present, that a split groundwater sample would be collected, using low-flow purge techniques, and would be submitted for analysis for Total Petroleum Hydrocarbons as diesel (TPHd) by representatives of Delong Oil and Total Petroleum Hydrocarbons as gasoline (TPHg) by BP. To facilitate the collection of groundwater and LNAPL samples from RW-1, it was agreed in the meeting that representatives of BP and Delong Oil would notify ACEH of a time and date for sampling coordination by June 16, 2014, and sampling would be conducted by June 23, 2014.

However, due to the apparent compromised condition of well RW-1 the agreed upon sampling strategy is no longer valid. In addition, as the well has been left unsecured for an unknown length of time, ACEH holds Delong Oil solely responsible for any contamination that is discovered in future groundwater samples collected from the well.

Until the integrity of well RW-1 has been evaluated, the requirement for collection of samples of groundwater and LNAPL is suspended. Dependent on the results of the evaluation of the integrity of well RW-1 (see Technical Comment 1), Delong Oil will be required to prepare a scope of work to characterize the LNAPL and groundwater in the vicinity of the well, either by collection of the samples from the well (if determined to not be compromised) or through collection of grab groundwater samples (if the well is compromised). As the well has been left unsecured, a full suite of analytes will be required to be run on the groundwater samples to rule out the possibility that no additional contaminants have been introduced to groundwater at the site through tampering of this well.

- 4. LNAPL in Vicinity of Former Waste Oil UST** – LNAPL was detected in the UST excavation pit at the time of the removal of the former waste oil UST on September 6, 2013, during site redevelopment activities. A groundwater sample was requested to be collected by the CUPA inspector at that time. A concentration of 18,200 micrograms per liter ( $\mu\text{g/l}$ ) TPHd and 46,200  $\mu\text{g/l}$  TPH as motor oil (TPHmo) was reported. These concentrations are considered by technical justification papers of the Low-Threat Closure Policy (LTCP) to be indicative of LNAPL and potentially free-phase (as defined by the LTCP technical papers).

In a previous meeting held on October 17, 2013 with representatives of ACEH, Delong Oil and BP, Delong Oil was directed to collect a groundwater sample from well MW-3 (located immediately downgradient of the waste oil tank pit) for analysis of TPHd and TPHmo. However, during the June 6, 2014 meeting Delong Oil informed ACEH that they had not collect the requisite sample from the well due to the well being damaged during site redevelopment activities. Therefore, ACEH requests by the date identified below, Delong Oil prepare a scope of work to characterize the downgradient and lateral extent of LNAPL and groundwater contamination associated with the former waste oil UST.

Additionally, ACEH requests that Delong Oil evaluate potential impacts from the waste oil release to adjacent downgradient residential buildings. An October 19, 2000 report contained a sensitive receptor survey for the subject site, and identified two basements within 50 feet of the subject site (but did not effectively identify the locations or the foundation depths). Because groundwater at the site ranges in depth between approximately 3 to 7 feet bgs there is a potential that the basements may extend into the groundwater zone, and allow exposure of site contaminants to the residents.

### **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:

- **June 16, 2014 - Overdue Submittal** - Timeline, Diesel and Waste Oil Source Evaluation, and Current Site Conditions; File to be named: MISC\_R\_YYYY-mm-dd
- **June 30, 2014** – Site Status Report and Data Gap Work Plan  
File to be named: WP\_R\_YYYY-mm-dd
- **60 Days After Work Plan Approval** – Soil and Groundwater Investigation Report  
File to be named: SWI\_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 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: Rob Weston, ACEH CUPA (sent via electronic mail to [Robert.Weston@acgov.org](mailto:Robert.Weston@acgov.org))

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

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

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

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

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 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.