



ORO LOMA SANITARY DISTRICT

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Michael C. Cameron

June 26, 2002

Mr. Amir Gholami
Alameda County Health Care Services
EHS/Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA, 94502-6577

STID 1996
JUN 28 2002
He was 711 102
PAID TO
DOUBT (AS)

**Subject: Transmittal of Work Plan for Additional Monitoring Wells
Site of Former 1,000 Gal. UST
Oro Loma Sanitary District's Service Center
2600 Grant Avenue, San Lorenzo, CA**

STID 1996

Dear Mr. Gholami:

The District herewith submits the attached Work Plan for installing additional groundwater monitoring wells at its former Service Center adjacent to the District's sewage treatment plant at the subject address in San Lorenzo. The Work Plan has been prepared in accordance with District's understanding of the requirements in the letter from Alameda County Health Agency's Division of Environmental Protection (Agency) dated August 20, 2001. The District directed its consultant, The Sutton Group, to prepare the requested work plan as an expression of its desire to work with the Agency and close this case in the most expeditious manner. Nevertheless, the District contends that there remain several significant unresolved issues, not the least of which is demonstration by the Agency of sufficient technical need for installing additional wells and monitoring them.

Communication with you is indeed difficult. Subsequent to meetings with you at your office in January, and at our facility in February, a number of questions as to Agency requirements remain. We left several telephone messages with you that went unanswered. We then requested our consultant to call, and he left additional phone messages for you, again without any response whatsoever. This has indeed frustrated our efforts to comply with the Agency's requirements.

*WHEN DID YOU
CALL?
A LETTER
W/O RESPONSE?*

Recent Project Administration

Most unfortunate for the District has been the parade of Agency case officers from 1993 until you took over in January 1999. Most recently, a change in Division supervisors occurred. Mr. Tom Peacock, who had been the supervisor since 1993, and a measure of continuity on the case, was replaced by Ms. Susan Hugo. These changes have prolonged

Cortez ltr to ACEH 051302

Mr. Amir Gholami
RE: Tank Site Closure at Oro Loma Sanitary District Facility
San Lorenzo, CA
May 13, 2002

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JUN 28 2002 Page 2

the process, necessitating repetitious submittals and reviews resulting in additional time commitment, and thus cost, by both the District and the Agency, all of which, of course is paid for by the taxpayers.

The District has concerns with the Agency's August 20, 2001 letter requiring additional monitoring wells. That letter was fully 2½ years after the first monitoring wells had been installed, and 1½ years after their last sampling.

A meeting between your agency and the District, originally planned for late last year, was eventually held at the Agency's Harbor Bay offices on January 14, 2002. You and Ms. Hugo represented the Agency; and Messrs. Michael Cameron, District General Manager, John Sutton, our environmental consultant, and I represented the District. We were saddened to hear Ms. Hugo tell us she had not prepared for the meeting, stating that she had insufficient notice. We understood that one of the reasons Agency delayed the meeting was Ms. Hugo's unavailability, however, we, you and Ms. Hugo agreed on the final date a full week in advance. As a follow-up, a technical detail meeting was scheduled for the site on February 22 to re-acquaint you with the project, and to discuss technical requirements of site closure. As you requested at the January meeting, we had our consultant summarize pertinent project facts and dates relating to this minor tank closure effort, and he faxed them to you in advance of the meeting.

Most recently, on February 21, the day before the meeting, you advised us that the Agency's files had been pillaged of District's report submittals, and you requested we send summaries of test results. Our consultant, at our request and expense, hurriedly assembled summary tables of sample test results and transmitted them to you, along with annotated maps that might speed and simplify your review process, and to allow you to keep the meeting date.

The most significant issue you raised at the February meeting was your finding of an undated, hand written, note in the files authored by Ms. Madhulla Logan, formerly the Agency's Risk Assessor. This undated note required that the District prepare a Risk Assessment. This was your basis for requiring District now perform an additional, higher tier, risk assessment as a subsequent task to those required in your August 20, 2001 letter. Mr. Sutton, in researching files during preparation of the attached work plan, found documentation that that memo referred to a conversation he had with Ms. Logan on July 7, 1996. The content of the conversation was documented in the Agency's letter to the District dated August 12, 1996. Subsequent to that letter, the District did prepare the work plan for a site investigation which included data collection specifically for use in a risk assessment. The work plan was approved by Ms. Logan, and subsequently the District performed the 'supplemental' subsurface investigation, collecting additional soil, water, and ambient air samples for use in the risk assessment. The risk assessment was performed by a risk assessment professional approved in advance by Ms. Logan. The RBCA risk assessment was included in the Sutton Group's report dated July 13, 1998.

JUN 28 2002

Project Summary

The risk assessment performed in 1998 concluded that the source and plume present:

- No significant health risk to onsite District personnel or the public;
- No significant offsite health risk to the public; and
- No significant risk to ecological or biological receptors.

As a result, the Agency, in its letter approving the findings of the 1998 risk assessment recommended 3 groundwater monitoring wells be installed down gradient of interceptor trench to verify that offsite migration had not occurred. This was effectively demonstrated by the district's year of well monitoring.

For the source (1,000 gallon gasoline tank) removed in 1994, District's investigations to date have effectively demonstrated that:

- The site is topped by a relatively impervious barrier of asphalt and/or concrete in good condition;
- The soils below ground water elevation are for the most part impervious
- In all of the borings, test pits, and wells that have been drilled at and alongside the site, there is an absence of floating product

Therefore, the source and the plume must be considered stable.

None of the tainted groundwater originating from the source exits District property. Further, as the plume is entirely on District property any future excavation and any penetration of the impervious cover would be only by District's Maintenance Department personnel whom, by their training for work in toxic and flammable sewer environments, are appropriately qualified to identify, and to work in gasoline-tainted ground. Thus, the risk of harmful exposure to ground and groundwater contamination by personnel trained under the District's Worker Safety, Injury and Illness Prevention Program (IIPP), and Risk Management Programs, is very, very low.

District's Concerns

Most significant of the District's ongoing concerns is the Agency's most recent request to install additional monitoring wells. This came 2½ years after the Agency approved the District's work plan for installing the existing wells, and 1½ years after the one year of monitoring was completed.

The recommendation for monitoring wells located only beyond the limit of the plume originated with Ms. Logan with oversight from the Regional Board. At the time (1997-98), the concept of 'Non-Attainment Zones' was a new direction for the Board. Subsequently, the Board, in publishing its Groundwater Committee's landmark 1999

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report¹ reiterated its position for designating the site within its "Zone C: - Shallow, non-potable groundwater proposed for de-designation of the Municipal Supply Beneficial Use". In making its case, the document opined that the brackish, shallow, groundwater in Bay-front artificial fill "... meets the exemption criteria of the SWRCB's Sources of Drinking Water Policy because the groundwater could not reasonably be expected to serve a public water supply, and exceeds the 3000 mg/L total dissolved solids criteria." (see page 4: Executive Summary, and page 92 for the full text.) It was precisely this proposed designation that was in the minds of the Regional Board's Kevin Graves, and the Agency's Ms. Madhulla Logan in 1998 when they proposed the sampling and monitoring program that resulted from the results of District's risk assessment. Through preparation of the risk assessment and the year of well monitoring, the District has demonstrated the Board-originated thesis that the plume of tainted groundwater emanating from the former gasoline tank site is being intercepted by District-owned collection facilities, that it is being appropriately biologically consumed by District facilities, without threat to the public or to the environment. To the District's advantage, this is occurring at no additional cost to its ratepayers.

The District is a small public agency entirely dependent for income on fees charged its ratepayers, and approved in advance by an elected Board of Directors acting under documented by-laws. The District is very concerned that you dismissively indicated in the meeting that additional monitoring wells you requested would be reimbursed by the State of California's Underground Tank Fund since the work was ordered by your Agency. District is most concerned with any appearance of intent to misuse its own ratepayers' fees, whether received directly by the District as rate increases, or as charges that the ratepayers must bear indirectly in the form of taxes. Further, apparently unknown to your Agency, the California UST Fund's reimbursement process is a bureaucracy, causing small public agencies as ours to incur significant administrative costs for staff and consultants which will not be reimbursed. This is to say, the Fund reimbursements cover only a portion of the real cost, and the delay between costs being incurred and reimbursement is lengthy, extending across budget boundaries. This places a substantial burden upon the District.

The Oro Loma Sanitary District respectfully requests the Alameda County Environmental Protection Division to review the project history, as presented in the attached work plan submittal, to consider the District's positions presented in this letter, and to rescind its request for installing additional monitoring wells at this site. The District offers to meet with the Agency to help develop a plan that will speed closure of this case as expeditiously as possible.

The District is commencing a major engineering and construction project to upgrade its treatment plant. Coordinating the project is a severe burden on District's professional staff including its ability to directly manage the tank closure project. We

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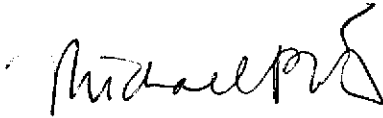
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Page 5

JUN 28 2002

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Yours truly,



Michael Cortez, PE
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Attachment: Work Plan for Installing Additional Groundwater Monitoring Wells,
by The Sutton Group, dated May 2, 2002.

- c. Lily Fung, UST Cleanup Fund
John Sutton, The Sutton Group
Mike Cameron, OLSD General Manager
Ed Heuer, OLSD



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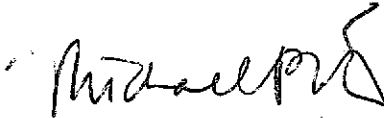
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