

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

September 24, 2008

Terry Grayson
ConocoPhillips
76 Broadway
Sacramento, CA 95818

Carole Quick and Lorraine Mudgett
P.O. Box 2165
Gearheart, OR 97138

Rajan Goswamy
4276 MacArthur Boulevard
Oakland, CA 94619

Subject: Fuel Leak Case No. RO0000409 and Geotracker Global ID T0600102279, Unocal #1156, 4276 MacArthur Boulevard, Oakland, CA 94619

Dear Mr. Borgh, Ms. Quick, Ms. Mudgett, and Mr. Goswamy:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site, including the recently submitted document entitled, "*Revised Corrective Action Plan*," dated July 30, 2008 (Revised CAP), which was prepared on behalf of ConocoPhillips by Delta Environmental. The CAP was revised from a previous April 24, 2008 Draft CAP version in response to ACEH correspondence dated June 18, 2008 that indicated the Draft CAP did not include sufficient evaluation of remedial alternatives to meet the minimum requirements for a corrective action plan.

The "*Revised Corrective Action Plan*," dated July 30, 2008 does not adequately address our technical comments and also does not meet the minimum requirements for a corrective action plan. The Revised CAP recommends ozone/oxygen injection on a pilot test scale and conducting additional site investigation consisting of investigation of the area near well MW-1 and a soil vapor survey.

We are concerned with the lack of progress in moving this case into the cleanup phase. In ACEH correspondence dated January 24, 2008, we concurred with Delta's recommendation to prepare a corrective action plan (Site Investigation Report dated December 28, 2007). We have received two corrective action plans since January 24, 2008 which do not meet the minimum requirements for a corrective action plan. As discussed in technical comments 2 and 3, we do not concur with the proposal to conduct a pilot test for ozone/oxygen injection. Moreover, it is disappointing that additional investigation is now recommended following the preparation of two corrective action plans. The Revised CAP discusses several possible future actions including risk-based modeling prior to considering the feasibility of remediation. Extending the corrective action plan process over a multi-year period is not acceptable. In the Work Plan requested below, we request that you clearly outline each proposed step of investigation, evaluation, development of cleanup goals, risk-based analysis, and reporting for this site with definite timeframes up to implementation of remediation. Moreover, future data collection must be focused on completing the site investigation and moving to the cleanup phase. We request that you submit a Work Plan that addresses the technical comments below **no later than November 21, 2008**.

TECHNICAL COMMENTS

1. **Proposed Cleanup Levels.** The Revised CAP indicates that cleanup goals cannot be established at this time and proposes using a risk-based approach to develop cleanup goals at an undefined date in the future. Although we do not concur that cleanup goals cannot be established at this time, the development of cleanup goals may be deferred until a schedule for completion of the CAP is established. As previously discussed in this correspondence, we request that you outline each proposed step of investigation, evaluation, and reporting with definite timeframes up to implementation of remediation. This outline is to be included in the Work Plan requested below.
2. **Confined Groundwater Conditions and Ozone/Oxygen Injection.** The Revised CAP concludes that groundwater beneath the site is under confined conditions. In our June 18, 2008 correspondence, we requested that you evaluate the potential effects of confined groundwater conditions on the effectiveness of proposed ozone/oxygen injection. We did not see this evaluation in the Revised CAP. Since the estimate of contaminant mass in the Revised CAP indicates that more than 98 percent of the fuel hydrocarbons are in soil above the confining layer, it is not clear how the injection of ozone or oxygen below the confining layer will clean up the site. We request that you include a site conceptual model to show this relationship in the Work Plan requested below.
3. **Recommended Ozone/Oxygen Corrective Action.** Based on the issues discussed in technical comment 2, we do not concur with the recommendation to proceed with a pilot test of ozone/oxygen injection at this time.
4. **Recommendations for Additional Investigation.** In the Work Plan requested below, please present your plans for conducting additional site investigation in the area of well MW-1 and a soil vapor survey.
5. **Quarterly Groundwater Monitoring.** Please continue quarterly groundwater monitoring and present the results in the Quarterly Reports requested below.

TECHNICAL REPORT REQUEST

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

- **November 21, 2008** – Work Plan
- **30 days following end of each quarter** – Quarterly Groundwater Monitoring Report

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.

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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/cleanup/electronic_reporting).

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.

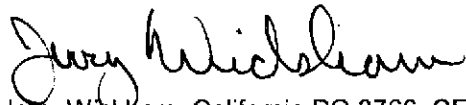
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AGENCY OVERSIGHT

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) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,



Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

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

Dennis Dettloff, Delta Environmental Consultants, Inc., 3164 Gold Camp Drive, Suite 200
Rancho Cordova, CA 95670

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

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