



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
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November 24, 2010

Bill Borgh (Sent via E-mail to: Bill.Borgh@conocophillips.com)
ConocoPhillips
76 Broadway
Sacramento, CA 95818

Rajan Goswamy
4276 MacArthur Boulevard
Oakland, CA 94619

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

Subject: Review of Site Investigation Report for Fuel Leak Case No. RO0000409 and Geotracker Global ID T0600102279, Unocal #1156, 4276 MacArthur Boulevard, Oakland, CA 94619

Dear Mr. Grayson, 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, "*Additional Assessment Report, 4276 MacArthur Blvd., Oakland, CA,*" dated October 21, 2010 (Report). The Report, which was prepared on behalf of ConocoPhillips by Delta Environmental, presents results from soil vapor, soil, and groundwater sampling on site. The purpose of the proposed scope of work, which is described in a Work Plan dated March 1, 2010, was to address data gaps in the current site conceptual model. In addition, several monitoring wells with long screens were replaced with wells screened over shorter intervals.

One temporary off-site soil vapor point was proposed on the adjacent Oakland Veterinary Clinic property. This proposed off-site soil vapor point was not installed apparently due to issues that arose between ConocoPhillips and the property owner over an access agreement. Therefore, the potential for off-site vapor intrusion has not been assessed. Please see technical comment 1 below regarding the need for assessment of the potential for vapor intrusion for the adjacent property.

We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL COMMENTS

- 1. Site Conceptual Model and Potential for Off-site Vapor Intrusion.** One temporary off-site soil vapor point (SV-8) that was proposed on the adjacent Oakland Veterinary Clinic property, was not installed due to issues that arose between ConocoPhillips and the property owner over an access agreement. The October 21, 2010 Report indicates that once access agreement issues have been resolved, "this matter may be further assessed." Based on our review of site conditions and the soil vapor sampling data, a significantly larger scope of work than advancing one temporary soil vapor point in the Oakland Veterinary Clinic parking lot is necessary. Boring logs from several borings that have been advanced between the station building and the Oakland Veterinary Clinic describe visible contamination or strong odor in near surface soils. The ground surface slopes from the station building towards the Oakland Veterinary Clinic, providing a potential shallow migration pathway.

Shallow contamination in the area of the station building may extend to the north beneath the Clinic. Soil vapor samples collected from the area between the station building and Clinic have contained concentrations of total petroleum hydrocarbons and BTEX that exceed screening levels by several orders of magnitude. Based on these conditions, we request that the proposed scope of work be expanded to include sub-slab vapor sampling within the Oakland Veterinary Clinic to assess the potential for vapor intrusion. In order to evaluate whether shallow soil contamination extends from the site beneath the Clinic property, we request that you also propose soil borings southwest and northeast of the Clinic. Please present plans for sub-slab sampling and off-site soil borings in the Work Plan requested below. In addition, please complete the procedures necessary to obtain an access agreement to conduct the proposed work.

2. **Potential for On-site Vapor Intrusion.** We request that you propose sub-slab sampling within the southwestern portion of the on-site station building that is outside the automotive services bays. Please include plans for sub-slab sampling in the Work Plan requested below.
3. **Unidentified Concrete Vault.** Please continue efforts to identify the construction of the unidentified concrete vault. A primary objective of investigation of the unidentified vault should be to assess whether the vault is the source of elevated petroleum hydrocarbons detected in soil, soil vapor, and groundwater in the area of MW-1. We also request that you conduct a search of historic uses of the property and interview site workers to potentially identify other sources of the shallow contamination north and west of the station building.
4. **Groundwater Monitoring.** Groundwater monitoring is to be continued on a semi-annual basis during the first and third quarters. Please present the results in the Groundwater Monitoring Reports requested below.

TECHNICAL REPORT REQUEST

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

- **January 24, 2011** – Work Plan
- **30 days following end of First and Third Quarters** – Semi-annual Groundwater Monitoring Report

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

Responsible Parties
RO0000409
November 24, 2010
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Attachment: Responsible Party(ies) Legal Requirements/Obligations

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 2032 (*Sent via E-mail to: lgriffin@oaklandnet.com*)

James Barnard, Delta Environmental Consultants, Inc., 11050 White Rock Road, Suite 110
Rancho Cordova, CA 95670 (*Sent via E-mail to: JBarnard@deltaenv.com*)

Denis Brown, Shell Oil Products US, 20945 S. Wilmington Ave., Carson, CA 90810-1039 (*Sent via E-mail to: denis.l.brown@shell.com*)

Peter Schaefer, Conestoga-Rovers & Associates, 5900 Hollis Street, Suite A
Emeryville, CA 94608 (*Sent via E-mail to: pschaefer@croworld.com*)

Donna Drogos, ACEH (*Sent via E-mail to: donna.drogos@acgov.org*)
Jerry Wickham, ACEH (*Sent via E-mail to: jerry.wickham@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.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml).

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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: 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 dehloptoxic@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 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 @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.