



December 8, 2017

Ms. Hollis Phillips (Sent via e-mail to: hollis.phillips@arcadis.com)
Arcadis U.S. Inc.
100 Montgomery Street, Suite 300
San Francisco, CA 94104

Khalid and Romana Usman
3670 Ralston Avenue
Hillsborough, CA 94010-6734

Steve Mahoney
30 Northwest Street
Yerington, NV 89447

New ERA Energy LLC
405 Camille Circle, #11
San Jose, CA 95134-2497

Stalwart Venture LLC
39899 Balentine Drive #370
Newark, CA 94560-5381

Subject: Fuel Leak Case No. RO0000426 and GeoTracker Global BP #11109, 4280 Foothill Blvd,
Oakland, Geotracker Global ID T0600100217

Ladies and Gentlemen:

Alameda County Department of Environmental Health (ACDEH) has reviewed the case file including the following reports prepared by Arcadis on Atlantic Richfield Company, a BP affiliated company (ARCO) for the referenced case:

- January 14, 2011 *Final Feasibility Study and Corrective Action Plan (FS/CAP)*
- September 16, 2015 *CPT/UVOST Field Investigation Report (Request for Closure [RFC])*
- March 14, 2016 *CPT/UVOST Field Investigation Report Addendum (RFC Addendum)*
- July 19, 2017 *Fourth Quarter 2016 and First Quarter 2017 Semi-Annual Groundwater Monitoring Report (1st Quarter 2017 Report)*

ACDEH has evaluated the data in conjunction with the case files and the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP) general and media specific criteria. Based on ACDEH staff review, we have determined that the site did not meet the following criteria, and consequently, ACDEH denied closure in the July 21, 2017 Directive Letter:

- General Criteria d (Free product Removal)
- General Criteria f (Secondary Source Removal)
- Media-Specific Criteria for Groundwater

As described in the July 21, 2017 Directive Letter, ACDEH is concerned that due to the following factors, the underground utilities may act as preferential pathways and cause the risk of vapor intrusion to the residential and commercial properties along Foothill Boulevard and High Street:

1. Sustained benzene concentrations in MW-5 in exceedance of 1,000 micrograms per liter;
2. Continuous presence of free product in MW-5, MW-10, MW-11, and MW-12;
3. Presence and unknown depths of numerous underground utilities beneath Foothill Boulevard and High Street.

Determining the depth of the utilities is critical, but based on recent communications with Arcadis, determination of utility depth also requires a permit from the City of Oakland. ACDEH has extended the submittal date for the *Draft Corrective Action Plan Addendum and Updated SCM* because the site, located at the corner of Foothill Boulevard and High Street, is included on the City of Oakland's *Holiday Restricted Streets, October 31st through January 2nd* List.

REVISED TECHNICAL REPORT REQUEST:

- **February 28, 2018 ~~September 22, 2017~~** E-mailed *Draft Corrective Action Plan Addendum and Updated SCM* to: karel.detterman@acgov.org

Public participation is a requirement for the Corrective Action Plan process. Therefore, we request that you submit a Draft CAP Addendum for ACDEH review. Under separate cover, ACDEH will provide written approval of a Draft CAP Addendum, and will request finalization and upload of the CAP Addendum to ACDEH's ftp site and to GeoTracker. ACDEH will notify potentially affected members of the public who live or own property in the surrounding area of the proposed remediation described in the CAP Addendum. Public comments on the proposed remediation will be accepted for a 30-day period.

- **Date To Be Determined – Final Corrective Action Plan Addendum**
File to be named: RO426_CAP_ADEND_YYYY-MM-DD

This report is 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.

Should you have any questions, please contact me at (510) 567-6708 or send me an electronic mail message at karel.detterman@acgov.org

Sincerely,

Karel Detterman, PG
Senior Hazardous Materials Specialist

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

cc: Charles Carmel, Atlantic Richfield Company (A BP Affiliated Company), P.O. Box 1257
San Ramon, CA 94583 (Sent via E-mail to: charles.carmel@bp.com)

Ed Ralston, Conoco Phillips, 76 Broadway Street, Sacramento, CA 95818 (Sent via E-mail to: Ed.C.Ralston@p66.com)

Karel Detterman, ACDEH, (Sent via E-mail to: karel.detterman@acgov.org)
Dilan Roe, ACDEH, (Sent via E-mail to: dilan.roe@acgov.org)
Paresh Khatri, ACDEH, (Sent via E-mail to: paresh.khatri@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

Alameda County Department of Environmental Health's (ACDEH) Environmental Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) 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 File Transfer Protocol (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 SCP 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 (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/) for more information on these requirements.

ACKNOWLEDGEMENT STATEMENT

All work plans, technical reports, or technical documents submitted to ACDEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I have read and acknowledge the content, recommendations and/or conclusions contained in the attached document or report submitted on my behalf to ACDEH's FTP server and the SWRCB's GeoTracker website." 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 6731, 6735, and 7835) 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 licensed 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 case meet this requirement. Additional information is available on the Board of Professional Engineers, Land Surveyors, and Geologists website at: <http://www.bpelsg.ca.gov/laws/index.shtml>.

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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SCP)	REVISION DATE: December 1, 2016
	ISSUE DATE: July 5, 2005
	PREVIOUS REVISIONS: October 31, 2005; December 16, 2005; March 27, 2009; July 8, 2010, July 25, 2010; May 15, 2014, November 29, 2016
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP 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.
 - 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) Open File Explorer using the Windows  key + E keyboard shortcut.
 - i) Note: Netscape, Safari, and Firefox browsers will not open the FTP site as they are NOT being supported at this time.
 - b) On the address bar, type in ftp://alcoftp1.acgov.org.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive)
 - d) Click Log On.
 - e) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - f) 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 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.