

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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August 21, 2008

Paul Supple
Atlantic Richfield Company
(A BP Affiliated Company)
P.O. Box 1257
San Ramon, CA 94583

Terry Grayson
ConocoPhillips
76 Broadway
Sacramento, CA 95818

Ping Liu Chien
Harbor Bay Landing, LLC.
P.O. Box 117610
Burlingame, CA 93950

Subject: Fuel Leak Case No. RO0000511 and Geotracker Global ID T0600101198, BP #11270,
3255 Mecartney Road, Alameda, CA 94501

Dear Mr. Supple:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the document entitled, "Case Closure Summary," dated October 27, 2004, which was prepared by URS Corporation for the subject site. URS submitted the case closure summary to assist in ACEH's case closure evaluation for the site. In the closure summary, URS stated that the elevated residual total petroleum hydrocarbons (TPH) as gasoline (g) and benzene concentrations of 860 mg/kg and 5 mg/kg, respectively, in soil at eight feet below the ground surface (bgs) should not pose a risk to on-site workers based on a risk assessment conducted by Foster Wheeler Environmental Corporation (Foster Wheeler) for the subject site. However, Foster Wheeler also stated that risks to potential hypothetical future residents are exceeded. Based on the analytical data, the site appears to pose a significant risk to human health and the environment and hence, the case closure does not appear adequately justified for the site. In addition, ACEH's review has identified a few data gaps, which are summarized below, that need to be addressed prior to case closure evaluation.

Therefore, ACEH cannot consider case closure for the subject site at this time. This decision to deny closure is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39.2(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Please contact the SWRCB Underground Storage Tank Program at (916) 341-5851 for information regarding the appeal process.

ACEH requests that you address the following technical comments and send us the technical reports requested below.

TECHNICAL COMMENTS

1. **Residual Hydrocarbons in Soil** – As stated above, elevated residual TPH-g and benzene concentrations of 860 mg/kg and 5 mg/kg, respectively, were detected in the soil at eight feet bgs. However, in another sidewall sample SW1 collected at 4.5 feet bgs, TPH-g and benzene were detected at 2,000 mg/kg and 18 mg/kg, respectively. It is not clear whether this sidewall was over-excavated or that the concentration of TPH-g and benzene remains in place. The limits of the excavation depicted on Figure 1 of the above-mentioned report appears to indicate that SW1 is the sidewall soil sample collected from the 1 to 4.5 feet excavation conducted between the two dispenser islands, while SW3 is the sidewall sample collected from the 8.5 feet excavation. In Table 1 of the above-mentioned report, all the soil samples are listed and are not differentiated as excavation and/or over-excavation soil samples. Therefore, it is reasonable to assume that concentrations up to 2,000 mg/kg TPH-g and 18 mg/kg benzene remain in place. Also, based on the soil analytical data, the vertical extent of contamination appears undefined since 860 mg/kg TPH-g and 5 mg/kg benzene was detected at 8 feet bgs. Please propose a scope of work to address the above-mentioned concerns and submit a work plan by the date specified below.

2. **Preferential Pathway Study**- Depth to groundwater at the site has ranged between 5 to 9 feet below the ground surface (bgs). Since groundwater is relatively shallow at the site, a preferential pathway evaluation appears prudent. The purpose of the preferential pathway study is to locate potential migration pathways and conduits and determine the probability of the NAPL and/or plume encountering preferential pathways and conduits that could spread contamination. Since significantly elevated concentrations of MtBE were detected in 1998 in groundwater monitoring well MW-6, we request that you perform a preferential pathway study that details the potential migration pathways and potential conduits (wells, utilities, pipelines, etc.) for vertical and lateral migration that may be present in the vicinity of the site.

Discuss your analysis and interpretation of the results of the preferential pathway study (including the well survey and utility survey requested below) and report your results in the Soil and Groundwater Investigation Work Plan requested below. The results of your study shall contain all information required by California Code of Regulations, Title 23, Division 3, Chapter 16, §2654(b).

a. Utility Survey

An evaluation of all utility lines and trenches (including sewers, storm drains, pipelines, trench backfill, etc.) within and near the site and plume area(s) is required as part of your study. Please include maps and cross-sections illustrating the location and depth of all utility lines and trenches within and near the site and plume areas(s) as part of your study.

b. Well Survey

A well survey was conducted in November 1992. Since several years have lapsed since the survey was conducted, it appears prudent to obtain current data regarding potential sensitive receptors. Please note that the preferential pathway evaluation shall include a detailed well survey of all wells (monitoring and production wells: active, inactive, standby, decommissioned (sealed with concrete), abandoned (improperly decommissioned or lost); and dewatering, drainage, and cathodic protection wells) within a ¼ mile radius of the subject

site. As part of your detailed well survey, please perform a background study of the historical land uses of the site and properties in the vicinity of the site. Use the results of your background study to determine the existence of unrecorded/unknown (abandoned) wells, which can act as contaminant migration pathways at or from your site. Please review and submit copies of historical maps, such as Sanborn maps, aerial photographs, etc., when conducting the background study. Please incorporate the results of the evaluation and present it in the work plan due by the date specified below.

3. **Groundwater Contaminant Plume Monitoring** - According to our records, the most recent groundwater monitoring event was conducted on September 18, 2001. Please initiate groundwater monitoring at the site. Prior to collecting groundwater samples, it is recommended that the monitoring wells be re-developed so that groundwater samples representative of actual site conditions are collected. Please collect the groundwater samples and submit a report by the due date specified below.

TECHNICAL REPORT REQUEST

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

- **October 20, 2008** – Soil and Water Investigation Work Plan with Preferential Pathway Evaluation
- **October 30, 2008** - Quarterly Monitoring Report (3rd Quarter 2008)

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).

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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.

If you have any questions, please call me at (510) 777-2478 or send me an electronic mail message at paresh.khatri@acgov.org.

Sincerely,



Paresh C. Khatri
Hazardous Materials Specialist



Donna L. Drogos, PE
Supervising Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

Mr. Supple
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cc: Tom Venus, Broadbent & Associates, Inc., 1324 Mangrove Ave., Ste 212, Chico, CA 95926
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA
94612-2032
Donna Drogos, ACEH
Paresh Khatri, ACEH
File

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)