



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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June 20, 2008

Mr. Robert Ehlers (robert.elhers@valero.com)
Valero Refining Company
PO Box 696000
San Antonio, TX 78269

Ms. Jennifer Sedlachek (via electronic mail)
ExxonMobil
4096 Piedmont Avenue, #194
Oakland, CA 94520

Mr. R.J. Dold
BNY Western Trust Company
3200 SW FRWY #3050
Houston, TX 77027

MHCB (USA) Leasing Corp
c/o Ad Valorem Tax Department
PO Box 690110
San Antonio, TX 78269-0110

Subject: Fuel Leak Case No. RO0002515 and Geotracker Global ID #T06019757161, Exxon #7-0234 3450 35th Avenue, Oakland, CA 94619 – Request for Work Plan

Dear Messrs. Ehlers, Dold and Ms. Sedlachek:

Alameda County Environmental Health (ACEH) staff have reviewed the fuel leak case file and the report submitted by ERI entitled, *Soil and Groundwater Investigation Report* dated December 14, 2007. The report summarizes results from the soil borings that were advanced at locations between two of the dispensers and around the former underground storage tanks (USTs). ACEH agrees with the need for additional assessment to investigate the extent of the hydrocarbon and oxygenate plumes in soil and groundwater both on- and off-site.

Currently, elevated concentrations of petroleum hydrocarbons and oxygenates were detected in the vicinity of the former underground storage tanks (USTs), in particular on the southeastern and southwestern side of the former USTs. Elevated oxygenate concentrations have also been detected in downgradient borings on an adjacent property. Since the borings were located well upgradient of the tanks and piping for that fuel station, the concentrations are likely from the Exxon property. We request that you submit a work plan to investigate the off-site extent of your contamination. Please see the technical comments below and submit the requested work plan and other information by the date specified.

TECHNICAL COMMENTS

1. **Off-site Oxygenate Plume.** In November 2003, the ConocoPhillips site downgradient and adjacent to your site began analyzing groundwater samples from their upgradient well for methyl tertiary butyl ether (MTBE) by EPA Method 8260. Concentrations were 2,100 microgram per liter ($\mu\text{g/L}$) MTBE at that time. Concentrations have declined to 930 $\mu\text{g/L}$ MTBE in the well but during a recent soil boring investigation, grab groundwater samples collected upgradient of the USTs, dispensers and piping locations contained a maximum concentration of 2,500 $\mu\text{g/L}$ MTBE. Given the elevated concentrations detected at your site and at the adjacent ConocoPhillips site, ACEH concurs with ERI's recommendation to further assess dissolved-phase petroleum hydrocarbon and oxygenate concentrations to the southeast and southwest of the former UST pit.

2. **Vertical Delineation of Soil and Dissolved Contaminant Plumes.** Up to 18,000 µg/L total petroleum hydrocarbons as gasoline (TPHg) and 12,000 µg/L MTBE were detected in groundwater sample B-15 from 38 feet bgs. The vertical extent of the groundwater plume is undefined since groundwater contains elevated petroleum hydrocarbon and MTBE concentrations. Up to 3.3 milligrams per kilogram (mg/kg) TPHg and 1.7 mg/kg MTBE were detected in soil from 35.5 feet bgs leaving the extent of soil contamination vertically undefined. We recommend that your investigation incorporate expedited site assessment techniques to collect soil samples, and depth-discrete groundwater samples prior to the installation of groundwater monitoring wells. Expedited site assessment tools and methods are a scientifically valid and cost-effective approach to fully define the three-dimensional extent of groundwater contamination. Technical protocol for expedited site assessments are provide in the U.S Environmental Protection Agency's "Expedited Site Assessments for Underground Storage Tanks: a Guide for Regulators," (EPA 510-B-97-001), dated March 1997. .
3. **Monitoring Well Installation.** ACEH recommends that you install groundwater monitoring wells at your site and potentially off-site and implement quarterly monitoring. ACEH recommends installing a groundwater monitoring network which allows for collecting depth discrete groundwater samples. This may be accomplished with well clusters or multi-chamber wells with sandpack intervals between two and five feet. Please submit your proposed work plan for this work in the work plan requested below.
4. **Coordinated Groundwater Monitoring.** Two known fuel leak cases are present in the vicinity of 35th Avenue and Quigley Street: the subject site and the Conoco Phillips at 3420 35th Avenue. Available information indicates that the Exxon release may have contributed to the contamination under the ConocoPhillips site. Available information is insufficient to determine the relative magnitude of each release and the extent of each plume. Plume commingling does not exempt any of the responsible parties from cooperating to define the extent of contamination in all directions.
5. We request that ExxonMobil and Conoco Phillips (by copy of this letter) coordinate water level measurements and groundwater sample collection dates for the two sites. This includes collecting water level data and contaminant concentration data on the same day, sharing these results, and including the data in each report. Coordinated sampling should begin once ExxonMobil installs groundwater monitoring wells. **Maps and data tables in each quarterly monitoring report are to include data from wells on and off of both sites.**

TECHNICAL REPORT REQUEST

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

September 22, 2008 – Work Plan for Site Assessment

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.

LANDOWNER NOTIFICATION REQUIREMENTS

Pursuant to California Health & Safety Code Section 25297.15, the active or primary responsible party for a fuel leak case must inform all current property owners of the site of cleanup actions or requests for closure. Furthermore, ACEH may not consider any cleanup proposals or requests for case closure without assurance that this notification requirement has been met. Additionally, the active or primary responsible party is required to forward to ACEH a complete mailing list of all record fee title holders to the site.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please be aware that you may be eligible for reimbursement of the costs of investigation from the California Underground Storage Tank Cleanup Fund (Fund). In some cases, a deductible amount may apply. If you believe you meet the eligibility requirements, we strongly encourage you to call the Fund for an application.

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) 639-1287.

Sincerely,



Barbara J. Jakub, P.G.
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Paula Sime, Environmental Resolutions, Inc., 601 North McDowell Blvd., Petaluma, CA 94954-2312 (via electronic mail)
Bill Borgh, Conoco Phillips, 76 Broadway, Sacramento, CA 95818 (via electronic mail)
Mr. Dennis Dettloff, Delta Environmental Consultants, Inc., 11050 White Rock Road, Rancho Cordova, CA 95670, (via electronic mail)

Donna Drogos, ACEH (via electronic mail)
Barbara Jakub, 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)