



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

December 30, 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

Dear Messrs. Ehlers, Dold and Ms. Sedlachek:

Alameda County Environmental Health (ACEH) staff have reviewed the *Work Plan for Soil and Groundwater Assessment* prepared by ERI and dated September 17, 2008. The work plan recommends installing four on-site monitoring wells, two offsite monitoring wells and advancing three offsite borings using hollow-stem auger equipment to assess the extent of dissolved phase fuel constituents on and downgradient of the site. In addition, ERI recommends installing 10 foot long well screens due to groundwater fluctuations greater than five feet. Once the new wells are installed, it is your plan to perform joint monitoring with the adjacent Conoco Phillips site.

The proposed work scope may be implemented provided that the modifications requested in the technical comments below are addressed and incorporated.

TECHNICAL COMMENTS

1. **Vertical Delineation of Soil and Dissolved Contaminant Plumes.** Your proposal does not include borings to determine the vertical extent of petroleum hydrocarbon contamination as requested in our June 20, 2008 letter. The vertical extent of both soil and water contamination should be defined before either a remediation or closure plan is presented for the site. Additional mobilizations may be needed determine the vertical extent of the contamination, if you do not investigate it at this time.
2. **Soil Sampling.** ACEH requests that soil samples be submitted for analysis not only where PID readings occur but also at changes in lithology and at a minimum of every five feet.
3. **Coordinated Groundwater Monitoring.** As a reminder coordinated monitoring with the Conoco Phillips is to include collecting water level data and contaminant concentration data on the same day, sharing these results, and including the data in each report. Coordinated sampling is to begin once ExxonMobil installs groundwater monitoring wells.

Coordinated sampling is to 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:

March 6, 2009 – Soil and Water Investigation 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.

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

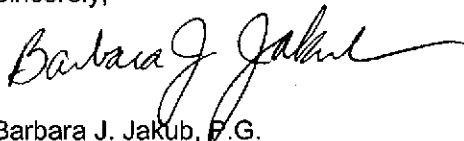
Please be aware that you may be eligible for reimbursement of the costs of investigation from the California Underground Storage Tank Cleanup Fund (Fund). In some cases, a deductible amount may apply. If you believe you meet the eligibility requirements, we strongly encourage you to call the Fund for 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
Terry Grayson, Conoco Phillips, 76 Broadway, Sacramento, CA 95818
Mr. Dennis Dettloff, Delta Environmental Consultants, Inc., 11050 White Rock Road, Rancho Cordova, CA 95670
Leroy Griffin, Oakland Fire Department, 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032

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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://alcoft1.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)



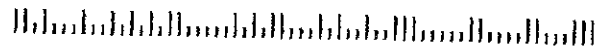
ALAMEDA COUNTY
HEALTH CARE SERVICES AGENCY
 DEPARTMENT OF ENVIRONMENTAL HEALTH
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 1131 Harbor Bay Parkway
 Alameda, CA 94502-6577

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RETURN TO SENDER
 ATTEMPTED - NOT KNOWN
 UNABLE TO FORWARD

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

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