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HEALTH CARE SERVICES
AGENCY
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September 6, 2013

Ms. Jennifer Sedlachek
ExxonMobil
4096 Piedmont Ave., #194
Oakland, CA 94611
(*Sent via E-mail to:*
jennifer.c.sedlachek@exxonmobil.com)

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

Mr. Roger Levin
The Valero Companies
10955 Westmoor Drive, Suite 400
West Minster, CO 80021
(Sent via E-mail to: roger.levin@valero.com)

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. Levin, Dold and Ms. Sedlachek:

Alameda County Environmental Health (ACEH) staff has reviewed the case file including the *Work Plan for Subsurface Investigation*, dated May 24, 2013, *Conceptual Site Model* (CSM) dated May 9, 2013 and *Project Plan* dated May 24, 2013, which were prepared by ETIC Engineering Inc. (ETIC) for the subject site. The CSM identifies soil vapor and the vertical extent of contamination as being the remaining data gaps. The work plan addresses these data gaps and recommends installing and sampling six soil vapor wells to evaluate vapor intrusion at the site and advancing two deep cone penetrometer borings to define the vertical extent of contamination.

ACEH has evaluated the data and recommendations presented in the above-mentioned reports, in conjunction with the case files, and the State Water Resources Control Board's (SWRCBs) Low Threat Underground Storage Tank Case Closure Policy (LTCP). Based on ACEH staff review, we have determined that the site fails to meet LTCP General Criteria e (CSM) and f (secondary source removal), and the Media-Specific Criteria for Groundwater and the Media-Specific Criteria for Vapor Intrusion to Indoor Air.

ACEH generally concurs with the proposed scope of work presented in the work plan and the modifications discussed in the teleconference call dated September 5, 2013 that address the technical comments below. Submittal of a revised Work Plan is not required unless an alternate scope of work outside that described in the Work Plan and technical comments below is proposed. However, please submit a revised figure showing the modified boring locations.

TECHNICAL COMMENTS

1. **General Criteria e (Site Conceptual Model) –** According to the LTCP, the SCM is a fundamental element of a comprehensive site investigation. The SCM establishes the source and attributes of the unauthorized release, describes all affected media (including soil, groundwater, and soil vapor as appropriate), describes local geology, hydrogeology and other physical site characteristics that affect contaminant environmental transport and fate, and identifies all confirmed and potential contaminant receptors (including water supply wells, surface water bodies, structures and their inhabitants). The SCM is relied upon by practitioners as a guide for investigative design and data collection. All relevant site characteristics identified by the SCM shall be assessed and supported by data so that the nature, extent and mobility of the release have been established to determine conformance with applicable criteria in this policy.

   ACEH's review of the case files indicates that insufficient data and analysis has been presented to assess the nature, extent, and mobility of the release and to support compliance with General Criteria f, as discussed in Technical Comment 2 below and the Media Specific Criteria for Groundwater and Media Specific Criteria for Vapor Intrusion to Indoor Air as described in Technical Comments 3 and 4, respectively.

   Please update the SCM and submit with the Soil and Water Investigation Report (SWI) described in Technical Comment 5 and update with each with each subsequent submittal.

2. **General Criteria f (Secondary Source) –** The LTCP defines "secondary source" as petroleum-impacted soil or groundwater located at or immediately beneath the point of release from the primary source. Unless site attributes prevent secondary source removal (e.g. physical or infrastructural constraints exist whose removal or relocation would be technically or economically infeasible), petroleum-release sites are required to undergo secondary source removal to the extent practicable as described herein. "To the extent practicable" means implementing a cost-effective corrective action which removes or destroys-in-place the most readily recoverable fraction of source-area mass. According to the LTCP, following removal or destruction of the secondary source, additional removal or active remedial actions shall not be required by regulatory agencies unless (1) necessary to abate a demonstrated threat to human health or (2) the groundwater plume does not meet the definition of low threat as described in this policy."

   ACEH's review of the case files indicates that insufficient data and analysis has been presented to support whether the secondary source in the vicinity of wells RW-1 and MW-5, and B-15 has been removed to the extent practicable. Specifically:

   - TPHg was detected in soil samples collected from RW-1 at concentrations of 420 mg/kg at 37 feet below ground surface (bgs), and 440 mg/kg at 40 feet bgs.
   - Soil samples collected from borings MW-5 and B-15 contained TPHg at concentrations of 260 mg/kg and 300 mg/kg at 20 feet bgs, respectively.
   - The TPHg soil concentrations noted above are above the SWRCB's "Rule of Thumb" indicators for indirect evidence of free product presented in the

Technical Justification Paper for Vapor Intrusion into Indoor Air (e.g., 100 mg/kg to 200 mg/kg).

- Benzene concentrations in groundwater samples collected in well RW-1 are increasing with the most recent concentration detected at 1,200 µg/L, and are the highest benzene current concentrations detected in the monitoring well network.
- MTBE concentrations in groundwater samples collected in well RW-1 are fluctuating in the vicinity of 2,500 µg/L, and are the highest current MTBE concentrations detected in the monitoring well network.
- TPH-g concentrations in groundwater samples collected in well RW-1 are fluctuating in the vicinity of 5,000 µg/L, and are the highest current TPH-g concentrations detected in the monitoring well network.

Please advance a boring in the vicinity of RW-1 to define the vertical impacts to groundwater in this potential source area.

3. **LTCP Media Specific Criteria for Vapor Intrusion to Indoor Air –** The LTCP describes conditions, including bioattenuation zones, which if met will assure that exposure to petroleum vapors in indoor air will not pose unacceptable health risks to human occupants of existing or future site buildings, and adjacent parcels. Appendices 1 through 4 of the LTCP criteria illustrate four potential exposure scenarios and describe characteristics and criteria associated with each scenario.

   Our review of the case files indicates that the site data may support the requisite characteristics of the bioattenuation zone and therefore, soil gas samples may not be necessary. ACEH recommends that you evaluate the depth to water and total petroleum hydrocarbon (TPH) concentrations in the upper ten feet of soil to see whether soil gas sampling is necessary. Please present your evaluation in the SWI requested in Item 5.

   ETIC proposes installing 6 soil vapor monitoring wells to 6 feet below ground surface (bgs) using a hand auger. Please note that closure under the LTCP media specific criteria for vapor intrusion to indoor air is based on soil vapor concentrations of benzene, ethylbenzene and naphthalene meeting the concentrations listed in the policy. Please ensure that all soil gas samples including naphthalene are collected in accordance with DTSC protocols. Please collect confirmation samples using TO-17 for naphthalene in accordance with the DTSC guidance document. The work plan proposes collecting samples of additional analytes and comparing results to current Regional Water Quality Control Board, San Francisco Bay Region, environmental screening levels (ESLs).

   Please note that closure under the vapor intrusion to Indoor air criteria are based on the LTCP screening levels for naphthalene, benzene and ethylbenzene.

   Also, please ensure that the proposed depths of the soil probes are a minimum of five feet below existing and potential borings.

   Please present the results of the investigation in the SWI described in Item 5 below.

4. **LTCP Media Specific Criteria for Groundwater –** To satisfy the media-specific criteria for groundwater, the contaminant plume that exceeds water quality objectives must be stable or decreasing in areal extent, and meet all of the additional characteristics of one of the five classes of sites listed in the policy.

Our review of the case files indicates that insufficient data and analysis has been presented to support the requisite characteristics of plume stability or plume classification. Specifically, the lateral and vertical extent of the source in the vicinity of RW-1 and MW-5 as discussed in Technical Comment 2 above, is undefined as is the vertical and lateral extent of the off-site MTBE plume.

ETIC proposes advancing two CPT borings to define the vertical extent of contamination at the site and determine if contaminants are coming onto the site from upgradient. In addition to these borings, and as discussed in our teleconference call please include an on-site boring to the northwest of MW-7 to define the downgradient extent of MTBE in this area in both the first water bearing zone and the second one encountered in proposed boring H1, borings in the vicinity of wells RW-1 and MW-5, and boring B-15. ETIC proposes to analyze the grab groundwater samples for naphthalene. ACEH requests that ETIC perform naphthalene analysis on the groundwater monitoring wells in the next groundwater monitoring event.

Please present the results of the investigation in the SWI described in Item 5 below.

5. **Soil and Water Investigation Report –** Please prepare an SWI presenting the results of the field investigation and submit by the due date specified below. Please update the SCM and submit with the SWI.

   In order to expedite review, ACEH requests the focused SCM be presented in a tabular format that highlights the major SCM elements and associated data gaps, which need to be addressed to progress the site to case closure under the LTCP. Please see Attachment A "Site Conceptual Model Requisite Elements".

6. **Groundwater Monitoring –** ACEH is amenable to ETICs proposal to eliminate DIPE, ETBE, TAME, EDB, and EDC from the analytical suite in groundwater. However, we would like to ensure that tertiary butyl alcohol (TBA) is analyzed. Please continue to coordinate groundwater monitoring with the adjacent downgradient ConocoPhillips site and submit results in the Semi-Annual Groundwater Monitoring Reports according to the schedule below.

TECHNICAL REPORT REQUEST

Please submit technical reports to ACEH (Attention: Barbara Jakub), according to Attachment 1 and the following naming convention and schedule:

- **December 6, 2013** – Soil and Water Investigation and Focused SCM Report
  (File to be named: SWI_R_yyyy-mm-dd)

- **December 30, 2013** – Second Half Semi Annual Groundwater Monitoring Report
  (File to be named: GWM_R_yyyy-mm-dd)

Should you have any questions or concerns regarding this correspondence or your case, please call me at (510) 639-1287 or send me an electronic mail message at barbara.jakub@acgov.org.

Sincerely,

Digitally signed by Barbara J. Jakub
DN: cn=Barbara J. Jakub, o, ou, email=barbara.jakub@acgov.org, c=US
Date: 2013.09.06 14:02:32 -07'00'

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

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

cc: Thomas Neely, ETIC Engineering, Inc., 2285 Morello Avenue, Pleasant Hill, CA 94523 (*Sent via E-mail to:* tneely@eticeng.com)
Dilan Roe, ACEH (*Sent via E-mail to: dilan.roe@acgov.org)*
Barbara Jakub, ACEH (*Sent via E-mail to: barbara.jakub@acgov.org*)
GeoTracker, file

Attachment 1
Responsible Party(ies) Legal Requirements/Obligations

REPORT/DATA REQUESTS

These reports/data are being requested pursuant to Division 7 of the California Water Code (Water Quality), Chapter 6.7 of Division 20 of the California Health and Safety Code (Underground Storage of Hazardous Substances), and Chapter 16 of Division 3 of Title 23 of the California Code of Regulations (Underground Storage Tank Regulations).

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (Local Oversight Program [LOP] for unauthorized releases from petroleum Underground Storage Tanks [USTs], and Site Cleanup Program [SCP] for unauthorized releases of non-petroleum hazardous substances) require submission of reports in electronic format pursuant to Chapter 3 of Division 7, Sections 13195 and 13197.5 of the California Water Code, and Chapter 30, Articles 1 and 2, Sections 3890 to 3895 of Division 3 of Title 23 of the California Code of Regulations (23 CCR). Instructions for submission of electronic documents to the ACEH FTP site are provided on the attached "Electronic Report Upload Instructions."

Submission of reports to the ACEH FTP site is in addition to requirements for electronic submittal of information (ESI) to the State Water Resources Control Board's (SWRCB) Geotracker website. In April 2001, the SWRCB adopted 23 CCR, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1 (Electronic Submission of Laboratory Data for UST Reports). Article 12 required electronic submittal of analytical laboratory data submitted in a report to a regulatory agency (effective September 1, 2001), and surveyed locations (latitude, longitude and elevation) of groundwater monitoring wells (effective January 1, 2002) in Electronic Deliverable Format (EDF) to Geotracker. Article 12 was subsequently repealed in 2004 and replaced with Article 30 (Electronic Submittal of Information) which expanded the ESI requirements to include electronic submittal of any report or data required by a regulatory agency from a cleanup site. The expanded ESI submittal requirements for petroleum UST sites subject to the requirements of 23 CCR, Division, 3, Chapter 16, Article 11, became effective December 16, 2004. All other electronic submittals required pursuant to Chapter 30 became effective January 1, 2005. Please visit the SWRCB website for more information on these requirements: (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/).

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, 7835, 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, 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:** July 25, 2012
	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 (petroleum UST 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) 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 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.