

ALAMEDA COUNTY
**HEALTH CARE SERVICES
AGENCY**

COLLEEN CHAWLA, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL OVERSIGHT PROGRAM (LOP)
For Hazardous Materials Releases
1131 HARBOR BAY PARKWAY
ALAMEDA, CA 94502
(510) 567-6700
FAX (510) 337-9335

March 13, 2018

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

Valero
10955 Westmoor Drive, Suite 400
West Minster, CO 80021
Attn.: Roger Levin
(Sent via electronic mail to: roger.levin@valero.com)

Bieu Tran & Andy H Chan et al
13081 Brookpark Rd.
Oakland, CA 94619-3503
(Sent via electronic mail to:
bieutran@yahoo.com)

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

FWS Highland LLC
99 S. Hill Drive
Brisbane, CA 94005-1274
Attn.: Zack Spencer

BNY Western Trust Company
Address Unknown

Subject: Well Destruction Scheduling Request for Fuel Leak Case No. RO0002515; Valero #3832, 3450 35th Avenue, Oakland, CA 94619; GeoTracker Global ID T06019757161

Dear Responsible Parties:

As you are aware Alameda County Department of Environmental Health (ACDEH) is considering the above referenced site for potential case closure and that site investigation and groundwater monitoring for release(s) associated with the underground storage tank system has been performed at the subject property to which you are named as the primary or active responsible parties. Public participation, a requirement for the case closure process, has been initiated and will close on **April 1, 2018**.

Monitoring Well Destruction and Waste Removal Activities

There are approximately three (3) weeks remaining on the 60-day public notification period and ACDEH has yet to receive any comments regarding the potential closure. Therefore, ACDEH is requesting that you schedule well destruction activities for no sooner than two (2) weeks after the end of the public notification period. Please provide ACDEH (Attention: Keith Nowell) confirmation that the permitting and well destruction has been scheduled. Include in your correspondence to our agency a table listing the status of all historic site wells (i.e., destroyed, lost, remaining).

ACDEH will request/authorize the well destruction in a separate letter following the conclusion of the public notification period.

Following the well destruction, please provide ACDEH with a well destruction report according to the schedule outlined below. The well destruction report should document site activities, provide well destruction permit documentation, and documentation indicating that any remaining investigation, remediation, and well destruction derived waste have been removed from the site. The State Water Board's Well Destruction and Waste Removal Requirements Fact Sheet is included as an attachment.

TECHNICAL REPORT REQUEST

Please upload technical reports to the State Water Board's GeoTracker website, in accordance with the following specified file naming convention and schedule:

- **March 27, 2018** –Well Destruction Scheduling Confirmation and Well Status Table (provided via electronic mail, Attn.: Keith Nowell)
- **May 7, 2018** –Well Destruction Report (file name: RO0002515_WELL_DCM_R_yyyy-mm-dd)

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.

Should you have any questions, please contact me at (510) 567-6764 or send me an electronic mail message at keith.nowell@acgov.org.

Sincerely,

Keith Nowell, PG, CHG
Hazardous Materials Specialist

Enclosures: Attachment 1 – Responsible Party (ies) Legal Requirements/Obligations

Attachment 2 – The State Water Board's Well Destruction and Waste
Removal Requirements Fact Sheet

cc: Kate Lamb, ETIC Engineering, Inc., 250 West Colorado Boulevard, Suite 110, Arcadia, California 91007 (*Sent via electronic mail to: klamb@eticeng.com*)

James Yoo, Alameda Co. Dept. of Public Works, Water Resources Section, 399 Elmhurst Street, Hayward, CA 94544 (*Sent via E-mail to: jamesy@acpwa.org*)

Dilan Roe, ACDEH, (*Sent via electronic mail to: dilan.roe@acgov.org*)

Paresh Khatri, ACDEH; (*Sent via electronic mail to: paresh.khatri@acgov.org*)

Keith Nowell, ACEH (*Sent via electronic mail to: keith.nowell@acgov.org*)

Electronic File; GeoTracker

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| Alameda County Environmental Cleanup Oversight Programs (LOP and SCP) | REVISION DATE: December 14, 2017 |
| | ISSUE DATE: July 25, 2012 |
| | PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016 |
| SECTION: ACDEH Procedures | SUBJECT: Responsible Party(ies) Legal Requirements / Obligations |

REPORT & DELIVERABLE REQUESTS

Alameda County Department of Environmental Health (ACDEH) Cleanup Oversight Programs, Local Oversight Program (LOP) and Site Cleanup Program (SCP) require submission of all reports in electronic form to the State Water Board's (SWB) GeoTracker website in accordance with California Code of Regulations, Chapter 30, Division 3, Title 23 and Division 3, Title 27.

Leaking Underground Fuel Tank (LUFT) Cases

Reports and deliverable requests are 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 (RP) in conjunction with an unauthorized release from a petroleum underground storage tank (UST) system.

Site Cleanup Program (SCP) Cases

For non-petroleum UST cases, reports and deliverables requests are pursuant to California Health and Safety Code Section 101480.

ELECTRONIC SUBMITTAL OF REPORTS

A complete report submittal includes the PDF report and all associated electronic data files, including but not limited to GEO_MAP, GEO_XY, GEO_Z, GEO_BORE, GEO_WELL, and laboratory analytical data in Electronic Deliverable Format™ (EDF). Additional information on these requirements is available on the State Water Board's website (http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/)

- Do not upload draft reports to GeoTracker
- Rotate each page in the PDF document in the direction that will make it easiest to read on a computer monitor.

GEOTRACKER UPLOAD CERTIFICATION

Each report submittal is to include a GeoTracker Upload Summary Table with GeoTracker valid values¹ as illustrated in the example below to facilitate ACDEH review and verify compliance with GeoTracker requirements.

GeoTracker Upload Table Example

| Report Title | Sample Period | PDF Report | GEO_MAPS | Sample ID | Matrix | GEO_Z | GEO_XY | GEO_BORE | GEO_WELL | EDF |
|---|---------------|------------|----------|-----------|--------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 2016 Subsurface Investigation Report | 2016 S1 | ✓ | ✓ | Effluent | SO | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| 2012 Site Assessment Work Plan | 2012 | ✓ | ✓ | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2010 GW Investigation Report | 2008 Q4 | ✓ | ✓ | SB-10 | W | ✓ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| | | | | SB-10-6 | SO | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓ |
| | | | | MW-1 | WG | ✓ | ✓ | ✓ | ✓ | ✓ |
| | | | | SW-1 | W | ✓ | ✓ | ✓ | ✓ | ✓ |

¹ GeoTracker Survey XYZ, Well Data, and Site Map Guidelines & Restrictions, CA State Water Resources Control Board, April 2005

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| Alameda County Environmental Cleanup Oversight Programs (LOP and SCP) | REVISION DATE: NA |
| | ISSUE DATE: December 14, 2017 |
| | PREVIOUS REVISIONS: September 17, 2013, May 15, 2014, December 12, 2016 |
| SECTION: ACDEH Procedures | SUBJECT: Responsible Party(ies) Legal Requirements / Obligations |

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 the State Water Board's GeoTracker website." This letter must be signed by the Responsible Party, or legally authorized representative of the Responsible Party.

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 and include the professional registration stamp, signature, and statement of professional certification. 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

For LUFT cases, RP's non-compliance with these regulations may result in ineligibility to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse the cost of cleanup. Additional information is available on the internet at: https://www.waterboards.ca.gov/water_issues/programs/ustcf/

AGENCY OVERSIGHT

Significant delays in conducting site assessment/cleanup or report submittals may result in referral of the case to the Regional Water 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.

ATTACHMENT 2



Fact Sheet

Well Destruction and Waste Removal Requirements Prior to Underground Storage Tank Case Closure

Background: Proper destruction of wells helps to protect groundwater from potential threats and is a critical component of the Underground Storage Tank (UST) case closure process. The Low-Threat Underground Storage Tank (UST) Case Closure Policy (Policy) mandates that monitoring wells be properly destroyed prior to UST case closure, unless they will be kept and maintained in accordance with applicable local and state requirements. The Policy also mandates that all investigation and remediation-derived waste materials be removed prior to case closure. As of May 15, 2015, there were a total of 836 “Open-Eligible for Closure” cases throughout California, for which remaining wells and wastes served as impediments to closure.

Information for Responsible Parties and

Site Owners: If you received a letter from the State Water Resources Control Board (State Water Board), Regional Water Quality Control Board, or a local agency directing well destruction and waste removal, you must take action before your UST case can be closed. A uniform closure letter (UCL) will not be issued for your case until the wastes are removed and the wells are either destroyed or approved for continued maintenance by the regulatory agency overseeing your UST case. Your local well permitting agency may require ongoing monitoring of wells even though the regulatory agency is not requiring it, so additional costs may be incurred. A list of open cases with directives to destroy wells and remove wastes can be viewed on the public GeoTracker webpage at: http://geotracker.waterboards.ca.gov/ptcp_destruction_report.asp.

Note: The State Water Board has the authority to administratively impose civil penalties of up to \$10,000 per day per UST on responsible parties and site owners that fail to comply with the requirements of UST case closure order. **Do not let penalties be imposed on you!**

The contractor that helped you with corrective actions at your site can provide more information about the well destruction and waste removal process. If you do not currently have a contractor, you can contact the regulatory agency that is responsible for oversight of your UST case and ask if they have a list of contractors in the area. Your regulatory agency can also let you know if your contractor is required to submit a work plan for approval before well destruction and waste removal begins. Once the work is complete, submit confirmation documentation to the regulatory agency overseeing your UST case. After the well and waste

Important: Check the current standing of any contractor with the California Contractors State License Board. You can do this at the following location on the web: <https://www2.cslb.ca.gov/OnlineServices/CheckLicense.aspx>



removal has been completed, approved by your regulatory agency, and communicated to the State Water Board, a UCL will be issued and uploaded to GeoTracker.

If you have an eligible claim with the UST Cleanup Fund, the cost of well destruction is considered corrective action and reasonable and necessary costs are typically reimbursable. Monitoring of wells after you have been informed that the wells should be destroyed is not normally considered to be corrective action and may not be eligible for reimbursement. Additional information can be obtained on the State Water Board UST Cleanup Fund (Fund) website at: http://www.waterboards.ca.gov/water_issues/programs/ustcf/. You may also contact the Fund staff by email: ustcleanupfund@waterboards.ca.gov, message phone line: 1-800-813-Fund (3863), or fax: 916-341-5806.

Information for Consultants/Contractors/Drillers: A list of open cases with directives to destroy wells can be viewed on the public GeoTracker webpage at: http://geotracker.waterboards.ca.gov/ptcp_destruction_report.asp. Seek approval with regulatory agencies having jurisdiction before performing any well destruction work. Encroachment permits and/or access agreements may also be necessary. A list of local well-permitting agencies can be found at: <http://water.ca.gov/groundwater/wells/permitting.cfm>

Reference: *Plan for Implementation of Low-Threat UST Case Closure Policy and Additional Program Improvements*
(http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2012/110612_6_final_ltcp%20imp%20plan.pdf).

(This fact sheet was last updated May 21, 2015.)