



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

February 23, 2012

Daniel V. Gulino, Esq.
Byron Power Partners, L.P.
14 Philips Parkway
Montvale, NJ 07645

Steve S. Lee and Puang J. Lee
3643 Ferry Lane
Fremont, CA 94555

Subject: SLIC Case RO0003079 and GeoTracker Global ID T10000003401, Byron Power Company, 4901 Bruns Road, Byron, CA 94514

Dear Mr. Gulino and Mr. and Ms. Lee:

I have been assigned as caseworker for the above referenced case. Please send all future correspondence regarding this case to me. This Spills, Leaks, Investigation and Cleanup (SLIC) case was opened in response to review of facility closure by the Alameda County Environmental Health (ACEH) Certified Unified Program Agency (CUPA). Based on the results of soil sampling and observation of soil contamination during a closure inspection conducted on September 13, 2011 by Lawrence Seto of the ACEH CUPA, a contaminated site case (RO0003079) was opened in the SLIC Program to address subsurface soil and groundwater contamination.

The ACEH case file includes two reports entitled, "*Phase I Environmental Site Assessment Report, 4901 Bruns Road, Alameda County, California,*" dated September 30, 2008 (Phase I Report) and "*Soil Sampling and Analysis Report, 4901 Bruns Road, Alameda County, California,*" dated July 29, 2011 (Soil Sampling and Analysis Report). Both reports were prepared by Quest Geosystems Management, Inc. We request that you submit copies of any reports in addition to these two reports that document additional investigation activities or other work that are relevant to the release or other unauthorized releases and are not in ACEH case files. ACEH case files may be reviewed online using the ACEH website (<http://www.acgov.org/aceh>).

The Soil Sampling and Analysis Report presents analytical results from six shallow soil samples collected in areas of soil staining identified during the Phase I investigation. During the shallow soil sampling, total petroleum hydrocarbons as diesel and motor oil were detected at concentrations up to 69 and 2,100 milligrams per kilogram (mg/kg), respectively.

The Soil Sampling and Analysis Report concludes that excavation and off-site disposal of the upper two feet of soil from the stained areas would be the most feasible remedial method followed by collection of confirmation soil samples. Although we concur that removal of the stained soil containing TPH followed by confirmation soil sampling is warranted, we request that you submit a Work Plan that addresses the technical comments below prior to implementing excavation and off-site disposal of the shallow soils.

TECHNICAL COMMENTS

1. **Base Map and Stained Soils.** Areas of stained soils were described in the Phase I Report but were not located on a map. The Soil Sampling and Analysis Report indicates that additional areas of stained soils not originally noted in the Phase I Report were observed on July 8, 2011. A total of six shallow soil samples were collected from three areas of the site. However, it is not clear whether all areas of soil staining identified during the Phase I investigation and observed on July 8, 2011 were targeted for sampling. In the Work Plan requested below, please provide a base map with a scale that shows all areas of soil staining observed during the Phase I and the July 8, 2011 sampling event along with the locations of the shallow soil samples collected on July 8, 2011. Please propose soil sampling within any areas of stained soils that were not targeted during the July 8, 2011 sampling.
2. **Depth of Contamination and Potential Impact to Groundwater.** During the shallow soil sampling on July 8, 2011, total petroleum hydrocarbons (TPH) as diesel and motor oil were detected at concentrations up to 69 and 2,100 milligrams per kilogram, respectively. The Soil Sampling and Analysis Report concludes that excavation and off-site disposal of the upper two feet of soil from the stained areas would be the most feasible remedial method followed by collection of confirmation soil samples. Although we concur that removal of the stained soil containing TPH followed by confirmation soil sampling is warranted, we request that you conduct deeper soil and groundwater sampling to confirm that the contamination is limited to the upper two feet. We request that you advance a minimum of two soil borings in the areas of stained soils to assess the vertical extent of contamination. The soil borings are to be advanced to a depth sufficient to collect grab groundwater samples from each boring. Please include these plans in the Work Plan requested below.
3. **Environmental Screening Levels.** The Soil Sampling and Analysis Report compares analytical results for the soil samples to Environmental Screening Levels (San Francisco Bay Regional Water Quality Control Board 2008) and indicates that the concentrations of TPH as diesel and motor oil do not exceed the Environmental Screening Levels (ESL) for commercial or residential land use. Please note that the lowest ESL for TPH as motor oil under a residential land use scenario is 370 mg/kg rather than 2,500 mg/kg as listed in Table 1 of the Soil Sampling and Analysis Report. Please update the ESLs in future documents.
4. **Reporting Limits.** Although PCBs were not detected in the shallow soil samples collected, the reporting limit for PCBs in soil sample S.01-01 (5.0 mg/kg) was significantly higher than the ESL for PCBs under a commercial land use scenario (0.74 mg/kg). The reporting limits for several polycyclic aromatic hydrocarbons (PAHs) also exceeded their respective ESLs for commercial land use. Please consider the reporting limits in assessing data in future reports and work plans.
5. **Waste Discharge Requirements.** During the 2008 Phase I investigation, an overflow of water from the surface impoundment and discharge from facility operations was observed on the east side of the property and extended approximately 200 feet north of the site. As noted in the Phase I Report, the facility was obligated to submit a Report of Waste Discharge to the Central Valley Regional Water Quality Control Board in order to obtain Waste Discharge Requirements (WDR's) under Waste Discharge to Land Regulated by Title 27 of California Code of Regulations. WDR's are regulated by the Central Valley Regional Water Quality

Control Board. Please indicate in the Work Plan requested below whether WDRs were obtained for the site.

TECHNICAL REPORT REQUEST

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

- **April 27, 2012** – Site Investigation Work Plan

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org. Case files can be reviewed online at the following website: <http://www.acgov.org/aceh/index.htm>. If your email address does not appear on the cover page of this notification ACEH is requesting you provide your email address so that we can correspond with you quickly and efficiently regarding your case.

Sincerely,

Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Senior Hazardous Materials Specialist

Attachments: Responsible Party(ies) Legal Requirements/Obligations

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: William F. Murphy, Law Offices of Dillingham & Murphy, LLP, 225 Bush Street, Sixth Floor, San Francisco, CA 94104-4207 (Sent via E-mail to: joberein@wm.com)

Laurie Schrumm, Kroloff, Belcher, Smart, Perry & Christopherson, 7540 Shoreline Drive, Stockton, CA 95219 (Sent via E-mail to: lschrum@kroloff.com)

Kristin Shelton, Central Valley Regional Water Quality Control Board, 11020 Sun Center Drive #200, Rancho Cordova, CA 95670-6114 (Sent via E-mail to: kshelton@waterboards.ca.gov)

Donna Drogos, ACEH (Sent via E-mail to: donna.drogos@acgov.org)
Jerry Wickham, ACEH (Sent via E-mail to: jerry.wickham@acgov.org)

GeoTracker, e-File

Attachment 1

Responsible Party(ies) Legal Requirements / Obligations

REPORT REQUESTS

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.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, 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.

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	REVISION DATE: July 20, 2010
	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 (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

- **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.