



ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
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September 4, 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
(Sent via E-mail to: stevel8@yahoo.com)

Subject: Case File Review for 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:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanup (SLIC) case file for the subject site including the recently submitted document entitled, "*Subsurface Site Characterization Report*," dated August 6, 2012 (Report) and received by ACEH on August 13, 2012. The Report, which was prepared on behalf of Byron Power Company by Quest GeoSystems Management, Inc., presents results from six direct push soil borings and proposes an interim removal action consisting of excavation of shallow petroleum-impacted soil.

Based on the results of the six direct-push borings, additional investigation will be required as discussed in the technical comments below. We request that you submit a Site Investigation Work Plan to address technical comments 1 through 3 below.

The proposal to excavate petroleum-impacted soils within the areas shown on Figure 3 of the Report is conditionally approved and may be implemented provided that the technical comments below are incorporated during implementation of the proposed excavation. Submittal of a revised Work Plan or Work Plan Addendum is not required unless an alternate scope of work outside that described in the Work Plan and technical comments below is proposed. We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL COMMENTS

1. **Petroleum Hydrocarbons in Groundwater.** Total petroleum hydrocarbons as diesel (TPHd) and total petroleum hydrocarbons as motor oil (TPHmo) were detected in grab groundwater sample SP-01W at concentrations of 5,500 and 29,000 micrograms per liter, respectively. The Report expressed concern that the groundwater sample from SP-01 included surface water and was not indicative of groundwater conditions at the site. No groundwater was encountered during a subsequent attempt to resample groundwater adjacent to SP-01. The groundwater flow direction for the site is not known. Groundwater was apparently encountered at different depths in the two borings (SP-01 and SP-02) that

were advanced for collection of water samples. In order to define basic site hydrogeologic conditions and to assess water quality beneath the facility, we request that you submit plans to install and sample groundwater monitoring wells at the site in the Site Investigation Work Plan requested below.

2. **Phenol in Soil.** Phenol was detected in 9 of 15 soil samples collected at concentrations exceeding the Environmental Screening Level (San Francisco Bay Regional Water Quality Control Board May 2008) for leaching from soil to a drinking water resource. The Report indicates that the source of the phenol is unknown and postulates that the phenol may be a degradation product or may be ambient for the site. Phenol was not an analyte for soil sample SP-06, which was collected to help assess ambient concentrations, and was not an analyte in groundwater samples. In the Site Investigation Work Plan requested below, please include additional analyses for phenol in soil and groundwater to help assess the reported detections.
3. **Sediment from Lined Impoundment or Evaporators.** We also request that you provide additional information regarding the historic placement on site and/or disposal of sediment from the lined impoundment and evaporators. Please propose additional investigation as necessary in the Site Investigation Work Plan requested below to characterize sediment from the impoundment or evaporators remaining on site. We note that the July 30, 2008 Phase I Report describes a soil stockpile in the northeast corner of the property that consisted of sediment periodically removed from the evaporators.
4. **Proposed Excavation.** An interim removal action consisting of shallow excavation of petroleum-impacted soils is proposed within four areas of the site. The need for further expansion of the excavations is to be based upon observations during excavation and the results of confirmation soil sampling. The excavations are to be extended as necessary in any areas where visual inspection or field screening indicates contamination remains in place. Confirmation soil samples from the base of the excavation are to be collected in a grid pattern with a spacing of no greater than 20 feet. Additional confirmation soil samples to those proposed may be required if requested during field inspection by ACEH. Please provide 5-days advance notification to ACEH (e-mail preferred to jerry.wickham@acgov.org) prior to the start of excavation activities in order to schedule site inspection. Please include the results of the excavation in the Excavation Report requested below.
5. **Release in Lined Impoundment Area.** ACEH received a report of a release of petroleum hydrocarbons and oily water from an aboveground storage tank within the lined impoundment in the northern portion of the site. Please submit a separate Work Plan for cleanup of the release of petroleum hydrocarbons in the lined impoundment area.
6. **GeoTracker Compliance** – A review of the State Water Resources Control Board's (SWRCB) GeoTracker website indicates the site has not been claimed. Because this is a state requirement, ACEH requests that the site be claimed in GeoTracker by the date identified below. Pursuant to California Code of Regulations, Title 23, Division 3, Chapter 16, Article 12, Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the UST or LUST program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. Also, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory

agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy using NAD 83. A California licensed surveyor may be required to perform this work. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs, including SLIC programs. Additionally, pursuant to California Code of Regulations, Title 23, Division 3, Chapter 30, Articles 1 and 2, Sections 3893, 3894, and 3895, beginning July 1, 2005, the successful submittal of electronic information (i.e. report in PDF format) shall replace the requirement for the submittal of a paper copy. Please claim your site and upload all future submittals to GeoTracker and ACEH's ftp server by the date specified below. Electronic reporting is described below on the attachments.

Additional information regarding the SWRCB's GeoTracker website may be obtained online at http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal/ and http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml) or by contacting the GeoTracker Help Desk at geotracker@waterboards.ca.gov or (866) 480-1028.

TECHNICAL REPORT REQUEST

Please upload technical reports to the ACEH ftp site (Attention: Jerry Wickham), and to the State Water Resources Control Board's GeoTracker website according to the following schedule and file-naming convention:

- **October 5, 2012** – GeoTracker Compliance
- **October 5, 2012** – Site Investigation Work Plan
File to be named: WP_R_yyyy-mm-dd RO3079
- **October 31, 2012** – Work Plan for Cleanup of Recent Release in Impoundment Area
File to be named: WP_R_yyyy-mm-dd RO3079
- **November 16, 2012** – Excavation Report
File to be named: EX_R_yyyy-mm-dd RO3079

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.

Responsible Parties
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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)

Eric Garcia, Quest Geosystems Management, Inc., 11275 Sunrise Gold Circle, Suite R, Rancho Cordova, CA 95742-6561 (Sent via E-mail to: ericgarcia@questgsm.com)

Jim Gwerder, Souza Realty & Development, 105 E. 10th Street, Tracy, CA 95376 (Sent via E-mail to: jgwerder@souzard.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/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 .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 <://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 .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.