



Claim No. 9432

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April 23, 2014

Mr. Andrew Cooper  
State Water Resources Control Board  
1001 I Street, 16<sup>th</sup> Floor  
Sacramento, CA 95814

Dear Mr. Cooper:

Subject: Comment Letter - Cal-West Concrete Cutting Case Closure Summary

The Alameda County Water District (ACWD) thanks you for the opportunity to comment on the State Water Resources Control Board's (State Board) Underground Storage Tank Cleanup Fund's (Cleanup Fund) case closure recommendation for Cal-West Concrete Cutting (Olympic), located at 44900 Industrial Drive, Fremont. We have reviewed the Cleanup Fund's "UST Case Closure Review Summary Report" (Summary Report) dated February 20, 2014, for the site (Claim Number 9432) and do not agree with the Cleanup Fund Manager's determination that this case is ready for closure at this time.

We have reviewed the site pursuant to the State Board's "Low-Threat Underground Storage Tank Case Closure Policy" (Policy), and have determined that this site does not meet the general or media-specific criteria for groundwater, petroleum vapor intrusion to indoor air, and direct contact and outdoor air exposure. Specifically, as summarized in Attachment 1, the secondary source has not been removed to the extent practicable; a conceptual site model has not been fully developed; the contaminant plume that exceeds water quality objectives is not stable or decreasing in areal extent; vapor intrusion to indoor air and volatilization to outdoor air has not been assessed; and direct contact to commercial/industrial and utility workers has not been properly evaluated. In other words, the site fails to meet the criteria for all three media-specific criteria of the Policy. What is particularly troublesome to us is the fact that the Cleanup Fund concludes that the site meets the low-threat closure criteria without apparently reviewing any soil data that has been collected for the site, as evidenced by the absence of soil data in the Summary Report, as well as the fact that the reports containing the data were not uploaded to Geotracker until recently by ACWD. In addition, it also appears that the Cleanup Fund did not consider or review any groundwater data collected prior to 2005, despite the fact that all of the subsurface investigations (soil sampling from boreholes and monitoring wells, and groundwater samples from boreholes) were conducted prior to this time. It also appears that Cleanup Fund staff made

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no attempt to contact the responsible party, the Regional Board, or ACWD to obtain copies of all pertinent reports and data.

We have also reviewed the Cleanup Fund's Summary Report and have identified numerous errors, omissions, and incorrect statements (see Attachment 2) regarding the investigation and cleanup activities conducted at the site to date, which is critical since the Cleanup Fund states that the Summary Report "forms the basis for the UST Cleanup Fund Manager's determination that case closure is appropriate." These inaccuracies appear to have resulted from the Cleanup Fund's reliance on data and reports in Geotracker, which only includes data and reports generated since 2005. In order to assist the Cleanup Fund in conducting a proper low-threat closure evaluation, we have recently uploaded copies of the various soil and groundwater sampling reports prepared prior to 2005.

We do not believe it is appropriate to prepare a Summary Report **without considering any** of the soil data collected during 1992 (removal of USTs), grab groundwater data collected in 1995 (drilling of eight boreholes), and soil and groundwater data collected in 2000 (installation of wells and one borehole). It is very misleading, particularly to the property owners and tenants, to state that "based on available information" the case meets the requirements of the Policy, considering that the majority of all pertinent data may never have been reviewed or considered by the Cleanup Fund. If the Cleanup Fund is not going to include a review of all data collected at a site as part of its evaluation of a site for low-threat closure, this calls into question the usefulness and validity of distributing an incomplete and misleading Summary Report, which may be the only document reviewed by interested parties on the mailing list.

It is also important to note that during the Cleanup Fund's preparation of a revised "5-Year Review" in July 2013, ACWD provided information on details of the well constructions to Cleanup Fund staff via email dated July 9, 2013, including a copy of ACWD's low-threat closure review dated February 13, 2013, (copy in GeoTracker). In response to our email, ACWD received an email on July 10, 2013, from Cleanup Fund staff (that also prepared the Summary Report) stating, "*You're going to see a new 5-Year Review in the next few days with recommendations for additional assessment, remediation (if necessary) and a sensitive receptor survey. Your reference to AB1715 will have no impact on your ability to send a directive order because the Cleanup Fund Manager has not and will not recommend the site for closure.*" We concur with the Cleanup Fund's July 2013 recommendations for additional assessment, remediation (if necessary), and a sensitive receptor survey. Since no further investigations have been performed at the site since the Cleanup Fund's 5-Year review in July 2013, we would appreciate an explanation regarding the Cleanup Fund's complete reversal of their recommendation that case closure is now appropriate.

In summary, we recommend that the State Board revise the Summary Report to state that case closure is not appropriate at this time and require the responsible parties to perform additional investigation and cleanup, as appropriate, to meet the Low-Threat Closure Policy criteria.



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April 23, 2014

If you have any questions or wish to discuss the site further, please contact me at (510) 668-4442.

Sincerely,



Thomas J. Berkins  
Groundwater Protection Program Coordinator

tb/mh

Enclosures:

- Attachment 1: ACWD's Low-Threat Closure Policy Review
- Attachment 2: Case Closure Review Summary Report Comments

cc: Steven Inn, ACWD  
Barbara Sieminski, Regional Water Quality Control Board  
Pat Cullen, State Water Resources Control Board  
Robert Trommer, State Water Resources Control Board  
Lisa Babcock, State Water Resources Control Board  
Daniel and Michael Silva, Property Owners  
Dunkel Logistics (Tenant, 44850 Industrial Drive, Unit B)  
R M Precision Sheet Metal (Tenant, 44850 Industrial Drive, Unit D)  
Norm Hughes, City of Fremont  
Jay Swardenski, City of Fremont



**ATTACHMENT 1**  
**ACWD'S LOW-THREAT CLOSURE POLICY REVIEW**  
**Cal-West Concrete Cutting (Olympic)**  
**44900 Industrial Drive, Fremont (Claim No. 9432)**

ACWD has reviewed the subject site pursuant to the State Board's "Low-Threat Underground Storage Tank Case Closure Policy (Policy)," and has determined that this site does not meet the general or media-specific criteria for groundwater, petroleum vapor intrusion to indoor air, and direct contact and outdoor air exposure. Specifically, the secondary source has not been removed to the extent practicable; a conceptual site model has not been fully developed; the contaminant plume that exceeds water quality objectives is not stable or decreasing in areal extent; vapor intrusion to indoor air and volatilization to outdoor air has not been assessed; and direct contact to commercial/industrial and utility workers has not been properly evaluated. The following are the impediments to closure per the Policy:

**1. General Criteria (f) "Secondary source has been removed to the extent practicable"**

According to the Policy, General Criteria (f): "'Secondary Source' is defined 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 within." In April 1992, during the removal of two USTs, confirmation soil samples collected from the sidewalls of the UST pit at 7 feet below ground surface (bgs) (groundwater encountered at 7.5 feet) documented TPH-gasoline (TPH-g) and benzene concentrations ranging from 427 to 2,303 milligrams per kilogram (mg/kg) and 20 to 101 mg/kg, respectively. Limited over-excavation of contaminated soil was conducted in May 1992; however, confirmation soil samples documented TPH-g and benzene concentrations ranging from 680 to 4,900 mg/kg and 2.2 to 3.2 mg/kg, respectively. No further attempt was made to excavate or remediate the remaining soil contamination in this area, and no physical or infrastructural constraints exist at this location that would have made secondary source removal technically or economically infeasible.

At the time of removal of the USTs in 1992, the underground product piping was not removed and no sampling was conducted beneath the product piping and dispenser, which was located immediately adjacent to the building. Therefore, during the installation of five monitoring wells in December 2000, a direct-push borehole (SB-6) was also drilled adjacent to the former dispenser to determine whether a release occurred in this area. The soil sample collected from borehole SB-6 at a depth of 5 feet bgs documented TPH-g at 1,800 mg/kg and benzene at 31 mg/kg. Free product (unknown thickness) was subsequently observed in the sample bailer during collection of a grab groundwater sample from the borehole. The analytical results of the groundwater sample collected from borehole SB-6 documented TPH-g at 210,000 part per billion (ppb), benzene at 38,000 ppb, toluene at 33,000 ppb, ethylbenzene at 5,000 ppb, xylenes at 24,000 ppb, and MTBE was less than 200 ppb (detection limit).

These results indicate that the secondary sources have not been removed to the extent practicable and elevated concentrations of petroleum hydrocarbons remain in soil and groundwater beneath the site. In addition, as noted above, no soil sampling was performed

beneath the product piping, which reportedly was “installed incorrectly and may have been the cause of the fuel release.”

**2. General Criteria (e) “A conceptual site model that assesses the nature, extent, and mobility of the release has been developed”**

This site does not meet the Policy’s General Criteria (e), which requires a Conceptual Site Model (CSM) that assesses the nature, extent, and mobility of the release. The CSM is required to identify all confirmed and potential contaminant receptors (including water supply wells, surface water bodies, structures and their inhabitants). The goal of this criterion is to identify potential threats to these receptors and collect supporting data to ensure the proper protection of these receptors from the contamination being left behind. A CSM has never been prepared and submitted for this site, nor has the supporting data and analysis used to develop a CSM been submitted in multiple reports. In addition, as noted above and in the Cleanup Fund’s “5-Year Review Summary, Preliminary Review” dated October 3, 2011, a Sensitive Receptor Survey, including a survey of water supply wells, has **not** been conducted. The proper identification of all water supply wells surrounding this site is required not only as part of the CSM, but is also critical for complying with the Groundwater-Specific Criteria of the Policy, which specifies minimum distance requirements from an existing plume to nearby water wells, not just California Department of Public Health (CDPH) public water supply wells.

The lateral extent of groundwater contamination has not been defined in any direction, and more importantly, a groundwater monitoring well has never been installed in the source areas (former USTs and dispenser). Grab groundwater samples collected from boreholes SB5 and SB6, which were drilled at the down-gradient perimeter of the property boundary in 1995, documented TPH-g and benzene concentrations ranging from 4,900 to 94,000 ppb, and 15 to 530 ppb, respectively; however, monitoring wells were never installed at these locations and no further down-gradient groundwater investigation has been performed. Based on elevated concentrations of TPH-g detected in grab groundwater samples collected from the western cross-gradient borehole SB2 (TPH-g at 17,000 ppb) and up-gradient borehole SB4 (TPH-g at 34,000 ppb), the lateral extent of groundwater contamination has also not been defined in these directions. A monitoring well (MW-3) has been installed off-site to the east of the site; however, as noted in our 5-Year Preliminary Review comments, elevated concentrations of TPH-g (up to 14,000 ppb) and benzene (up to 2,000 ppb) have historically been detected in this well. Although the current concentrations detected in well MW-3 are less than the historical maximum, the lateral extent of groundwater contamination off-site to the east has never been defined.

In order to further define the lateral extent of groundwater contamination, the responsible party submitted a work plan in August 2002 proposing to collect grab groundwater samples from 10 direct-push boreholes, followed by the installation of four monitoring wells. An addendum to the work plan was submitted in November 2002, which was subsequently approved by ACWD; however, the work was never implemented due to off-site access issues. As noted in our Preliminary 5-Year Review comments, we have made multiple

verbal requests to the responsible party (and their consultant) during the past 10 years to implement the approved work plan with no success.

A groundwater investigation to determine the vertical extent of contamination has never been conducted despite the elevated concentrations of petroleum hydrocarbons, including free product, detected in shallow groundwater throughout the site. However, the Summary Report fails to mention or address this impediment.

Furthermore, no investigation has been performed to date to determine the potential for petroleum vapor intrusion to indoor air from elevated benzene concentrations detected in shallow groundwater beneath the site (depth to water approximately 5 to 7 feet below grade), as well as shallow soil contamination detected at depths less than 10 feet below grade (see item #1 above). Most notable is the soil and groundwater contamination detected in borehole SB-6, which was drilled within five feet of the adjacent building in December 2000. As stated above, the soil sample collected at a depth of 5 feet bgs documented TPH-g at 1,800 mg/kg and benzene at 31 mg/kg. Free product (unknown thickness) was subsequently observed in the sample bailer during collection of a grab groundwater sample from the borehole, and the analytical results of the groundwater sample documented benzene at 38,000 ppb. All of these results greatly exceed the low-threat criteria for the vapor-intrusion-to-indoor-air pathway of the Policy.

In order to satisfy the requirements for a proper CSM, the above issues need to be addressed in accordance with the Policy or, at a minimum, the source area should be remediated to the maximum extent possible, in order to minimize the impact of the residual contamination.

### **3. Media-Specific Criteria (1) - Groundwater**

According to the Policy's Media-Specific Criteria (1) for Groundwater: "If groundwater with a designated beneficial use is affected by an unauthorized release, 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." As mentioned previously in item #2 above, the lateral and vertical extent of groundwater contamination has not been defined. Therefore, the stability of the contaminant plume cannot be determined until the extent of contamination has been completely defined. Also, groundwater sampling of the five existing wells has only been performed once during the past five years, in December 2009; therefore, it is not possible to determine whether the plume is stable or decreasing, and thereby does not meet the media-specific criteria for groundwater. In addition, as mentioned above, no monitoring wells have been installed in the source areas (USTs and dispenser) despite the fact that benzene was detected at a concentration of 38,000 ppb in groundwater beneath the dispenser, which is not mentioned or addressed in the Summary Report.

### **4. Media-Specific Criteria (2) – Petroleum Vapor Intrusion to Indoor Air**

According to the Policy's Media-Specific Criteria (2) for Petroleum Vapor Intrusion to Indoor Air: "Petroleum release sites shall satisfy the media-specific criteria for petroleum

vapor intrusion to indoor and be considered low-threat for the vapor-intrusion-to-indoor-air pathway” if one of three conditions is met. However, none the three conditions have been met for the site. In particular, the first condition (a), which specifies that “Site-specific conditions at the release site satisfy all of the characteristics and criteria of scenarios 1 through 3 as applicable, or all of the characteristics and criteria of scenario 4 as applicable,” has not been satisfied. Based on available soil and groundwater samples collected at the site, “Scenario 3 – Dissolved Phase Benzene Concentrations in Groundwater” has not been satisfied. Groundwater samples collected from on-site boreholes and monitoring wells have documented benzene concentrations as high as 38,000 ppb (please note that no monitoring wells have been installed in the source areas – former USTs and beneath the former dispenser), and shallow soil samples collected at a depth of 5 feet bgs adjacent to the existing building have documented TPH-g at a concentration of 1,800 mg/kg. As mentioned in item #2 above, free product (unknown thickness) was observed in the sample bailer during collection of a grab groundwater sample from the borehole (SB-6) drilled adjacent to the existing building, and the analytical results of the groundwater sample documented benzene at 38,000 ppb. All of these results greatly exceed the low-threat criteria for the vapor-intrusion-to-indoor-air pathway of the Policy. Based on the above data, a proper evaluation of the potential for petroleum vapor intrusion to indoor air from contamination beneath the building at this site has not been completed and the risk of vapor intrusion to indoor air has not been determined. In addition, since this is not an active service station, potential petroleum vapor intrusion to indoor air may pose an unacceptable human health risk.

#### **5. Media-Specific Criteria (3) – Direct Contact and Outdoor Air Exposure**

According to the Policy’s Media-Specific Criteria (3) for Direct Contact and Outdoor Air Exposure: “release sites where human exposure may occur satisfy the media-specific criteria for direct contact and outdoor air exposure and shall be considered low-threat” if one of three conditions is met. However, none of the three conditions has been met for the site. In particular, the first condition (a), which specifies that “maximum concentrations of petroleum constituents in soil are less than or equal to those listed in Table 1 for the specified depth below ground surface” has not been satisfied. Based on soil samples collected at depths of 5 to 8.5 feet below grade during the installation of five monitoring wells (MW-1 through MW-5) and one borehole (SB-6) at the site in December 2000, elevated concentrations of benzene (13 to 31 mg/kg) were detected in five of the six locations, which exceeds the maximum concentration of benzene for the commercial/industrial site classification for the following: direct contact (8.2 mg/kg); volatilization to outdoor air (12 mg/kg), as well as the maximum concentration of benzene for a utility worker (14 mg/kg). Based on the above data, a proper evaluation of the potential for direct contact and outdoor air exposure at this site has not been completed.

**ATTACHMENT 2**  
**UST CASE CLOSURE REVIEW SUMMARY REPORT COMMENTS**  
**Cal-West Concrete Cutting (Olympic)**  
**44900 Industrial Drive, Fremont (Claim No. 9432)**

ACWD's review of the Cleanup Fund's Summary Report has identified numerous errors, omissions, and incorrect statements regarding the investigation and cleanup activities conducted at the site to date, which is critical since the Cleanup Fund states that the Summary Report "forms the basis for the UST Cleanup Fund Manager's determination that case closure is appropriate." Our comments regarding the Summary Report are as follows:

**MAJOR CONCERNS AND ISSUES**

1. Page 1, third paragraph, first sentence states: "The petroleum release is limited to the shallow soil and groundwater." This statement is misleading and incorrect. As discussed in Attachment 1, comment #2, the vertical extent of groundwater contamination has not been defined. No groundwater samples have been collected to date beneath the impacted shallow aquifer zone to determine whether the deeper drinking water aquifer has been impacted. Without collecting deeper groundwater samples, there is no basis to make the statement that the release is limited to the shallow groundwater, which is misleading. All of the monitoring wells installed to date are completed in the shallow zone aquifer, and no deeper grab groundwater samples have been collected to date.
2. Page 1, third paragraph, second sentence states: "According to data available in Geotracker, there are no supply wells regulated by the California Department of Public Health [CDPH] or surface water bodies within 1,000 feet of the projected plume boundary." This statement is also misleading. The groundwater-specific criteria of the Policy specifies that the nearest existing water supply well must be greater than a specified distance from the defined plume boundary.

First, the Policy's definition of water supply well is not limited to supply wells regulated by CDPH. CDPH only regulates public water systems that have 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. CDPH does not regulate private water wells that could be used for irrigation, domestic, **industrial** or other beneficial use. The Groundwater-Specific Criteria of the Policy was very clear that "**the nearest existing water supply well**" must be greater than 1,000 feet from the defined plume boundary. Nowhere in the Policy does it state that this only applies to supply wells regulated by CDPH. In fact, during the State Board's public comment period prior to adoption of the Policy, one of the comments (#4.36, page 8 of 40) raised by ACWD was that the term "water supply well" should be defined to include public and private drinking water wells, irrigation wells, agricultural wells, and industry supply wells." The State Board's response to ACWD's comment was as follows, "The Policy requires setback distances from all water supply wells, including irrigation wells, agricultural wells, and industry supply wells." Unless the Policy is revised to state that only wells regulated by CDPH are classified as water supply wells, it is not appropriate for Cleanup Fund staff to evaluate the groundwater-specific criteria solely based on the presence of wells regulated by CDPH.

Furthermore, on page 2 of the Summary Report (second paragraph from the bottom), the Cleanup Fund's response to ACWD's objection to closure (second bullet - no well survey)

states, “Heavy commercial/industrial areas rarely have domestic supply wells.” Similar to our comment above, it is not appropriate for Cleanup Fund staff to declare that commercial/industrial areas rarely have domestic supply wells without any supporting data to make this claim for the Niles Cone Groundwater Basin. In addition, as stated above, the presence of water supply wells is not limited to “domestic wells.” It is not rare for industrial water supply wells to be located in industrial areas, as well as the potential for irrigation wells. Without conducting a thorough well survey, it is not appropriate to draw any conclusions regarding the presence or absence of water supply wells within 1,000 feet of the defined plume boundary.

Second, as discussed in Attachment 1, comments #2 and #3, the lateral extent of groundwater contamination has not been defined and it is not appropriate to “project” the plume boundary without conducting additional groundwater investigations. It appears that Cleanup Fund staff are basing their determination on the “projected” plume boundary solely on data collected from the existing monitoring wells, without considering the results of grab groundwater sampling conducted prior to 2005, when data and reports were not required to be uploaded to GeoTracker. Therefore, in accordance with the groundwater-specific criteria of the Policy, the nearest existing water supply well must be greater than 1,000 feet from the defined plume boundary, which has yet to be determined.

3. Page 1, third paragraph, third sentence states: “No other water supply wells have been identified within 1,000 feet of the projected plume boundary in files reviewed.” This statement is also misleading and incorrect. First, as stated above, the nearest existing water supply well must be greater than 1,000 feet from the defined plume boundary, which has yet to be determined.

Second, it is unclear what files were reviewed to make the determination that “no other water supply wells have been identified within 1,000 feet of the projected plume boundary in files reviewed.” As stated in Attachment #1, comment #2, the Cleanup Fund’s Preliminary 5-Year Review Summary, states that a “Sensitive Receptor Survey” including a survey of water supply wells, has **not** been conducted. If a well survey was never conducted for a site, it is misleading to state that no other water supply wells were identified in files reviewed. Also, if the Cleanup Fund’s “files reviewed” was limited to files contained in Geotracker then this too is also misleading and inappropriate.

4. Page 2, first paragraph, (continuation from page 1), first sentence states: “it is highly unlikely that the affected groundwater will be used as a source of drinking water in the foreseeable future.” We presume this statement is based on the Cleanup Fund’s unsubstantiated conclusion that groundwater contamination is limited to the shallow water-bearing zone without collecting any deep groundwater samples to determine whether the deeper drinking water aquifer has been impacted.
5. Page 2, first paragraph, third sentence states: “Remaining petroleum hydrocarbon constituents are limited and stable, and concentrations are decreasing.” This statement is

incorrect. The stability of the plume is unknown. As stated previously, the lateral extent of groundwater contamination has not been defined in any direction, and more importantly, groundwater monitoring wells have never been installed in the source areas (former USTs and dispenser). In addition, the current concentrations of petroleum hydrocarbons remaining in groundwater are unknown since sampling of the monitoring wells has not been conducted since December 2009. Also, as stated previously in our cover letter, it is very important to note that a July 2013 email from Cleanup Fund staff stated that a new 5-Year Review would contain recommendations “for additional assessment.” Since the time, the RP has not conducted any further work to define the extent of groundwater contamination, perform groundwater sampling, or prepare a conceptual site model. If no additional investigations have been performed to correct these deficiencies, how is it now possible for the Cleanup Fund to completely reverse its previous conclusion and recommend case closure?

6. Page 2, first paragraph, fourth sentence states: “Corrective actions have been implemented and additional corrective actions are not necessary.” However, on page 1, second paragraph, it is stated that “No soil or groundwater remediation has been implemented,” which contradicts the above statement. To state that corrective actions have been implemented is misleading and only partially correct. As discussed in Attachment 1, comment #1, limited over-excavation of contaminated soil was conducted in May 1992; however, confirmation soil samples documented TPH-g and benzene concentrations ranging from 680 to 4,900 mg/kg and 2.2 to 3.2 mg/kg, respectively. No further attempt was made to excavate or remediate the remaining soil contamination in this area, and no physical or infrastructural constraints exist at this location that would have made secondary source removal technically or economically infeasible. In addition, no attempt has been made to remediate the elevated concentrations of petroleum hydrocarbons in soil and groundwater in the vicinity of the former dispenser, including the potential presence of free product.
7. “Rationale for Closure under the Policy,” page two, first bullet states: “The case meets all eight Policy General Criteria.” This is incorrect. This case does not meet General Criteria “e” (CSM has been developed) and General Criteria “f” (secondary source has been removed to the extent practicable).
8. “Rationale for Closure under the Policy,” page two, second bullet states: “The case meets [Groundwater-Specific] Policy Criterion 1 by Class 2.” This is incorrect. The plume length may exceed 250 feet and is undefined. In addition, a well survey is needed to verify that there are no water supply wells (i.e., domestic, irrigation, agricultural, and industrial supply wells) within 1,000 feet of the plume boundary, once it has been defined. Furthermore, free product (unknown thickness) was observed in the sample bailer during collection of a grab groundwater sample from the borehole (SB-6) drilled adjacent to the former dispenser; however, no further investigations were ever conducted in this area.
9. “Rationale for Closure under the Policy,” page two, third bullet states: “The case meets Policy Criterion 2a by Scenario 3a” for vapor intrusion to indoor air. As stated previously in Attachment 1, comment #4, “Petroleum release sites shall satisfy the media-specific criteria

for petroleum vapor intrusion to indoor and be considered low-threat for the vapor-intrusion-to-indoor-air pathway” if one of three conditions is met. However, none the three conditions has been met for the site. In particular, the first condition (a), which specifies that “Site-specific conditions at the release site satisfy all of the characteristics and criteria of scenarios 1 through 3 as applicable, or all of the characteristics and criteria of scenario 4 as applicable,” has not been satisfied. Based on available soil and groundwater samples collected at the site, “Scenario 3 – Dissolved Phase Benzene Concentrations in Groundwater” has not been satisfied. Groundwater samples collected from on-site boreholes and monitoring wells have documented benzene concentrations as high as 38,000 ppb (please note that no monitoring wells have been installed in the source areas – former USTs and beneath the former dispenser). In addition, shallow soil samples collected at a depth of 5 feet bgs adjacent to the existing building have documented TPH-g at a concentration of 1,800 mg/kg. As mentioned previously, free product (unknown thickness) was observed in the sample bailer during collection of a grab groundwater sample from the borehole (SB-6) drilled adjacent to the existing building, and the analytical results of the groundwater sample documented benzene at 38,000 ppb. All of these results greatly exceed the low-threat criteria for the vapor-intrusion-to-indoor-air pathway of the Policy. Based on the above data, a proper evaluation of the potential for petroleum vapor intrusion to indoor air from contamination beneath the building at this site has not been completed and the risk of vapor intrusion to indoor air has not been determined. In addition, since this is not an active service station, potential petroleum vapor intrusion to indoor air may pose an unacceptable human health risk.

10. “Rationale for Closure under the Policy,” page two, fourth bullet states: “The Case meets Policy Criterion 3b” for direct contact and outdoor air exposure. This statement is based on the Cleanup Fund’s assertion that a “professional assessment of site-specific risk from potential exposure to residual soil contamination was completed by Cleanup Fund staff. The results of this assessment found that maximum concentrations of petroleum hydrocarbons in soil will have no significant risk of adversely affecting human health.” As stated previously, it does not appear that Cleanup Fund staff reviewed or considered any of the soil data collected at the site when making this determination.

According to the Policy’s Media-Specific Criteria (3) for Direct Contact and Outdoor Air Exposure: “release sites where human exposure may occur satisfy the media-specific criteria for direct contact and outdoor air exposure and shall be considered low-threat” if one of three conditions is met. However, none of the three conditions has been met for the site. In particular, the first condition (a), which specifies that “maximum concentrations of petroleum constituents in soil are less than or equal to those listed in Table 1 for the specified depth below ground surface” has not been satisfied. Based on soil samples collected at depths of 5 to 8.5 feet below grade during the installation of five monitoring wells (MW-1 through MW-5) and one borehole (SB-6) at the site in December 2000, elevated concentrations of benzene (13 to 31 mg/kg) were detected in five of the six locations, which exceeds the maximum concentration of benzene for the commercial/industrial site classification for the following: direct contact (8.2 mg/kg); volatilization to outdoor air (12 mg/kg), as well as the maximum concentration of benzene for a utility worker (14 mg/kg). Based on the above data, a proper

evaluation of the potential for direct contact and outdoor air exposure at this site has not been completed.

11. “Objections to Closure and Responses,” page two, first bullet, RESPONSE states: “Based on groundwater data, minimum petroleum hydrocarbon mass remains in the soil to further impact shallow groundwater. Data do not support the existence of additional sources.” We disagree with both of these statements. As stated previously in Attachment #1, Comment #1, soil samples collected during removal of the USTs, as well as soil samples collected next to the dispenser (borehole SB-6) both documented elevated concentrations of petroleum hydrocarbons in soil, which was never removed or remediated. In addition, no monitoring wells are suitably located in these areas to document current concentrations in groundwater. Lastly, as acknowledged by the Cleanup Fund (Attachment 2: Conceptual Site Model), the product lines remain and no sampling has ever been conducted beneath the product lines to determine whether a release occurred in this area.
12. “Objections to Closure and Responses,” page two, second bullet, RESPONSE states: “According to GeoTracker no California Department of Public Health regulated supply wells were identified within 1,000 feet of the edge of the plume defined by water quality objectives. Heavy commercial/industrial areas rarely have domestic supply wells.” As stated previously, we disagree with both of these statements (see comment #2 above).
13. “Objections to Closure and Responses,” page two, third bullet, RESPONSE states: “The lateral extent of the groundwater plume is projected to be less than 250 feet in length.” We disagree with this statement. The groundwater plume has not been defined in any direction (see Attachment #1, Comment #2).
14. “Objections to Closure and Responses,” page three, first bullet, RESPONSE states: “Existing data show the Site meets the Policy criteria for petroleum vapor intrusion. No further assessment of vapor intrusion is necessary.” We disagree with both of these statements (see Comment #9 above, and Attachment #1, Comment #4).

#### **SUMMARY REPORT COMMENTS , ATTACHMENT 2: CONCEPTUAL SITE MODEL**

15. “Site Location/History,” page 7, Second Bullet – The dispenser does not remain, only the contamination beneath it.
16. “Remediation Summary,” page 8, first bullet – Free product was reported in borehole SB-6.
17. “Remediation Summary,” page 8, second bullet – Limited soil excavation was performed during removal of the USTs; however, the excavation was incomplete and elevated concentrations of petroleum hydrocarbons remain in soil in the vicinity of the former USTs and dispenser.

Attachment 2 – Case Closure Review Summary Report Comments

Cal-West Concrete Cutting (Olympic)

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18. “Most Recent Concentrations of Petroleum Constituents in Soil,” Table, page 8 – The table does not list soil concentrations, but instead states “NA” (Not analyzed, Not Applicable, or Data Not Available). This is incorrect. Soil data was analyzed, is applicable, and is available. As stated previously, it appears the Cleanup Fund did not review or consider any of the historical soil data.
19. “Evaluation of Current Risk,” page 9, seventh bullet states, “The case meets Policy Criterion 1 by Class 2.” We disagree, see previous comments in Attachments 1 and 2.
20. “Evaluation of Current Risk,” page 9, eighth bullet states, “The case meets Policy Criterion 2a by Scenario 3a.” We disagree, see previous comments in Attachments 1 and 2.
21. “Evaluation of Current Risk,” page 9, ninth bullet states, “The case meets Policy Criterion 3b.” We disagree, see previous comments in Attachments 1 and 2.