

County of Santa Clara

Department of Environmental Health

1555 Berger Drive, Suite 300
San Jose, California 95112-2716
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August 12, 2014

Ms. Vivian Gomez-Latino (USTClosuresComments@waterboards.ca.gov)
State Water Resources Control Board
1001 I Street
P.O. Box 2231
Sacramento, California 95812

Subject: Comment Letter – Caldo Oil Company Inc. Proposed UST Case Closure

Fuel Leak Investigation at Caldo Oil Company Inc., 2266 Senter Road, San Jose, CA
95112, LOP Case No. 14-081, SCVWDID No. 07S1E22G04f

Dear Ms. Gomez-Latino:

The Department of Environmental Health (DEH) received your Notice of Opportunity for Public Comment on the UST Case Closure Summary (Summary Report), signed on July 7, 2014. The public comment period closes on September 12, 2014. The DEH's comments are listed after the State Board's statements.

Issue 1

State Board Statement – *Residual petroleum constituents remain just above the water table. Light non-aqueous-phase liquid was detected and removed using DPE (Dual Phase Extraction).*

DEH Comment – It is important to emphasize that light non-aqueous-phase liquid (LNAPL) is currently present at the site and that the LNAPL plume extends under the existing building. The most recent groundwater monitoring data was collected in March 2014. At that time sheens were observed in four groundwater monitoring wells (i.e., RMW-1R, RMW-2, RMW-3 and RMW-6). Measurable LNAPL was last reported in December 2013 in well RMW-1R, which is after the completion of active remedial efforts at the site.

Issue 2

State Board Statement – *Site meets the criterion in Class 3. The site meets all of the conditions under this criterion.*

DEH Comment – The Class 3 Groundwater-Specific Criteria are listed below.

- The contaminant plume that exceeds water quality objectives is less than 250 feet in length. - Concur
- Free product has been removed to the maximum extent practicable, may still be present below the site where the release originated, but does not extend off-site. – Concur that it does not extend offsite.
- The plume has been stable or decreasing for a minimum of five years. – We do not concur that there is sufficient data to demonstrate that the plume has been stable or decreasing for a minimum of five years because the highest reported LNAPL thickness and dissolved concentrations were reported approximately two years ago.
- The nearest existing water supply well or surface water body is greater than 1,000 feet from the defined plume boundary.
- The property owner is willing to accept a land use restriction if the regulatory agency requires a land use restriction as a condition of closure. – The County of Santa Clara requests that a deed restriction be filed prior to case closure.

The site does not meet all of the criterion listed for Class 3 because there is not five years of data demonstrating plume stability. Groundwater monitoring commenced at this site in 2010, which only provides for four years of groundwater data. Dual phase extraction (DPE) operated from 2012-2013 at the site and therefore, there is only one year of groundwater data since the completion of LNAPL removal activities. According to the First Quarter 2014 Follow-Up Groundwater Monitoring Report and Request for Low-Threat Case Closure the maximum LNAPL thickness and dissolved concentrations were noted in several groundwater monitoring wells within the last two years. To be clear, contamination levels appear to have peaked in about August of 2012. For example, the maximum historical thickness of LNAPL in groundwater monitoring well RMW-1R was 0.22 feet on August 14, 2012. The maximum dissolved TPH detection in well RMW-1R was 2,340,000 parts per billion (ppb) which was detected in a groundwater sample collected on August 14, 2012.

To address increasing levels of contamination and improve plume stability a DPE system began operating in August 2012. After remediation started, LNAPL thickness and dissolved concentrations started to stabilize or decrease. Additional groundwater data is required to demonstrate that the plume has been stable or decreasing for five years following removal of the LNAPL. Additionally, groundwater elevation has been dropping (approximately 2 feet) since the remediation system has been shut off and has not seemed to have stabilized. During the last groundwater monitoring event, the concentrations of contaminants were reported to be the highest since remediation ceased in wells RMW-6 and RMW-7.

The consultant for this case argues that there is sufficient groundwater data if you include groundwater data collected prior to the case re-opening in 2008. The previous fuel leak case was granted closure in 2005. LNAPL was never reported in any of the site wells monitored between 1992 and 2004. The previous investigations found the highest groundwater contamination in well MW5 located west of the former USTs. The current investigations found the highest groundwater contamination and LNAPL in well RMW-1/RMW-1R located north of the former USTs.

Should the State Water Resources Control Board pursue case closure, the DEH requests that the property owners accept a land use restriction as a condition of case closure. The land use restriction should include restriction of site development for sensitive usage such as day cares or residences. The property has been subdivided and has multiple owners (attachment). The deed restriction should be applied to all parcels.

If you have any questions, please feel free to contact the Site Mitigation Program's Acting Manager Lani Lee at (408) 918-1977 or the Environmental Health Geologist Gerald O'Regan at (408) 918-1974.

Sincerely,



Jim Blamey
Director
Department of Environmental Health



Gerald O'Regan, PG
Environmental Health Geologist
Site Mitigation Program

Attachment: List of Current Landowners from Fourth Quarter 2013 Follow-up Groundwater Monitoring Report and Request for Low-Threat Case Closure, December 28, 2013

cc: Matthew Paulus, RRM, (MPaulus@RRMsc.com)
Brian Kelleher, Kelleher and Associates (bkellehr@ix.netcom.com)
Victor LoBue, Caldo Oil Company, Inc., 20100 Black Road, Los Gatos, CA 95033
Amanda Massey, Nella Oil Company (amandam@nellaoil.com)
Aaron Barger, Green Valley Corporation (abarger@barryswensonbuilder.com)
File

LIST OF CURRENT LANDOWNERS: 2266 Senter Road, SAN JOSE, CA, 95112
Former Caldo Oil, Company facility, Leaking Underground Fuel Tank Site
Prepared for San Mateo County Department of Environmental Health, December 30, 2013

LIST OF LANDOWNERS

Prepared for:

County of Santa Clara
Department of Environmental Health
1555 Berger Drive, Suite 300
San Jose, CA 95112-2716

CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR:

Site Name: Caldo Oil Company, Inc.
Address: 2266 Senter Road
City, State, Zip: San Jose, CA 95112
Record ID #: LOP Case No. 14-081, SCVWD ID No. 07S1E22G04f

In accordance with Section 25297.15(a) of Chapter 6.7 of the California Health & Safety Code, I, Victor LoBue, President of Caldo Oil Company, Inc., P.O. Box, xxx Los Gatos, CA 95033 (name/address of responsible party), certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site. The site is the location of the former Caldo Oil Company, Inc., bulk fuel plant which was in operation from the late 1960s to 2005 and which was subsequently redeveloped in 2006-09 by Green Valley Corporation for its current commercial use as the Pearl Senter Retail Plaza which is a retail mall with a total of twenty two individual units seventeen of which are still owned by Green Valley and five of which are owned by private parties as set forth below:

Signature: Victor LoBue For Date: 12-30-13
Name/Title: Victor LoBue, President

Parcel Number	477 73-046, -047 (two units)
Unit Number	106, 112
Name:	Tran Thu Mai
Site Address:	2266 Senter Road # 106, San Jose, CA 95122
Mailing Address	3581 Colbert Drive, San Jose, CA 95148

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 Former Caldo Oil, Company facility, Leaking Underground Fuel Tank Site
 Prepared for San Mateo County Department of Environmental Health, December 30, 2013

Parcel Number	477 73 049 (single unit)
Unit Number	122
Name:	Nguyen An
Site Address:	2266 Senter Road # 122, San Jose, CA 95122
Mailing Address	2266 Senter Road # 122, San Jose, CA 95122

Parcel Number	477 73 050 (single unit)
Unit Number	128
Name:	Nguyen Loan
Site Address:	2266 Senter Road # 128, San Jose, CA 95122
Mailing Address	5336 Silver Point Way, San Jose, CA 95138

Parcel Number	477 73 055 (single unit)
Unit Number	150
Name:	Pham Sang, Michael Nguyen, Van Vo
Site Address:	2266 Senter Road # 150, San Jose, CA 95122
Mailing Address	2353 Bentley Ridge Drive, San Jose, CA 95138

Parcel Number	477 73-048, -051, -052, -053, -054, -056, -057, -058, -059, -060, -061, -062, -063, -064, -065, -066, -067 (seventeen units)
Unit Number	118, 132, 138, 142, 146, 156, 166, 176, 182, 188, 192, 198, 202, 210, 216, 222, 228
Name:	Green Valley Corp.
Mailing Address	777 N. 1 st Street, # 5 th , San Jose, CA, 95112