

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

**INTERNAL STAFF REPORT**

TO: Bruce H. Wolfe  
Executive Officer

DATE: November 27, 2006  
FILE NO. 01S0645 (CFC)

FROM:

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CONCUR:

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SUBJECT: Response to Comments on the Tentative Amendment of Site Cleanup Requirements (Order No. 90-133), Union Oil Company of California, Atlantic Richfield Company, Richard Koch, trustee for The R&N Koch Trusts, Las Vegas II Storage, LLC, and Foster Chemical Company for the properties at 401 and 411 High Street, Oakland, Alameda County

On October 31, 2006, Board staff distributed the Tentative Amendment of Site Cleanup Requirements for the 401 and 411 High Street site for a public comment period. We received comments from Union Oil Company of California (Unocal) on November 17, 2006, and Atlantic Richfield Company (Atlantic Richfield), and Richard Koch, trustee for the R&N Koch Trusts (Koch) on November 20, 2006.

Unocal and Richard Koch support the approach to the Tentative Order and provided minor comments. Atlantic Richfield objects to the requirement to perform a feasibility study given the studies it already completed.

Comments from Unocal, Koch, and Atlantic Richfield are summarized below followed by our response.

**Unocal Comments and Responses**

***1) Comment:*** Foster Chemical Company, as well as any successors, should be retained as a named discharger.

***Response:*** We agree. We will not remove Frank Peckett dba Foster Chemical Company as a named discharger in this amendment. We will continue the search for information to confirm the viability of this discharger.

2) **Comment:** Identify adjacent buildings where there is a vapor intrusion concern and replace indoor air sampling with soil gas sampling.

**Response:** We disagree. The buildings were not specified in the order because the existing and requested soil gas data should be used to make a final identification of the buildings where a concern exists. The requirement for “indoor air sampling and/or sub-slab soil gas sampling, as appropriate” allows for the flexibility to choose the methodology as well as provide a phased approach, and therefore is not in conflict with Unocal’s proposed approach. Thus, no change is made to the Tentative Order based on this comment.

3) **Comment:** In the “Draft Remedial Action Plan Including Draft Cleanup Standards” task, refer to the current ESL guidance document available at the time of the execution of the site specific risk assessment.

**Response:** We disagree. This text was modified from the initial Site Cleanup Requirement model language, with requirements that are site-specific (e.g., commercial/industrial indoor air exposure scenario). In addition, the reference to the “current ESL guidance document” does not include addressing the attainability of background levels of water quality, which is in the initial Site Cleanup Requirement model language. Thus, no change is made to the Tentative Order based on this comment.

#### **Koch Comments and Responses**

4) **Comment:** Add a new subsection to Task C.3.j., Draft Remedial Action Plan Including Draft Cleanup Standards, for a projected timetable for completion of remedial alternatives and curtailment.

**Response:** We disagree. An order for final site cleanup requirements, which will include final remedial actions and cleanup levels, will follow the completion of the tasks in this amendment. The final site cleanup requirements will include a deadline for implementation of the final remedial actions. It is not possible to accurately predict when remedial action curtailment will occur. Thus, no change is made to the Tentative Order based on this comment.

5) **Comment:** Identify property owners as dischargers with secondary liability.

**Response:** We agree. However, Koch is already a secondarily responsible discharger in Order No. 90-133, and the Tentative Order does not address this issue. To further clarify this, the text has been modified to note that the change refers only to the discharger title. Additional text has been included to identify the secondary liability status of Las Vegas II Storage, LLC, since that has not been previously established.

## Atlantic Richfield Comments and Responses

**6) Comment:** A feasibility study is not necessary, since its principal components were included in the Five-Year Status Report and it was the basis for subsequent Remedial Action Plans implemented under Water Board oversight.

**Response:** We disagree. We understand the concerns of Atlantic Richfield, and are not requiring any unnecessary or duplicative tasks. To clarify this, we made minor changes to the Tentative Order, adding verbiage to include a summary of, and reference to, existing reports instead of a full replication of existing report information. However, we believe that the results from the additional investigation alone will warrant a new feasibility study, particularly for offsite areas. When the feasibility study is due in October 2007, the current remediation system will have been in operation approximately 14 to 18 months. Therefore, the data from the system should be adequate for assessment, and should be incorporated into the feasibility study.

**7) Comment:** This Tentative Order would result in a delay in finalizing cleanup of the site.

**Response:** We disagree. The tasks in this Tentative Order would closely follow the timeline for similar tasks in the previously-proposed Revised Final Site Cleanup Requirements. In addition, various remedial actions have already been performed for over 20 years, and yet substantial contamination remains on the site. In the long run, the site may be cleaned up faster and more efficiently if we take the time to properly evaluate cleanup options and make selections with a good chance of being effective. Thus, no change is made to the Tentative Order based on this comment.

**8) Comment:** Currently implemented remedial actions are not interim remedial actions.

**Response:** We changed the reference (to interim remedial actions) to “previous and ongoing remedial actions” under new Provision C.3.j.