



**Weber, Hayes & Associates**  
Hydrogeology and Environmental Engineering  
120 Westgate Dr., Watsonville, CA 95076  
(831) 722-3580 (831) 662-3100  
Fax: (831) 722-1159

COPY

RO-47

March 31, 2005

**Mr. James Yoo**  
Alameda County Public Works Agency  
Water Resources Section  
399 Elmhurst Street  
Hayward CA 94544-1395


**Subject: Drilling Permit Application for an ongoing fuel leak investigation  
19984 Meekland Avenue, Hayward**

Weber, Hayes and Associates has been contracted by the property owner (**Mr. Jerry Harbert**) and his attorney (**Mr. Jeff Lawson**) to complete an exploratory boring in accordance with our regulatory approved workplan, dated January 25, 2005<sup>1</sup>. The boring is being completed to obtain a representative samples of the second saturated zone to complete final vertical profiling of a historic fuel release(see attached map). The work is being coordinated with Mr. Bob Schultz of the Alameda County Environmental Health Agency (510.567-6719).

With your approval, we're hoping to complete this sampling on in two weeks, on Monday, April 18<sup>th</sup>. We plan on using a Cone Penetration Testing rig with hydropunch sampling.

Please call with any questions on my cell phone (831.254-7022) or office (831-722-3580).

WEBER, HAYES AND ASSOCIATES

By:   
Patrick Hoban  
Senior Geologist

attachments: Drilling Permit Application, Site & Location Maps,

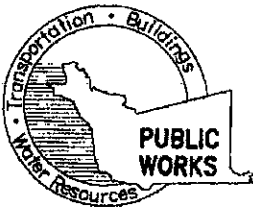
**cc: Jeff Lawson**  
Silicon Valley Law Group  
152 North Third Street, Suite 900  
San Jose, California 95112

**Robert Schultz**  
Alameda County Health Care Services Agency  
Environmental Health Services, Envir. Protection  
1131 Harbor Bay Parkway, Suite 250  
Alameda, California 94502-6577

**Jerry Harbert**  
46765 Mountain Cove Drive  
Indian Wells, California 92210

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<sup>1</sup>.Weber, Hayes and Associates report: *Workplan Addendum Including an Updated Site Conceptual Model*, dated January 27, 2005..



# ALAMEDA COUNTY PUBLIC WORKS AGENCY

## WATER RESOURCES SECTION

399 ELMHURST ST. HAYWARD CA. 94544-1395

PHONE (510) 670-6633 James Yoo

FAX (510) 782-1939

www.acfwcd.org

APPLICANTS: PLEASE ATTACH A SITE MAP FOR ALL DRILLING PERMIT APPLICATIONS  
DESTRUCTION OF WELLS OVER 45 FEET REQUIRES A SEPARATE PERMIT APPLICATION

### DRILLING PERMIT APPLICATION

#### FOR APPLICANT TO COMPLETE

#### FOR OFFICE USE

LOCATION OF PROJECT \_\_\_\_\_

\_\_\_\_\_ 19884 Meekland Avenue, Hayward \_\_\_\_\_

\_\_\_\_\_ (undeveloped property, no structures) \_\_\_\_\_

PERMIT NUMBER \_\_\_\_\_

WELL NUMBER \_\_\_\_\_

APN \_\_\_\_\_

CLIENT Jeff Lawson, Silicon Valley Law Group  
Name \_\_\_\_\_  
Address 25 Metro Drive, Suite 600 Phone: (408) 573-5700  
City San Jose, CA Zip: 95110

APPLICANT Weber, Hayes and Associates  
Name \_\_\_\_\_ (Pat Hoban) FAX#: (831) 722-1159  
Address 120 Westgate Drive Phone: 831. 722-3530  
City Watsonville, CA Zip: 95076

#### TYPE OF PROJECT

Well Construction  Geotechnical Investigation   
Cathodic Protection  General   
Water Supply  Contamination   
Monitoring  Well Destruction

#### PROPOSED WATER SUPPLY WELL USE

New Domestic  Replacement Domestic   
Municipal  Irrigation   
Industrial  Other \_\_\_\_\_

#### DRILLING METHOD:

Mud Rotary  Air Rotary  Auger   
Cable  Other  Cone Penetration

DRILLER'S NAME Gregg in Situ, Inc

DRILLER'S LICENSE NO. CA lic.# 656407

#### WELL PROJECTS

Drill Hole Diameter \_\_\_\_\_ in. Maximum \_\_\_\_\_  
Casing Diameter \_\_\_\_\_ in. Depth \_\_\_\_\_ ft.  
Surface Seal Depth \_\_\_\_\_ ft. Owner's Well Number \_\_\_\_\_

#### GEOTECHNICAL/CONTAMINATION PROJECTS

Number of Borings 1-2 Maximum \_\_\_\_\_  
Hole Diameter 2 in. Depth 90 ft.

STARTING DATE Monday, April 18, 2005

COMPLETION DATE Monday, April 18, 2005

#### PERMIT CONDITIONS

Circled Permit Requirements Apply

#### A. GENERAL

1. A permit application should be submitted so as to arrive at the ACPWA office five days prior to proposed starting date.
2. Submit to ACPWA within 60 days after completion of permitted original Department of Water Resources-Well Completion Report.
3. Permit is void if project not begun within 90 days of approval date

#### B. WATER SUPPLY WELLS

1. Minimum surface seal thickness is two inches of cement grout placed by tremie.
2. Minimum seal depth is 50 feet for municipal and Industrial wells or 20 feet for domestic and irrigation wells unless a lesser depth is specially approved.

#### C. GROUNDWATER MONITORING WELLS INCLUDING PIEZOMETERS

1. Minimum surface seal thickness is two inches of cement grout placed by tremie.
2. Minimum seal depth for monitoring wells is the maximum depth practicable or 20 feet.

#### D. GEOTECHNICAL/CONTAMINATION

Backfill bore hole by tremie with cement grout or cement grout/sand mixture. Upper two-three feet replaced in kind or with compacted cuttings.

#### E. CATHODIC

Fill hole anode zone with concrete placed by tremie.

#### F. WELL DESTRUCTION

Send a map of work site. A separate permit is required for wells deeper than 45 feet.

#### G. SPECIAL CONDITIONS

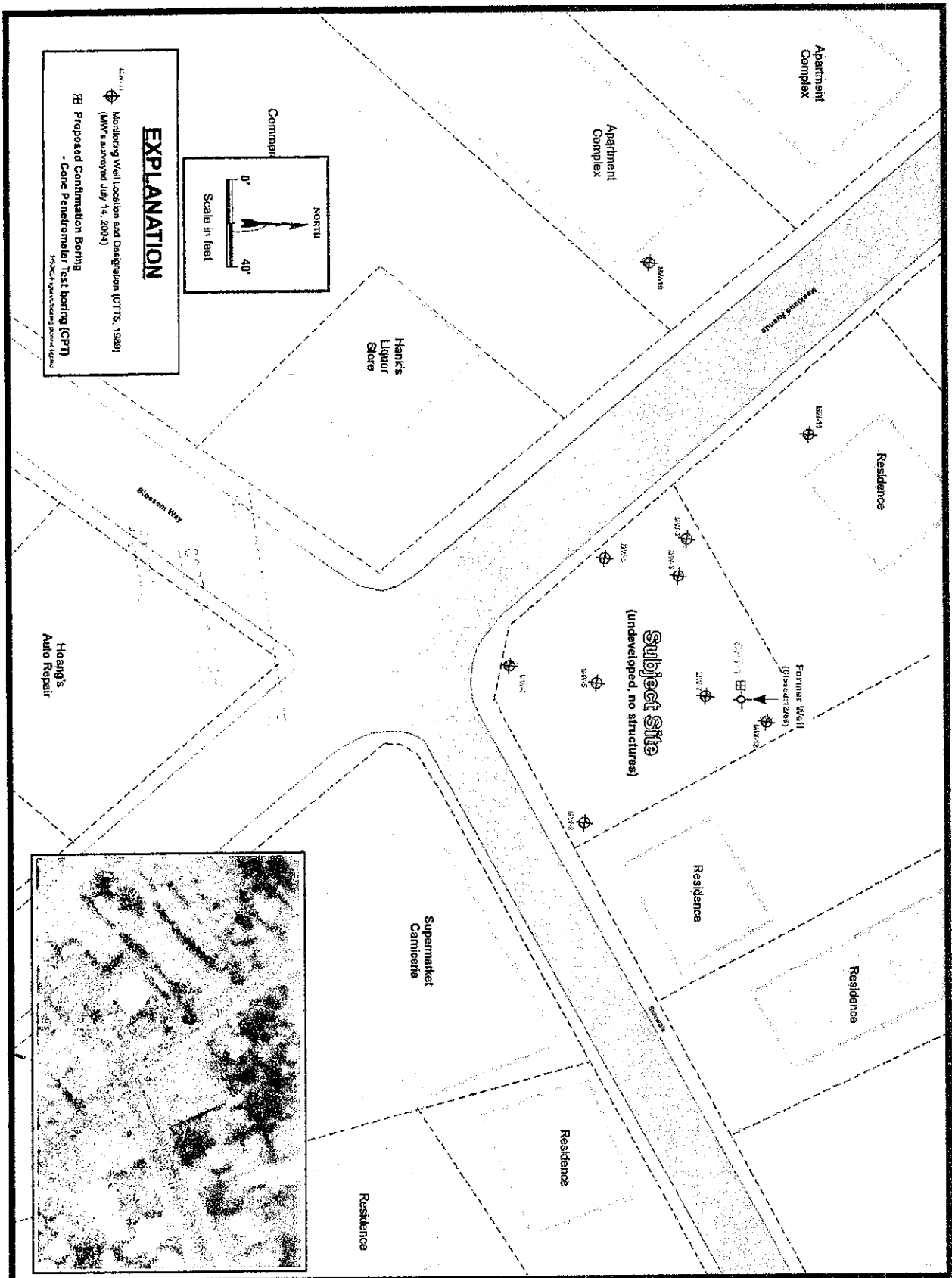
NOTE: One application must be submitted for each well or well destruction. Multiple borings on one application are acceptable for geotechnical and contamination investigations.

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_

I hereby agree to comply with all requirements of this permit and Alameda County Ordinance No. 73-68.

APPLICANT'S SIGNATURE Pat Hoban DATE 3/31/05

PLEASE PRINT NAME Pat Hoban Rev.5-11-04



**WA** Weber, Hayes & Associates  
 Hydrogeology and Environmental Engineering  
 120 Westgate Drive, Watsonville, Ca. 95076  
 (831) 722 - 3580 (831) 662 - 3100

**Exploratory Boring (confirmation CPT boring)**  
 Former Harbert Transportation Facility  
 19984 Meekland Avenue  
 Hayward, California

**FIGURE 2**  
 Job # H9042

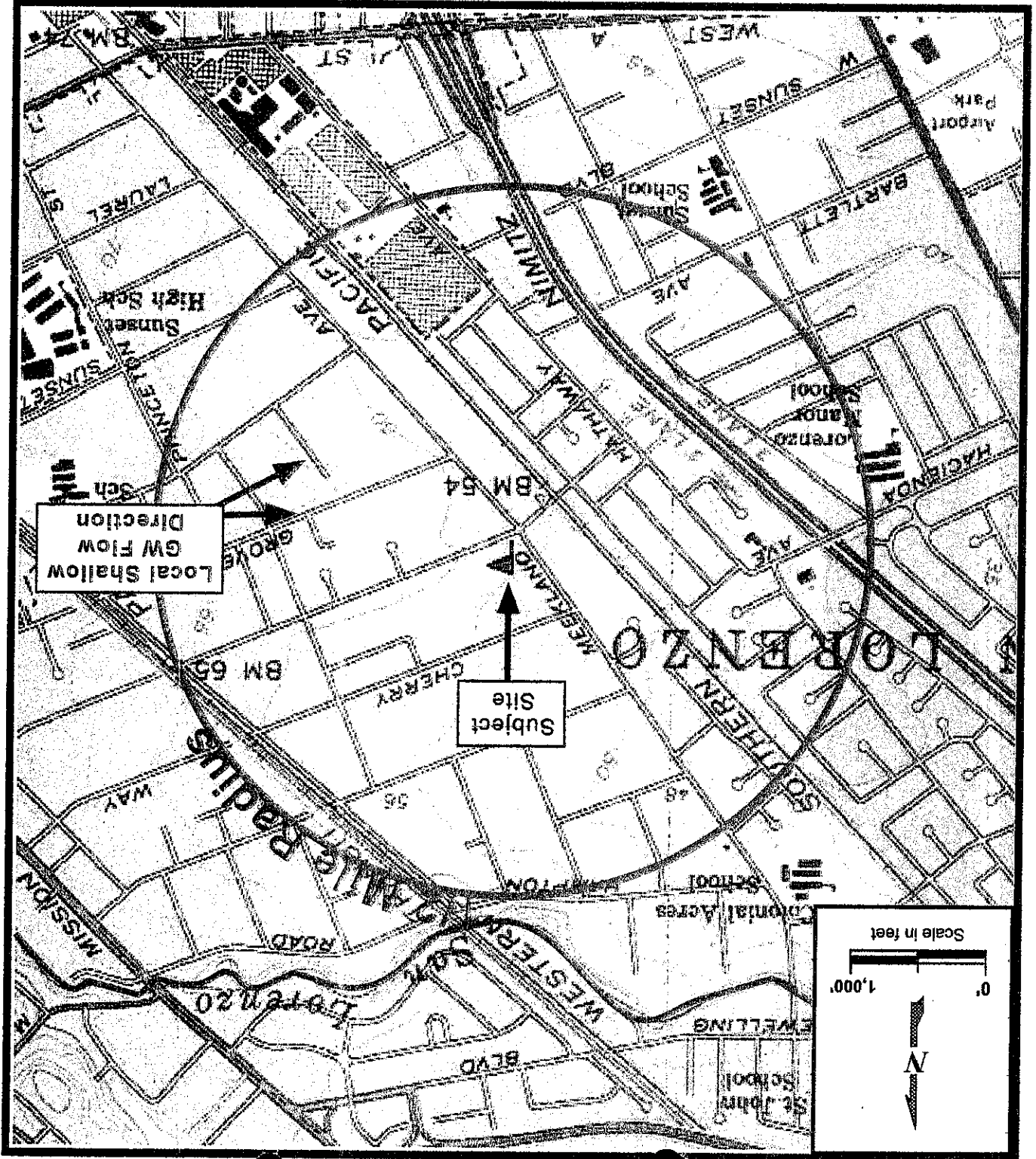


Weber, Hayes & Associates  
 Hydrogeology and Environmental Engineering  
 120 Westgate Drive, Watsonville, Ca. 95076  
 (831) 722 - 3580 (831) 662 - 3100

Location Map  
 Former Harbert Transportation Facility  
 1984 Meekland Avenue  
 Hayward, California

Figure 1  
 Job # H9042

jobh9042figur1-loc.cmv



## Schultz, Robert, Env. Health

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**From:** Schultz, Robert, Env. Health  
**Sent:** Wednesday, March 30, 2005 3:40 PM  
**To:** 'Pat Hoban'  
**Cc:** 'Lawson, Jeff'  
**Subject:** RE: ro-47 workplan approval

ACEH concurs with this workplan addendum.

\*\*\*\*\*

Robert W. Schultz, P.G.  
Hazardous Materials Specialist  
Alameda County Environmental Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502  
510-567-6719 (direct)  
510-337-9335 (facsimile)

-----Original Message-----

**From:** Pat Hoban [mailto:pat@weber-hayes.com]  
**Sent:** Wednesday, March 30, 2005 3:36 PM  
**To:** Schultz, Robert, Env. Health  
**Subject:** Re: ro-47 workplan approval

Hello Bob,

Gregg Drilling said they could get the discrete sample (piston-type, enclosed sampler) from depth. The chronology of field tasks would be:

1. CPT logging to the second water-bearing zone (Newark Aquifer, estimated to be first encountered at 70-85 feet bgs). seal and pull out.
2. move over 5 feet and get hydropunch at selected depth
3. go back in with the piston sampler and collect sample, seal and pull out.

I'll email startup as the day approaches (April 18th). All the best,

Pat Hoban  
Senior Geologist

Weber, Hayes & Associates  
120 Westgate Drive, Watsonville, CA 95076  
Phone: (831) 722-3580  
www.weber-hayes.com

----- Original Message -----

**From:** "Schultz, Robert, Env. Health" <robert.schultz@acgov.org>  
**To:** "Jeffrey S. Lawson (E-mail)" <jsl@svlg.com>; "Pat Hoban (E-mail)" <pat@weber-hayes.com>  
**Sent:** Wednesday, March 02, 2005 9:30 AM  
**Subject:** ro-47 workplan approval

Jeff and Pat:

Please find my response to your Workplan Addendum attached. I am emailing this to speed delivery - hard copy will follow in the mail. I suggest that we conference next week prior to initiating implementation.

Sincerely,  
Bob

\*\*\*\*\*

Robert W. Schultz, R.G.  
Hazardous Materials Specialist

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**

AGENCY  
DAVID J. KEARS, Agency Director



March 2, 2005

Jerry Harbert  
46765 Mountain Cove Dr.  
Indian Wells, CA 92210

Gregg Petersen  
Durham Transportation, Inc.  
9001 Mountain Ridge Dr., Ste. 200  
Austin, Texas 78759

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

Subject: Fuel Leak Case No. RO0000047, Durham Transportation, 19984 Meekland Avenue, Hayward, California – Workplan Approval

Dear Msrs. Harbert and Petersen:

Alameda County Environmental Health (ACEH) has reviewed your January 27, 2005 *Workplan Addendum* prepared by Weber, Hayes and Associates and the case file for the above-referenced site. We concur with your workplan provided the following conditions are met:

1. If deemed necessary by your geologist or engineer to fully define the vertical and lateral extent of contamination, additional soil or groundwater samples will be collected as part of the current investigation efforts. ACEH will be informed via telephone or email of any additions to the sampling and analysis plan. Any additional work will follow the workplan-specified procedures. Dynamic investigations are consistent with USEPA protocol for expedited site assessments, which are scientifically valid and offer a cost-effective approach to fully define a plume and to help progress a case toward closure.
2. No 1,2-DCA was detected during the September 23, 2004 monitoring well sampling event; however, because 1,2-DCA was previously detected in multiple wells with a maximum historical detected concentration of 125 ug/l, and because 1,2-DCA was detected in the former onsite deeper well, groundwater samples from CDP-1 need to be analyzed for 1,2-DCA.
3. 72-hr advance written notification (email preferred) will be provided to ACEH prior to field sampling activities.

Please implement the proposed investigation and submit technical reports following the schedule below. In addition, we request that you address the following technical comments in your report.

#### **TECHNICAL COMMENTS**

##### 1) Vertical Definition

Depending on the sampling results for deeper groundwater in proposed boring CDP-1, additional investigation of deeper groundwater may be necessary. Accordingly, we suggest that you consider expedited analysis of the groundwater sample from CDP-1, so that you might

complete any additional delineation as part of the current field mobilization. A dynamic approach is recommended by ACEH and is approved under Condition No. 1, above.

## 2) Lateral Definition

In your July 30, 2004, workplan, Weber, Hayes proposed additional downgradient sampling. ACEH had no comment to Weber, Hayes' proposal. In your January 27, 2005, *Workplan Addendum*, however, Weber, Hayes' retracts their previous proposal and argues that well MW-9 provides sufficient downgradient delineation of the groundwater plume. We agree that previously proposed borings CDP-2 and CDP-3 do not appear necessary; however, additional evaluation of the issues outlined below is required to progress your site towards closure.

### A. Relative Locations of Wells and former UST System

Figure 2 of your *Workplan Addendum* is significantly different from previous depictions of the site layout. Weber, Hayes states that the groundwater flow direction ranges from west-southwest to southwest. In previous maps, well MW-9 was downgradient of the former UST system; however, the site layout presented in Figure 2 of the *Workplan Addendum* suggests that no sampling has been performed downgradient of well MW-5 and the source area.

### B. Reliability of Existing Monitoring Points

Weber, Hayes' contention that well MW-9 is "a reasonable monitoring sentinel" requires that this well be 1) appropriately located downgradient of the source area, and 2) appropriately screened. Well MW-9 is screened from approximately 20 to 40 ft bgs. Though the boring log for this well indicates that the screen is entirely within clays, Weber, Hayes' cross-section suggests that well MW-9 may be screened across both a clayey silty sand (WHA lithologic unit #4) and a poorly graded sand (WHA lithologic unit #6). Both of these two lithologic units appear to be water-bearing. Please evaluate the screening of well MW-9 and other key wells in your monitoring network. In the report requested below, please further support your argument that no additional downgradient sampling should be required, or, if necessary, propose additional sampling prior to implementing your workplan.

### C. Historical Data

Weber, Hayes' evaluation fails to include all historical investigation data. Significantly, no consideration of the results for borings DP-1, DP-5 and DP-9 was provided. Weber, Hayes' *Additional Site Assessment and Groundwater Monitoring Report* dated June 18, 2001, reported 25,000 TPHg, 680 ug/l benzene, 160 ug/l toluene, 3,000 ug/l ethylbenzene, and 5,600 xylenes in boring DP-9 on February 14, 2001. While these results appear consistent with the results from MW-9 for that time period, we reiterate our December 2, 2004 request that you include all historical data in your site conceptual model and in your evaluation of the site.

## 3) Cross-Section A-A' and Site Map

Until a final evaluation of site lithology is presented to ACEH, we can not review the completeness of lateral definition. Weber, Hayes' cross-section A-A' (Figure 6 of the *Workplan Addendum*) does not include location or lithologic results for well MW-9 or boring DP-9. It appears that Figure 2 in your *Workplan Addendum* (which presents the cross-section trace) is significantly changed from the site map (and location of cross-section A-A') presented in your July 30, 2004 SCM; however, the cross-section itself is left unchanged. Please note that

23 CCR 2725(a) requires that you define the likely extent of contamination prior to case closure. We reiterate our May 13, 2004, request that you revise your maps of the site and correct the discrepancies between your figures.

#### 4) Concentration Trends Over Time

Weber, Hayes *Workplan Addendum* Figures 10 and 11 show that TPHg and benzene concentrations were decreased between approximately December 2000 and July 2003. Since mid-2003, both benzene and TPHg concentrations in well MW-5 have increased. It also appears that groundwater elevation at the site was generally higher between December 2000 and July 2003. From July 2003 to September 2004, water levels dropped approximately 2 ft in wells MW-5 and MW-9. Since benzene and TPHg concentrations in source area well MW-5 are currently at their highest levels in 2 years, additional evaluation is required. As discussed below, pre- and post-remediation data should not be mixed; time series plots of groundwater concentrations should include post-remedial concentrations only. We request that you evaluate the potential for groundwater concentrations to continue to rise as water levels drop. Please submit your analysis in the report requested below.

#### 5) Case Closure Criteria

In order for ACEH to close your case, we require that you demonstrate 1) the site does not pose a significant risk to human health and the environment and 2) water quality objectives will be achieved within a reasonable time frame. Your evaluation of onsite risk to human health needs to consider a) any soil results for areas not excavated from the site or otherwise remediated, and b) all post-remediation groundwater. To facilitate review, we reiterate our December 2, 2004 request that you submit summary soil and groundwater tables. Also, pre-remediation and post-remediation data should be separated. We suggest that your analysis of time required to achieve water quality objectives be supported by sufficient data to estimate residual petroleum hydrocarbon mass with reasonable certainty, and that you adequately support any contention of what a reasonable time frame would be for your site. Please submit your revised tables in the report requested below.

### REPORT REQUEST

Please submit your *Soil and Water Investigation Report*, which addresses the comments above by **June 1, 2005**. ACEH makes this request pursuant to California Health & Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2778 outline the responsibilities of a responsible party for an unauthorized release from an UST system, and require your compliance with this request.

#### Professional Certification and Conclusions/Recommendations

The California Business and Professions Code (Sections 6735 and 7835.1) requires that workplans 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.



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.

**UNDERGROUND STORAGE TANK CLEANUP FUND**

Please note that delays in investigation, late reports or enforcement actions by ACEH may result in you becoming ineligible to receive cleanup cost reimbursement from the state's Underground Storage Tank Cleanup Fund (senate Bill 2004).

**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 County District Attorney or other appropriate agency, for enforcement. California Health and Safety Code, Section 25299.76 authorizes ACEH enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Please call me at (510) 567-6719 with any questions regarding this case.

Sincerely,



Robert W. Schultz, P.G.  
Hazardous Materials Specialist

cc: Jeff Lawson, Silicon Valley Law Group, 25 Metro Dr., Ste. 600, San Jose, CA 95110  
Pat Hoban, Weber, Hayes and Associates, 120 Westgate Dr., Watsonville, CA 95076  
Donna Drogos, ACEH  
Robert Schultz, ACEH

SILICON VALLEY LAW GROUP

A LAW CORPORATION

Jeffrey S. Lawson

[jsl@svlg.com](mailto:jsl@svlg.com)

February 7, 2005

Via Facsimile & U.S. Mail

Bob Schultz  
Hazardous Materials Specialist  
Alameda County Environmental Health Services  
1131 Harbor Bay Parkway  
Alameda CA 94502-6577

Re: *Workplan Addendum*  
19984 Meekland Avenue, Hayward  
Alameda County Fuel Leak Case No.: R00000047

Alameda County  
Environmental Health  
FEB 09 2005

Dear Mr. Schultz:

As the authorized representative for Jerry Harbert, I declare under penalty of perjury that the information and/or recommendations contained in the January 27, 2005 Weber, Hayes & Associates' *Workplan Addendum* for the former Durham Transportation facility at 19984 Meekland Avenue, Hayward, CA are to the best of my knowledge true and correct.

Your prompt attention to this matter is requested.

Very truly yours,  
Silicon Valley Law Group

  
JEFFREY S. LAWSON

JSL/lt

Cc: Jerry Harbert  
Mike Nottle

120-47

**Schultz, Robert, Env. Health**

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**From:** Pat Hoban [pat@weber-hayes.com]  
**Sent:** Monday, January 31, 2005 10:23 AM  
**To:** Schultz, Robert, Env. Health  
**Cc:** (SVLG) Jeff Lawson  
**Subject:** Re: 19984 Meekland Avenue, Hayward (Workplan ADDENDUM with SCM)

Good morning Bob,

Thank you for your willingness to move the workplan to the top of your pile as best as you can - it is supposed to arrive by Fed-Ex this morning. As requested, Jeff, as the legally authorized representative of the responsible party, will forward a cover letter that states:

- I declare under penalty of perjury, that the information and/or recommendations contained in the attached report is true and correct to the best of my knowledge.

All the best,

Pat Hoban  
Senior Geologist

Weber, Hayes & Associates  
120 Westgate Drive, Watsonville, CA 95076  
Phone: (831) 722-3580  
[www.weber-hayes.com](http://www.weber-hayes.com)

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----- Original Message -----

**From:** "Schultz, Robert, Env. Health" <robert.schultz@acgov.org>  
**To:** "Pat Hoban" <pat@weber-hayes.com>; "Lawson, Jeff" <jsl@svlg.com>  
**Cc:** "WHA-Joe Hayes" <joe@weber-hayes.com>  
**Sent:** Monday, January 31, 2005 7:56 AM  
**Subject:** RE: 19984 Meekland Avenue, Hayward (Workplan ADDENDUM with SCM)

> Pat:

> You explained to me that your client has cancer and you would like to  
> progress wwith the case as quickly as possible. I will do my best to move  
> this case to the top of my pile and start review as soon as the hard copy  
> arrives. Please note that Donna has requested that we require a perjury  
> statement accompanying each submittal. Did you include this with your  
> report? I couldn't find it in the electronic version. Instructions for the  
> statement are included on the last page of my letter. I will proceed with  
> review and if necessary will add the perjury statement to the file later -  
> please send it as soon as possible.  
> Sincerely,  
> Bob

1/31/2005

~~2448~~  
R0-47

**Schultz, Robert, Env. Health**

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**To:** Lawson, Jeff; Pat Hoban (E-mail)  
**Cc:** Tornquist, Lisa  
**Subject:** RE: meekland extension request

Jeff:  
Your request for extension is reasonable and is approved by this office. ACEH requests that you submit the subject report by 1/27/05.  
Sincerely,  
Bob

\*\*\*\*\*

Robert W. Schultz, R.G.  
Hazardous Materials Specialist  
Alameda County Environmental Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502  
510-567-6719 (direct)  
510-337-9335 (facsimile)

-----Original Message-----

**From:** Lawson, Jeff [mailto:jsl@svlg.com]  
**Sent:** Thursday, January 20, 2005 9:40 AM  
**To:** Schultz, Robert, Env. Health; Pat Hoban (E-mail)  
**Cc:** Tornquist, Lisa  
**Subject:** RE: meekland extension request

Bob,  
Please consider this a formal request as attorney for the Responsible Party for a one week extension of the deadline to submit the Work plan Addendum with a new deadline of 27 January 2005.  
Thx

Jeff Lawson

---

**From:** Schultz, Robert, Env. Health [mailto:robert.schultz@acgov.org]  
**Sent:** Thursday, January 20, 2005 8:25 AM  
**To:** Pat Hoban (E-mail)  
**Cc:** Lawson, Jeff  
**Subject:** meekland extension request

Hi Pat:  
Your request seems reasonable; however, ACEH caseworkers are no longer allowed to approve extension requests from consultants (unless you have power of attorney). The request needs to come from the RP. Alternatively, if Jeff is the RP's legal rep., the extension request can come from him. No need for rewrite or further justification, just a chain-of-command thing.  
Sincerely,  
Bob

\*\*\*\*\*

Robert W. Schultz, R.G.  
Hazardous Materials Specialist  
Alameda County Environmental Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502  
510-567-6719 (direct)  
510-337-9335 (facsimile)

-----Original Message-----

**From:**  
**Sent:** None  
**Subject:**



**Weber, Hayes & Associates**  
Hydrogeology and Environmental Engineering  
120 Westgate Drive, Watsonville, Ca. 95076  
(831) 722 - 3580 (831) 662 - 3100

Site: Harbert Transportation - 19984 Meekland Avenue, Hayward (Fuel Leak Case RO000047)

Hello Bob:

I am wrapping up the **Workplan ADDENDUM with SCM** which is due today. As requested, I've refined the SCM with new data from the well survey (over 250 DWR Logs reviewed), adjusted the proposed cleanup levels to reflect conservative cleanup goals, and incorporated the soil and groundwater workplan into the same document. The submittal is a complete makeover and addresses each of the point you made in the December 2nd directive. FYI, I've ATTACHED some of the revised figures.

The revisions were fairly substantial and I didn't set aside enough time to complete the review process (in house review and as well as our client's attorney). I'm requesting a 1 week extension for this review (January 27th).

Thank you for your patience.

Sincerely,

Pat Hoban  
Senior Geologist  
Weber, Hayes and Associates  
120 Westgate Drive, Watsonville, CA 95076

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



December 2, 2004

Jerry Harbert  
46765 Mountain Cove Dr.  
Indian Wells, CA 92210

Gregg Petersen  
Durham Transportation, Inc.  
9001 Mountain Ridge Dr., Ste. 200  
Austin, Texas 78759

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

Subject: Fuel Leak Case No. RO0000047, Durham Transportation, 19984 Meekland Avenue, Hayward, California – Request for Workplan Modification

Dear Mr. Harbert:

Alameda County Environmental Health (ACEH) has reviewed the July 30, 2004 *Soil and Groundwater Investigation Workplan* prepared by Weber, Hayes and Associates and the case file for the above-referenced site. Three documents were submitted in response to ACEH's May 13, 2004 directive: July 30, 2004 *Revised Site Conceptual Model*; October 14, 2004 *Semi-Annual Groundwater Monitoring Report*; and the workplan referenced above. ACEH made four requests in our May 13, 2004 letter:

- An updated Site Conceptual Model (SCM);
- A workplan for additional soil and groundwater investigation;
- Revised cleanup levels; and
- Ongoing semi-annual groundwater monitoring.

To date, the site conceptual model has not been suitably revised and your workplan does not adequately address the concerns identified in our May 13, 2004 letter. We reiterate our request that you update your site conceptual model, and we request that you revise your workplan to address the following comments. Please submit the requested addendum following the schedule below.

#### TECHNICAL COMMENTS

##### 1) Assessment of Deeper Water-Bearing Zone

We reiterate our May 13, 2004, request that you refine your understanding of the regional and site hydrogeology. We concur with Weber, Hayes' proposal to evaluate the potential impact to deeper groundwater by drilling and sampling boring CDP-1 adjacent to the former production well location; however, no depth range for sampling was proposed. Prior to approving your sampling plan, ACEH requires additional information. Using the information from the well survey (see Comment 2, below), we request that you determine likely depths and thicknesses of the Newark Aquifer (Shallow Aquifer and main portion), the Newark Aquitard and other lithologic units beneath the site. Weber, Hayes states that the Newark Aquifer is most likely the primary production zone for most of the area's private irrigation and domestic wells. Please i) determine

the likely depth of the Newark Aquifer beneath the site, ii) evaluate the likelihood of the former onsite production well being screened within the Newark Aquifer, and iii) report your findings in the workplan addendum requested below.

## 2) Well Survey

We reiterate our May 13, 2004, request that you review all driller's logs available from the DWR and ACPWA for wells within 1/2 mile of the site. Tasks 2 and 3 in Weber, Hayes' July 30, 2004 workplan are acceptable as proposed to meet our request. As stated in our May 13, 2004 letter, your well survey will provide additional lithologic data which needs to be incorporated in your cross-sections and will provide the basis for your sampling plan. Accordingly, this task needs to be complete prior to proposing additional site investigation. Please note that ACEH requires that you provide location addresses and copies of DWR driller's reports for all wells identified in your survey. Please perform the requested well survey, update your SCM as necessary, and report your findings in the workplan addendum requested below.

## 3) Site Map

We reiterate our May 13, 2004, request that you prepare a revised map of the site and downgradient area. Toward this request, Task 4 in Weber, Hayes' July 30, 2004 workplan is acceptable as proposed; however, additional work is necessary to fully respond to our request. In addition to surveying monitoring well locations, our May 13, 2004, letter requested that you map additional structures in the site vicinity. Your revised map needs to include former fuel island and UST piping locations, offsite buildings, and other structures to help clearly identify the physical location of your plume and its potential impacts. In meeting this requirement, we suggest that you accordingly revise Figure 2 in both Weber, Hayes' workplan and SCM, provided that this figure is to scale and that additional area north and west of the subject site is shown. Please prepare the revised site map, update your SCM as necessary, and report your findings in the workplan addendum requested below.

## 4) Cleanup Levels

The site USTs were removed in 1989, and approximately 594 cubic yards of contaminated soil were removed from the site in 2002. The source has been substantially removed and residual soil concentrations are below the RWQCB-SFBR ESLs. However, site groundwater was most recently sampled on September 23, 2004, and the highest detected concentrations for the event were 7,000 ug/L TPHg, 470 ug/L benzene, 86 ug/L toluene, 1,000 ug/L ethylbenzene, and 2,200 ug/L xylenes, detected in onsite monitoring well MW-5. The 2002 soil excavation appears to have had minimal, if any, impact on dissolved petroleum hydrocarbon concentration trends. Groundwater hydrocarbon concentrations have generally remained stable over the past 3 years. Weber, Hayes stated in their July 2, 2003 *Groundwater Monitoring Report* that dissolved oxygen concentrations measured in site monitoring wells suggest that aerobic biodegradation of petroleum hydrocarbons is occurring at the site; however, no evaluation of the degradation rate or the contaminant mass remaining has been performed.

Weber, Hayes proposes modified cleanup levels for groundwater as part of their July 30, 2004 Revised SCM. California DHS drinking water Maximum Contaminant Levels (MCLs) multiplied by a dilution attenuation factor (DAF) of 10 was suggested as a preliminary level for onsite groundwater. Based on the investigation data submitted to date, no onsite or offsite water wells have been or are likely to be impacted by the release. Accordingly, ACEH concurs that a DAF of 10 would likely be protective of potential receptors. However, we question Weber, Hayes' selection of drinking water screening levels, as they do not consistently select the most

conservative levels, and their rationale supporting selection of the various screening levels is not clear.

For example, Weber, Hayes proposes an ethylbenzene level of 7,000 ug/L presumably based on the historical ethylbenzene MCL. In September 2003, DHS revised the ethylbenzene MCL downward to 300 ug/L (22 CCR section 64431), and the RWQCB-SFBR ESLs specify an action level of 30 ug/L based on the USEPA secondary MCL. Further, Weber, Hayes' proposed cleanup goals for TPHg, toluene and xylenes are not based on the most conservative screening levels as summarized in the RWQCB-SFBR ESLs. Weber, Hayes' provides no justification to support their selection. Accordingly, ACEH cannot concur with the proposed cleanup levels for ethylbenzene, toluene, xylenes and TPHg. ACEH finds the proposed onsite groundwater levels of 10 ug/L benzene and 50 ug/L MTBE to be based on the most conservative drinking water standards, and protective of human health and the environment with respect to other potential exposure pathways; and therefore acceptable as preliminary levels for active site remediation.

In reconsidering your proposed cleanup levels, please note that the June 1999 *East Bay Plain Groundwater Basin Beneficial Use Evaluation Report* by the RWQCB-SFBR identifies the site's groundwater basin as having both potential and existing beneficial use for municipal water supply. Further, the July 1995 *San Francisco Bay Basin Water Quality Control Plan* (the Basin Plan) indicates that water quality objectives for this area need to be protective of municipal supply. The Basin Plan refers to the RWQCB-CVR report *A Compilation of Water Quality Goals* (most recent version dated August 2003) as a potential source of current water quality numerical objectives; these same figures can be found in the RWQCB-ESLs, Tables F-1a, F-3 and I-1. We request that you propose revised cleanup levels for groundwater that are protective of all current and foreseeable future potential receptors likely to be affected by your groundwater plume. In addition, we request that you identify the applicable cleanup goals (i.e. water quality objectives) for your site.

Please note that SWRCB Resolution No. 92-49 specifies compliance with cleanup goals and objectives within a reasonable time frame. Therefore, according to the SWRCB, even if the requisite level of water quality has not yet been attained, a site may be closed if the level will be attained within a reasonable period. Active remediation to reduce onsite groundwater concentrations to Basin Plan water quality objectives, or even to within an order of magnitude of these objectives, may not be technically or economically feasible. Accordingly, we recommend that you evaluate i) the historic and likely future rates of biodegradation, ii) the likely time period required for intrinsic bioremediation of the site to achieve cleanup goals, and iii) the reasonableness of the anticipated time frame in the context of existing basin and potential future onsite groundwater use. Provided that Basin Plan water quality objectives will be achieved within a reasonable time period, and that the site otherwise qualifies as a low risk groundwater case, ACEH will consider your case for closure. Please present your modified cleanup levels, including rationale supporting your selection, and state the applicable cleanup goals (i.e., water quality objectives) in the workplan addendum requested below.

##### 5) Chemical Analyses

In the Revised SCM, Weber, Hayes states that the previous detection of 2,100 ug/L lead in site groundwater may have been the result of improper sample collection methods; however, no data is presented to substantiate this claim. Please revise your sampling plan to include total lead, in the workplan addendum requested below. Also, we recommend that you evaluate intrinsic biodegradation that may be occurring at your site. Accordingly, as part of future groundwater monitoring events, please collect and analyze groundwater samples from both



within and surrounding the contaminant plume for bioparameters, including: DO, ORP, methane, nitrate, sulfate, and dissolved ferrous iron.

#### 6) Site Conceptual Model

We request that you update your site conceptual model to incorporate the results of additional work performed pursuant to comments 1 through 4 above. In addition, Weber, Hayes' July 30, 2004, *Revised SCM* needs to be further revised to include the following:

- A. Summary tables of chemical concentrations in each historically sampled media (including soil, groundwater and soil vapor). Tables need to include all historical data (soil and groundwater since 1986) for the site.
- B. Evaluation of the likely time period required for the site to meet water quality objectives. Your evaluation needs to be based on historical trends, intrinsic bioremediation, and contaminant mass remaining in soil and groundwater. This data is requested to support the statements regarding natural attenuation made by Weber, Hayes in their August 22, 2003, closure request and in their March 27, 2003, letter regarding revised site specific cleanup goals.
- C. Current status of assessment of risk to human health and the environment posed by residual contamination at the site. Please submit a copy of the April 18, 2003 RWQCB email referenced in the Revised SCM, and please reference the appropriate current documents.

#### 7) Investigation Report

In addition to the report elements proposed by Weber, Hayes, ACEH requests that your final investigation report include the supporting documentation listed below.

- A. Updated local and regional maps showing location of sources, extent of soil and groundwater contamination for appropriate depth intervals.
- B. Updated geologic cross-sections (parallel and perpendicular to the contaminant plume axis).
- C. Identification and listing of any data gaps that require further investigation during subsequent phases of work.
- D. If necessary, proposed activities to investigate and fill data gaps identified above.

### **TECHNICAL REPORT REQUESTS**

Please submit reports to ACEH according to the following schedule:

- January 20, 2005 – Workplan Addendum with SCM (please submit a combined single document)
- 90 days after Workplan Approval – Soil and Water Investigation Report
- March 31, 2005 – First Semi-Annual Monitoring Report
- September 30, 2005 - Second Semi-Annual Monitoring Report

ACEH makes this request pursuant to California Health & Safety Code Section 25296.10. CCR Title 23 Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a

responsible party in response to a reportable unauthorized release from a petroleum UST system, and require your compliance with this request.

Perjury Statement

All workplans and technical reports submitted to ACEH must be accompanied by a cover letter from the responsible party that states the following: "I declare under penalty of perjury, that the information and/or recommendations contained in the attached proposal 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.

Professional Certification

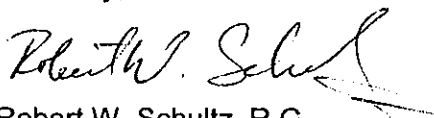
The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that workplans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. Please note that 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. Work at your site is required to be designed, interpreted, and overseen by the appropriately registered professional.

**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 County District Attorney or other appropriate agency, for enforcement. California Health and Safety Code, Section 25299.76 authorizes ACEH enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Please call me at (510) 567-6719 with any questions regarding this case.

Sincerely,



Robert W. Schultz, R.G.  
Hazardous Materials Specialist

cc: Jeff Lawson, Silicon Valley Law Group, 25 Metro Dr., Ste. 600, San Jose, CA 95110  
Pat Hoban, Weber, Hayes and Associates, 120 Westgate Dr., Watsonville, CA 95076  
Mee Ling Tung, ACEH  
Donna Drogos, ACEH  
Robert Schultz, ACEH

R047

**Drogos, Donna, Env. Health**

**From:** Lawson, Jeff [jls@svlg.com]  
**Sent:** Thursday, July 15, 2004 5:16 PM  
**To:** ddrogos@co.alameda.ca.us  
**Cc:** Aaron Bierman; joe@weber-hayes.com; pat@weber-hayes.com; Craig Drizin  
**Subject:** 19984 Meekland Avenue

Donna,

This email is to follow-up to your conversation with Aaron Bierman of Weber Hayes regarding the 19984 Meekland Avenue property. We appreciate your cooperation with Weber Hayes in extending the due date for the Site Conceptual Model (SCM) and Soil and Groundwater Investigation Workplan (S&GIW) to July 30, 2004. That is certainly agreeable to my client. We will calendar the new due date. Thanks.

Jeffrey S. Lawson  
Silicon Valley Law Group  
25 Metro Drive, Suite 600  
San Jose, CA 95110  
408-573-5700  
(Fax) 408-573-5701  
jls@svlg.com  
www.svlg.com

The information contained in this electronic message and any attached documents are confidential, and may be an attorney-client communication. As such, it may be subject to the attorney-client or work product privileges. If you are not the intended recipient, note that any review, disclosure, copying, distribution, or use of the contents of this electronic message or any attached documents is prohibited. If you have received this communication in error, please destroy it and notify the sender immediately by telephone (408.573.5700) or electronic mail. Thank you.

7/15/2004



**Weber, Hayes & Associates**  
Hydrogeology and Environmental Engineering  
120 Westgate Dr., Watsonville, CA 95076  
(831) 722-3580 (831) 662-3100  
Fax: (831) 722-1159

RO 47  
June 4, 2004  
Project H9042

Alameda County  
JUN 10 2004  
Environmental Health

Mr. Scott Seery  
Alameda County Environmental Health Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, California 94502 - 6577

Subject: 19984 Meekland Avenue, Hayward  
RO0000047  
**Well Completion Report Release Agreement**

Dear Mr. Seery:

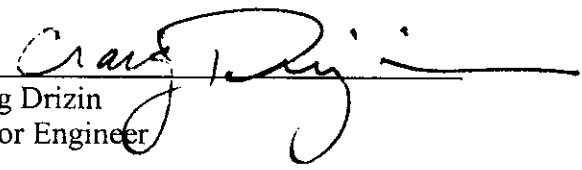
Per Alameda County Environmental Health Services' letter dated May 13, 2004, and subsequent telephone conversations between Environmental Health staff and Weber, Hayes, and Associates, we have enclosed a *Well Completion Report Release Agreement* for signature to allow further investigation of wells near the subject fuel release site.

Please sign the *Well Completion Report Release Agreement* and return to us in the enclosed envelope.

Thank you for your attention to this matter. If you have any questions regarding this request, or any aspect of this project, please call me at (831) 722 - 3580.

Sincerely yours,

Weber, Hayes, and Associates

By:   
Craig Drizin  
Senior Engineer

## DEPARTMENT OF WATER RESOURCES

CENTRAL DISTRICT  
3251 S Street  
Sacramento, CA 95816  
(916) 227-7632  
(916) 227-7600(Fax)

NORTHERN DISTRICT  
2440 Main Street  
Red Bluff, CA 96080  
(530) 529-7300  
(530) 529-7322 (Fax)

SAN JOAQUIN DISTRICT  
3374 East Shields Avenue  
Fresno, CA 93726  
(559) 230-3300  
(559) 230-3301 (Fax)

SOUTHERN DISTRICT  
770 Fairmont Avenue  
Glendale, CA 91203  
(818) 543-4600  
(818) 543-4604 (Fax)

**WELL COMPLETION REPORT RELEASE AGREEMENT-AGENCY**  
(Government and Regulatory Agencies and their Authorized Agents)

Project/Contract No. 19984 MEEKLAND AVE / ALAMEDA County  
HAYWARD

Township, Range, and Section T.3S, R.2W, SECTION 17 1/2-mile Radius

(Must include entire study area and a map that shows the area of interest.)

Under California Water Code Section 13752, the agency named below requests permission from Department of Water Resources to inspect or copy, or for our authorized agent named below to inspect or copy, Well Completion Reports filed pursuant to Section 13751 to (check one):

Make a study, or,

Perform an environmental cleanup study associated with an unauthorized release of a contaminant within a distance of 2 miles.

In accordance with Section 13752, information obtained from these reports shall be kept confidential and shall not be disseminated, published, or made available for inspection by the public without written authorization from the owner(s) of the well(s). The information shall be used only for the purpose of conducting the study. Copies obtained shall be stamped **CONFIDENTIAL** and shall be kept in a restricted file accessible only to agency staff or the authorized agent.

WEBER, HAYES AND ASSOCIATES  
Authorized Agent

120 WESTGATE DRIVE  
Address

WATSONVILLE, CA 95076  
City, State, and Zip Code

Signature Craig Drizin  
CRAIG DRIZIN  
Title SENIOR ENGINEER

Telephone (931) 722-3500

Fax (931) 722-1159

Date 6.4.04

E-mail craig@weber-hayes.com

ALAMEDA COUNTY ENV. HEALTH  
Government or Regulatory Agency

1131 HARBOR BAY PARKWAY, SUITE 250  
Address

ALAMEDA, CA, 94502-6577  
City, State, and Zip Code

Signature Scott Seery  
Title Sr. Hazardous Materials Specialist

Telephone (510) 587-6783

Fax (510) 337-9335

Date 6-17-04

E-mail scott.seery@acgov.org

6 June 2001

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

RO0000047

May 13, 2004

Jerry Harbert  
46765 Mountain Cove Drive  
Indian Wells, CA 92210

Gregg Petersen  
Durham Transportation, Inc.  
9001 Mountain Ridge Drive, Ste. 200  
Austin, TX 78759

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

**RE: SWI, SCM and Case Closure Request for Durham Transportation, 19984 Meekland Avenue, Alameda County**

Dear Messrs. Harbert and Petersen:

This letter follows a review of the fuel leak case file for the above referenced site, up to and including the August 22, 2003 Weber, Hayes & Associates (WHA) report entitled "*Fuel Leak Case Closure Request*", with incorporated Site Conceptual Model (SCM), well/conduit study, and 2<sup>nd</sup> quarter 2003 well sampling results. Case review also included review of site cleanup goals for both soil and groundwater as presented in the March 27, 2003 WHA report entitled "*Proposed Site Specific Cleanup Goals – Revised*".

Your request for case closure is denied at this time. Additional information is needed before case closure may again be considered. This letter presents a request to revise the SCM and site cleanup goals, submit a Soil and Water Investigation (SWI) work plan, and submit additional technical information. These requests are in accordance with provisions of the California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Article 11, "Corrective Action Requirements"; State Water Resources Control Board Resolution 9249, "Policies and Procedure for Investigation, Cleanup and Abatement of Discharges Under Water Code Section 13304"; and the Regional Water Quality Control Board (Regional Board) Water Quality Control Plan for the basin.

The following technical comments address investigation and related performance objectives that shall be considered as part of the required SWI and revised SCM. **We request that you prepare and submit an SWI work plan, and affiliated documents, by July 13, 2004.**

#### TECHNICAL COMMENTS

##### 1. Site Conceptual Model

Starting with a critical review of the conduit study and data from previous investigations for this site, you are to continue development of a comprehensive three-dimensional SCM of site conditions. An SCM is a set of working hypotheses pertaining to all aspects of the contaminant release, including site geology, hydrogeology, release history, residual and dissolved contamination, attenuation mechanisms, pathways to nearby receptors, and likely impacts to receptors. The SCM is used to identify data gaps that are subsequently filled as the investigation proceeds. As the data gaps are filled, the working

hypotheses are modified, and the overall SCM is refined and strengthened. Subsurface investigations continue until the SCM no longer changes as new data are collected. At this point the SCM is considered "validated". The validated SCM forms the foundation for developing the most cost-effective final Corrective Action Plan (CAP).

We have identified, based on review of existing data and the current SCM, what we see as key areas where the SCM should be refined. We have described in this letter several tasks we believe will provide useful new data in pursuit of refinement of the SCM.

The current SCM states that shallow groundwater near the site is not a drinking water source and there are no nearby horizontal or vertical conduits that could serve as paths for petroleum hydrocarbons to reach deeper groundwater. According to the San Francisco Regional Water Quality Control Board's (RWQCB) *Basin Plan*, however, groundwater encountered in this area of the East Bay Plain is considered a potential drinking water source. Based on well permits filed with the Alameda County Public Works Agency (ACPWA), approximately 50 irrigation and/or domestic wells are known to be located within a ½ mile radius of the site. Of those, approximately 46 are completed to depths of 100' or less, and approximately 15 of these are completed to depths of 65' or less. Many of these wells are located <1000 feet of the site. We understand that completion logs for these permitted wells have not been reviewed. The presence of *unpermitted* wells within a ½ mile radius of the site is unknown.

Logs for permitted wells within this ½ mile radius should be acquired and reviewed to determine screen intervals and gain a better understanding of the regional geology. Based on the number of permitted wells identified in this area, it appears prudent as well to perform a neighborhood search for *unpermitted* wells. If discovered, unpermitted well locations are to be mapped. Once well construction for all wells is determined and incorporated into the interpretation of regional geology, a series of regional cross sections should be prepared. In addition, use histories and pumping rates are to be determined for, at a minimum, both permitted and unpermitted production wells located within 1000' of the subject site. Mass transport rates from source to these wells should be determined.

The current set of cross sections for this project, initially presented in the December 27, 2002 WHA report entitled "*Proposed Site-Specific Clean-up Goals, Groundwater Monitoring Report – Third Quarter 2002*", should be incorporated into the revised SCM. However, we request that boring logs depicted on this series of cross sections be reviewed again to ensure sections accurately reflect lithologies and total depths identified in the noted logs. Our review identified some possible errors in lithologies and total depths for select borings (e.g., DP-2) appearing in the sections. Further, interpretations of the lateral continuity of logged lithologies, particularly in section A -- A', is far too speculative and should be revised to reflect more uncertainty where distances between logged borings are great (e.g., DP-1 to MW-10).

We also request that areas of the site that were subjected to remedial soil excavation activities be appropriately depicted on the cross sections where section lines bisect these areas. An additional cross section should also be drawn to include wells MW-3, MW-5, MW-6, MW-11, and other suitable borings along that general trend, which may include off-site private wells (e.g., 3S/2W 17C2) and any additional borings along that trend completed as a component of the pending SWI.

A large format (e.g., 2 x 3') regional map of the site and surrounding area should also be provided at a scale suitable for clearly showing salient features of the site and adjoining properties, such as buildings and other structures, streets, sidewalks, project monitoring wells and borings, and private wells

(production, test, irrigation, and monitoring wells, whether active, destroyed, or abandoned, as appropriate). This map should be provided with the updated SCM. Please be certain that the locations of all salient features (i.e., wells, borings, structures) are correctly located on this and all other produced maps. Well and boring locations are to be based on survey plats. This is mentioned due to well location discrepancies noted between maps produced at various times (e.g., MW-9 location depicted on Fig. 2 of 2/14/01 and 6/24/03 WHA reports).

In addition, we have been informed that planned redevelopment of the subject site will be residential. Please provide a copy of the development plan that shows the locations of planned structures and type of construction, if available at this time.

**The SCM should be revised to reflect the issues presented, above.**

You are requested to use the revised SCM to help you determine the appropriate locations and configuration for samplings points in the pending SWI phase of work at this site. Please discuss in the SWI work plan your analysis and interpretation of the revised SCM, and explain your rationale for the configuration of proposed sampling points.

Your attention is directed to API Publication No. 4699 as a resource for development of the SCM. Your attention is also directed to the State Water Resources Control Board (SWRCB) "*Guidelines for Investigation and Cleanup of MTBE and Other Ether-Based Oxygenates, Final Draft*", dated March 27, 2000, to help in development and strategies for refinement of the SCM, among other related tasks.

## 2. Contaminant Plume Definition – Soil and Groundwater Investigation

The purpose of this SWI is to determine the *three-dimensional* extent of contamination in soil and groundwater, local geology and hydrogeology, and a demarcation of potential geogenic preferential flow pathways. We request that a suitable number of multilevel sampling points be completed to determine petroleum hydrocarbon impacts to deeper zones of the local water bearing zone(s), and to tie together lithologies identified in logs of production wells in proximity to the site with those identified during the course of this investigation. The scope of this work should be substantially based on the review of such logs, interpretations of regional geology, the revised SCM, and identified data gaps.

Historic investigations have been limited to depths of ~ 45' below grade (bg) or less. A previous Geoprobe® investigation conducted by AGI Technologies (AGI, 8/12/96) focused solely on the collection of first encountered groundwater. This work included the completion of ten (10) off-site sample points, some of which were emplaced over 200' from the site and in the direction of off-site production wells. Soil samples were not collected nor were boring logs produced.

Known irrigation and domestic wells in proximity to the site (<1000') have total depths of between ~ 45 and 91' BG. The scope of the pending SWI should reflect off-site production well completion depths, their spatial locations relative to the site and calculated groundwater flow directions, and the goal of determining potential impacts to water-bearing zones across which these wells are screened.

Conventional investigation techniques and monitoring well networks currently used at fuel leak sites are generally insufficient to adequately characterize petroleum hydrocarbon impacts. It is recommended that your investigation incorporate expedited site assessment techniques and borings (e.g., Geoprobe,



CPT, etc.). The borings are to be continuously cored and logged, with close attention paid to changes in lithologies that might facilitate solute transport (e.g., silty/sandy stringers in otherwise fine grained sediments). The methodology employed should minimize the potential for cross-contamination.

Soil samples should be collected for laboratory analysis at 5-foot intervals, areas of obvious contamination, the soil/groundwater interface, and at each lithologic change noted during boring advancement, at a minimum. Water samples are to be collected at discrete depths to total depth explored. As discussed previously, detailed cross-sections, fence diagrams, structural contours and isopachs, and rose diagrams for groundwater flow (incorporating all historic data), should be subsequently incorporated into the SWI report and SCM, as appropriate. Cross-sections should be scaled to clearly illustrate subsurface lithologies, including the locations of stringers and other zones of relatively higher permeability.

The monitoring of multiple discrete water-bearing zones with short-screened intervals may be anticipated, depending on what is discovered through revision to the SCM and outcome of the SWI.

Generally, if such multilevel wells appear appropriate, these screened intervals should not be greater than 2' in length. We will expect that the SWI Report will propose the locations of additional sample points, or wells, the anticipated well screen depths, their configurations (e.g., well cluster or multi-level), and the reasoning behind the location and configuration of each should they appear necessary to further define the plume and refine the SCM.

Discuss your proposal for performing this work outlined, above, in the SWI work plan. The updated SCM is to be presented and discussed in the SWI work plan to justify your proposed scope of work.

Expedited site assessment tools and methods are a scientifically valid and cost-effective approach to fully define the three-dimensional extent of the plume. Technical protocol for expedited site assessments are provide in the US EPA "*Expedited Site Assessment Tools for Underground Storage Tank Sites: A guide for Regulators*" (EPA 510-B-97-001), dated March 1997.

### 3. Corrective Action Plan

The purpose of the CAP is to use the information obtained during investigation activities to propose cost-effective **final cleanup objectives** and remedial alternatives for both soil and groundwater impacts that will adequately protect human health and safety, the environment, eliminate nuisance conditions, and protect water resources. The current cleanup goals, as presented in the March 27, 2003 WHA report entitled "*Proposed Site Specific Cleanup Goals – Revised*", do not adequately protect against impacts to groundwater based on its status as a potential drinking water aquifer according to the RWQCB *Basin Plan*.

In such circumstances, cleanup objectives are considered the published drinking water Maximum Contaminant Levels (MCL) at the point of potential exposure, i.e., at the wellhead. However, you may propose cleanup "goals" that differ from the MCLs such that the proposed goals reflect a maximum plume concentration that may migrate beyond the borders of the subject site. A goal of 10x the MCL would be considered a reasonable proposal.

Please submit your updated cleanup goals with the revised SCM.

4. Routine monitoring well sampling and reporting

Wells associated with the investigation at this site have not been sampled and monitored, and the results submitted, since the sampling event that occurred during June 2003. Please include analyses for EPA Method 8260 compounds, including the lead scavengers 1,2-DCA and EDB, among others.

Sampling, monitoring, and reporting shall be reinstated on a semi-annual schedule until further notice beginning 3<sup>rd</sup> Quarter 2004.

### TECHINCAL REPORT REQUEST

Please submit technical reports according to, or otherwise comply with, the following schedule:

**July 13, 2004** – Work for Soil and Water Investigation

**July 13, 2004** – Revised Site Conceptual Model

**90 Days from SWI Work Plan Approval** – Soil and Water Investigation Report (which contains the results of the recent SWI assessment work, and a proposal for appropriate additional work, if applicable)

**October 15, 2004** – Semiannual Report for the Third Quarter 2004

**April 15, 2005** – Semiannual Report for the First Quarter 2005

**October 15, 2005** – Semiannual Report for the Third Quarter 2005

These reports and work plans are being requested pursuant to the Regional Board's authority under Section 13267(b) of the California Water Code. **Each technical report shall include conclusions and recommendations for the next phases of work required at the site should more appear necessary to refine the SCM.** We request that all required work be performed in a prompt and timely manner, as suggested by the noted schedule, above. Revisions to this schedule shall be requested in writing with appropriate justification for anticipated delays.

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that all work plans and technical reports containing professional geologic or engineering evaluations and/or judgments be completed under the direction of an appropriately-registered or certified professional. This registered or certified professional shall sign and wet stamp all such reports and work plans.

All reports and work plans are to be submitted under cover, signed under penalty of perjury, by the Responsible Party(ies) who have taken a lead role in compliance with corrective action directives.

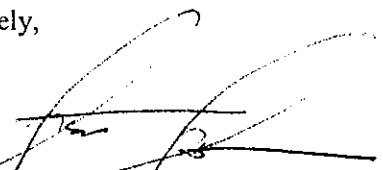
### AGENCY OVERSIGHT

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 Alameda County District Attorney, for possible enforcement follow up. Enforcement follow up may include administrative action or monetary penalties of up to \$10,000 per day for each day of violation of the California Health and Safety Code, Division 20, Chapter 6.76.

Messrs. Harbert and Petersen  
Re: Durham Transportation, 19984 Meekland Ave., Alameda County  
May 13, 2004  
Page 6 of 6

I can be reached at (510) 567-6783 should you have any questions.

Sincerely,



Scott O. Seery, R.G., CHMM  
Hazardous Materials Specialist

c: Roger Brewer, RWQCB  
Dave Charter, SWRCB UST Fund  
Jeffrey S. Lawson, SVLG, 152 North 3<sup>rd</sup> St., Ste. 900, San Jose, CA 95112  
Craig B. Drizin, Weber, Hayes & Assoc., 120 Westgate Dr., Watsonville, CA 95076  
D. Drogos



**Weber, Hayes & Associates**  
**Hydrogeology and Environmental Engineering**  
120 Westgate Dr., Watsonville, CA 95076  
(831) 722-3580 (831) 662-3100  
Fax: (831) 722-1159

September 12, 2003  
Project H9042

Alameda County

SEP 13 2003

Environmental Health

Mr. Scott Seery  
Alameda County Environmental Health Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, California 94502 - 6577

Subject: STID 1879, 19984 Meekland Avenue, Hayward  
**Request to Change Groundwater Monitoring Frequency to Annual pending Case Closure Review**

Dear Mr. Seery:

Per your telephone conversation with Joe Hayes of Weber, Hayes, and Associates, **we request that the groundwater monitoring and reporting frequency at the former Harbert Transportation facility, 19984 Meekland Avenue, Hayward, California., be changed from quarterly to annual pending review of this case for closure.** We are making this request on behalf of our client, Mr. Jerry Harbert, the former site owner and responsible party in the fuel leak case at this site.

Our most recent *Fuel Leak Case Closure Request and Groundwater Monitoring Report - Second Quarter 2003* (Weber, Hayes, and Associates, August 22, 2003) presents our request for closure of the fuel leak case based on:

- Removing petroleum hydrocarbon-contaminated soil from the source area around the removed underground storage tanks and appurtenant piping to below site-specific cleanup goals
- Six consecutive quarters of post-cleanup groundwater monitoring indicating that dissolved petroleum hydrocarbon concentrations are below site-specific cleanup goals
- A Well/Conduit Search indicating that shallow groundwater near the site is not a drinking water source and that there are no nearby horizontal or vertical conduits that could serve as paths for petroleum hydrocarbons to reach deeper groundwater

Thank you for your attention to this matter. If you have any questions regarding this request, or any aspect of this project, please call me at (831) 722 - 3580.

Sincerely yours,

Weber, Hayes, and Associates

By:   
Craig Drizin  
Senior Engineer

c: Jerry Harbert  
Jeff Lawson, Silicon Valley Law Group

**Seery, Scott, Env. Health**

---

**From:** Seery, Scott, Env. Health  
**Sent:** Tuesday, April 15, 2003 2:35 PM  
**To:** 'craig@weber-hayes.com'  
**Subject:** 19984 Meekland Ave site

Craig

This is sent in follow-up to our telephone conversation today.

It meets with my approval for Weber, Hayes & Associates, on behalf of the identified responsible party(ies), to conduct a well/ conduit search. I would also suggest that this work be expanded, if not already completed, to include an evaluation of all potential preferential pathways (e.g., utilities, storm drains, etc.). Hence, the survey should include, among other possible components, the submittal of map(s) showing the location and depths of all utility lines and trenches identified in the study. You should also identify the presence of all wells within 1/2 mile radius of the site (i.e., monitoring and production wells; active, inactive, standby, destroyed, abandoned), details of their construction, where available, and an interpretation of their possible contribution to plume dispersal, should there be any.

These data should be used in refinement of the three-dimensional "Site Conceptual Model" (SCM) for this project.

Please call me at 510-567-6783 should you have any questions.

Scott

Ro 47

**Gholami, Amir, Env. Health**

**From:** Roger Brewer [Rdb@rb2.swrcb.ca.gov]  
**Sent:** Tuesday, January 21, 2003 3:26 PM  
**To:** AGholami@co.alameda.ca.us  
**Subject:** Harbért Transportation

SHD 1879  
Roh

Duck Am

Amir,

I reviewed the Proposed Site-Specific Cleanup Goals for the Harbert Transportation property in Hayward. The development and basis of the screening levels presented in Tables 1 (soil) and 2 (groundwater) is inadequately explained and I am unable to complete the review without additional information. Proposed cleanup levels for both soil and groundwater are not adequately protective of human health and the environment or protection of groundwater quality. Below are more detailed comments.

The following information should be clearly provided for each chemical:

1. Target risk (use 10<sup>-6</sup> for ALL carcinogens)
2. Toxicity factors used
3. Physiochemical constants used

Equations used to calculate screening levels for specific concerns should be summarized (e.g., in an appendix). The basis for each selected screening level should be clearly noted and discussed in the text (e.g., leaching concerns).

The proposed groundwater goals for TPH and BTEX are inadequate. Groundwater should be considered a potential source of drinking water. Reference should be made to our Table F of our Risk-Based Screening Levels document (December 2001) for appropriate goals. Drinking water goals should be selected as the lowest of primary (toxicity) and secondary (taste & odor) standards or equivalents. The need to aggressively remediate groundwater to meet drinking water goals should be based on the potential for the plume to migrate offsite (based on monitoring), the location of the site to producing wells, and the location of the site with respect to surface water bodies.

The proposed soil goals for toluene, ethylbenzene and xylenes are not adequately protective of groundwater quality (leaching concerns). Vadose-zone soil should be remediated to ensure that groundwater directly beneath the site is not impacted above drinking water goals.

The proposed residential direct-exposure goal for benzene (1.8 mg/kg) is an order of magnitude higher than expected. Information provided was inadequate to determine how the goal was calculated.

Nuisance-based goals should also be developed (see RBSL document).

I strongly recommend that they review our RBSL document before revising the report. This should be the case for any risk assessments submitted to your office for review in the future. Send a note or give me a call if you have any questions.

Roger D. Brewer  
San Francisco Bay RWQCB  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

tel: 1-510-622-2374  
fax: 1-510-622.2460  
rdb@rb2.swrcb.ca.gov

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R047

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

STID 1879

October 23, 2002

Gregg Petersen  
Durham Transportation  
9011 Mountain Ridge Drive Travis Building, Suite 200  
Austin, TX 78759-7252

Jerry Harbert  
46765 Mountain Cove Drive  
Indian Wells, CA 92210

Re: Property at 19884 Meekland Ave., Hayward, CA 94541

Dear Mr. Harbert:

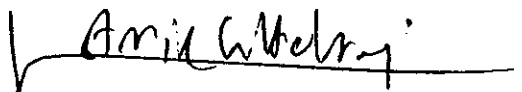
I have received and reviewed "Groundwater Monitoring Report-Second Quarter 2002" dated September 12, 2002, prepared by Mr. Craig Drizon of Weber Haze & Associates regarding the above referenced site. I would like to make the following comments regarding this report:

- MW-5 well indicated 1,500ppb, 24ppb, and ND level for TPH-g, Benzene, and MTBE respectively. This also reflects an increase in the concentrations of the constituents. Both trends in concentrations can be associated to the groundwater levels at different times as well per this report.
- MW-9 well, presently the most contaminated well, indicated 5,100ppb, 140ppb, and ND level for TPH-g, Benzene, and MTBE respectively. This indicates an increase since the last analysis and past over-excavation activity and removal of approximately 594 cubic yard soil and 3,000 gallons of groundwater.
- There was no MTBE detected in any of the soil and or groundwater samples.
- Per this report and figure 2 within this report, groundwater flow is moving westerly at 0.002 ft/ft.
- Depth to groundwater was measured from 22.56 to 24.07 bgs.

I concur with the recommendations made by Craig Drizin regarding the continuation of the monitoring plan as specified within this report as well as calculation of clean up levels for PHCs with no calculated clean up levels.

If you have any questions, please call me at (510)-567-6876.

Sincerely,

A handwritten signature in black ink that reads "Amir K. Gholami". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Craig Drizon, Weber Haze & Associates, 120 Westgate Dr., Watsonville, CA 95076  
Mr. Raymond Brinson, Reed, Elliot, Creech & Roth, 99 Almaden Blvd., 8<sup>th</sup> floor,  
San Jose, CA 95113-1606  
Jeff Lawson, Silicon Valley Law Group, 152 North Third Street, Suite 900, San Jose,  
CA 95112  
Miles





# State Water Resources Control Board



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

**Division of Clean Water Programs**  
1001 I Street • Sacramento, California 95814  
P.O. Box 944212 • Sacramento, California • 94244-2120  
(916) 341-5714 ♦ FAX (916) 341-5806 ♦ www.swrcb.ca.gov/cwphome/ustcf

**Gray Davis**  
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.*

APR 16 2002

RO47

APR 19 2002

Durham Transportation, Inc.  
9011 Mountain Ridge Drive, Suite 200  
Austin, TX 78759

**UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), NOTICE OF INTENDED REMOVAL FROM PRIORITY LIST, CLAIM NUMBER 004316, SITE ADDRESS: 19984 MEEKLAND AVE, HAYWARD**

This is to notify you that during the detailed review of your application, it has been determined that your claim for the subject site is not eligible for reimbursement in the Underground Storage Tank Cleanup Fund. Therefore, it is being proposed that your claim be removed from the Priority List based on the following reason:

Petroleum Underground Storage Tank Cleanup Fund Regulations, Section 2813.3.(a)(2) states in part: *the claimant fails to provide necessary documentation or information, or...*

The Fund has requested the subject claimant to return Letter of Commitment (LOC) documents within 10 days of receipt. To date, the LOC documents have not been returned.

If you disagree with this Staff Decision, you may appeal to the Division Chief pursuant to Section 2814.1 of the Petroleum Underground Storage Tank Cleanup Fund Regulations. If you would like review of the decision by the Fund Manager, please submit your request along with any additional documentation to:

Allan V. Patton, Fund Manager, Claim #004316  
Underground Storage Tank Cleanup Fund  
State Water Resources Control Board  
Division of Clean Water Programs  
P. O. Box 944212  
Sacramento, CA 94244-2120

A request to the Fund Manager must include, at a minimum: (1) a statement describing how the claimant is damaged by the prior Staff Decision; (2) a description of the remedy or outcome desired; and (3) an explanation of why the claimant believes the Staff Decision is erroneous, inappropriate or improper.

If you do not request a review by the Fund Manager within thirty (30) calendar days from the date of this letter, the Staff Decision will then become final and conclusive and your claim will be removed from the Priority List at the end of the 30 day period.

**California Environmental Protection Agency**



If you have any questions, please contact me at (916) 341-5714.

Sincerely,

**ORIGINAL SIGNED BY**

Shari Knieriem  
Claims Review Unit  
Underground Storage Tank Cleanup Fund

Lustis Case #: 01-0521

cc: Mr. Steve Morse  
RWQCB, Region 2  
1515 Clay Street, Ste. 1400  
Oakland, CA 94612

Ms. Donna Drogos  
Alameda County EHD  
1131 Harbor Bay Pkway, 2nd Fl.  
Alameda, CA 94502-6577

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

**STID 1879**

January 28, 2002

Gregg Petersen  
Durham Transportation  
9011 Mountain Ridge Drive Travis Building, Suite 200  
Austin, TX 78759-7252

Jerry Harbert  
46765 Mountain Cove Drive  
Indian Wells, CA 92210

**Re: Property at 19884 Meekland Ave., Hayward, CA 94541**

RO 47

Dear Mr. Harbert:

I have received and reviewed "Request for Additional Time to Include Excavation Results in Fourth Quarter 2001 Groundwater Monitoring Report", faxed January 28, 2002, prepared by your consultant Mr. Craig Drizon of Weber Haze & Associates regarding the above referenced site.

This report indicates that MW-5 and MW-9 are the wells with more concentrations of the contaminants than other wells. MW-5 well revealed 780ppb, 21ppb, and <5ppb level for TPH-g, Benzene, and MTBE respectively. This represent a slight decrease in the concentrations of the constituents.

MW-9 well, is the most contaminated well at the site, which revealed up to 6,400ppb, 640ppb, and <1.5ppb level for TPH-g, Benzene, and MTBE respectively. There seems to be some increase in concentrations of the constituents since the previous analysis.

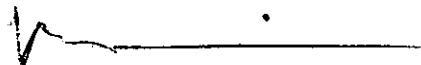
None of the wells has ever revealed any concentrations of MTBE in the samples.

Groundwater flow gradient seems to be moving in the west-northwest direction.

You may postpone submittal of the groundwater monitoring report along with the excavation results to March 1, 2002.

If you have any questions, please call me at (510)-567-6876.

Sincerely,

A handwritten signature in black ink, appearing to be 'Amir K. Gholami', followed by a horizontal line.

Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Craig Drizon, Weber Haze & Associates, 120 Westgate Dr., Watsonville, CA 95076  
Mr. Raymond Brinson, Reed, Elliot, Creech & Roth, 99 Almaden Blvd., 8<sup>th</sup> floor,  
San Jose, CA 95113-1606  
Jeff Lawson, Silicon Valley Law Group, 152 North Third Street, Suite 900, San Jose,  
CA 95112  
files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

STID 1879

January 28, 2002

Gregg Petersen  
Durham Transportation  
9011 Mountain Ridge Drive Travis Building, Suite 200  
Austin, TX 78759-7252

Jerry Harbert  
46765 Mountain Cove Drive  
Indian Wells, CA 92210

Re: Property at 19<sup>9</sup>84 Meekland Ave., Hayward, CA 94541

Dear Mr. Harbert:

I have received and reviewed "Request for Additional Time to Include Excavation Results in Fourth Quarter 2001 Groundwater Monitoring Report", faxed January 28, 2002, prepared by your consultant Mr. Craig Drizon of Weber Haze & Associates regarding the above referenced site.

This report indicates that MW-5 and MW-9 are the wells with more concentrations of the contaminants than other wells. MW-5 well revealed 780ppb, 21ppb, and <5ppb level for TPH-g, Benzene, and MTBE respectively. This represent a slight decrease in the concentrations of the constituents.

MW-9 well, is the most contaminated well at the site, which revealed up to 6,400ppb, 640ppb, and <1.5ppb level for TPH-g, Benzene, and MTBE respectively. There seems to be some increase in concentrations of the constituents since the previous analysis.

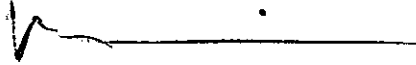
None of the wells has ever revealed any concentrations of MTBE in the samples.

Groundwater flow gradient seems to be moving in the west-northwest direction.

You may postpone submittal of the groundwater monitoring report along with the excavation results to March 1, 2002.

If you have any questions, please call me at (510)-567-6876.

Sincerely,



Amir K. Gholami, REHS  
Hazardous Materials Specialist

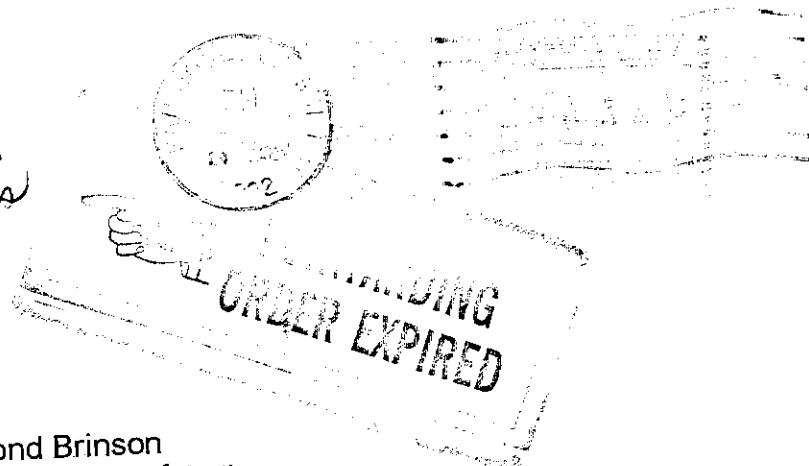
C: Mr. Craig Drizon, Weber Haze & Associates, 120 Westgate Dr., Watsonville, CA 95076  
✓ Mr. Raymond Brinson, Reed, Elliot, Creech & Roth, 99 Almaden Blvd., 8<sup>th</sup> floor,  
San Jose, CA 95113-1606  
Jeff Lawson, Silicon Valley Law Group, 152 North Third Street, Suite 900, San Jose,  
CA 95112  
files

CC:4580



ALAMEDA COUNTY  
**HEALTH CARE SERVICES AGENCY**  
Environmental Health Services Administration  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

*No long at this  
address*



Mr. Raymond Brinson  
Reed, Elliot, Creech & Roth  
99 Almaden Blvd. 8th Floor  
San Jose, CA 95113-1606

95113+161606/6577



**Weber, Hayes & Associates**  
Hydrogeology and Environmental Engineering  
120 Westgate Dr., Watsonville, CA 95078  
(831) 722-3580 (831) 662-3100  
Fax: (831) 722-1159

PO 47

## **FAX TRANSMISSION**

JAN 14 2002

Page 1 of 1  
(510) 377-9335

**Mr. Amir Gholami, REHS**  
Alameda County Environmental Health Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, California  
94502 - 6577

**RE: Harbert Transportation Site, 19984 Meekland Avenue, Hayward**

Mr. Gholami,

*As discussed in the field on 1/10/02, our Interim Remedial Action was successful in removing contaminated materials to a depth of 40 feet below ground surface. In fact, field conditions were favorable and allowed us to remove more contaminated material than originally anticipated. Caving sands at the groundwater interface allowed us to remove more contamination from each shaft.*

*Due to additional contamination removed from our site, our time, and our subcontractors time onsite has increased, as well as costs for transport, disposal, and backfilling materials. In addition, We pumped a total of 3,000 gallons of impacted groundwater, 1,000 gallons over our original estimated quantity. Groundwater disposal costs have also increased. Other minor anticipated cost increases are from traffic control, street sweeping mandated by Alameda County Public Works Department, and a subcontractor to replace the fence.*

*Weber, Hayes and Associates does not expect costs to increase more than 10% of the original total project costs of \$106,608. Please review and approve our estimated increase in costs for our Interim Remedial Action.*

*Thank you for your patience and cooperation on this job.*

*Sincerely,*

**Aaron Bierman**  
Weber, Hayes and Associates  
Senior Staff Geologist  
cell: (831) 334-2237  
office: (831) 722-3580



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



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

**STID 1879**

January 14, 2002

Gregg Petersen  
Durham Transportation  
9011 Mountain Ridge Drive Travis Building, Suite 200  
Austin, TX 78759-7252

Jerry Harbert  
46765 Mountain Cove Drive  
Indian Wells, CA 92210

**Re: Property at 19884 Meekland Ave., Hayward, CA 94541**

Dear Mr. Harbert:

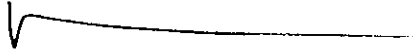
I have received and reviewed Interim Remedial Action (IRA) document faxed on January 14, 2002, prepared by Mr. Aaron Bierman of Weber Haze & Associates regarding the above referenced site.

As you are aware, over-excavation activity for source removal, calculations of clean up levels for PHCs in the area, placement of Oxygen Releasing Compound in groundwater to further stimulate natural remediation, and continual quarterly groundwater monitoring had been proposed concerning the above referenced site.

The above document indicates that an extensive over-excavation was performed up to a depth of 40 Feet below grade with better than anticipated results due to caving in of sands at the groundwater interface. However, the overall cost of this IRA exceeded the original estimation by about 10 percent due to several factors including increased cost of transportation, disposal, backfilling materials, as well as other factors as required during the field activities. Per our discussion in the field the 10% increase in cost is acceptable to this office and you were requested to proceed further with the source removal activity.

Should you have any questions, please do not hesitate to call me at (510)-567-6876.

Sincerely,



Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Craig Drizon, Weber Haze & Associates, 120 Westgate Dr., Watsonville, CA 95076  
Mr. Raymond Brinson, Reed, Elliot, Creech & Roth, 99 Almaden Blvd., 8<sup>th</sup> floor,  
San Jose, CA 95113-1606  
Jeff Lawson, Silicon Valley Law Group, 152 North Third Street, Suite 900, San Jose,  
CA 95112  
files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

**STID 1879**

November 29, 2001

Gregg Petersen  
Durham Transportation  
9011 Mountain Ridge Drive Travis Building, Suite 200  
Austin, TX 78759-7252

Jerry Harbert  
46765 Mountain Cove Drive  
Indian Wells, CA 92210

**Re: Property at 19884 Meekland Ave., Hayward, CA 94541**

Dear Mr. Harbert:

I am in receipt of "Status Report-UST Assessment and Clean up" dated November 12, 2001, prepared by your consultant Mr. Craig Drizon of Weber Haze & Associates regarding the above referenced site.

Per this report, MW-9 well, the most contaminated well, revealed 3,400ppb, 270ppb, and <5ppb level for TPH-g, Benzene, and MTBE respectively. This indicates a slight decrease in concentrations of the constituents.

MW-5 well revealed 2,300ppb, 46ppb, and <5ppb level for TPH-g, Benzene, and MTBE respectively. This well reflects a slight increase in the concentrations of the constituents as well as MW-9 well.

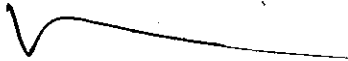
MTBE has not been detected in any of the soil and or groundwater samples.

Groundwater flow is moving in a westerly direction per Figure 4 within this report.

I concur with the work proposed by Mr. Drizon of Weber Haze & Associates as indicated in this report. This includes over-excavation activities in the necessary areas for source removal, calculations of clean up levels for PHCs in the area, placement of Oxygen Releasing Compound to further stimulate natural remediation, and continual quarterly groundwater monitoring as specified within this and previous report.

If you have any questions, please call me at (510)-567-6876.

Sincerely,



Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Craig Drizon, Weber Haze & Associates, 120 Westgate Dr., Watsonville, CA 95076  
Mr. Raymond Brinson, Reed, Elliot, Creech & Roth, 99 Almaden Blvd., 8<sup>th</sup> floor,  
San Jose, CA 95113-1606  
Jeff Lawson, Silicon Valley Law Group, 152 North Third Street, Suite 900, San Jose,  
CA 95112  
files



Winston H. Hickox  
Secretary for  
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2047  
**State Water Resources Control Board**

**Division of Clean Water Programs**

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Gray Davis  
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at [www.swrcb.ca.gov](http://www.swrcb.ca.gov).*

October 4, 2001

Jerry Harbert  
46765 Mountain Cove Dr  
Indian Wells, CA 92210

OCT 11 2001

**PRE-APPROVAL OF CORRECTIVE ACTION COSTS,  
CLAIM NO. 003377, PA # 4  
SITE ADDRESS: 19984 MEEKLAND AVE, HAYWARD, CA 94541**

I have reviewed your request, received on September 21, 2001, for pre-approval of corrective action costs. I have included a copy of the "Cost Pre-Approval Request" form; please use this form in the future for requesting pre-approval of corrective action costs.

With the following provisions, the total cost pre-approved as eligible for reimbursement for completing the June 18, 2001, Weber, Hayes & Associates workplan approved by the Alameda County EHD (County) in their June 26, 2001 letter, is \$ 17,384; see the table below for a breakdown of costs.

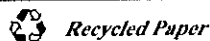
Be aware that this pre-approval does not constitute a decision on reimbursement: **necessary** (as determined by the Fund) corrective action costs for action work **directed and approved by the County** will be eligible for reimbursement at costs consistent with those pre-approved in this letter. However, depending on what happens in the field, some costs may not actually be necessary.

In an effort to expedite future reimbursement requests associated with the implementation of the corrective action tasks pre-approved in this letter, we ask that the attached 'Pre-Approval Specific Reimbursement Request Form' be completed, updated and submitted with each reimbursement request. All relevant supporting documentation must also be included with each reimbursement request.

*In order for future costs for corrective action to be part of the expedited reimbursement process, they must be pre-approved in writing by Fund staff.*

*All costs for corrective action must meet the requirements of Article 11, Chapter 16, Underground Storage Tank Regulations in order to be eligible for reimbursement.*

*California Environmental Protection Agency*



**COST PRE-APPROVAL BREAKDOWN**

#	Task*	Amount Pre-Approved	Comments
1	QMRs of 11 MW for 4 Events	\$17,384	This cost includes all time and material associated with this task. ( QMRs of 11 MW for 4 events ). Copies of all reports must be submitted to the Fund at the time of reimbursement.
<b>TOTAL PRE-APPROVED</b>		<b>\$ 17,384</b>	

\* Task descriptions are the same as those identified in Weber, Hayes & Associates's September 18, 2001 cost estimate.

- Only the tasks/costs reflected on the above table are pre-approved at this time. The Fund will review any tasks/costs that go beyond the pre-approved amount to be determined if the additional tasks and costs are necessary and reasonable. However, if costs exceed the above pre-approved amounts, the Fund will be unable to expedite your Reimbursement Request.
- The work products must be acceptable to the County and the Regional Water Quality Control Board.
- If a different scope of work becomes necessary, then you must request pre-approval of costs on the new scope of work.
- Although I have referred to the Weber, Hayes & Associates proposal in my pre-approval above, please be aware that you will be entering into a private contract: the State of California cannot compel you to sign any specific contract. This letter **pre-approves the costs** as presented in the proposal dated September 18, 2001 by Weber, Hayes & Associates for conducting the work approved by the County.

I also want to remind you that the Fund's regulations require that you obtain at least three bids, or a bid waiver from Fund staff, from qualified firms for all necessary future corrective action work. If you need assistance in procuring contractor and consultant services, don't hesitate to call me.

Please remember that it is still necessary to submit the actual costs of the work as explained in the Reimbursement Request Instructions to confirm that the costs are consistent with this pre-approval before you will be reimbursed.

*Please insure that your consultant prepares their invoices to include the required breakdown of costs on a time and materials basis, that invoiced tasks are consistent with the original proposal, and that reasonable explanations are provided for any changes made in the scope of work or increases in the costs. When the invoices are submitted you must include copies of all:*

- *subcontractor invoices,*
- *technical reports, when available, and*
- *applicable correspondence from the County.*

Please call if you have any questions; I can be reached at (916) 341-5757.

Sincerely,

*Sunil Ramdass.*

Sunil Ramdass, Water Resources Control Engineer  
Technical Review Unit  
Underground Storage Tank Cleanup Fund

Enclosure

cc: Ms. Susan Hugo  
Alameda County EHD  
1131 Harbor Bay Pkway, 2nd Fl.  
Alameda, CA 94502-6577



# State Water Resources Control Board



R047  
Amir

## Division of Clean Water Programs

1001 I Street • Sacramento, California 95814

P.O. Box 944212 • Sacramento, California • 94244-2120

(916) 341-5757 • FAX (916) 341-5806 • www.swrcb.ca.gov/cwphome/ustef

Winston H. Hickox  
Secretary for  
Environmental  
Protection

Gray Davis  
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.*

August 30, 2001

R047

Jerry Harbert  
46765 Mountain Cove Dr  
Indian Wells, CA 92210

SEP 07 2001

**PRE-APPROVAL OF CORRECTIVE ACTION COSTS, CLAIM NO. 003377,  
SITE ADDRESS: 19984 MEEKLAND AVE, HAYWARD, CA 94541**

I have reviewed your request, received on August 3, 2001, for pre-approval of corrective action costs. I have included a copy of the "Cost Pre-Approval Request" form; please use this form in the future for requesting pre-approval of corrective action costs.

With the following provisions, the total cost pre-approved as eligible for reimbursement for completing the June 18, 2001, Weber, Hayes & Associates workplan approved by the Alameda County EHD (County) in their June 26, 2001 letter, is \$106,616; see the table below for a breakdown of costs.

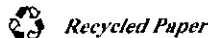
Be aware that this pre-approval does not constitute a decision on reimbursement: **necessary** (as determined by the Fund) corrective action costs for action work **directed and approved by the County** will be eligible for reimbursement at costs consistent with those pre-approved in this letter. However, depending on what happens in the field, some costs may not actually be necessary.

In an effort to expedite future reimbursement requests associated with the implementation of the corrective action tasks pre-approved in this letter, we ask that the attached 'Pre-Approval Specific Reimbursement Request Form' be completed, updated and submitted with each reimbursement request. All relevant supporting documentation must also be included with each reimbursement request.

***In order for future costs for corrective action to be part of the expedited reimbursement process, they must be pre-approved in writing by Fund staff.***

***All costs for corrective action must meet the requirements of Article 11, Chapter 16, Underground Storage Tank Regulations in order to be eligible for reimbursement.***

California Environmental Protection Agency





**COST PRE-APPROVAL BREAKDOWN**

#	Task*	Amount Pre-Approved	Comments
1	Pre-Field Activities	\$4,420	Calculate cleanup levels for contaminants whose cleanup levels have not been established.
2	Workplan & Report =	\$5,580	This task also includes all cost associated with the preparation of a Site Health and Safety Plan, Clearing Utilities and Project Coordination. A copy of the Final report must be submitted to the Fund at the time of reimbursement.
3	Excavation	\$47,832	This cost includes all time and material associated with the over-excavation of approximately 1,000 cubic yards, drilling & sampling, excavating & sampling, ORC for enhanced Biodegradation and excavation backfilling & compaction. Note: If more than 1,000 cubic yards needs to be excavated, pre-approval must be obtained or full reimbursement may be jeopardized. This cost also included markup.
4	Soil & Groundwater Disposal	\$48,784	Copies of all disposal manifests (soil & groundwater) must be submitted to the Fund at the time of reimbursement. This cost also included markup.
<b>TOTAL PRE-APPROVED</b>		<b>\$106,616</b>	

\* Task descriptions are the same as those identified in Weber, Hayes & Associates's July 13, 2001 cost estimate.

- Only the tasks/costs reflected on the above table are pre-approved at this time. The Fund will review any tasks/costs that go beyond the pre-approved amount to be determined if the additional tasks and costs are necessary and reasonable. However, if costs exceed the above pre-approved amounts, the Fund will be unable to expedite your Reimbursement Request.
- The work products must be acceptable to the County and the Regional Water Quality Control Board.
- If a different scope of work becomes necessary, then you must request pre-approval of costs on the new scope of work.

- Although I have referred to the Weber, Hayes & Associates proposal in my pre-approval above, please be aware that you will be entering into a private contract: the State of California cannot compel you to sign any specific contract. This letter **pre-approves the costs** as presented in the proposal dated July 13, 2001 by Weber, Hayes & Associates for conducting the work approved by the County.

I also want to remind you that the Fund's regulations require that you obtain at least three bids, or a bid waiver from Fund staff, from qualified firms for all necessary future corrective action work. If you need assistance in procuring contractor and consultant services, don't hesitate to call me.

Please remember that it is still necessary to submit the actual costs of the work as explained in the Reimbursement Request Instructions to confirm that the costs are consistent with this pre-approval before you will be reimbursed. *Please insure that your consultant prepares their invoices to include the required breakdown of costs on a time and materials basis, that invoiced tasks are consistent with the original proposal, and that reasonable explanations are provided for any changes made in the scope of work or increases in the costs. When the invoices are submitted you must include copies of all:*

- *subcontractor invoices,*
- *technical reports, when available, and*
- *applicable correspondence from the County.*

Please call if you have any questions; I can be reached at (916) 341-5757.

Sincerely,

*Sunil Ramdass.*

Sunil Ramdass, Water Resources Control Engineer  
Technical Review Unit  
Underground Storage Tank Cleanup Fund

Enclosure

cc: Ms. Susan Hugo  
Alameda County EHD  
1131 Harbor Bay Pkway, 2nd Fl.  
Alameda, CA 94502-6577

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

**STID 1879**

August 15, 2001

Gregg Petersen  
Durham Transportation  
9011 Mountain Ridge Drive Travis Building, Suite 200  
Austin, TX 78759-7252

Jerry Harbert  
46765 Mountain Cove Drive  
Indian Wells, CA 92210

**Re: Property at 19884 Meekland Ave., Hayward, CA 94541**

Dear Mr. Harbert:

This office is in receipt of "Groundwater Monitoring report- First Quarter 2000" dated July 24, 2001 prepared by your consultant Mr. Craig Drizon of Weber Haze & Associates regarding the above referenced site.

According to this report, MW-5 well, the most contaminated well, revealed 6,500ppb, 120ppb, and <5ppb level for TPH-g, Benzene, and MTBE respectively. There has been a slight decrease in some of the constituents since the previous analysis.

MW-9 well on the other hand revealed 8,300ppb, 330ppb, and <5ppb level for TPH-g, Benzene, and MTBE respectively. This reflects a slight increase in the concentrations of the constituents since the last analysis. Both MW-5 and MW-9 wells appear to be have some oscillation in the concentrations of the constituents.

MTBE was not detected in any of the soil and or groundwater samples.

Figure 4 reveals groundwater flow to be moving in a westerly direction.

Per my previous letter I concur with the work proposed by Mr. Drizon of Weber Haze & Associates as indicated in this report. This includes over-excavation in the area suspected of contributing pollutant to groundwater, calculations of clean up levels for PHCs in the area, placement of Oxygen Releasing Compound to further stimulate natural remediation, and continual quarterly groundwater monitoring as specified within this and previous report.

If you have any questions, please call me at (510)-567-6876.

Sincerely,



Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Craig Drizon, Weber Haze & Associates, 120 Westgate Dr., Watsonville, CA 95076  
Mr. Raymond Brinson, Reed, Elliot, Creech & Roth, 99 Almaden Blvd., 8<sup>th</sup> floor,  
San Jose, CA 95113-1606  
Jeff Lawson, Silicon Valley Law Group, 152 North Third Street, Suite 900, San Jose,  
CA 95112  
files



# SVLG

SILICON VALLEY LAW GROUP

Jeffrey S. Lawson

A LAW CORPORATION

[jsl@svlg.com](mailto:jsl@svlg.com)

3 July 2001

VIA FACSIMILE and FEDERAL EXPRESS

Ms. Mee Ling Tung  
Director of Environmental Health  
Department of Environmental Health  
1131 Harbor Bay Parkway  
Alameda, Ca 94502

PO47

Re: Durham Transportation Property  
19984 Meekland Ave. Hayward California  
Second Request For Transfer to the Regional Water Quality Control Board

Dear Ms. Tung:

This letter is to request that oversight for the above referenced property be transferred to the Regional Water Quality Control Board (RWQCB). This request is necessary because of the recent threats by, Mr. Amir Gholami, the person assigned by the Department of Environmental Health to oversee the site cleanup, to impede the prompt cleanup of the site. The facts supporting this request are as follows.

On June 18, 2001 Weber Hayes & Associates filed an Additional Site Assessment and Groundwater Monitoring Report as requested by the Department of Environmental Health. On Friday of that week, June 22, 2001, I called the staff person assigned this project, Mr. Gholami, who was not in and left him a voicemail message pointing out that there had been a substantial delay in the remediation of this site, that Mr. Harbert has cancer and that I was anxious to have this site remediated as quickly as possible. I also pointed out that this site is receiving reimbursement from the Underground Storage Tank Cleanup Fund and there is a recommendation in the Weber Hayes report for additional excavation. Before we can seek pre-approval from the Cleanup Fund, we need written authorization from the Department of Health, approving the proposed work. The Cleanup Fund will not pre-approve work plans that are not directed in writing by the local environmental agency. For these reasons, I asked Mr. Gholami to provide us with that written approval as quickly as possible.

By Tuesday, June 26, 2001, I still had not received a return phone call from Mr. Gholami. I therefore called him again and when I got his voicemail again, I selected the option to speak to the operator so that I could see if he could be found. Instead of getting

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the operator, I was placed into another voicemail box where I left a message for Mr. Gholami asking that he expedite the written approval of the consultant's recommendations. I did not file a complaint against Mr. Gholami. My message is on someone's voice mail at your office and I suggest that you have my message transcribed.

On the afternoon of June 26, 2001, Mr. Gholami did not call me back. Rather, Mr. Gholami called two other attorneys in my firm and Mr. Harbert's environmental consultant. In each of those calls he threatened to place Mr. Harbert's project at the end of the line. Attached is a memo from Mr. Myron Brody describing the Gholami phone call he received and a transcript of the voicemail received by Mr. Rob Vantress.

This is not the first problem we have had with Mr. Gholami. I filed a complaint on June 16, 2000 regarding the lack of attention Mr. Gholami had provided in regard to the site, and pointed out the excessive delay his lack of attention had cost the project. A copy of my letter of June 16, 2000 is attached hereto. At that time we requested transferring the file to the RWQCB. After my letter there was a meeting between the RWQCB, the Department of Environmental Health and Mr. Harbert's consultant. I was not able to attend, but asked that the meeting go forward anyway to avoid delay. The upshot of the meeting was that Mr. Gholami was given another chance to try and move the case forward in an expeditious manner. In fact, he did approve the workplan on June 26, 2001. Unfortunately in his telephone calls he makes clear that he will no longer act promptly in regard to the site; but instead will take the maximum amount of time.

In light of Mr. Gholami's unprofessional conduct and his threats made against Mr. Harbert's project, we request that this file be transferred to the Regional Water Quality Control Board for oversight. Mr. Harbert has cancer and other health problems. This site has been active for a decade. In light of the fact that this is a simple non-MTBE petroleum UST site, there is no good reason for it to still be open. Since the site is funded by the Cleanup Fund, Mr. Harbert has been anxious to do the work. In the past the delay has been primarily caused by not receiving written responses to our submissions to the Department of Health. Now that Mr. Gholami is threatening to delay the project we are afraid that once again it will take years to get a response and the property will never get cleaned up.

Your prompt attention to this matter is requested.

Very truly yours,

Silicon Valley Law Group



JEFFREY S. LAWSON

JSL/cu

Enclosures: June 16, 2000 Letter  
Transcribed Voice Message  
Brady Memo

Cc: ✓ Jerry Herbert  
✓ Amir Gholami  
Craig Drizin  
Lauire Berger  
Steve Morse

**SILICON VALLEY LAW GROUP**  
A LAW CORPORATION

152 NORTH THIRD STREET  
SUITE 900  
SAN JOSE, CA 95112

TELEPHONE: (408) 286-8100  
FACSIMILE: (408) 286-1400  
www.svlg.com

**FACSIMILE COVER SHEET**

**DATE:** July 3, 2001  
**TO:** Ms. Mee Ling Tung, Director of Environmental Health  
**FROM:** Jeff Lawson  
**RE:** Durham Transportation Property  
19984 Meekland Ave. Hayward California

**FACSIMILE NO.:** 510-337-9335 **TELEPHONE NO.:** 510-567-6700

Number of pages including Facsimile Cover Sheet: 10

**COMMENTS:** Please refer to the attached.

**PRIVILEGED AND CONFIDENTIAL** information intended only for the use of the addressee(s) named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any dissemination, distribution or copying of this communication is strictly prohibited. Anyone who receives this communication in error should notify this office immediately by telephone and return the original message to this office at the above address via U.S. Mail.

FAX

MATTER NO.:



**SVLG****SILICON VALLEY LAW GROUP**

A LAW CORPORATION

[jsl@svlg.com](mailto:jsl@svlg.com)

Jeffrey S. Lawson

3 July 2001

**VIA FACSIMILE and FEDERAL EXPRESS**

Ms. Mee Ling Tung  
Director of Environmental Health  
Department of Environmental Health  
1131 Harbor Bay Parkway  
Alameda, Ca 94502

Re: Durham Transportation Property  
19984 Meekland Ave. Hayward California  
Second Request For Transfer to the Regional Water Quality Control Board

Dear Ms. Tung:

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This is not the first problem we have had with Mr. Gholami. I filed a complaint on June 16, 2000 regarding the lack of attention Mr. Gholami had provided in regard to the site, and pointed out the excessive delay his lack of attention had cost the project. A copy of my letter of June 16, 2000 is attached hereto. At that time we requested transferring the file to the RWQCB. After my letter there was a meeting between the RWQCB, the Department of Environmental Health and Mr. Harbert's consultant. I was not able to attend, but asked that the meeting go forward anyway to avoid delay. The upshot of the meeting was that Mr. Gholami was given another chance to try and move the case forward in an expeditious manner. In fact, he did approve the workplan on June 26, 2001. Unfortunately in his telephone calls he makes clear that he will no longer act promptly in regard to the site; but instead will take the maximum amount of time.

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Your prompt attention to this matter is requested.

Very truly yours,

Silicon Valley Law Group



JEFFREY S. LAWSON

JSL/cu

Enclosures: June 16, 2000 Letter  
Transcribed Voice Message  
Brady Memo

Cc: Jerry Herbert  
Amir Gholami  
Craig Drizin  
Laure Berger  
Steve Morse

LAW OFFICES OF  
**REED, ELLIOTT, CREECH & ROTH**

A PROFESSIONAL CORPORATION  
99 Almaden Boulevard, Eighth Floor  
San Jose, California 95113-1606  
(408) 993-9911

Facsimile  
(408) 993-1335

Web Page:  
[www.sjlegal.com](http://www.sjlegal.com)

John W. Elliott  
Randall C. Creech  
Thomas A. Elliott  
Jeffrey S. Lawson  
Peter A. Liebow  
Raymond A. Brinson

Nancy L. Mathis  
Edward A. Kraus  
Bonnie L. Portis  
Phillip C. Lyman  
Vinita Bali

June 16, 2000

Of Counsel

Reed & Roth, Inc.  
Steven J. Roth  
Chuck Reed

Thomas G. Perkins

**Via Facsimile and U.S. Mail**

Ms. Mee Ling Tung  
Director of Environmental Health  
Department of Environmental Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502

Re: Durham Transportation Property  
19984 Meekland Ave., Hayward, CA  
Request for Decision or Transfer to the Regional Water Quality Control Board

Dear Ms. Tung:

My client, Jerry Harbert, pursuant to an agreement with Durham Transportation Co. has been trying to remediate the Meekland Ave. site for over 10 years. During this time, we have had interminable delays that have prevented this site from being cleaned up. It is not a complex site; it is simply a petroleum release from a single underground storage tank. Our current problem preventing getting the site cleaned up relates to obtaining approval of the Risk Assessment and to perform further investigations on the site. On March 27, 1996, a final Risk Assessment prepared by AGI Technology was presented to Madhulla Logan at Environmental Health Services for review and approval. On June 17, 1999, approximately 3 years later, we finally had the response to that Risk Assessment. Not all of that delay was Madhulla Logan's fault, and as a result of delays on the part of AGI we fired them and replaced them with Weber, Hayes & Associates. However, we now have almost another year of delay in resolving the next phase of the project.

Ms. Mee Ling Tung  
Director of Environmental Health  
Department of Environmental Health  
June 16, 2000  
Page 2

In her June 17, 1999, letter Ms. Logan asked for the following additions/modifications to the Risk Assessment:

“Surface oil pathway was evaluated for future resident by using 2 exposure routes by inhalation and ingestion. The results of this evaluation are provided in Table 8 of the Risk Assessment Report. However, this pathway should be evaluated as a combination (sum) of ingestion, inhalation and dermal routes.

Volatile organics, including PCE that has been identified in the groundwater, should also be evaluated in the Risk Assessment.

Based on the information provided in Table 11 of the Report, the Federal slope factor was used to calculate the cleanup levels for benzene. This department requires that the California slope factor for benzene be used.

Provide a rationale for using a porosity of  $0.43\text{cm}^3$  and a volumetric air contact of  $0.33\text{ cm}^3$  as mentioned in Table 9 of this Report to calculate the indoor air pathway.”

Logan letter of June 17, 1999.

Weber, Hayes & Associates responded to Ms. Logan's letter on October 27, 1999.

They evaluated the surface soil exposure pathway as the sum of ingestion, inhalation and dermal exposure routes and presented that data.

They pointed that AGI did, in fact, provide the calculations using the California slope factor for benzene.

They provided the rationale for selecting values for porosity and volumetric air content.

Weber, Hayes & Associates also recommended that:

the site specific cleanup levels proposed by AGI and Weber, Hayes be approved by Environmental Health;

Ms. Mee Ling Tung  
Director of Environmental Health  
Department of Environmental Health  
June 16, 2000  
Page 3

that a limited soil sampling program be allowed to determine the current concentrations of benzene and subsurface soils at the site;

that a groundwater sampling program be initiated to collect current data on TPH-D, TPH-G, and BTEX groundwater concentrations; and

finally, that the soil and groundwater data should be evaluated to determine if additional cleanup or groundwater monitoring is necessary.

It is now June, of the following year, and we do not have a response from your department and, in fact, have been told that we cannot expect one in the foreseeable future. We were told all through the last quarter of 1999 that Madhulla Logan would provide the evaluation of the Weber, Hayes report. That never happened. The file is currently assigned to Amir Jholami.

Over the last month we have called Mr. Jholami once a week to try and find out the status of the review. That was after he had told us the file had been lost, and we sent it to him again on May 10, 2000. Eventually on June 8, 2000, he finally looked at the file only to tell us that in order to approve the cleanup plan he needed a toxicologist to review it because it is too technical. He further informed us that your department does not currently have a toxicologist on staff, but is looking to hire one. That, because there is no toxicologist, there will be no approval and we will have to wait indefinitely!

My client, Jerry Harbert, has the responsibility of cleanup for this property pursuant to a sale that took place over a decade ago. A large portion of his retirement fund is tied up awaiting resolution of the cleanup on this site. He has been more than patient to date, but he needs to have this site cleaned up. We cannot wait indefinitely for a toxicologist to approve a simple request to perform additional work on the site. We are also concerned that Mr. Jholami told us that we were out of compliance by not having regular groundwater monitoring when, as part of the Weber, Hayes & Associates October 27, 1999, document, we asked him to approve groundwater monitoring. This site is being funded by the Underground Storage Tank Cleanup Fund, and we need written approvals of the work that is proposed for the site to maximize reimbursement from the Cleanup Fund. There have been substantial problems on this file already.

At this time we request that this file either be transferred to the Regional Board for action or your office provide us with expeditious review and approval of the Weber, Hayes October 27, 1999, report and recommendations.

Ms. Mee Ling Tung  
Director of Environmental Health  
Department of Environmental Health  
June 16, 2000  
Page 4

Your prompt attention to this matter is requested.

Very truly yours,

REED, ELLIOTT, CREECH & ROTH

JEFFREY S. LAWSON

JSL:mk

cc: Jerry Harbert  
Joe Hayes  
Raymond A. Brinson

Jill:

Message left on Voice Mail:

Gholami, I work for Alameda County Hazardous Materials Office. I'm calling regarding, I want to file a complaint against this guy Jeff Lawson. He is handling this case at Harbert Transportation at 19984 Meekland Ave. I received this work plan that there is some kind of, you know, environmental cleanup and I'm overseeing the project. We have, according to the law, Title 23 Chapter 11 Section 2726; 60 days to respond to these plans. This guy calls me, I just got this plan; he calls me, then he you know, actually he wrote the letter yesterday. Then he called me. He's got the nerve to call over here and file a complaint. So if that is going to be the case, I'm just going to deal with it like any other case, then I'm not going to give any priority to it. The reason I did this is because I felt sorry for this individual. Because the responsible party has cancer and I felt sorry him and I put him right in front of everybody else. But if he is going to act like an idiot calling over here and filing complaints, when he doesn't appreciate anything I did, I'm not going to do that anymore. You know. Just to let him know. My number is: (510) 567-6876.



**From:** Myron Brody  
**To:** Jeff Lawson  
**Date:** 6/27/01 10:16AM  
**Subject:** Telephone call from Gholami

I received an unusual call yesterday from a man named Gholami. He had asked to speak to your "supervisor." I advised him that you did not have a supervisor, but that as CEO of this Firm I would discuss whatever he wanted to speak about.

He asserted that you had filed a complaint about him for which he was quite agitated. He stated that you were working on a plan submitted to him for approval for a client that had cancer; that he had felt sorry for this client and had, "as a favor" started reviewing the plan immediately. He further stated that because of your "complaint", from now on you would receive no further "favors" and you would have to wait at the end of the line regardless of future exigencies and that he had the right to hold you up for 60 days under California Code of Regulations, Title 23, Article 11, section 2726 and that he would in fact hold you up in the future because of your "Complaint."

I told him I would pass his comments on to you.

Myron L. Brody  
Silicon Valley Law Group  
152 N. Third street  
San Jose, Ca, 95112  
286-6100  
fax-286-1400  
cell-605-3449  
area code 408

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**From:** Myron Brody  
**To:** Jeff Lawson  
**Date:** 6/27/01 10:16AM  
**Subject:** Telephone call from Gholami

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He asserted that you had filed a complaint about him for which he was quite agitated. He stated that you were working on a plan submitted to him for approval for a client that had cancer; that he had felt sorry for this client and had, "as a favor" started reviewing the plan immediately. He further stated that because of your "complaint", from now on you would receive no further "favors" and you would have to wait at the end of the line regardless of future exigencies and that he had the right to hold you up for 60 days under California Code of Regulations, Title 23, Article 11, section 2726 and that he would in fact hold you up in the future because of your "Complaint."

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Myron L. Brody  
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152 N. Third street  
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ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

**STID 1879**

June 26, 2001

Gregg Petersen  
Durham Transportation  
9011 Mountain Ridge Drive Travis Building, Suite 200  
Austin, TX 78759-7252

Jerry Harbert  
46765 Mountain Cove Drive  
Indian Wells, CA 92210

**Re: Property at 19884 Meekland Ave., Hayward, CA 94541**

Dear Mr. Harbert:

I am in receipt of "First Quarter 2000 Groundwater Monitoring report" dated June 18, 2001 prepared by your consultant Mr. Craig Drizon of Weber Haze & Associates regarding the above referenced site. Thank you for the submittal of this real professional report. It is definitely one of the well prepared reports, which I have come across for a while.

Per my discussion with Mr. Joseph Hayes of Weber Haze & Associates, MW-5 well has revealed the highest concentrations of the contaminants at this site. MW-9 well had previously the highest concentrations of the contaminants and is located down gradient of MW-5 well. MW-5 well indicated 13,000ppb, 220ppb, and <5ppb level for TPH-g, Benzene, and MTBE respectively. This reflects a significant increase in the concentrations of the constituents since the last analysis.

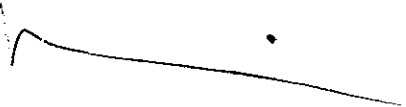
MW-9 well indicated 1,600ppb, 110ppb, and <5ppb level for TPH-g, Benzene, and MTBE respectively. This reflects a significant decrease in the concentrations of the constituents since the last analysis. It appears that there is some oscillation in the concentrations of the constituents within MW-5 and MW-9 wells. I understand that MTBE was not detected in any of the soil and or groundwater samples.

Groundwater flow is moving westerly according to Figure 4 within this report.

I concur with the work proposed by Mr. Drizon of Weber Haze & Associates as indicated in this report regarding the over-excavation in the area suspected of contributing pollutant to groundwater, calculations of clean up levels for PHCs in the area, and continual quarterly groundwater monitoring as specified within this report.

Should you have any questions, please call me at (510)-567-6876.

Sincerely,



Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Craig Drizon, Weber, Haze & Associates, 120 Westgate Dr., Watsonville, CA 95076  
Mr. Raymond Brinson, Reed, Elliot, Creech & Roth, 99 Almaden Blvd., 8<sup>th</sup> floor,  
San Jose, CA 95113-1606  
Jeff Lawson, Silicon Valley Law Group, 152 North Third Street, Suite 900, San Jose,  
CA 95112  
files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



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

**Stid 1879**

February 21, 2001

Gregg Petersen  
Durham Transportation  
9011 Mountain Ridge Drive Travis Building, Suite 200  
Austin, TX 78759-7252

Jerry Harbert  
46765 Mountain Cove Drive  
Indian Wells, CA 92210

**Re: Property at 19884 Meekland Ave., Hayward, CA 94541**

Dear Mr. Harbert:

I am in receipt of "Fourth Quarter 2000 Groundwater Monitoring report" dated January 9, 2001 prepared by your consultant Mr. Craig Drizon of Weber Haze & Associates regarding the above referenced site.

According to this report MW-9 well has the highest concentrations contaminants with TPH-g at 10,000ppb, Benzene at 550ppb, MTBE at <5ppb. MTBE was not detected at any well. MW-5 well indicated 1,100ppb, 62ppb, and <5ppb level for TPH-g, Benzene, and MTBE respectively. MW-9 well contained higher amount of contaminant than MW-5 during this time. This well is located almost down-gradient from MW-5 well.

Figure 2 reveals the groundwater flow gradient to be almost westerly.

I concur with the work proposed by Mr. Drizon of Weber Haze & Associates as indicated in this report.

If you have any questions, please do not hesitate to call me at (510)-567-6876.

Sincerely,

Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Craig Drizon, Weber Haze & Associates, 120 Westgate Dr., Watsonville, CA 95076  
Mr. Raymond Brinson, Reed, Elliot, Creech & Roth, 99 Almaden Blvd., 8<sup>th</sup> floor,  
San Jose, CA 95113-1606  
files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

**Stid 1879**

January 23, 2001

**Re: Property at 19884 Meekland Ave., Hayward, CA 94541**

Dear Messrs. Harbert and Petersen:

The correspondences from this office have been returning to this office on an occasional basis. I would like to ensure that you both receive pertinent information regarding the above referenced site. To my knowledge and based on a conversation with your consultant your addresses are as follows:

Mr. Gregg Petersen  
Durham Transportation  
9011 Mountain Ridge Drive Travis Building, Suite 200  
Austin, TX 78759-7252

Mr. Jerry Harbert  
46765 Mountain Cove Drive  
Indian Wells, CA 92210

Please inform this office if it is otherwise.

I wrote a letter on January 13<sup>th</sup>, 2001 and tried to inform you concerning receipt of a letter dated December 14<sup>th</sup>, 2000 by Mr. Jeffrey S. Lawson of Silicon Valley Law Group, your attorney, regarding the above referenced site.

In the letter I mentioned that Mr. Lawson has informed me that Mr. Raymond Brinson of Reed, Elliot, Creech & Roth no longer represents you regarding the clean up issues at the and that Mr. Lawson has requested me to forward copies of all my correspondence to his office at Silicon Valley Law Group. Additionally I understand that Mr. Craig Drizon of Weber Haze & Associates is your acting consultant at the above referenced site. Please inform me if it is otherwise.

Please call me at (510)-567-6876 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amir K. Gholami', with a long horizontal stroke extending to the right.

Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Craig Drizon, Weber Haze & Associates, 120 Westgate Dr., Watsonville, CA 95076  
Mr. Hugh Murphy, City of Hayward Hazardous Material Office, 777 B Street, Hayward,  
CA 94541  
files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

**Stid 1879**

January 10, 2001

Jerry Harbert  
President, Durham Transportation  
9171 Capital of Texas Hwy North  
Travis Building, Suite 200  
Austin, TX 78759-7252

**Re: Property at 19884 Meekland Ave., Hayward, CA 94541**

Dear Mr. Harbert:

I have received a letter dated December 14<sup>th</sup>, 2000 by Mr. Jeffrey S. Lawson of Silicon Valley Law Group, your attorney, regarding the above referenced site.

Mr. Lawson has informed me that Mr. Raymond Brinson of Reed, Elliot, Creech & Roth no longer represents you regarding the clean up issues at the above referenced site.

Furthermore, Mr. Lawson has requested that I forward copies of all my correspondence to his office at Silicon Valley Law Group. However, I would like to be informed if you have decided to have a new consultant and or whether Mr. Craig Drizon of Weber Haze & Associates is still your acting consultant at the above referenced site.

Please call me at (510)-567-6876 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amir K. Gholami', with a long horizontal stroke extending to the right.

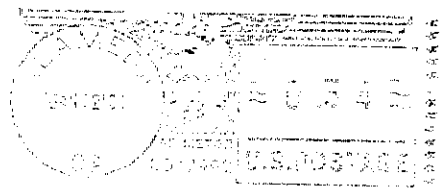
Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Craig Drizon, Weber Haze & Associates, 120 Westgate Dr., Watsonville, CA 95076  
Mr. Hugh Murphy, City of Hayward Hazardous Material Office, 777 B Street, Hayward,  
CA 94541  
files

CC:4580

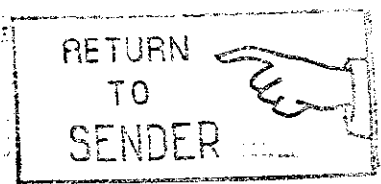


ALAMEDA COUNTY  
HEALTH CARE SERVICES AGENCY  
Environmental Health Services Administration  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577



Jerry Harbert  
President, Durham Transportation  
9171 Capital of Texas Hwy North  
Travis Buildihng, Suite 200  
Austin, TX 78759-7252

**NIDAA  
5933H**



78759-6204577 78759-6204577



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



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

**Stid 1879**

January 10, 2001

Jerry Harbert  
President, Durham Transportation  
9171 Capital of Texas Hwy North  
Travis Building, Suite 200  
Austin, TX 78759-7252

**Re: Property at 19884 Meekland Ave., Hayward, CA 94541**

Dear Mr. Harbert:

I have received a letter dated December 14<sup>th</sup>, 2000 by Mr. Jeffrey S. Lawson of Silicon Valley Law Group, your attorney, regarding the above referenced site.

Mr. Lawson has informed me that Mr. Raymond Brinson of Reed, Elliot, Creech & Roth no longer represents you regarding the clean up issues at the above referenced site.

Furthermore, Mr. Lawson has requested that I forward copies of all my correspondence to his office at Silicon Valley Law Group. However, I would like to be informed if you have decided to have a new consultant and or whether Mr. Craig Drizon of Weber Haze & Associates is still your acting consultant at the above referenced site.

Please call me at (510)-567-6876 if you have any questions.

Sincerely,

Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Craig Drizon, Weber Haze & Associates, 120 Westgate Dr., Watsonville, CA 95076  
Mr. Hugh Murphy, City of Hayward Hazardous Material Office, 777 B Street, Hayward,  
CA 94541  
files



# State Water Resources Control Board



2047

Winston H. Hickox  
Secretary for  
Environmental  
Protection

Division of Clean Water Programs  
1001 I Street • Sacramento, California 95814 • (916) 341-5831  
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120  
FAX (916) 341-5806 • Internet Address: <http://www.swrcb.ca.gov/cwphome/ustcf>

Gray Davis  
Governor

4419

December 27, 2000

Jerry Harbert  
20150 Rancho Bella Vista Dr  
Saratoga, CA 95070

00 DEC 28 PM 3:45  
ENVIRONMENTAL  
PROTECTION

**PRE-APPROVAL OF CORRECTIVE ACTION COSTS,  
CLAIM NO. 003377, PRE-APPROVAL REQUEST NO. 5  
SITE ADDRESS: 19984 MEEKLAND AVE, HAYWARD, CA 94541**

I have reviewed your request, received on December 11, 2000, for pre-approval of corrective action costs. I have included a copy of the "Cost Pre-Approval Request" form; please use this form in the future for requesting pre-approval of corrective action costs.

With the following provisions, the total cost pre-approved as eligible for reimbursement for completing the September 7, 2000, Weber, Hayes & Associates workplan approved by the Alameda County EHD (County) in their November 15, 2000 letter, is \$ 15,950; see the table below for a breakdown of costs. (The total amount that has been reimbursed and approved for payment up to this point is \$ 389,158.)

Be aware that this pre-approval does not constitute a decision on reimbursement: **necessary** (as determined by the Fund) corrective action costs for action work **directed and approved by the County** will be eligible for reimbursement at costs consistent with those pre-approved in this letter. However, depending on what happens in the field, some costs may not actually be necessary. If the Fund agrees that they were in fact necessary, the Fund will reimburse at reasonable rates (rates consistent with those pre-approved.)

In an effort to expedite future reimbursement requests associated with the implementation of the corrective action tasks pre-approved in this letter, we ask that the attached 'Pre-Approval Specific Reimbursement Request Form' be completed, updated and submitted with each reimbursement request. All relevant supporting documentation must also be included with each reimbursement request.

*In order for future costs for corrective action to be part of the expedited reimbursement process, they must be pre-approved in writing by Fund staff.*

*All costs for corrective action must meet the requirements of Article 11, Chapter 16, Underground Storage Tank Regulations in order to be eligible for reimbursement.*

**COST PRE-APPROVAL BREAKDOWN**

#	Task*	Amount Pre-Approved	Comments
1	Pre-Field Activities	\$ 600	Prepare and obtain permits, field work planning, preparation of health & safety plan & the WP.
2	Equipment & Materials-Soil Sampling	\$ 575	PID/FID for two days, sampling tubes, 55 gallon DOT approved drums, & other supplies.
3	Drilling, Lab analysis & soil disposal	\$9,965	Hydropuch 9 soil borings to 25' bgs, collect soil samples at 5' intervals, analyze soil & GW samples for TPH(g), BTEX using EPA methods 8015/8020 & 8260, and disposal of all the soil cuttings to appropriate facility.
4	Field Work-Soil & GW sampling	\$1,820	Log the soil borings, provide oversight, collect soil samples & GW samples from the existing 10 GW monitoring wells.
5	Technical Reports/Site Conceptual Model	\$2,990	Prepare detailed SAR (sections for site background, history, geology, geohydrology, field activities, methodology, log of borings, figures, cross-sections, isoconcentration maps in soil and GW [TPH(g), benzene, MTBE] conclusions & Recommendations and a detailed site conceptual model.
	<b>TOTAL PRE-APPROVED</b>	<b>\$ 15,950</b>	

\* Task descriptions are the same as those identified in Weber, Hayes & Associates's September 7, 2000 cost estimate.

- Only the tasks/costs reflected on the above table are pre-approved at this time. The Fund will review any tasks/costs that go beyond the pre-approved amount to be determined if the additional tasks and costs are necessary and reasonable. However, if costs exceed the above pre-approved amounts, the Fund will be unable to expedite your Reimbursement Request.
- The work products must be acceptable to the County and the Regional Water Quality Control Board.
- If a different scope of work becomes necessary, then you must request pre-approval of costs on the new scope of work.
- Although I have referred to the Weber, Hayes & Associates proposal in my pre-approval above, please be aware that you will be entering into a private contract: the State of California cannot compel you to sign any specific contract. This letter **pre-approves the costs** as presented in the proposal dated September 7, 2000 by Weber, Hayes & Associates

for conducting the work approved by the County for implementing the September 7, 2000, Weber, Hayes & Associates workplan.

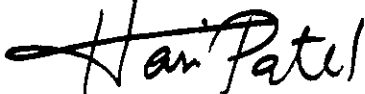
I also want to remind you that the Fund's regulations require that you obtain at least three bids, or a bid waiver from Fund staff, from qualified firms for all necessary future corrective action work. If you need assistance in procuring contractor and consultant services, don't hesitate to call me.

Please remember that it is still necessary to submit the actual costs of the work as explained in the Reimbursement Request Instructions to confirm that the costs are consistent with this pre-approval before you will be reimbursed. *Please insure that your consultant prepares their invoices to include the required breakdown of costs on a time and materials basis, that invoiced tasks are consistent with the original proposal, and that reasonable explanations are provided for any changes made in the scope of work or increases in the costs. When the invoices are submitted you must include copies of all:*

- subcontractor invoices,
- technical reports, when available, and
- applicable correspondence from the County.

Please call if you have any questions; I can be reached at (916) 341-5831.

Sincerely,



Hari Patel, Sanitary Engineering Associate  
Technical Review Unit  
Underground Storage Tank Cleanup Fund

Enclosure

cc ✓ Mr. Amir K. Gholami  
Alameda County EHD  
1131 Harbor Bay Pkway, 2nd Fl.  
Alameda, CA 94502-6577

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**

AGENCY  
DAVID J. KEARS, Agency Director



**Stid 1879**

December 4, 2000

Jerry Harbert  
President, Durham Transportation  
9171 Capital of Texas Hwy North  
Travis Building, Suite 200  
Austin, TX 78759-7252

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

**Re: Property at 19884 Meekland Ave., Hayward, CA 94541**

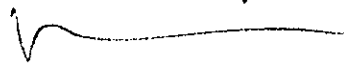
Dear Mr. Harbert:

This office is in receipt of the proposed workplan regarding the above referenced site dated September 7, 2000 submitted by Mr. Craig Drizon, Senior Engineer at Weber, Hayes and Associates. I generally concur with Mr. Drizon's proposal made in the workplan. Thank you for the submittal of the workplan. However, I would like to make add the following:

- The groundwater flow gradient is westerly and you need to ensure some groundwater samples will be taken down-gradient of all previous sources including west of former UST fuel west of MW-5 as indicated in Figure 2 in the aforementioned report. You may relocate one of the proposed Geo-Probe Boring and take a grab groundwater sample. In this sample perform MTBE analysis as well since this plume constituent travels faster than the rest of the plume. The MTBE analysis is required for this time only. If this groundwater analysis reveal non-detect levels of MTBE you may not need to perform analysis for MTBE due to non-detect level of this constituent in the groundwater in the past.
- All monitoring wells are to be sampled and analyzed on a quarterly basis unless otherwise indicated by this office. As you are aware groundwater sampling and monitoring has not occurred for a while.
- Please give me advance notice regarding your fieldwork schedule, so that I could be present during the field works event if necessary.

If you have any questions, please do not hesitate to call me at (510)-567-6876.

Sincerely,



Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Craig Drizon, Weber Haze & Associates, 120 Westgate Dr., Watsonville, CA 95076  
Mr. Raymond Brinson, Reed, Elliot, Creech & Roth, 99 Almaden Blvd., 8<sup>th</sup> floor,  
San Jose, CA 95113-1606  
Mr. Hugh Murphy, City of Hayward Hazardous Material Office, 777 B Street, Hayward,  
CA 94541  
files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



**Stid 1879**

November 15, 2000

Gregg Petersen  
Durham Transportation  
9011 Mountain Ridge Drive Travis Building, Suite 200  
Austin, TX 78759-7252

ENVIRONMENTAL HEALTH SERVICES

ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
(510) 567-6700

FAX (510) 337-9335  
Jerry Harbert

46765 Mountain Cove Drive  
Indian Wells, CA 92210

**Re: Property at 19884 Meekland Ave., Hayward, CA 94541**

Dear Mr. Harbert:

I have just noticed that my previous correspondence did not include your correct address and the last correspondence was returned by the U.S.Post Office. I sent you a letter dated November 14<sup>th</sup>, 2000. Attached please find a copy of this letter:

This office is in receipt of "Third Quarter 2000 Groundwater Monitoring report" dated November 9, 2000 prepared by your consultant Mr. Craig Drizon of Weber Haze & Associates regarding the above referenced site.

Per this report MW-5 well has the highest concentrations contaminants with TPH-g at 18,000ppb, Benzene at 840ppb, MTBE < 30 ppb. However I understand that the MTBE was not detected at any well but rather the detection limit was raised due to sample dilution. MW-9 well indicated 1,000ppb, 40ppb, and ND level for TPH-g, Benzene, and MTBE respectively. MW-9 well seems to contain highest amount of contaminant after MW-5 and is located almost down-gradient from MW-5 well. Figure 2 reveals the groundwater flow gradient to be southwesterly.

You no longer need to perform analysis for MTBE due to non-detect level of this constituent in the groundwater.

I concur with the work proposed by Mr. Drizon of Weber Haze & Associates as indicated in this report.

Should you have any questions, please call me at (510)-567-6876.

Sincerely,

  
Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Craig Drizon, Weber Haze & Associates, 120 Westgate Dr., Watsonville, CA 95076  
Mr. Raymond Brinson, Reed, Elliot, Creech & Roth, 99 Almaden Blvd., 8<sup>th</sup> floor,  
San Jose, CA 95113-1606  
files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



Stid 1879

November 14, 2000

Jerry Harbert  
President, Durham Transportation  
9171 Capital of Texas Hwy North  
Travis Building, Suite 200  
Austin, TX 78759-7252

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

Re: Property at 19884 Meekland Ave., Hayward, CA 94541

Dear Mr. Harbert:

This office is in receipt of "Third Quarter 2000 Groundwater Monitoring report" dated November 9, 2000 prepared by your consultant Mr. Craig Drizon of Weber Haze & Associates regarding the above referenced site.

Per this report MW-5 well has the highest concentrations contaminants with TPH-g at 18,000ppb, Benzene at 840ppb, MTBE < 30 ppb. However I understand that the MTBE was not detected at any well but rather the detection limit was raised due to sample dilution. MW-9 well indicated 1,000ppb, 40ppb, and ND level for TPH-g, Benzene, and MTBE respectively. MW-9 well seems to contain highest amount of contaminant after MW-5 and is located almost down-gradient from MW-5 well. Figure 2 reveals the groundwater flow gradient to be southwesterly.

You no longer need to perform analysis for MTBE due to non-detect level of this constituent in the groundwater.

I concur with the work proposed by Mr. Drizon of Weber Haze & Associates as indicated in this report.

Should you have any questions, please call me at (510)-567-6876.

Sincerely,

Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Craig Drizon, Weber Haze & Associates, 120 Westgate Dr., Watsonville, CA 95076  
Mr. Raymond Brinson, Reed, Elliot, Creech & Roth, 99 Almaden Blvd., 8<sup>th</sup> floor,  
San Jose, CA 95113-1606  
Mr. Hugh Murphy, City of Hayward Hazardous Material Office, 777 B Street, Hayward,  
CA 94541  
files



ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

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

**Stid 1879**

November 1, 2000

Jerry Harbert  
President, Durham Transportation  
9171 Capital of Texas Hwy North  
Travis Building, Suite 200  
Austin, TX 78759-7252

**Re: Property at 19884 Meekland Ave., Hayward, CA 94541**

Dear Mr. Harbert:

I am in receipt of a faxed workplan dated September 7<sup>th</sup>, 2000, which was faxed to me by your consultant Mr. Craig Drizon of Weber Haze & Associates regarding the above referenced site. In this workplan Mr. Drizon has proposed to perform some soil and groundwater sampling and to delineate the extent of plume at the above referenced site. I concur with the proposal made by Mr. Drizon. However, please ensure the soil and groundwater analysis includes testing for MTBE as well as all the constituents indicated in the workplan.

**Additionally groundwater monitoring of all wells on site (quarterly groundwater monitoring) must be performed on a routine basis as indicated in the correspondence dated August 8<sup>th</sup>, 2000 and to include BTEX, and MTBE analysis on all wells unless directed otherwise by this office or the Regional Water Quality Control Board.**

If you have any questions, please call me at (510)-567-6876.

Sincerely,

Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Craig Drizon, Weber Haze & Associates, 120 Westgate Dr., Watsonville, CA 95076  
Mr. Raymond Brinson, Reed, Elliot, Creech & Roth, 99 Almaden Blvd., 8<sup>th</sup> floor,  
San Jose, CA 95113-1606  
Mr. Hugh Murphy, City of Hayward Hazardous Material Office, 777 B Street, Hayward,  
CA 94541  
Files

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

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

**Stid 1879**

November 1, 2000

Jerry Harbert  
President, Durham Transportation  
9171 Capital of Texas Hwy North  
Travis Building, Suite 200  
Austin, TX 78759-7252

**Re: Property at 19884 Meekland Ave., Hayward, CA 94541**

Dear Mr. Harbert:

I am in receipt of a faxed workplan dated September 7<sup>th</sup>, 2000, which was faxed to me by your consultant Mr. Craig Drizon of Weber Haze & Associates regarding the above referenced site. In this workplan Mr. Drizon has proposed to perform some soil and groundwater sampling and to delineate the extent of plume at the above referenced site. I concur with the proposal made by Mr. Drizon. However, please ensure the soil and groundwater analysis includes testing for MTBE as well as all the constituents indicated in the workplan.

**Additionally groundwater monitoring of all wells on site (quarterly groundwater monitoring) must be performed on a routine basis as indicated in the correspondence dated August 8<sup>th</sup>, 2000 and to include BTEX, and MTBE analysis on all wells unless directed otherwise by this office or the Regional Water Quality Control Board.**

If you have any questions, please call me at (510)-567-6876.

Sincerely,

Amir K. Gholami, REHS  
Hazardous Materials Specialist

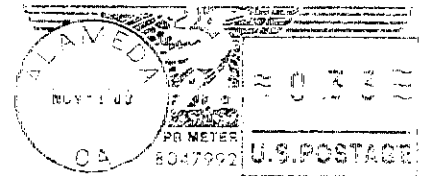
C: Mr. Craig Drizon, Weber Haze & Associates, 120 Westgate Dr., Watsonville, CA 95076  
Mr. Raymond Brinson, Reed, Elliot, Creech & Roth, 99 Almaden Blvd., 8<sup>th</sup> floor,  
San Jose, CA 95113-1606  
Mr. Hugh Murphy, City of Hayward Hazardous Material Office, 777 B Street, Hayward,  
CA 94541  
Files

*Present with consent address*

CC:4580



ALAMEDA COUNTY  
**HEALTH CARE SERVICES AGENCY**  
Environmental Health Services Administration  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

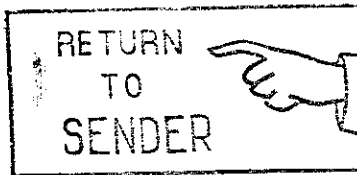


NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

Jerry Harbert  
President, Durham Transportation  
9171 Capital of Texas Hwy North  
Travis Building, Suite 200  
Austin, Tx 78759-7252

*FOE*  
*5939*

00 NOV 1992 PM 5:29  
PROFESSIONAL



78759-6504 33 78759-6502-6577



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Stid 1879

August 30, 2000

Jerry Harbert  
President, Durham Transportation  
9171 Capital of Texas Hwy North  
Travis Building, Suite 200  
Austin, TX 78759-7252

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

**Re: Property at 19884 Meekland Ave., Hayward, CA 94541**

Dear Mr. Harbert:

I am in receipt of a letter by Mr. Larry K. Durham, Chief Executive Officer, Durham Transportation dated July 20<sup>th</sup>, 2000. In this letter, Mr. Durham has acknowledged the receipt of my letter dated July 11<sup>th</sup>, 2000 and has indicated that you will respond to the requirements indicated in that letter. However, please be advised that the most recent communication from this office was a letter dated August 8<sup>th</sup>, 2000. This letter included some requirements, which was discussed during a meeting dated 8/8/2000 with Messrs. Chuck headlee, Roger Brewer of the Regional Water Quality Control Board, myself and your consultant Mr. Craig Dirzin of Weber, Hayes & Associates. As you are aware, this meeting was held to discuss the clean up issues at the above referenced site and it concentrated on the review of risk assessment and site investigation reports. Please be advised that our office will continue to lead this project in regard to clean up issues.

The letter dated August 8<sup>th</sup>, 2000 had an attachment from the Regional Water Quality Control Board as well. Please refer to this letter for the latest requirements regarding the above referenced site.

**Please respond to the requirement indicated in the letter dated August 8<sup>th</sup>, 2000 by 9/8/2000.**

If you have any questions, please call me at (510)-567-6876.

Sincerely,

A handwritten signature in black ink, appearing to read "Amir K. Gholami".

Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Craig Drizon, Weber Haze & Associates, 120 Westgate Dr., Watsonville, CA 95076  
Raymond Brinson, Reed, Elliot, Creech & Roth, 99 Almaden Blvd., 8<sup>th</sup> floor, San Jose,  
CA 95113-1606  
Files



# State Water Resources Control Board



Winston H. Hickox  
Secretary for  
Environmental  
Protection

Division of Clean Water Programs  
2014 T Street • Sacramento, California 95814 • (916) 227-7886  
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120  
FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/cwphome/ustcf>

Gray Davis  
Governor

August 10, 2000

Jerry Harbert  
20150 Rancho Bella Vista Dr  
Saratoga, CA 95070

AGC  
PRO  
0047  
18776

00 AUG 15 PM 2:52  
ENVIRONMENTAL  
PROTECTION  
DIVISION

**PRE-APPROVAL OF CORRECTIVE ACTION COSTS,  
CLAIM NO. 003377, PRE-APPROVAL REQUEST NO. 4  
SITE ADDRESS: 19984 MEEKLAND AVE, HAYWARD, CA 94541**

I have reviewed your request, received on July 20, 2000, for pre-approval of corrective action costs. I have included a copy of the "Cost Pre-Approval Request" form; please use this form in the future for requesting pre-approval of corrective action costs.

With the following provisions, the total cost pre-approved as eligible for reimbursement for completing the July 20, 2000, Weber, Hayes & Associates workplan approved by the Alameda County EHD (County) in their July 11, 2000 letter, is \$19,304; see the table below for a breakdown of costs. (The total amount that has been reimbursed and approved for payment up to this point is \$ 389,158.)

Be aware that this pre-approval does not constitute a decision on reimbursement: **necessary** (as determined by the Fund) corrective action costs for action work **directed and approved by the County** will be eligible for reimbursement at costs consistent with those pre-approved in this letter. However, depending on what happens in the field, some costs may not actually be necessary. If the Fund agrees that they were in fact necessary, the Fund will reimburse at reasonable rates (rates consistent with those pre-approved.)

In an effort to expedite future reimbursement requests associated with the implementation of the corrective action tasks pre-approved in this letter, we ask that the attached pre-approval specific reimbursement request form be completed, updated and submitted with each reimbursement request. All relevant supporting documentation must also be included with each reimbursement request.

*In order for future costs for corrective action to be part of the expedited reimbursement process, they must be pre-approved in writing by Fund staff.*

*All costs for corrective action must meet the requirements of Article 11, Chapter 16, Underground Storage Tank Regulations in order to be eligible for reimbursement.*

### COST PRE-APPROVAL BREAKDOWN

#	Task*	Amount Pre-Approved	Comments
1	Pre-Field Activites	\$2,450	Meetings with Agencies, surveying & Project coordination
2	Equipment and Materials-- Well Sampling	\$1,444	Equipment and sampling for 4 quarterly monitoring events
3	Laboratory Analysis and Water Disposal	\$7,580	Laboratory analysis of GW samples (11 wells) X 4 events, and disposal of GW from each of the events.
4	Field Activites--GW monitoring and sampling	\$3,510	Conduct 4 Quarterly gw monitoring events
5	Report Preparation	\$4,320	Prepare reports for the QMR. Each report must contain, Iso-cons for BTEX, TPH(g), MTBE, GW flow gradient, conclusions and recommendations.
	<b>TOTAL PRE-APPROVED</b>	<b>\$ 19,304</b>	

\* Task descriptions are the same as those identified in Weber, Hayes & Associates's July 20, 2000 Cost Estimate

- Only the tasks/costs reflected on the above table are pre-approved at this time. The Fund will review any tasks/cost that go beyond the pre-approved amount to be determined if the additional tasks and costs are necessary and reasonable. However, if costs exceed the above pre-approved amounts, the Fund will be unable to expedite your Reimbursement Request.
- The work products must be acceptable to the County and the Regional Water Quality Control Board.
- If a different scope of work becomes necessary, then you must request pre-approval of costs on the new scope of work.
- Although I have referred to the Weber, Hayes & Associates proposal in my pre-approval above, please be aware that you will be entering into a private contract: the State of California cannot compel you to sign any specific contract. This letter **pre-approves the costs** as presented in the proposal dated July 20, 2000 by Weber, Hayes & Associates for conducting the work approved by the County for implementing the July 20, 2000, Weber, Hayes & Assocaites workplan.

I also want to remind you that the Fund's regulations require that you obtain at least three bids, or a bid waiver from Fund staff, from qualified firms for all necessary future corrective action work. If you need assistance in procuring contractor and consultant services, don't hesitate to call me.

Jerry Harbert  
Claim No. 003377

-3-

August 10, 2000  
Pre-Approval Request No. 4

1879

Please remember that it is still necessary to submit the actual costs of the work as explained in the Reimbursement Request Instructions to confirm that the costs are consistent with this pre-approval before you will be reimbursed. ***Please insure that your consultant prepares their invoices to include the required breakdown of costs on a time and materials basis, that invoiced tasks are consistent with the original proposal, and that reasonable explanations are provided for any changes made in the scope of work or increases in the costs. When the invoices are submitted you must include copies of all:***

- *subcontractor invoices,*
- *technical reports, when available, and*
- *applicable correspondence from the County.*

Please call if you have any questions; I can be reached at (916) 227-7886.

Sincerely,



Hari Patel, Sanitary Engineering Associate  
Technical Review Unit  
Underground Storage Tank Cleanup Fund

Enclosure

cc: Mr. Amir K. Gholami, R.E.H.S.  
Alameda County EHD  
✓ 1131 Harbor Bay Pkway, 2nd Fl.  
Alameda, CA 94502-6577

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**

AGENCY  
DAVID J. KEARS, Agency Director



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

Stid 1879

August 8, 2000

Jerry Harbert  
President, Durham Transportation  
9171 Capital of Texas Hwy North  
Travis Building, Suite 200  
Austin, TX 78759-7252

**Re: Property at 19884 Meekland Ave., Hayward, CA 94541**

Dear Mr. Harbert:

There was a meeting between Messrs. Chuck headlee, Roger Brewer ( Regional Water Quality Control Board), myself and your consultant Mr. Craig Dirzin of Weber, Hayes & Associates on 8/8/2000. This meeting was held to discuss the clean up issues at the above referenced site. This meeting concentrated on the review of risk assessment and site investigation reports. Please be advised that our office will continue to lead this project in regard to clean up issues.

In my correspondence dated July 11<sup>th</sup>, 2000, I indicated several items in regard to clean up issues regarding the above referenced site. Please comply with the requirements indicated within that letter and with the attached memo from the Regional Water Quality Control Board attached at the end of this letter.

At this time please address the following:

**Perform groundwater monitoring of all wells on site to indicate the current status of groundwater contamination. Quarterly monitoring reports are to continue and to include BTEX, and MTBE analysis on all wells unless directed otherwise by this office or the Regional Water Quality Control Board.**

**You must submit an accurate calculation of groundwater flow gradient, as the last groundwater analysis performed in 1997 is incomplete.**

**Please submit a workplan for an evaluation and eventual implementation per discussion in our meeting on 8/8/2000.**

**Attached please find a copy of the memo regarding the meeting on 8/8/2000:**



**TO:** Amir Gholami  
Alameda County Environmental Health Agency  
**FROM:** Roger Brewer, Chuck Headlee  
Bay Area Regional Water Quality Control Board  
Toxics Cleanup Division  
**DATE:** August 8, 2000

**SUBJECT:** Review of Risk Assessment and Site Investigation Reports for Durham  
Transportation, 19984 Meekland Avenue, Hayward

Below are comments on the AGI September 25, 1998, and Weber, Hayes and Associates October 27, 1999, risk assessments and proposed cleanup levels for the Durham Transportation site at 19984 Meekland Avenue, Hayward. Please contact our office if you have any questions.

1. **Conditional approval of proposed soil cleanup levels.** Based on my review of the combined AGI/Weber, Hayes and Associates risk assessments, the following soil cleanup levels have been proposed:

Chemical	Surface Soils (0-5.5' bgs)	Subsurface Soils (>5.5' bgs)
Benzene	-	0.118 mg/kg
Ethylbenzene	-	-
Toluene	-	150 mg/kg
Xylenes	-	-
1,2 DCA	0.032 mg/kg	0.032 mg/kg
PCE	0.49 mg/kg	0.49 mg/kg
TCE	0.17 mg/kg	0.17 mg/kg
TPH-Gasoline	-	1000 mg/kg
TPH-Diesel	-	1000 mg/kg

The proposed soil cleanup levels for benzene, 1,2 DCA, PCE and TCE are adequate for protection of human health through direct and indirect exposure. Although not specifically addressed in the risk assessments, the cleanup levels are also adequate for protection of groundwater quality (as a potential source of drinking water) due to potential leaching of chemicals from soil. The cleanup levels were originally developed for a commercial/industrial land use scenario. Based on a review of USEPA Region IX Preliminary Remediation Goals (October 1999) and in-house screening levels for protection of indoor air quality, the proposed soil cleanup levels for these chemicals are also adequately protective of potential, future residential

use of the property. The proposed cleanup level for benzene in subsurface soil should, however, also be applied to surface soils. (If concentrations of benzene in surface soil are already below this level, additional cleanup is obviously not required.)

The proposed cleanup levels for toluene and TPH and the lack of cleanup levels for ethylbenzene and xylenes do not address the need to protect groundwater quality due to potential leaching of chemicals from soil. Soil cleanup criteria that address this concern should be developed and presented for review. As an alternative, a more stringent TPH cleanup level could be used (e.g., 100 mg/kg).

In accordance with the Basin Plan, shallow groundwater beneath the site should be considered a potential source of drinking water. Final cleanup goals for groundwater should reflect drinking water standards or correlative criteria in the absence of regulatory standards (e.g., 100 ug/L TPH).

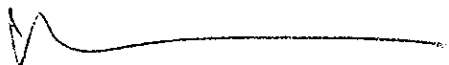
2. **Initiate regular sampling of groundwater; define extent of groundwater impacted above cleanup goals to extent practical and needed.** As proposed by Weber, Hayes and Associates, groundwater should be sampled and tested on a quarterly basis unless otherwise approved. A sampling plan should be submitted for review. The sampling plan should describe the wells to be sampled. Samples should be tested for TPH and volatile organic compounds, including MTBE. Contoured maps depicting the extent of groundwater impacted above cleanup goals should be prepared.
3. **Conduct additional soil sampling between ground surface and water table; define extent of soil impacted above proposed cleanup standards; develop remedial action plan.** Additional soil sampling should be carried out in order to determine the extent of soil impacted above proposed cleanup levels. Note that this should be done for all chemicals detected at the site and not only for benzene as proposed by Weber, Hayes and Associates. Soil samples should be tested for TPH and volatile organic compounds, including MTBE. Maps and cross sections that depict the lateral and vertical extent of impacted soil should be prepared and presented.
4. **Evaluate need for additional remediation of impacted soil and groundwater at the site.** Continuing heavy impacts to shallow groundwater at the site suggest that additional removal of impacted soil is necessary. The need for active remediation of impacted groundwater in the source area should also be evaluated. The applicability of monitored natural attenuation should be evaluated with respect to the extent and magnitude of impacts, the proximity of downgradient wells and bodies of surface water, and the presence of vertical conduits that could cause impacts to deeper aquifers.

Please respond to the above items within 30 days from the date of this letter or by 9/8/2000.

This is a formal request for technical information and hence any delays should be requested in writing.

Should you have any questions, please call me at (510) 567-6876.

Sincerely,



Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Craig Drizon, Weber Haze & Associates, 120 Westgate Dr., Watsonville, CA 95076  
Raymond Brinson, Reed, Elliot, Creech & Roth, 99 Almaden Blvd., 8<sup>th</sup> floor, San Jose,  
CA 95113-1606  
Files

**TO:** Amir Gholami  
Alameda County Environmental Health Agency  
**FROM:** Roger Brewer, Chuck Headlee  
Bay Area Regional Water Quality Control Board  
Toxics Cleanup Division  
**DATE:** August 8, 2000

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SALD

1879

July 20, 2000

Amir K. Gholami, REHS  
Alameda County Health Care Services  
Environmental Health Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

00 JUL 25 AM 8:42  
ENVIRONMENTAL  
PROTECTION

RE: Property at 19884 Meekland Ave., Hayward, CA 94541

Dear Mr. Gholami:

I have received your July 11, 2000 letter concerning the above. We will respond within the requested time frame.

For future reference, please send all correspondence to my attention at:

Durham Transportation, Inc.  
9011 Mountain Ridge Drive, Suite 200  
Austin, TX 78759

Thank you for your assistance.

Sincerely,

*Larry K. Durham*

Larry K. Durham  
Chief Executive Officer

LKD/jjm

cc: Craig Drizon  
Weber Haze & Associates  
120 Westgate Drive  
Watsonville, CA 95076

Raymond Brinson  
Reed, Elliot, Creech & Roth  
99 Almaden Blvd., 8<sup>th</sup> Floor  
San Jose, CA 95113-1606

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ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



SENT 7-12-2000  
ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
(510) 567-6700  
FAX (510) 337-9335

Stid 1879

July 11, 2000

Jerry Harbert  
President, Durham Transportation  
9171 Capital of Texas Hwy North  
Travis Building, Suite 200  
Austin, TX 78759-7252

**Re: Property at 19884 Meekland Ave., Hayward, CA 94541**

Dear Mr. Harbert:

As you are aware, I have been recently assigned to oversee this project. I have had several discussions with Mr. Brinson, your attorney, regarding the clean up issues at the above referenced site. Per our previous discussion and review of the files, I have noted that quarterly groundwater sampling and analysis has not been performed for several years. I did mention this fact to Mr. Brinson verbally and requested resumption of the quarterly groundwater sampling and analysis. Additionally I requested that the laboratory groundwater analysis to include BTEX, and MTBE on all wells.

Please do not interrupt the sampling and monitoring at any time unless directed by this office to do so. Interruption in sampling and analysis will cause your site to be out of compliance with Title 23 California Code of Regulations unless otherwise directed by this office. The sampling and monitoring or any clean up activity must continue regardless of the status of the clean up level calculations, which you submitted to this office.

At this time please address the following:

**Please address the following:**

**Perform groundwater monitoring of all wells on site to indicate the current status of groundwater contamination.**

**Submit an accurate calculation of groundwater flow gradient, as the last groundwater analysis performed in 1997 is incomplete.**

**Please submit workplan for an evaluation and eventual implementation**

Additionally the clean up target level of benzene at 3820ppb in water is extremely high and unacceptable in the calculations of the clean up levels.

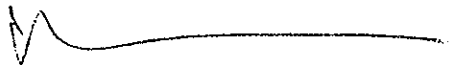
Please respond to the above items within 30 days from the date of this letter.

Please respond to the above items within 30 days from the date of this letter or by 9/8/2000.

This is a formal request for technical information and hence any delays should be requested in writing.

Should you have any questions, please call me at (510) 567-6876.

Sincerely,



Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Craig Drizon, Weber Haze & Associates, 120 Westgate Dr., Watsonville, CA 95076  
Raymond Brinson, Reed, Elliot, Creech & Roth, 99 Almaden Blvd., 8<sup>th</sup> floor, San Jose,  
CA 95113-1606

Files



LAW OFFICES OF  
**REED, ELLIOTT, CREECH & ROTH**

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99 Almaden Boulevard, Eighth Floor  
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Facsimile  
(408) 993-1335

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[www.sjlegal.com](http://www.sjlegal.com)

John W. Elliott  
Randall C. Creech  
Thomas A. Elliott  
Jeffrey S. Lawson  
Peter A. Liebow  
Raymond A. Brinson

Nancy L. Mathis  
Edward A. Kraus  
Bonnie L. Portis  
Phillip C. Lyman  
Vinita Bali

June 16, 2000

Of Counsel

Reed & Roth, Inc.  
Steven J. Roth  
Chuck Reed

Thomas G. Perkins

**Via Facsimile and U.S. Mail**

Ms. Mee Ling Tung  
Director of Environmental Health  
Department of Environmental Health  
1131 Harbor Bay Parkway  
Alameda, CA 94502

Re: Durham Transportation Property  
19984 Meekland Ave., Hayward, CA  
Request for Decision or Transfer to the Regional Water Quality Control Board

Dear Ms. Tung:

My client, Jerry Harbert, pursuant to an agreement with Durham Transportation Co. has been trying to remediate the Meekland Ave. site for over 10 years. During this time, we have had interminable delays that have prevented this site from being cleaned up. It is not a complex site; it is simply a petroleum release from a single underground storage tank. Our current problem preventing getting the site cleaned up relates to obtaining approval of the Risk Assessment and to perform further investigations on the site. On March 27, 1996, a final Risk Assessment prepared by AGI Technology was presented to Madhulla Logan at Environmental Health Services for review and approval. On June 17, 1999, approximately 3 years later, we finally had the response to that Risk Assessment. Not all of that delay was Madhulla Logan's fault, and as a result of delays on the part of AGI we fired them and replaced them with Weber, Hayes & Associates. However, we now have almost another year of delay in resolving the next phase of the project.

In her June 17, 1999, letter Ms. Logan asked for the following additions/modifications to the Risk Assessment:

“Surface oil pathway was evaluated for future resident by using 2 exposure routes by inhalation and ingestion. The results of this evaluation are provided in Table 8 of the Risk Assessment Report. However, this pathway should be evaluated as a combination (sum) of ingestion, inhalation and dermal routes.

Volatile organics, including PCE that has been identified in the groundwater, should also be evaluated in the Risk Assessment.

Based on the information provided in Table 11 of the Report, the Federal slope factor was used to calculate the cleanup levels for benzene. This department requires that the California slope factor for benzene be used.

Provide a rationale for using a porosity of  $0.43\text{cm}^3$  and a volumetric air contact of  $0.33\text{ cm}^3$  as mentioned in Table 9 of this Report to calculate the indoor air pathway.”

Logan letter of June 17, 1999.

Weber, Hayes & Associates responded to Ms. Logan's letter on October 27, 1999.

They evaluated the surface soil exposure pathway as the sum of ingestion, inhalation and dermal exposure routes and presented that data.

They pointed that AGI did, in fact, provide the calculations using the California slope factor for benzene.

They provided the rationale for selecting values for porosity and volumetric air content.

Weber, Hayes & Associates also recommended that:

the site specific cleanup levels proposed by AGI and Weber, Hayes be approved by Environmental Health;

that a limited soil sampling program be allowed to determine the current concentrations of benzene and subsurface soils at the site;

that a groundwater sampling program be initiated to collect current data on TPH-D, TPH-G, and BTEX groundwater concentrations; and

finally, that the soil and groundwater data should be evaluated to determine if additional cleanup or groundwater monitoring is necessary.

It is now June, of the following year, and we do not have a response from your department and, in fact, have been told that we cannot expect one in the foreseeable future. We were told all through the last quarter of 1999 that Madhulla Logan would provide the evaluation of the Weber, Hayes report. That never happened. The file is currently assigned to Amir Jholami.

Over the last month we have called Mr. Jholami once a week to try and find out the status of the review. That was after he had told us the file had been lost, and we sent it to him again on May 10, 2000. Eventually on June 8, 2000, he finally looked at the file only to tell us that in order to approve the cleanup plan he needed a toxicologist to review it because it is too technical. He further informed us that your department does not currently have a toxicologist on staff, but is looking to hire one. That, because there is no toxicologist, there will be no approval and we will have to wait indefinitely!

My client, Jerry Harbert, has the responsibility of cleanup for this property pursuant to a sale that took place over a decade ago. A large portion of his retirement fund is tied up awaiting resolution of the cleanup on this site. He has been more than patient to date, but he needs to have this site cleaned up. We cannot wait indefinitely for a toxicologist to approve a simple request to perform additional work on the site. We are also concerned that Mr. Jholami told us that we were out of compliance by not having regular groundwater monitoring when, as part of the Weber, Hayes & Associates October 27, 1999, document, we asked him to approve groundwater monitoring. This site is being funded by the Underground Storage Tank Cleanup Fund, and we need written approvals of the work that is proposed for the site to maximize reimbursement from the Cleanup Fund. There have been substantial problems on this file already.

At this time we request that this file either be transferred to the Regional Board for action or your office provide us with expeditious review and approval of the Weber, Hayes October 27, 1999, report and recommendations.

Ms. Mee Ling Tung  
Director of Environmental Health  
Department of Environmental Health  
June 16, 2000  
Page 4

Your prompt attention to this matter is requested.

Very truly yours,

REED, ELLIOTT, CREECH & ROTH

JEFFREY S. LAWSON

JSL:mk

cc: Jerry Harbert  
Joe Hayes  
Raymond A. Brinson

Jill:

Message left on Voice Mail:

Gholami, I work for Alameda County Hazardous Materials Office. I'm calling regarding. I want to file a complaint against this guy Jeff Lawson. He is handling this case at Harbert Transportation at 19984 Meekland Ave. I received this work plan that there is some kind of, you know, environmental cleanup and I'm overseeing the project. We have, according to the law, Title 23 Chapter 11 Section 2726; 60 days to respond to these plans. This guy calls me, I just got this plan; he calls me, then he you know, actually he wrote the letter yesterday. Then he called me. He's got the nerve to call over here and file a complaint. So if that is going to be the case, I'm just going to deal with it like any other case, then I'm not going to give any priority to it. The reason I did this is because I felt sorry for this individual. Because the responsible party has cancer and I felt sorry him and I put him right in front of everybody else. But if he is going to act like an idiot calling over here and filing complaints, when he doesn't appreciate anything I did, I'm not going to do that anymore. You know. Just to let him know. My number is: (510) 567-6876.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6700  
(510) 337-9432

Stid 1879

February 9, 2000

Durham Transportation  
9171 Capital of Texas Hwy North  
Travis Building, Suite 200  
Austin, TX 78759-7252

Re: Property at 19884 Meekland Ave., Hayward, CA 94541

LANDOWNER NOTIFICATION AND PARTICIPATION REQUIREMENTS

Dear Mr. Madam or Sir:

This letter is to inform you of new legislative requirements pertaining to cleanup and closure of sites where an unauthorized release of hazardous substance, including petroleum, has occurred from an underground storage tank (UST). Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code requires the primary or active responsible party to notify all current record owners of fee title to the site of: 1) a site cleanup proposal, 2) a site closure proposal, 3) a local agency intention to make a determination that no further action is required, and 4) a local agency intention to issue a closure letter. Section 25297.15(b) requires the local agency to take all reasonable steps to accommodate responsible landowners' participation in the cleanup or site closure process and to consider their input and recommendations.

For purposes of implementing these sections, you have been identified as the primary or active responsible party. Please provide to this agency, within twenty (20) calendar days of receipt of this notice, a complete mailing list of all current record owners of fee title to the site. You may use the enclosed "list of landowners" form (sample letter 2) as a template to comply with this requirement. If the list of current record owners of fee title to the site changes, you must notify the local agency of the change within 20 calendar days from when you are notified of the change.

If you are the sole landowner, please indicate that on the landowner list form. The following notice requirements do not apply to responsible parties who are the sole landowner for the site.

LANDOWNER NOTIFICATION

Re: 19884 Meekland Ave., Hayward

February 9, 2000

Page 2 of 2

In accordance with Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code, you must certify to the local agency that all current record owners of fee title to the site have been informed of the proposed action before the local agency may do any of the following:

- 1) consider a cleanup proposal (corrective action plan)
- 2) consider a site closure proposal
- 3) make a determination that no further action is required
- 4) issue a closure letter

You may use the enclosed "notice of proposed action" form (sample letter 3) as a template to comply with this requirement. Before approving a cleanup proposal or site closure proposal, determining that no further action is required, or issuing a closure letter, the local agency will take all reasonable steps necessary to accommodate responsible landowner participation in the cleanup and site closure process and will consider all input and recommendations from any responsible landowner.

Please call me at (510) 567-6876 if you have any questions about the content of this letter.

Sincerely,



Amir K. Gholami, REHS  
Hazardous Materials Specialist

cc: Chuck Headlee, RWQCB

Attachments: Sample letter 2 and Sample letter 3, which must be filled out by the Responsible Party and mailed to Alameda County.

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

ENVIRONMENTAL HEALTH SERVICES

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

June 17, 1999

Ms. Laurie Burger  
99 Almaden Boulevard 8<sup>th</sup> floor  
San Jose, CA - 95113

**Ref: Durham Property, Meekland Avenue Site, 19984 Meekland Avenue,  
Hayward, CA**

Dear Ms. Burger:

I am in receipt of the final risk assessment, dated March 27, 1996 prepared by AGI Technology for the above mentioned site. Based on review and phone conversations with AGI consultants the following additions/modifications of the risk assessment is required:

- Surface soil pathway was evaluated for future resident by using two exposure routes, i.e. inhalation and ingestion. The results of this evaluation are provided in Table 8 of the risk assessment report. However, this pathway should be evaluated as a combination (sum) of ingestion, inhalation and dermal routes.
- Volatile Organics, including PCE that has been identified in the groundwater should also be evaluated in the risk assessment.
- Based on the information provided in Table 11 of the report, the federal slope factor was used to calculate the cleanup levels for benzene. This department requires that the California slope factor for benzene be used.
- Provide a rationale for using a porosity of 0.43 cm<sup>3</sup> and a volumetric air content of 0.133 cm<sup>3</sup> as mentioned in Table 9 of this report to calculate the indoor air pathway.

This risk assessment has been prepared for the purpose of establishing cleanup levels. However, to evaluate the site for closure, the final risk based cleanup numbers (subsequent to approval) should be compared with pertinent site concentrations to determine the potential risk to future residents. A excess lifetime cancer risk of one in one hundred thousand ( $10^{-5}$ ) is acceptable. If you have any questions, you may reach me at (510) 567-6764.

Sincerely,

Madhulla Logan  
Hazardous Material Specialist



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, DIRECTOR

July 29, 1996

DEPARTMENT OF ENVIRONMENTAL HEALTH  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6777

**Mr. Daniel Henninger**  
AGI Technologies  
300 120th Avenue, N.E.  
Bellevue, Washington - 98005

**Ref: Durham Transportation, 19984 Meekland Avenue, Hayward, CA**

Dear Mr. Henninger:

I am in receipt of the risk assessment dated, March 27, 1996, submitted by AGI Technologies for the above referenced site. The risk methodology described in the report is acceptable to this Department with the following changes:

- The risk based cleanup levels for benzene should be calculated using California EPA's cancer slope factor of 0.1 mg/kg day-1 instead of the Federal EPA slope factor of 0.029 mg/kg day-1. If the slope factors used for the rest of the chemical of concerns (COCs) are different from the values established by California EPA, then the cleanup levels for the other COCs should also be modified to reflect the California standard.
- For the subsurface soil to enclosed space and for the groundwater to enclosed space pathways, total porosity was assumed to be 0.43. However, in determining the volumetric air content, a value of 0.13 was used as opposed to the ASTM RBCA's default value of 0.26. This decreases the air volume available for contaminant transport. Since this parameter is significant for the chosen inhalation pathway, the volumetric air content should be determined using the RBCA default value of 0.12 for volumetric water content or by measurement of site specific soil moisture content.

Please submit the modified risk based cleanup levels for all the COCs in a table format within 30 days of receipt of this letter. If you have any questions, you can reach me at (510) 567-6764.

Sincerely,

Madhulla Logan,  
Hazardous Material Specialist

CC: Herbert Transportation, c/o Reed, Elliott, Creech and Roth, 99 Alameda Blvd, Eighth floor, San Jose, CA - 95113.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6777

December 14, 1995

**Daniel Henninger**  
Senior Scientist  
AGI Technologies  
300 120th Avenue, N.E., Building #4  
Bellevue, Washington - 98004

**Ref: Herbert Transportation, 19984 Meekland Avenue, Hayward, CA**

Dear Mr. Henninger:

I am in receipt of the worplan, dated November 9, 1995 prepared by AGI Technologies (AGI) for the above referenced property in response to the request made by this Department for further delineation of groundwater contamination.

The document has been reviewed by this Department and is acceptable with the following change:

The 2 grab groundwater sample loctions parallel to monitoring wells, MW-4 and MW-9 should not be further than 50 feet from the well locations.

This Department should be notified prior to implementing any field work. If you have any questions, you can reach me at (510) 567-6764.

Sincerely,

Madhulla Logan  
Hazardous Material Specialist

CC: **Jeff Lawson**, Reed, Elliott, Creech and Roth, 99 Almaden Boulevard, Eight Floor, San Jose, CA - 95113

**Gordon Coleman/files**

**ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY**

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6700

October 2, 1995

**Mr. Jerry R. Herbert**  
20150 Rancho Bella Vista  
Saratoga, California - 95070

**Ref: Durham Transportation, 19984 Meekland Avenue, Hayward, CA**

Mr. Herbert:

I am in receipt of the workplan "Off-Site Contamination Assessment" dated October 28, 1994 prepared by AGI technologies for the above mentioned property. This report was received by this Department on September 20, 1995 and based on the review of this document, recommendations have been given below:

1. Based on previous monitoring well sampling data, all monitoring wells MW-1 thru MW-12, except for the upgradient well MW-8, have significant concentrations of petroleum hydrocarbons and solvents (BTEX or/and chlorinated volatile organics). The site plan indicating the locations of the 4 proposed monitoring wells to delineate the contamination is not scaled. Hence the distance of the proposed wells from the furthest downgradient wells MW-10 and MW-11 is not clear. Please submit a scaled site plan indicating the locations of the proposed monitoring wells.
2. Since the extent of contamination is not known, it would be more cost effective to conduct a shallow groundwater survey using hydropunch to get more data on the extent of groundwater contamination prior to installing the wells. Also, if the extent of the contamination is approximated by conducting a prior survey, then the 4 monitoring wells can be located within a 50 foot range from locations where the furthest contamination is identified (using the shallow groundwater survey). This in addition to giving reliable data to this Department, may prevent the installation of additional monitoring wells in future.
3. This Department is also in the process of reviewing the risk assessment report for the referenced site. To facilitate this review process, please submit previous soil sampling data sorted on the basis of sampling date.

**Please submit the above requested revisions/additions within 15 days to this Department.** Please be aware that there has been a significant time lapse since this Department's first request for groundwater delineation in the referenced property. Further delays will not be acceptable to this Department. If you have any questions, call me at (510) 567-6764.

Sincerely,

*Madhulla Logan*

Madhulla Logan,  
Hazardous Material Specialist

CC: **Daniel Henninger**, AGI Technologies, 300 12th Avenue,  
N.E Building 4, Bellevue, Washington - 98005

September 19, 1995

15,833.002.04

Ms. Madula Logan  
Alameda County Health Agency  
Department of Environmental Health  
1131 Harbor Bay Parkway, 2nd Floor  
Alameda, California 94502

ENVIRONMENTAL  
PROTECTION  
95 SEP 20 AM 9:24

Dear Ms. Logan:

**Groundwater Monitoring  
Former Harbert Transportation Site  
19984 Meekland Road  
Hayward, California**

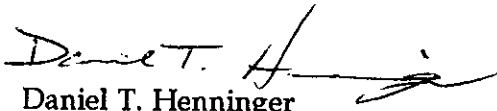
Attached for your review is AGI Technologies' draft work plan titled *Off-Site Contamination Assessment, Harbert Transportation Inc., 19984 Meekland Avenue, Hayward, California*. This draft work plan was originally sent to Alameda County for review in November 1994.

Since the latest groundwater monitoring event at the site was conducted on September 15, 1995, we anticipated implementing the work plan during the next groundwater monitoring event scheduled for December 1995.

If you have any questions or need additional information, please give me a call at (206) 453-8383.

Sincerely,

**AGI Technologies**

  
Daniel T. Henninger  
Senior Scientist

DTH/tag

June 22, 1995

15,833.002.04

Ms. Madula Logan  
Alameda County Health Care Services Agency  
Division of Environmental Protection  
Department of Environmental Health  
1131 Harbor Bay Parkway, 2nd Floor  
Alameda, California 94502

Dear Ms. Logan:

**Remedial Investigation and Groundwater Monitoring  
Harbert Transportation  
19984 Meekland Avenue  
Hayward, California**

This letter is to notify you of AGI Technologies' (AGI) intent to resume investigation and monitoring activities at the above referenced site. At your request, we temporarily ceased quarterly monitoring at the site prior to the January 1995 monitoring event to allow your evaluation and comment regarding AGI's draft Work Plan for off-site contamination assessment, dated October 28, 1994. Our client is eager to resume site work and would like to see progress toward site closure. AGI believes it is no longer in the best interest of our client to further delay work at the site.

AGI is proceeding with investigation activities at the site in accordance with the scope of services outlined in the Work Plan. Off-site investigation will be initiated upon approval by the appropriate land owners to access properties for investigation purposes. We expect the field work will begin during the third week of July 1995.

AGI will also implement the groundwater monitoring modifications we discussed and presented to you in a formal request letter dated February 27, 1995. As stated in the letter, monitoring wells MW5, MW8, MW10, and MW11 will be sampled quarterly along with sampling of the four new wells. In addition, all 14 wells will be monitored for groundwater gradient evaluation purposes.

*Inducted by  
July*

95 JUN 29 PM 3:17  
ENVIRONMENTAL  
HEALTH SERVICES  
CALIFORNIA

Ms. Madula Logan  
Alameda County Health Care Services Agency  
June 22, 1995  
Page 2



If you have any questions, please do not hesitate to call.

Sincerely,

**AGI Technologies**

A handwritten signature in black ink that reads "Daniel T. Henninger". The signature is written in a cursive style with a horizontal line extending to the right.

Daniel T. Henninger  
Senior Scientist

DTH/tag

**M E E T I N G**  
September 1, 1994

Re: Durham Transportation Site, located at 19984 Meekland Ave.,  
Hayward, California

Attending: Daniel T. Henninger, AGI Technologies, (510)238-4590  
Paul R. Lohman, AGI Technologies, (510)238-4590  
Donna Dehn, Health/Sciences Consulting (510)530-1833  
Madhulla Logan, Alameda County  
Juliet Shin, Alameda County

Discussed guidelines for the development of a Risk Assessment, which will establish cleanup levels. Ms. Logan stated that the Risk Assessment shall utilize values for TPHg and TPHd, in addition to benzene. Surrogate values may be used for TPH, such as n-hexane, which apparently was established in ASTM's new standards for RBCA (Risk Based Corrective Action).

According to Mr. Henninger, an informal well survey was conducted within 0.25 miles downgradient of the site. No domestic wells, and only irrigation wells were identified. One irrigation well was identified immediately adjacent to the site.

Discussed the possibility of RA addressing the potential intrusion of volatiles into buildings. Ms. Dehn stated that, based on the fact that the water table is located significantly below the building depths, she doubts that it will pose any threat. She stated that most reference materials she has studied, state that there is only a vapor threat to buildings when the water table is located immediately beneath the buildings. Ms. Logan stated that she would refer to her resources to determine whether this issue should be addressed in the RA.

Ms. Shin requested that Risk should be assessed for children potentially playing in the irrigation water. Ingestion should be considered, per other Risk Assessments conducted for similar water uses. Ms. Dehn proposed that the RA make the assumption that 100% of the irrigation water would volatilize, which is very conservative, therefore dermal routes would not have to be considered.

In assessing the risk that soil contamination poses, the assumption has to be made that this site could be used as a residential site. They will assume a volatilization threat, as



opposed to a particulates threat. They will not assess TPHd in the RA, since the observed levels were probably weathered gas. However, the weathered gas concentrations need to be added to the observed gas concentrations to establish the average gas concentrations in soil. "T- and H-statistics" will be conducted, which will take any discrepancies caused by log and arithmetic mean adjustments into account.

Mr. Henninger stated that the latest ground water monitoring report would be submitted to this office within two weeks. The work plan for further delineation of the ground water contaminant plume is 90% completed, and will be submitted within the next month. Mr. Henninger stated that efforts will not be made to contain the ground water contaminant plume. Instead, they plan to complete delineation of the plume and then immediately address the remediation of the site, subsequent to obtaining satisfactory cleanup levels from the RA.

Mr. Henninger stated that the "data gap" info, outlined in the July 6, 1994 letter, would be submitted within the next month.

Mr. Henninger stated that utility line surveys would eventually be conducted in and around the site.

**Notes:** Never conducted overexcavation out at the site. An extensive amount of soil contamination still in place. 1,2-DCA was noted on site, in the source area and downgradient, but not in upgradient wells. However, small amounts of PCE have historically been identified in Well MW8 (upgradient well).

---

**AGI**  
**TECHNOLOGIES**

827 Broadway, Suite 210  
Oakland, California 94607  
(510) 238-4590  
FAX (510) 238-4599

**Paul R. Lohman**  
Staff Engineer

---

**AGI**  
**TECHNOLOGIES**

827 Broadway, Suite 210  
Oakland, California 94607  
(510) 238-4590  
FAX (510) 238-4599

**Daniel T. Henninger**  
Senior Scientist

**AGENDA**  
**09/01/94 Meeting on Risk Based Cleanup Levels**  
**Durham Transportation Site, Hayward, California**

**Introductions**

**Purpose of Meeting**

Introduce our approach for identifying cleanup levels at the Durham site and get agreement/approval of approach

**Site Background**

Brief overview of contamination at the site

Previous agency contact

Site hydrogeologic conditions (depth to groundwater, direction of flow, etc.)

**Risk-based Approach to Developing Cleanup Levels (Use of ASTM's *Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites*)**

Land use - past/current/future

Beneficial use - irrigation/lack of domestic use/existing municipal supply

Receptor survey - existing irrigation well on adjacent property

Establish point of compliance (downgradient edge of property)

Scenario for developing cleanup level in groundwater (use of groundwater for irrigation)

Inhalation of volatiles while watering lawns and trees in an average residential yard. Reasonable rates for watering, duration of water and frequency of watering will be determined based on EBMUD annualized data. After determining concentration of constituents in air, back-calculate the concentration in water.

Determine attenuation between point of compliance and nearest receptor

An attenuation factor exists between the receptor and the point of compliance. After applying the attenuation factor, this will be the cleanup concentration at the point of compliance. From this a cleanup concentration for soil will be calculated using a leaching approach.

**Discussion**

Donna Dehn  
Health/Sciences Consulting-  
510-530-1833

ALCO  
HAZMAT

TRANSMITTAL

94 JUL 29 PM 2:41

To: Alameda Co. Health Care Svcs. Agency Date: July 28, 1994

Department of Environmental Health

1131 Harbor Bay Parkway

Alameda, CA 94502

Attention: Ms. Juliet Shin

Project: 19984 Meekland Ave, Hayward, CA Number: 15,833.001.04

Subject: Project Schedule

Quantity	Date	Description
1	7/28/94	Project Schedule

For Your:

Distribution     Use     Records     Review     Approval     Information

Remarks: Pursuant to your July 6, 1994 letter, attached is a project schedule for work at the referenced site. If you have any questions, please give me a call.

From: Daniel Henninger Via: First class mail  
c.c. Jeffrey Lawson; Reed, Elliott, Creech & Roth

300 120th Avenue N.E., Bldg. 4  
Bellevue, WA 98005  
(206) 453-8383  
FAX (206) 646-9523

541 N.E. 20th, Suite 103  
Portland, OR 97232  
(503) 232-1800  
FAX (503) 232-9272

827 Broadway, Suite 210  
Oakland, CA 94607  
(510) 238-4599  
FAX (510) 238-4590

3206 50th St. Ct. N.W., #109  
Gig Harbor, WA 98335  
(206) 851-5562  
FAX (206) 858-6007



ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
80 Swan Way, Rm 200  
Oakland, CA 94621  
(510) 271-4530

July 6, 1994

Dave Delamotte  
Durham Transportation, Inc.  
9171 Capital of Texas Hwy North  
Travis Building, Ste 200  
Austin, Texas 78759-7252

STID 1879

Re: Investigations at Durham Transportation site, located at  
19984 Meekland Ave., Hayward, California

Dear Mr. Delamotte,

Per my meeting with Daniel T. Henninger, AGI Technologies (AGI), and Jeffrey S. Lawson, Reed, Elliott, Creech & Roth, on July 6, 1994, it is the understanding of this office that a Risk Assessment, Feasibility Study, and Corrective Action Work Plan will be prepared by AGI. A **detailed** timetable addressing this work must be submitted to this office **within 30 days** of the date of this letter. The Risk Assessment should assess whether there are any nearby wells, both domestic/irrigation and industrial, influencing and/or pumping contaminated water from the plume.

Elevated levels of contaminants have consistently been identified in the most downgradient well, Well MW-10, indicating that the ground water contaminant plume has not yet been delineated. Additionally, it appears that the extent of soil contamination has not yet been delineated. In conjunction with the above proposed work, Durham Transportation is required to fully characterize the extent of soil and ground water contamination at the site, per Article 11 Title 23 California Code of Regulations.

As observed by the elevated levels in off-site Well MW-10, it appears that the ground water contaminant plume tends to migrate fairly readily. Article 11 Title 23 California Code of Regulations also requires the containment/interim remediation of the ground water plume, to prevent further impact to unaffected areas. A work plan addressing the **delineation and containment** of the plume shall be submitted to this office **within 60 days** of the date of this letter.

Per Article 5 Title 23 California Code of Regulations you are required to sample and collect water level measurements from all the site's monitoring wells on a quarterly basis, and submit corresponding quarterly monitoring reports to this office. The

Mr. Dave Delamotte  
Re: 19984 Meekland Ave.  
July 6, 1994  
Page 2 of 3

last quarterly monitoring submitted to this office was in June 1993. You are required to sample the monitoring wells and submit a quarterly sampling report **within 45 days** of the date of this letter. In 1990, samples collected from the site's washrack sump identified levels of DDT pesticides. This office is concerned that the pesticides stored in this sump may have impacted the ground water. Therefore, this office is requesting that you analyze the ground water sample collected from the nearest monitoring well to the former sump for pesticides, in the next quarterly sampling event.

**Please incorporate the quarterly sampling events and plume delineation/containment work in the requested timetable.**

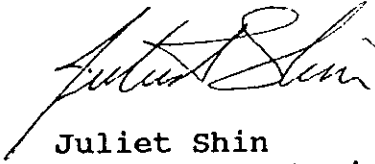
There are still a number of data gaps in our files. Please submit the following information to our office:

- o A report documenting the July 1986 investigations, initiated by then property owner Harbert Transportation.
- o Well construction information for Well MW-1, and any other information for this well, such as its abandonment/closure.
- o Well logs for MW-3 and MW-4.
- o Documentation for the fate of excavated soil from the tank removal and the trenching.
- o Need reports documenting the installation of Wells MW-10 and MW-11.
- o Please submit the history of depth-to-water for all the site's wells for the last two years.
- o Information on any possible overexcavation of the tank pits, subsequent to the initial tank removal sampling.

If you have any questions or comments, please contact me at (510) 271-4530.

Mr. Dave Delamotte  
Re: 19984 Meekland Ave.  
July 6, 1994  
Page 3 of 3

Sincerely,



Juliet Shin  
Hazardous Materials Specialist

cc: Daniel T. Henninger  
AGI Technologies  
827 Broadway, Ste 210  
Oakland, CA 94607

Jeffrey S. Lawson  
Reed, Elliott, Creech & Roth  
99 Almaden Blvd., Eighth Flr.  
San Jose, CA 95113

Donna Turlotte  
State Water Resources Control Board  
Division of Clean Water Programs  
P.O. Box 944212  
Sacramento, CA 94244-2120

Edgar Howell-File(JS)

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
80 Swan Way, Rm 200  
Oakland, CA 94621  
(510) 271-4530

January 21, 1994

Mr. Jeffrey S. Lawson  
Reed, Elliott, Creech, & Roth  
99 Almaden Blvd., Eighth Floor  
San Jose, CA 95113-1606

STID 1879

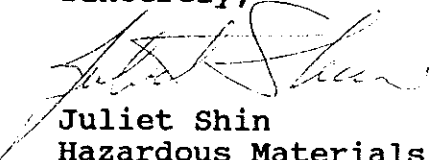
Re: Durham Transportation site, located at 19984 Meekland Ave.,  
Hayward, California

Dear Mr. Lawson,

In response to your letter, dated January 14, 1994, regarding the State's comments on the three bids for investigations at the above site, I spoke to Mr. Chris Stevens today, State Water Resources Control Board, to clarify his earlier comments. Mr. Stevens stated that the three consulting firms that submitted the bids are required to justify their choices for the proposed remediation systems, and all three firms need to submit estimates for all the same exact remedial options. It appears that the number of remedial options selected is not a problem, but rather that the consultants need to submit estimates on all the same options.

If you have any questions or comments, please contact me at (510) 271-4530.

Sincerely,

  
Juliet Shin  
Hazardous Materials Specialist

cc: Edgar Howell-File(JS)



LAW OFFICES OF  
REED, ELLIOTT, CREECH & ROTH

A PROFESSIONAL CORPORATION

99 Almaden Boulevard, Eighth Floor  
San Jose, California 95113-1606  
(408) 993-9911

Facsimile  
(408) 993-1335

ALCO  
HAZMAT

94 JAN 18 PM 2:34

Steven J. Roth  
John W. Elliott  
Randall C. Creech  
Thomas A. Elliott  
Chuck Reed  
Sylvia R. Esquivel  
Jeffrey S. Lawson  
Peter A. Liebow

January 14, 1994

Raymond A. Brinson  
Michael C. Gagliasso  
Stacy Sluser Hopkins  
Brook B. Bond  
Lauren Berger  
Phillip C. Lyman  
Cheryl Young Yamaguchi  
Andrew V. Stearns  
Patricia A. Welch  
Lara N. Gilman

Ms. Juliet Shin  
Hazardous Materials Specialist  
Alameda County Health  
Care Services Agency  
Department of  
Environmental Health  
80 Swan Way Rm 200  
Oakland, CA 94621

Re: 19984 Meekland Ave., Hayward, CA 94541 (site)  
Claim No: 003377

Dear Ms. Shin:

This letter is in follow up to our telephone conversation on 12 January, 1993. In that conversation I expressed to you my concerns regarding the State Water Resources Control Board's reluctance to express an opinion regarding the adequacy of our "three bidding" for the next phase of work and whether there would be reimbursement for the work performed by the consultant pursuant to this bidding procedure. As it turns out, I did submit to the State Water Resources Control Board the Request for Proposal, which included the CTTS Inc. Work Plan dated November 1, 1992 along with the LRA letters dated November 18, 1992 and June 11, 1993. Despite having the CTTS Work Plan and seeing the three bids, including the CTTS bid in response to the Work Plan, Mr. Chris Stevens (phone number (916) 227-4519) refused to commit himself as to whether the bidding was adequate. Indeed, his recommendation was that CTTS perform a feasibility study and then draft a Corrective Action Plan, to then be approved by you, before the remediation work was bid. The remediation work would then be bid against the Corrective Action Plan. In our conversation you expressed the opinion, and I agree with you, that the CTTS Work Plan is the equivalent of a Corrective Action Plan for purposes of bidding the next phase of work.

January 14, 1994

Page 2

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I am interested in moving forward on the clean-up as rapidly as possible. Toward that end, I am sending you our Request for Proposal which includes the CTTS Work Plan and your letters, (provided you for your convenience), along with the Excel, AGI and CTTS bids. Mr. Stevens did say that he placed great weight on the local agency determination regarding the adequacy of the bid submitted by the contractor. I request that you review the three bids and then tell me if the responses to the request for bid adequately address, in your opinion, the CTTS Work Plan. I would then like you to look at what I consider to be the low bid, which is AGI's Alternative 2, which has an estimated cost of \$163,407.00. If that alternative is unacceptable, I would appreciate your telling me which of the proposed alternatives by any of the contractors you believe meets your requirements as reflected in the CTTS Work Plan as amended by your letters.

As I said earlier, it is my intention to move this site along as expeditiously as possible. I am not wedded to the proposal I just presented to you. If you have a different idea on how we should proceed, please give me a call to discuss it.

Your courtesy and assistance in this matter are greatly appreciated.

Very truly yours,

REED, ELLIOTT, CREECH & ROTH



JEFFREY S. LAWSON

JSL/lb

Encl.

Request for Proposal  
AGI bid  
Excel bid  
CTTS bid

cc: Client w/encl.  
Barry Gore w/o encl.

LAW OFFICES OF  
REED, ELLIOTT, CREECH & ROTH

A PROFESSIONAL CORPORATION

99 Almaden Boulevard, Eighth Floor  
San Jose, California 95113-1606  
(408) 993-9911

Facsimile  
(408) 993-1335

Steven J. Roth  
John W. Elliott  
Randall C. Creech  
Thomas A. Elliott  
Chuck Reed  
Sylvia R. Esquivel  
Jeffrey S. Lawson  
Peter A. Liebow

December 21, 1993

Raymond A. Brinson  
Michael C. Gagliasso  
Stacy Sluser Hopkins  
Brook B. Bond  
Lauren Berger  
Phillip C. Lyman  
Cheryl Young Yamaguchi  
Andrew V. Stearns  
Patricia A. Welch

Mr. Ron Markle  
State Water Resources Control Board  
P.O. Box 944212  
Sacramento, California 94244-2120

Re: 19984 Meekland Avenue, Hayward, California 94541 (Site)  
Claim No.: 003377

Dear Mr. Markle:

Jerry Harbert, the claimant, is undertaking the Phase III--Corrective Action Plan Implementation portion of the cleanup of the Meekland Road property. Pursuant to 23 C.C.R. §2812.1 this phase of work has been "three-bid." I am enclosing herein the Request for Bid Proposal as well as the responses from CTTS, Inc. (the current environmental contractor on the Site), Applied Geotechnology, Inc. (AGI) and Excel Environmental and General Engineering (Excel). You will note that the Request for Bid is very lengthy and that all the proposals in response to the Request for Bid are lengthy. Also attached are amendments to the Excel and CTTS workplans to cover the cost of a risk based assessment of clean-up goals. The Alameda County Health Care Services Agency, Department of Environmental Health, has approved a work plan, however, as you can see from each of the proposals this general approval still allows the various consultants to select from various technologies. In other words, there are several options available from each environmental consultant. It is impossible to know who is the "low bidder," until the final remediation technology is selected.

After careful review we determined that AGI Alternative 2 is the most cost-effective and technically correct proposal. I am forwarding all the bid proposals to you in order to obtain your approval to retain AGI as the environmental contractor for Phase III. As you know, clean-ups are an ongoing process and things such as risk assessments or changes in site conditions can change the methods of remediation. Because of these variables we believe it is important that

December 21, 1993

Page 2


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environmental contractors with technical sophistication as well as cost-effectiveness be retained. AGI meets these goals.

Please review these proposals and let me know whether the retention of AGI will satisfy the State Board's requirements justifying selection of a contractor pursuant to 23 C.C.R. §2812.1(d). Because we and Alameda County are anxious to quickly move forward with this work, I will be contacting you shortly after the new year to discuss this matter.

Very truly yours,

REED, ELLIOTT, CREECH & ROTH



JEFFREY S. LAWSON

JSL/lis

Encl.

Request for Bids  
AGI Proposal  
CTTS Proposal & Amendment  
Excel Proposal & Amendment

cc: Client w/o enclosures  
cc: Barry Gore w/o enclosures



November 20, 1993

Mr. David Delamotte  
Durham Transportation  
9171 Capitol of Texas Highway North  
Travis Bldg., Suite 200  
Austin, Texas 78759

Dear Mr. Delamotte:

RE: PROPOSAL AMENDMENT--RISK BASED ASSESSMENT OF CLEANUP GOALS

Thank you for the opportunity to offer this amendment to my original proposal for remediation of soil and groundwater contamination at the Durham Transportation site on Meekland Avenue in Hayward, California. The original proposal was based on meeting conventionally established soil cleanup goals for the site. These limits were established with Alameda County at the time that the workplan was prepared.

CTTS, Inc., proposes to amend this proposal by working with the Alameda County Department of Environmental Health to derive target cleanup goals for the Meekland site. This will be accomplished by applying a scientific risk based assessment process to the levels of contamination present at the site. This assessment will result in the development of site-specific cleanup goals that provide cost-effective public health and groundwater protection at the site.

This proposal amendment addresses the possible pathways to arrive at risk based cleanup goals that are acceptable to all parties involved. To ensure acceptance of the final product, each phase of the assessment will be carefully coordinated with Alameda County and the State of California Regional Water Quality Control Board (RWQCB). Based on the outcome of each phase, subsequent steps could be modified or eliminated.

The first phase is a screening assessment and development of health and environmental risk based cleanup goals. This will be performed using existing data. It will consist of regulatory coordination, assessment of the data according to County-specified risk assessment models and determination of health and environmental risk based cleanup goals.

Upon completion of the first phase, it will be determined if groundwater protection based cleanup goals should be developed. CTTS, Inc., proposes to derive these goals, if required, by modelling methods utilizing existing data. At this phase, Alameda County may insist that additional soil sampling and leachability analyses be performed. After the completion of the groundwater protection based assessment, site cleanup goals for soil and groundwater remediation will be established.

COST PROPOSAL

Development of Health/Environmental Risk Based Assessment \$4,680.00

ADDITIONAL SERVICES (OPTIONAL, AS REQUIRED BY ALAMEDA COUNTY)

Modelled Groundwater Leachability Assesment \$3,900.00  
Field and Laboratory Groundwater Assesment \$6,900.00\*

\*Includes subcontracted costs for sampling and analysis estimated to be \$4,500. Subcontracted services will be charged at 115% of actual invoiced cost.

If the risk based cleanup goals selected are different from those incorporated in the existing proposed workplan, further revision of the cleanup proposal may be necessary. These goals may either expand or condense the scope of site remediation.

I look forward to the opportunity to perform this work for Durham Transportation. If you have any questions, please call me at (510) 799-1140.

Sincerely,



Lisa A. Polos, REA, CHMM  
Senior Scientist  
Toxic Technology Services  
CTTS, Inc.

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
80 Swan Way, Rm 200  
Oakland, CA 94621  
(510) 271-4530

November 19, 1993

Dave Delamotte  
Durham Transportation, Inc.  
9171 Capital of Texas Hwy North  
Travis Building, Ste 200  
Austin, TX 78759-7252

STID 1879

**NOTICE OF VIOLATION**

Re: Investigations at 19984 Meekland Avenue, Hayward, CA

Dear Mr. Delamotte,

Quarterly ground water monitoring has been conducted out at the above site since April 1991. Very elevated levels of Total Petroleum Hydrocarbons (TPH) as gasoline, TPH as diesel, benzene, toluene, ethylbenzene, xylenes (BTEX), and chlorinated volatile organic compounds (VOCs) have been identified in soil samples collected from the site and consistently in ground water samples collected from all the on-site wells, (except for the well upgradient of former hydrocarbon operations), and downgradient off-site wells. To this date, no remediation has been conducted out at the site.

On April 24, 1992, this office wrote you a letter requesting that you submit a work plan addressing the containment and remediation of the extensive contamination resulting from the site. After another request for the work plan in an August 25, 1992 letter, this office finally received the required work plan in November 1992. In a letter to your office dated November 18, 1992, the County approved the work plan. Due to some unexpected difficulties in implementing the proposed work, an amendment to the work plan was submitted in February 1993. This office immediately reviewed the addendum and the County approved the addendum in a June 11, 1993 letter to your office.

In a July 15, 1993 letter from Durham Transportation, a request was made for an extension of the due date for implementing the work plan to October 1, 1993. This office approved this extension. To this date, it appears that no remediation work has been conducted out at the site. It has been **one year** since the initial remediation/containment work plan was approved by the County.

Mr. Dave Delamotte  
Re: 19984 Meekland Ave.  
November 19, 1993  
Page 2 of 3

This office cannot allow the continued impact of contamination from your site onto other neighboring properties. **Per Section 2722, Article 11, Title 23 California Code of Regulations**, you are required to begin interim remedial (i.e., containment) measures **immediately** to prevent further impact onto neighboring properties. Additionally, **per Section 2726, Article 11, Title 23 California Code of Regulations**, you are required to begin soil and ground water remediation at the site.

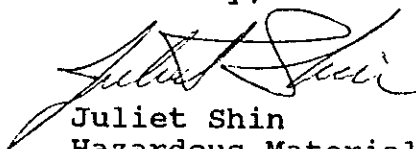
This office is aware of your interest in conducting a Risk Assessment for the site. However, that does not preclude you from conducting the above required work in the meantime. The Risk Assessment can only be conducted to establish cleanup levels for the contaminants of concern in soil that will not impact human health or the environment, and must be done in conjunction with the required remediation/containment.

Additionally, this office feels that a Risk Assessment can only be conducted when the extent of soil and ground water contamination has fully been characterized. Our files indicate that this has not yet been accomplished. Ground water samples collected from the most downgradient monitoring well is still identifying elevated levels of TPH as gasoline and diesel, BTEX, and VOCs. Furthermore, it appears that the extent of soil contamination has not yet been totally characterized. In addition to the above required work, you are required to complete the delineation of soil and ground water contamination at your site **per Section 2725, Article 11, Title 23 California Code of Regulations**.

You are required to come into compliance with the above requirements **within 90 days** of the date of this letter. Please keep in mind that, pursuant to the California Water Code, the Regional Water Quality Control Board can impose civil penalties of upto **\$1,000 per day** that you are out of compliance.

If you have any questions or comments, please contact me at (510) 271-4530.

Sincerely,



Juliet Shin  
Hazardous Materials Specialist



Mr. Dave Delamotte  
Re: 19984 Meekland Ave.  
November 19, 1993  
Page 3 of 3

cc: Blessy Torres  
State Water Resources Control Board  
Division of Clean Water Resources  
P.O. Box 94212  
Sacramento, CA 94244-2120

Lisa Polos  
CTTS, Inc.  
P.O. Box 515  
Rodeo, CA 94572

Gil Jensen, Alameda County District Attorney's Office  
Edgar Howell-File(JS)



## ENVIRONMENTAL AND GENERAL ENGINEERING

Lic #371497

Underground Fuel Tank Management  
Exploratory Drilling & Monitoring Wells  
Hazardous Waste Site Assessments  
Bioremediation  
Remedial Design  
Vapor Extraction Systems

Analytical Testing  
Hydrogeologic Testing  
Asbestos Surveys  
Environmental Audits  
Regulatory Permitting  
Soil Gas Investigations

November 11, 1993

Durham Transportation  
9171 Capital of Texas Highway North  
Travis Building, Suite 200  
Austin, Texas 78759-7252  
Attention: Mr. David Delamotte

**SUBJECT: DURHAM SITE LOCATED IN HAYWARD, CALIFORNIA.**

Dear Mr. Delamotte:

Per your request I've researched the use of a Risk Based Assessment (RBA) for the Hayward, California site. The purpose of the RBA would be to establish higher remediation levels than exist currently.

To provide assistance in this matter I contacted Mr. David Glick, an independent Hydrologist located in the bay area ((408) 987-0210). We discussed the use of a RBA and it's acceptance by the regulatory agencies. He stated that the RBA should only be conducted after; (1) the source of the contamination (ie. tanks, soil, etc.) has been removed and posses no further threat, (2) an attempt has been made to mitigate the contaminate plume and the mitigation operations are asymptotic, and thus further cost spent on remediation would not be beneficial. If these points are addressed completely the regulatory agency will most likely reject the RBA and the proposal to increase the levels for remediation and closure purposes.

The estimated cost to complete an RBA is between \$4,000.00 and \$8,000.00.

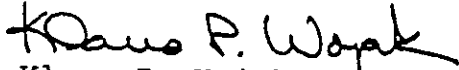
In conclusion the use of a RBA is currently limited due the inexperience of those reviewing the RBA and methodology used to generate the RBA. Also submittal of a RBA prior to

Hayward  
November 11, 1993  
Page 2

conducting any site remediation would not be advantages to setting remediation levels for the site.

Should you require any further assistance in this or any other environmental matter please contact our office at (310) 529-2511.

Sincerely,



Klaus P. Wojak, R.E.H.S., R.E.A.  
KPW/tw  
3COR01DH

**Applied Geotechnology Inc.**

November 10, 1993

93-4033

Mr. David Delamontte  
Durham Transportation, Inc.  
9171 Capital of Texas Highway North  
Travis Building, Suite 200  
Austin, Texas 78759

Dear Mr. Delamontte:

**Proposal**  
**Development of Site-Specific Risk-Based Cleanup Goals**  
**Former Fuel Facility**  
**Hayward, California**

This letter presents Applied Geotechnology Inc.'s (AGI) proposed scope of services to develop site-specific risk-based cleanup goals at the Durham Transportation Former Fuel Facility (Facility), 19984 Meekland Avenue, Hayward, California. Risk-based cleanup goals will be developed under Alameda County Health Agency - Division of Hazardous Materials. This letter identifies specific tasks necessary in the development of cleanup goals. Proposed costs associated with each task are provided as guidance.

**BACKGROUND**

The subject site is owned by Durham and is currently a vacant lot. The site is located at the northeast corner of the intersection of Meekland Avenue and Blossom Way in an unincorporated area of Alameda County, near the City of Hayward. The site is in a mixed use commercial and residential area. It is surrounded by single-family homes and multi-family complexes. Located at the four corners of Meekland/Blossom intersection are the subject site; a liquor store; an auto repair shop; and a strip center with grocery store, hair salon, and comics/trading card shop. Both the liquor store and auto repair shop had operated at one time as gas stations. We understand that fuel tanks have been removed from both locations.

During the 1940's and 1950's, the subject site operated as a family owned service station. Later, Harbert Transportation purchased the site and operated it as a vehicle fueling and maintenance yard. In 1986, Durham purchased the site and operated it as a fuel and maintenance facility until 1989. In August 1989, 1-4,000 gallon, 1-5,000 gallon, and 1-6,000 gallon gasoline underground storage tanks (UST's), and 1-500 gallon waste oil UST were removed from the site.

The site is underlain by fine grained alluvial fan and flood plain deposits derived from the hills located approximately 2 miles east of the site. Three to four feet of fill overlies the site. The fill consists of clayey to sandy gravel. The native deposits underlying the fill consist of silty clay to

clayey silt with minor and varying amounts of sand and gravel. Lenses of silty sand and gravel approximately 3 to 4 inches thick were encountered during installation of the wells that currently exist on-site. No other significant bedding or stratification of the units were reported to a depth of approximately 40 feet below ground surface (bgs), and the deposits were reported to be homogeneous for hydrologic consideration. There are currently 8 groundwater monitor wells on-site, and 2 groundwater monitor wells off-site that were installed during previous investigations. Ground water flow is to the west and was reported at 28 feet bgs.

Previous assessment results indicate that petroleum hydrocarbons including gasoline, and benzene, ethylbenzene, toluene and xylenes (BETX) have been detected in soil samples from 12 to 28 feet bgs in the area of the 3 former gasoline UST's. A soil gas survey of the site indicated petroleum hydrocarbons as gasoline and BETX from 20 to 28 feet bgs throughout most of the site. Groundwater samples from the on- and off-site wells indicate dissolved petroleum hydrocarbons as gasoline, BETX, and low levels of halogenated volatile organic compounds (VOCs). We understand the lateral extent of impacted groundwater has not been delineated during the previous assessments.

It is our understanding that Alameda County Health Agency - Division of Hazardous Materials has established that soil is to be remediated to less than 10 parts per million Total Petroleum Hydrocarbons (TPH) by EPA Method 8015 Modified for gasoline and 1 parts per billion (ppb) benzene in groundwater.

It appears that a more realistic approach to setting BETX cleanup levels in groundwater and soil is by conducting a risk-based analysis. On behalf of Durham Transportation, AGI has contacted Alameda County Environmental Health - Hazardous Materials Division; they are aware of Durham Transportation is considering developing site-specific risk-based cleanup goals applicable to the Facility.

#### SCOPE OF SERVICES

The scope of our services will be to develop site-specific risk-based cleanup goals for the Former Fuel Facility under Alameda County guidance. Tasks necessary to develop these cleanup goals include:

- ▶ Compile chemical and geophysical data collected during RI
- ▶ Identify chemicals of potential concern (COPCs)
- ▶ Evaluate COPCs against hazardous waste criteria
- ▶ Evaluate COPCs against preliminary risk-based screening criteria
- ▶ Conduct site-specific Risk Assessment
- ▶ Prepare site-specific health risk-based cleanup goals
- ▶ Conduct leachability studies; model potential leaching attenuation
- ▶ Prepare site-specific leachability-based cleanup goals
- ▶ Establish site-specific overall cleanup goals

These tasks are discussed in more detail below and will be performed in accordance with Alameda County guidance. Costs associated with each task are also listed.

**Task 1: Compile chemical and geophysical data collected during RI; \$1,500**

Chemical data collected previous to and during the RI will be used to estimate site-specific risks. Data base will be assessed for analytical method detection limits, presence of common analytical reagents (i.e., laboratory contamination), contaminant population distribution (i.e., normal versus log-normal), maximum contaminant concentrations, and, if necessary, calculation of reasonable maximum exposure concentration using the 95 percent confidence interval approach. Chemicals detected at less than 5 percent frequency of detection will be eliminated from data base consistent with standard risk assessment guidance. Geophysical data (i.e., groundwater flow characteristics, water-bearing zone geology) will be evaluated and used to provide accurate site-specific information.

**Task 2: Identify COPCs; \$1,000**

COPCs will be identified from compiled chemical data. Toxicological information including cancer slope factors and oral reference doses (RfDs) will be compiled for all applicable COPCs. In addition applicable or relevant and appropriate regulations (ARARS) will be identified for COPCs.

**Task 3: Evaluate COPCs against hazardous waste criteria; \$1,000**

COPCs will be evaluated against Federal, California State, and Alameda County hazardous waste regulations. This will provide guidance during removal, treatment and/or disposal of contaminated environmental media.

**Task 4: Evaluate COPCs against risk-based screening concentrations; \$2,500**

COPCs will be quantitatively evaluated against default risk-based screening concentrations. Innocuous inorganic constituents will be eliminated from further consideration following standard risk assessment guidance. Concentrations of COPCs will be evaluated with respect to natural or area background levels. Remaining COPCs are those considered as potentially presenting unacceptable risk; they will be retained and evaluated by conducting a site-specific Risk Assessment.

Chemicals that are detected on-site but that do not possess appropriate regulatory criteria (i.e., toxicological factors, ARARS) will be evaluated qualitatively; uncertainty with their presence will be addressed.

**Task 5: Conduct site-specific Risk Assessment; \$3,500**

The site-specific RA will characterize retained COPCs for their potential to present unacceptable risk or hazard during exposure to human or ecological receptors. Relevant human populations and

ecological receptors that have the potential for greatest exposure to on-site contaminants will be identified. Contaminant fate and transport will be investigated and used to refine the assessment of potential exposure.

Quantitative cancer risk estimates and hazard quotients will be calculated for each COPC. The sum of risk and hazard will be evaluated for "acceptability". Any uncertainties associated with the estimation of risk will be discussed appropriately.

**Task 6: Prepare site-specific health risk-based cleanup goals; \$3,000**

Site-specific health risk-based cleanup goals are developed from RA results. COPC concentrations are calculated to be protective of human health at a given risk or hazard level (i.e.,  $1 \times 10^{-5}$  for carcinogens). Additivity of carcinogenic and noncarcinogenic responses are also taken into consideration during development of risk-based cleanup levels.

**Task 7: Conduct leaching studies; model leaching attenuation; \$2,500**

Sufficient soil samples will be collected to adequately estimate contaminant leaching potential. Initially, TCLP will be used to estimate leaching potential. If results indicate that current soil concentrations are not protective of groundwater quality, then other leaching tests will be performed. These may include modified TCLP or other ASTM leaching tests.

TCLP methodology is not an accurate predictor of true leaching potential; TCLP results overestimate leaching potential due to the harsh analytical methodology (i.e., acidic extraction, agitation). The more robust methodologies offer more realistic conditions for assessing accurate leaching potential. Soil leaching attenuation may also be modeled if laboratory results indicate the need.

All leaching studies will be conducted in AGI's Environmental Technology Laboratory or will be contracted to other analytical laboratories.

**Task 8: Prepare site-specific leachability-based cleanup goals; \$2,000**

Results from leaching studies will be used to develop leachability-based cleanup goals. Soil levels protective of groundwater resources (i.e., ARARs) will be calculated and used as cleanup goals.

**Task 9: Establish site-specific overall cleanup goals; \$1,500**

Both health-based and leachability-based cleanup levels will be compared. The most appropriate concentration from each analysis will be selected as the overall cleanup goal. Rationale will be provided for selection of appropriate cleanup goal.

**SCHEDULE**

We expect the development of risk-based cleanup goals will take approximately 1 month to complete after all RI work is completed. This includes laboratory leaching studies. Our draft report should be available approximately 2 weeks after all tasks are completed.

**FEE BASIS**


We propose providing the services described above on a time and expense fee basis. From the scope of services describe herein, we estimate our fee will not exceed \$16,000, excluding laboratory leaching studies estimated at between \$2,500 and \$6,500, depending on the level of effort necessary.

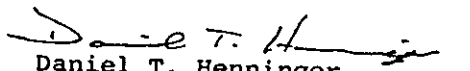
We appreciate the opportunity to submit this proposal. As you may be aware, Alameda County is currently formulating it's procedures for conducting risk-based approach to cleanup levels. Results of this project will likely be used in refining Alameda County's approach; therefore, Durham Transportation has an excellent opportunity to present state-of-the-art risk-based methodology for development of cleanup levels.

If you have any questions regarding this proposal, please do not hesitate to call Howard Marks at (206) 453-8383 or Dan Henninger at (510) 238 4595.

Sincerely,

APPLIED GEOTECHNOLOGY

  
Howard S. Marks Ph.D.  
Project Toxicologist

  
Daniel T. Henninger  
Senior Construction Manager

HSM/DTH



**CTTS, Inc.**

Traffic Technology Services

To: Juliette Shin

From: Lisa Alas

2 pages

November 10, 1993

Mr. David Delamotte  
Durham Transportation  
9171 Capitol of Texas Highway North  
Travis Bldg., Suite 200  
Austin, Texas 78759

Subject: Cost Proposal For Risk Assessment  
19984 Meekland Ave., Hayward, CA

Dear Mr. Delamotte:

It is my understanding that in addition to the cost estimate for the remediation of the Meekland site, you need a cost proposal for a risk assessment.


Risk assessments are becoming a popular task for remediations and closures and oftentimes the lead agency will have particular guidelines for such assessments. In order to obtain these guidelines, I called Juliette Shin of Alameda County. She was unsure that a risk assessment would shorten or lessen the intensity of the Meekland project at this time. She contacted her counterpart at the Water Quality Board who agreed for the following reasons:

1. Contamination has been found down gradient and off site from the Meekland site.
2. It is the job of the administrating agencies to keep neighboring sites from becoming contaminated.
3. A risk assessment is not particularly appropriate at this time because the effectiveness of the Best Available Technology (BAT) has not yet been implemented.
4. Levels of certain contaminates, particularly Benzene, warrant remediation at the Meekland site.
5. If the BAT does not effectively remediate the site, then viable options should be assessed at that time. A risk assessment may or may not be considered a viable option.

I would be pleased to submit a cost proposal for a risk assessment, however as your consultant on this project thus far, I suggest that a risk assessment would not benefit you or any of the property owners at this time. I further recommend that the best approach is to finalize your choice and forge ahead with the project. If in the future a risk assessment seems appropriate, then there will be pertinent information available from which to effectively quote and execute a risk assessment.

Please give me a call at (510) 799-1140 if you have any questions.

Sincerely,



Lisa A. Polos, REA, CHMM  
Senior Scientist  
Toxic Technology Services  
CTTS, Inc.

cc: Juliette Shin, Alameda County

## STATE WATER RESOURCES CONTROL BOARD

DIVISION OF CLEAN WATER PROGRAMS  
 2014 T STREET, SUITE 130  
 P.O. BOX 944212  
 SACRAMENTO, CALIFORNIA 94244-2120  
 (916) 227-4413  
 (916) 227-4530 (FAX)

OCT 7 1993



Mr. Jerry Harbert  
 20150 Rancho Bella Vista Drive  
 Saratoga, CA 95070

Site: **Durham Transportation**  
**19984 Meekland Avenue**  
**Hayward, CA 94541**

Dear Mr. Harbert:

**UNDERGROUND STORAGE TANK CLEANUP FUND, CLAIM NO. 3377**

The State Water Resources Control Board (State Board) takes pleasure in issuing the attached Letter of Commitment in an amount not to exceed **\$237,000**. This Letter of Commitment is based upon our review of the corrective action costs incurred to date and your application received on January 17, 1992 and may be modified by the State Board in writing by an amended Letter of Commitment.

**The State Board will take steps to withdraw this Letter of Commitment after 90 calendar days from the date of this transmittal letter unless you proceed with due diligence with your cleanup effort.** This means that you must take positive, concrete steps to ensure that corrective action is proceeding with all due speed. For example, if you have not started your cleanup effort, you must obtain three bids and sign a contract with one of these bidders within 90 calendar days. If your cleanup effort has already started and was delayed, you must resume the expenditure of funds to ensure that your cleanup is proceeding in an expeditious manner. You are reminded that you must comply with all regulatory agency time schedules and requirements. We constantly review the status of all active claims, and failure to proceed with due diligence will be grounds for withdrawal of this Letter of Commitment. You should read the terms and conditions listed in the Letter of Commitment.

Also attached is a "Reimbursement Request" package. The package includes :

- Instructions for the completion of the "Reimbursement Request" form which must be followed when seeking reimbursement for corrective action costs incurred after January 1, 1988. The instructions booklet contains:
  - Recommended Minimum Invoice Cost Breakdown.
  - A "Certification of Non-Recovery From Other Sources" which must be returned before any reimbursements can be made.
  - A "Bid Summary Sheet" to document data on bids received.
- Three "Reimbursement Request-Underground Storage Tank Cleanup Fund" forms which you must use to request reimbursement of costs incurred.
- Two "Spreadsheets" which you must use in conjunction with your Reimbursement Request.

If you have any questions regarding the Letter of Commitment or the Reimbursement Request package, please contact Blessy Torres at (916) 227-4535.

Sincerely,

*Ron Marsella for*  
 Dave Deaner, Manager  
 Underground Storage Tank  
 Cleanup Fund Program

Attachments

cc: Don Dalke  
 Regional Water Quality Control Board  
 San Francisco Bay Region  
 2101 Webster Street, Suite 500  
 Oakland, CA 94612

Tom Peacock  
 Alameda County Health Agency  
 Division of Hazardous Materials  
 80 Swan Way, Room 200  
 Oakland, CA 94621

LETTER OF COMMITMENT FOR REIMBURSEMENT OF COSTS

CLAIM NO: 003377

AMENDMENT NO: 0

CLAIMANT: J. Harbert

BALANCE FORWARD: \$0

JOINT-CLAIMANT:

THIS AMOUNT: \$237,000

CLAIMANT ADDRESS: 20150 Rancho Bella Vista Drive  
Saratoga, CA 95070

NEW BALANCE: \$237,000

TAX ID / SSA NO. 569-50-0692

Subject to availability of funds, the State Water Resources Control Board (State Board) agrees to reimburse Jerry Harbert (claimant) for eligible corrective action costs at 19984 Meekland Avenue, Hayward, CA 94541 (site). The commitment reflected by this Letter is subject to all of the following terms and conditions:

1. Reimbursement shall not exceed \$237,000 unless this amount is subsequently modified in writing by an amended Letter of Commitment.
2. The obligation to pay any sum under this Letter of Commitment is contingent upon availability of funds. In the event that sufficient funds are not available for reasons beyond the reasonable control of the State Board, the State Board shall not be obligated to make any disbursements hereunder. If any disbursements otherwise due under this Letter of Commitment are deferred because of unavailability of funds, such disbursements will promptly be made when sufficient funds do become available. Nothing herein shall be construed to provide the Claimant with a right of priority for disbursement over any other claimant who has a similar Letter of Commitment.
3. Unless modified in writing by the State Board, this Letter of Commitment covers work through Phase III of corrective action work.
4. All costs for which reimbursement is sought must be eligible for reimbursement and the Claimant must be the person entitled to reimbursement thereof.
5. Claimant must at all times be in compliance with all applicable state laws, rules and regulations and with all terms, conditions, and commitments contained in the Claimant's Application and any supporting documents or in any payment requests submitted by the Claimant.
6. No disbursement under this Letter of Commitment will be made except upon receipt of acceptable Standard Form Payment Requests duly executed by or on behalf of the Claimant. All Payment Requests must be executed by the Claimant or a duly authorized representative who has been approved by the Division of Clean Water Programs.
7. Any and all disbursements payable under this Letter of Commitment may be withheld if the Claimant is not in compliance with the provisions of Paragraph 5 above.
8. Neither this Letter of Commitment nor any right thereunder is assignable by the Claimant without the written consent of the State Board. In the event of any such assignment, the rights of the assignee shall be subject to all terms and conditions set forth in this Letter of Commitment and the State Board's consent.
9. This Letter of Commitment may be withdrawn at any time by the State Board if completion of corrective action is not performed with reasonable diligence.

IN WITNESS WHEREOF, this Letter of Commitment has been issued by the State Board this 28th day of September, 1993.

STATE WATER RESOURCES CONTROL BOARD

BY Ron Markle  
Manager, Underground Storage Tank Cleanup Fund Program

BY James B. Stafford  
Chief, Division Administrative Services

STATE USE :  
CALSTARS CODING :  
0550 - 569.02 - 30530  
\$

**LEVINE•FRICKE**

ENGINEERS, HYDROGEOLOGISTS &amp; APPLIED SCIENTISTS

September 7, 1993

Mr. David Delamontte  
Durham Transportation, Inc.  
9171 Capital of Texas Highway North  
Travis Building, Suite 200  
Austin, Texas 78759-7252

Subject: Site: 19984 Meckland Avenue  
Hayward, California

Dear Mr. Delamontte:

We appreciate your consideration but we regret to advise Levine-Fricke will not be able to bid on the Corrective Action Plan for the above site. Your Request for Proposal arrived on September 3, 1993 and due to the press of business, we were unable to respond in a timely fashion.

We are, however, giving your RFP to Mr. Dan Henniger of Applied Geotechnology, Inc. who will be contacting you.

Please keep us in mind for future business and thanks again for your consideration.

Sincerely,



Ben Hance  
Business Development Manager

cc: Mr. Dan Henniger  
Applied Geotechnology, Inc.  
827 Broadway, Suite 210  
Oakland, California 94612

DTIDclajn.BMH

1900 Powell Street, 12th Floor  
Emeryville, California 94608  
(510) 652-4500  
Fax (510) 652-2246

Other offices in Irvine, CA; Sacramento/Roseville, CA; Tallahassee, FL; Honolulu, HI



DURHAM TRANSPORTATION, INC.  
9171 CAPITAL OF TEXAS HIGHWAY NORTH  
TRAVIS BUILDING, SUITE 200  
AUSTIN, TX 78758-7252  
VOICE (512) 343-6292  
FAX (512) 343-6596

July 15, 1993

Ms. Juliet Shin  
Hazardous Materials Specialist  
Alameda County Health Care Services  
Department of Environmental Health  
80 Swan Way, Room 200  
Oakland, CA 94621

Re: Remediation Activities  
19984 Meekland Avenue, Hayward, California

Dear Ms. Shin,

This letter is a request for an extension to an August start date for the remediation activities relating to 19984 Meekland Avenue.

We have only in the last few days obtained the answers to our legal questions. In order to proceed, it is recommended by our legal staff to prepare a bid package and invite quotations for the remediation work. The time line for commencement of work is:

Week of August 2 - Send bid packages  
August 20th - Bid process closing  
September 1 - Contract with successful bidder  
October 1 - On site work commencement

We greatly appreciate your patience and continued support through this lengthy process. Should you have any questions, please call me at (512) 343-6292.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Dave Delamotte".

Dave Delamotte  
Senior Vice President  
Facilities, Fleet Service and Quality Systems

cc: L. Durham  
Eddy So, WQCB  
B. Gore, Attorney At Law  
L. Polos, CTTS

DD/lmr

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KRAFT, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
80 Swan Way, Rm 200  
Oakland, CA 94621  
(510) 271-4530

June 11, 1993

Mr. Dave Delamotte  
Durham Transportation  
P.O. Box 948  
Rosemead, CA 91770

STID 1879

Re: Amendment to the Proposed Remediation System for the site  
located at 19984 Meekland Avenue, Hayward, California

Dear Mr. Delamotte,

This office has reviewed the amendments to the work plan that was submitted in November 1992, dated February 26, 1993. Included in these amendments is a CTTS, Inc. letter, dated June 10, 1993, which discusses the origin of the fill materials that will be used to backfill the excavation pits at the site. These amendments are acceptable to this office with the following reminders/changes:

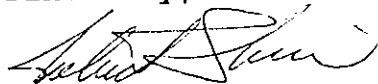
- o The clean-up goal for the excavation of the contaminated soil should be down to <10 ppm, instead of <100 ppm as proposed in the amended work plan.
- o Per a conversation with Ms. Polos on March 8, 1993, this office found it acceptable for your site to analyze for Diesel and Oil and Grease together, as long as Method 3550 GCFID (i.e., Modified 8015) was implemented.
- o Also per the discussion in March 1993, Ms. Polos inquired as to whether or not it was acceptable to collect one sample per every 200 cubic yards of stockpiled soil. Due to the great amount of stockpiled soil that will be generated from the excavation, this request is acceptable to this office on the condition that this soil is disposed of off-site, the samples are analyzed for the appropriate constituents, and that this number of samples meets with the requirements of the disposal facility.

Field work shall commence **within 60 days** of the date of this letter. A report documenting the work shall be prepared and submitted to this office within 45 days after completing the field work.

Mr. Dave Delamotte  
Re: 19984 Meekland Ave.  
June 11, 1993  
Page 2 of 2

If you have any questions or comments, please contact me at (510)  
271-4530.

Sincerely,



Juliet Shin  
Hazardous Materials Specialist

cc: Sumadhu Arigala, RWQCB

Lisa Polos  
Toxic Technology Services  
P.O. Box 515  
Rodeo, CA 94572

Gil Jensen, Alameda County District Attorney's Office

Hugh Murphy, Hayward Fire Dept.

Edgar Howell-File(JS)





93 JUN 11 11 21 AM

VIA FACSIMILE

June 10, 1993

Ms. Juliete Shin  
Alameda County Health Care Services Agency  
Department of Environmental Health  
80 Swan Way, Rm 200  
Oakland, CA 94621

Subject: Fill Material To Be Used At Durham Transportation  
19984 Meekland Avenue, Hayward

Dear Ms. Shin:

As per your request, I have investigated the type of fill materials that will be provided by East Bay Excavating in Hayward. They are located at the foot of Mission and Tennyson. The quarry supervisor is Mr. Rick Case. He gave me a tour of the facility and assured me that the backfill materials that I have requested are native materials from their quarry located at the back of their facility.

Fill materials of interest are of two types. The first is primarily black shale that is not screened, but will provide a compaction rate of 90%. The second is primarily a Franciscan material that is passed through a 1/2" screen. The screened brown clayey materials are called "quarry fines" and will also achieve a 90% compaction.

Random samples are collected for physical testing. Chemical testing is not conducted unless by special request.

I hope this has answered your questions on the backfill. Please call me at (510) 799-1140 if you need additional information.

Sincerely,

Lisa A. Polos, REA, CHMM  
Senior Scientist  
Toxic Technology Services  
CTTS, Inc.

cc: Dave Delamotte-Durham Transportation

**REISH & LUFTMAN**  
A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

11755 WILSHIRE BOULEVARD  
10TH FLOOR  
LOS ANGELES, CALIFORNIA 90025-1507  
TELEPHONE (310) 478-5656  
FACSIMILE (310) 478-5831

WASHINGTON D.C. OFFICE  
11 DUPONT CIRCLE, SUITE 775  
WASHINGTON, D.C. 20036-1207  
TELEPHONE (202) 745-0024  
FACSIMILE (202) 483-8801

BRUCE L. ASHTON  
ROLAND M. ATTENBOROUGH  
JOSEPH C. FAUCHER  
ILENE H. FERENCZY  
BARRY R. GORE  
MARTIN M. HEMING  
DAVID R. LEVIN\*  
MICHAEL B. LUFTMAN  
JAMES R. MCDANIEL  
LELAND J. REICHER  
C. FREDERICK REISH  
MARK E. TERMAN  
MICHAEL A. VANIC  
LYNN B. WITTE

May 19, 1993

\*ADMITTED ONLY IN D.C.

00339-010(5D.3)

25092.ltr

Ms. Juliete Shin  
Alameda County Health Care Services Dept.  
Hazardous Materials Division  
80 Swan Way  
Oakland, California 94621

Re: **19984 Meekland Avenue, Hayward, California:  
Sale of Property to County of Alameda**

Dear Ms. Shin:

We represent Durham Transportation, Inc. ("DTI"), a California corporation, which is currently the record owner of the above-referenced property. Contamination has been identified on this property, and DTI is currently working with the Hazardous Materials Division of the Alameda County Health Care Agency to clean up this property, and has also filed a claim with the State Water Resources Control Board in connection with the Underground Storage Tank Cleanup Fund Program.

The purpose of this letter is to advise you that a small corner portion of this property (approximately 174 square feet) has been sold to the County of Alameda. This sale was made after DTI was approached by the County of Alameda Public Works Agency and advised that the County intended to condemn this portion of the property for use in connection with a public improvement project involving the installation of a sidewalk and a handicap access ramp.

A copy of the Grant Deed from DTI to the County of Alameda, dated May 7, 1993, is attached for your reference. Based on our conversations with Michael Wolfe of the Public Works Agency, we do not anticipate that the sale of the property will interfere with DTI's ongoing cleanup efforts.

Ms. Juliete Shin  
May 19, 1993  
Page 2

Please do not hesitate to contact me if you have any questions or comments regarding this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'B. R. Gore', written over the typed name.

BARRY R. GORE

BRG:ljc

cc: Larry K. Durham  
David Delamotte  
Bruce L. Ashton, Esq.  
Dean Drulias, Esq.  
Michael L. Wolfe

ORIGINAL

When Recorded return to:  
County of Alameda  
Public Works Agency  
399 Elmhurst Street  
Hayward, CA 94544-1395  
QIC 50507

DOCUMENTARY TRANSFER TAX \$ EXEMPT

COUNTY OF ALAMEDA  
INCORPORATED [X]  
Michael Wolf  
RIGHT OF WAY AGENT

**GRANT DEED**

DURHAM TRANSPORTATION, INC., a California corporation which acquired  
title as RUSSELL TRANSPORTATION, INC., a California corporation

\_\_\_\_\_ does hereby  
GRANT to the COUNTY OF ALAMEDA, a political subdivision of the State of  
California, the following described real property:

(FOR DESCRIPTION, SEE EXHIBIT "A", ATTACHED HERETO.)

(No. 35503)

Dated this 7th day of May, 1993.

DURHAM TRANSPORTATION, INC.

By: Larry L Durham

By: \_\_\_\_\_

EXHIBIT "A"

COUNTY OF ALAMEDA DESCRIPTION

MEEKLAND AVENUE/BLOSSOM WAY (NE)

Real Property to be acquired from  
DURHAM TRANSPORTATION, INC., a California corporation  
which acquired title as RUSSELL TRANSPORTATION, INC.,  
a California corporation.

Map: J-157-51  
APN: 429-10-59 (Por.)

No. 35503  
October 14, 1992

All that certain real property situated in the unincorporated area of the Township of Eden, County of Alameda, State of California, described as follows:

COMMENCING at the intersection of the center line of Blossom Way, 60.00 feet in width, with the center line of Meekland Avenue, 60.00 feet in width, as said way and avenue are delineated and so designated on that certain map entitled "Map of Cherryland" etc., filed March 29, 1911, in Book 26 of Maps at page 18 thereof, Records of Alameda County, California; thence along said center line of Meekland Avenue, North 42° 18' 00" West (the bearing of said center line being taken as North 42° 18' 00" West for the purpose of making this description), 45.45 feet; thence leaving said center line, at right angles thereto, North 47° 42' 00" East, 30.00 feet to an angle point on the northeastern right-of-way line of said Meekland Avenue; thence leaving said northeastern right-of-way line, South 70° 29' 02" East, 34.32 feet to a point on the northwestern right-of-way line of said Blossom Way, last said point being distant along said northwestern right-of-way line, North 67° 34' 20" East, 8.24 feet from the most eastern corner of that certain parcel of land described in the deed from Socony Mobil Oil Company, Inc., to the County of Alameda, dated April 13, 1960, and recorded May 5, 1960, in Reel 81 of Official Records at image 721 thereof (AR 53015), Records of Alameda County, California; thence leaving said northwestern right-of-way line of Blossom Way, at right angles

thereto, South 22° 25' 40" East, 30.00 feet to the aforesaid center line of Blossom Way; thence along said center line, South 67° 34' 20" West, 38.29 feet to the point of commencement.

Containing 0.004 acre (174 square feet), more or less, exclusive of that portion thereof lying within the existing rights-of-way of Meekland Avenue and Blossom Way, and being a portion of Lot 148, as shown on said Map of Cherryland, and being also a portion of that certain parcel of land described as Parcel 1 in the deed from Harbert Transportation, Inc., to Russell Transportation, Inc., dated December 22, 1986, and recorded December 23, 1986, as Series No. 86-325144, Official Records of Alameda County, California.



*Russell R. Penland, Jr.*  
Russell Reid Penland, Jr.  
Deputy County Surveyor  
Reg. Exp: 12/31/95 10/28/92



Sanjour  
10/1/90

DURHAM TRANSPORTATION, INC.  
9171 CAPITAL OF TEXAS HIGHWAY NORTH  
TRAVIS BUILDING, SUITE 200  
AUSTIN, TX 78759-7252  
VOICE (512) 343-6292  
FAX (512) 343-6598

May 17, 1993

Ms. Juliet Shin  
Hazardous Materials Specialist  
Alameda County Health Care Services  
Department of Environmental Health  
80 Swan Way, Room 200  
Oakland, CA 94621

Re: Investigation at 19984 Meekland Avenue, Hayward, California

Dear Ms. Shin,

Last week I received your letter of May 7, 1993 wherein you asked that I contact you regarding the status of our work plans.

You certainly are aware that Durham has and will continue to take a responsible position regarding any and all environmental matters. Your letter states that you may be needing some additional information that has been requested by your office. Can you be specific so that I may supply it to you quickly.

Something new was added to the project which could delay proceeding with the work plan. Durham's legal counsel has informed me that to be eligible for reimbursement from the state underground tank fund, all remediation work plans must be put out to bid. Since we are in the process of attempting to qualify, it is imperative that we address those requirements. I have asked for clarification to fully understand the bid rule and hope to know before the end of May what I must do to abide by the rules. If you can supply any guidance or advice in this area it would be most appreciated.

Additionally, I have been asked to inquire about the exact requirements of your office regarding Meekland. Specifically, what are the required frequencies of groundwater monitoring and reporting? We have been doing it monthly. There are some experts who are telling me that quarterly is the required frequency. Each cycle costs my company about \$9000 dollars so I need to be sure I am satisfying your requirements but not over killing by taking monthly reading that may not be needed.

Page 2

As soon as these issues are resolved and I am certain of the proper actions to be taken, we will proceed with remediation. Again, I appreciate the assistance and patience of your office and look forward to hearing from you regarding the above matters.

Very Truly Yours,



Dave Delamotte  
Senior Vice President  
Facilities, Fleet Service and Quality Systems

cc: L. Durham  
B. Gore, Attorney At Law  
L. Polos, CTTS

DD/lmr



ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
80 Swan Way, Rm 200  
Oakland, CA 94621  
(510) 271-4530

May 7, 1993

Mr. Dave Delamotte  
Durham Transportation  
P.O. Box 948  
Rosemead, CA 91770

STID 1879

Re: Investigations at 19984 Meekland Avenue, Hayward, California

Dear Mr. Delamotte,

Elevated levels of petroleum hydrocarbon contamination has been identified at the site in both soil and ground water since the tank removals at the site in August 11, 1989. Quarterly monitoring has continued at the site since the tank removals, however, to this date, no remediation has taken place at the site.

Per a letter to this office from your consultant, Lisa Polos (CTTS, Inc.), dated November 1, 1990, a ground water remediation work plan was originally scheduled to be submitted by November 30, 1990. The remediation work plan was still not submitted by June 10, 1991, when Pamela Evans, Hazardous Materials Specialist, sent a letter to your office requesting that you submit a description of your proposed remediation program with the next quarterly report. In a letter dated April 24, 1992, this office again requested that you submit a remediation work plan. After granting you two consecutive extensions for the deadline of the remediation work plan given in the April 1992 letter, a remediation work plan, dated November 1, 1992, was finally submitted to this office.

In a letter to your office dated November 18, 1992, the County approved the work plan. Due to some unexpected difficulties in implementing the proposed work, an amendment to the work plan was submitted in February 1993. This office immediately reviewed the addendum and contacted Lisa Polos, CTTS, Inc. on March 8, 1993 requesting that she submit the information on the quarry, where the backfill was proposed to be obtained from, prior to this office officially accepting the amended work plan. She stated that she was waiting to submit this information until you had concurred with this amended plan.

To this date, this office has not been contacted by your office to inform us as to what the status is of this work plan. You are required to come to a decision on the proposed work that will be

Mr. Dave Delamotte  
Re: 19984 Meekland Ave.  
May 7, 1993  
Page 2 of 2

implemented at the site and contact this office **within 30 days** of the date of this letter. After you decide whether or not you wish to implement the amended work plan already reviewed by this office, and you have submitted all the additional information requested by this office, this office will submit our response on the amended work plan in writing.

If you have any questions or comments, please contact me at (510) 271-4530.

Sincerely,



Juliet Shin  
Hazardous Materials Specialist

cc: Sumadhu Arigala, RWQCB

Gil Jensen, Alameda County District Attorney's Office

Hugh Murphy, Hayward Fire Dept.

Lisa Polos  
Toxic Technology Services  
P.O. Box 515  
Rodeo, CA 94572

Edgar Howell-File(JS)

**CTTS, Inc.**

Environmental technology services

February 26, 1993

Ms. Juliet Shin  
Hazardous Materials Specialist  
Alameda County Health Care Services  
UST Oversight Program  
80 Swan Way, Rm 200  
Oakland, California 94621

Re: Correspondence from Juliete Shin, dated November 18, 1992

Dear Ms. Shin:

In your letter of November 18, 1992 to Dave Delamotte of Durham Transportation, some clarifications were needed regarding the Work Plan addressing soil and groundwater remediation at 1984 Meekland Avenue in Hayward. Many changes have occurred since November and attached for your review is an amendment to the November 1, 1992 Work Plan regarding the on site soil remediation.

Specifically, your points are addressed as follows:

Bullet #1: Soil samples collected from the treated soil should be analyzed for VOCs in addition to the other analyses.

Answer: As per the attached amendment, clean fill will be brought in from off site rather than treating on site soils. However, the clean fill will be randomly tested as specified in the amendment.

Bullet #2: Groundwater samples collected from the holding tanks in the groundwater remediation system should be analyzed for VOCs in addition to TPH and BTEX.

Answer: As per your request, VOCs will be added to the analytical suite for the groundwater holding tank samples.

Paragraph 2: You have requested the analytical suite of the sidewall and bottom samples to include VOCs and waste oil.

Answer: Routinely, the TPH-D analysis is extended to include the heavier ends, categorized by NET as motor oil. If this is not sufficient, please detail your request. VOCs will be added to the analytical suite, as you have requested.

Paragraph 3: This discussed the permits required to conduct on site treatment and groundwater discharge to the POTW.

Answer: As per the amendment, on site soil remediation will not take place. A permit for wastewater discharge to the sanitary sewer is currently being prepared and will be completed and approved by Oro Loma Sanitary District prior to discharge.

In addition to these items, there are a few clarifications that should be made.

- 1) On page 18, paragraph 1 of the November 1 Work Plan, MW-5, MW-6, MW-7 and MW-9 are cited as the groundwater extraction wells. This does not correspond to Plate 8.

Plate 8 is correct. MW-5, MW-6 and MW-7 are slated to be the three extraction wells.

- 2) Durham Transportation has moved their corporate headquarters to Austin, Texas. The Rosemead Post Office Box is no longer valid. Any correspondence directed to Durham Transportation should go to:

Mr. David Delamotte  
Durham Transportation  
9171 Capitol of Texas Highway North  
Travis Bldg., Suite 200  
Austin, Texas 78759

Thank you for your continued support and cooperation on this project. If you have any questions, please call the undersigned at (510) 799-1140.

Sincerely,



Lisa A. Polos, REA, CHMM  
Senior Scientist  
Toxic Technology Services  
CTTS, Inc.

cc: Eddy So, WQCB  
Dave Delamotte, Durham Transportation

**GTTS, Inc.**

technology services

**AMENDMENT #1****SECTION 3 PROPOSED REMEDIATION FOR ON SITE SOIL CONTAMINATION****3.1 Purpose**

The proposed soil remediation for the site is to excavate approximately 450 cubic yards of contaminated soil from the fuel tank pit and waste oil tank pit. The soil will be transported (under a non-hazardous waste manifest) to Port Costa Materials in Port Costa, California and thermally treated utilizing a rotary kiln. When the soil is free from hydrocarbons, it is recycled into a building or fill material.

If chemical analysis of newly sampled soil from the excavations indicate that Port Costa Materials can not accept the soil from the Meekland site, the soil will be transported to Forward Landfill in Stockton, California. Forward Landfill is a Class II site. Gasoline contaminated soil is aerated on site and when proved clean, is used at the landfill as alternate cover.

Clean fill will be brought in from East Bay Excavators, a quarry in Hayward. The excavations will be brought to grade, achieving a 90% compaction rate.

The current Health and Safety Plan (November 1, 1992) will not need to be revised for this amendment.

**3.2 Method Description**

Port Costa Materials (PCM) operates a rotary kiln. The unit is designed to thermally process shale from the Port Costa Materials quarry mixed with hydrocarbon contaminated soil. The kiln reaches temperatures of approximately 2000 degrees Fahrenheit. Retention time at this temperature is approximately 15 minutes. Total retention time over the length of the kiln is 45 minutes. The hydrocarbon contamination is destroyed (to non-detectable levels) and the remaining soil is thermally recycled into construction and/or building fill products.

Soils are first crushed, processed through the kiln, then screened for the specifications that it meets and stored to await blending to meet a client's construction needs. During the thermal process, a soil sample is collected every hour. The samples are composited into one and sent to a state certified hazardous waste laboratory for analysis. Analytical results and a certificate of recycling are issued to the generator.

Does PCM accept VOC-contaminated soil?

PCM has specific acceptance criteria based on their state operating permit. Soils must be profiled and scheduled prior to delivery. Samples from the Meekland site were collected on March 5, 1993. Details of samples collected are provide in a following section.

If chemical data indicates that the soil does not meet the acceptance criteria to be processed at Port Costa Materials, the soil will be transported to the Forward Landfill in Stockton. Forward Landfill is a Class II landfill permitted to accept petroleum contaminated soil. If the soil is contaminated with gasoline, the soil is aerated. If the contaminate is diesel or waste oil, the soil is bioremediated. When the soil has undergone treatment, a composite sample is collected and analyzed at a state certified laboratory. When the soil has been verified hydrocarbon free, it is used at the landfill as alternate cover.

Both facilities have tracking and labeling systems such that the facility processes the generator's soil separately from any other generator and follows the soil through their system to completion.

Forward Landfill has specific acceptance criteria based on their state operating permit. Soils must be profiled and scheduled prior to delivery. Samples from the Meekland site were collected on March 5, 1993. Details of samples collected are provide in a following section.

In the event that the soil does not meet the acceptance criteria of either facility, the soil is then considered a RCRA waste, as per 40 CFR Part 261. This would prompt an additional amendment to this work plan.

### 3.3 Soils To Be Excavated

As described above, soils to be excavated will be transported as a non-hazardous waste to Port Costa Materials or alternately to Forward Landfill. Soils to be removed are of two types, previously excavated soil and undisturbed soil.

#### 3.3.1 Previously Excavated Soil

Soils that had been excavated in both the fuel tank area and the waste oil tank area at the time of tank removal, had been placed back into the respective excavations after the excavations had been lined with plastic. The levels of contamination over time have more than likely decreased, however this soil will be removed and sent for processing.

### 3.3.2 Undisturbed Soil

The waste oil pit was essentially clean when samples were taken at the time of tank removal. Therefore the pit will not be over

excavated, but a confirmatory sample will be taken from each side wall and the bottom of the excavation.

If data from the waste oil tank excavation indicates the presence of contamination, additional soil will be excavated until a 100 ppm hydrocarbon (or less) level is attained.

*Should be  
→ 100 ppm*

The fuel pit was contaminated with gasoline and BTEX. This pit will be over excavated on the north, east and west sides. The south side of the pit was clean and will not be over excavated for safety reasons. The bottom of this pit could be excavated to a depth of approximately 23 feet. The final depth of the pit will depend on two factors: The levels of hydrocarbons and the groundwater level.

Excavation will cease when grab samples indicate a level of 100 ppm hydrocarbons or less. It is our intention to stay above groundwater. For this reason, digging will cease just above the saturated zone. Monthly groundwater level data will be used to determine the depth to groundwater prior to excavation.

*from the  
waste oil ->  
pit also?*

Two soil samples will be taken from each sidewall and four will be taken from the bottom. Samples will be collected in brass liners and kept cold until analysis by NET Pacific Laboratory, a state certified hazardous waste laboratory. Analytical parameters will be:

Total Petroleum Hydrocarbons, Gasoline (TPH-G)  
Total Petroleum Hydrocarbons, Diesel (TPH-D)  
Benzene, Toluene, Ethylbenzene, Xylenes (BTEX)  
Volatile Chlorinated Hydrocarbons

If at the time of excavation and sampling, it appears that excavation should continue, this will be done to the extent possible. Field measurements will be taken with a portable organic vapor analyzer to assist with this decision making. Field measurements will be confirmed by soil sampling and analysis.

If data from the fuel pit excavation indicates levels of TPH at 100 ppm or less, the excavations will be backfilled with clean fill and brought up to grade.

If data from the fuel pit excavation indicates contamination over 100 ppm of TPH, Alameda County will be immediately notified. For safety reasons, the excavation will be too large and deep to remain open. The hole will be lined with plastic and backfilled with

clean fill. Further remediation of the soil contamination will be addressed by the groundwater remediation.

### 3.3.3 Backfill Operations

If bottom and sidewall contamination is less than 100 ppm of petroleum hydrocarbons, the excavation(s) will not be lined with plastic. If contamination of greater than 100 ppm must remain in the ground, then the excavation(s) will be lined with plastic before backfilling operations commence.

If the depth of the excavation exceeds 15 feet, clean pea gravel will be used to bring the pit up to 15 feet. Pea gravel has a freefall compaction rate of approximately 90%. It will be used at the bottom of the pit to bring the depth up to a point where a backhoe with a compactor attachment can safely be used to fill and compact the hole.

Following the layer of pea gravel, the hole will be brought to grade using clean, native fill of an unspecified particle size. This fill will be supplied by East Bay Excavators, who operate a quarry in Hayward. The fill is of a clay/rock mix.

Using the compaction attachment on the backhoe, the fill will be compacted to 90%. Compaction testing will be conducted by Serloger Engineers in Pleasanton to document the compaction level.

Because of the size and depth of the fuel tank excavation, the hole should be filled as soon as possible. For this reason, verified clean fill will be placed into the excavation starting from the southeast side. This side was clean at the time of tank removal. Replacement of soil will proceed to the northwest after sidewall and bottom samples are taken.

### 3.3.4 Verification Of Clean Fill

To prevent the importation of contaminated fill, the native fill transported on site will be analyzed before placement in the pit. A sample will be collected for every 200 cubic yards of native fill brought on site. Grab samples will be analyzed for:

Total Petroleum Hydrocarbons, Gasoline (TPH-G)  
Total Petroleum Hydrocarbons, Diesel (TPH-D)

If the material tested contains hydrocarbons at a level of 10 ppm or greater, the load will be rejected.

Because pea gravel is washed before transportation, it is assumed that it is clean and will not be analyzed before placement into the pit.



### 3.4 Well Abandonment

The over excavation of the fuel pit would have destroyed the integrity of MW-1. Therefore, MW-1 was abandoned according to regulations set forth by Zone 7 on December 14, 1992. A full report on this activity is forthcoming.

### 3.5 Soil Profiling

On February 5, 1993 the waste oil and fuel tank pits were opened up. Previously excavated soil was set aside and samples were collected from undisturbed soil. Analyses requested are for profiling purposes at Port Costa Materials and Forward Landfill.

A full report with pit sketches and analytical data is forthcoming. A summary of this sampling is as follows.

#### Waste Oil Tank Excavation

One grab sample was collected at an approximate depth of 7.5 feet from the Southwest corner of the pit. There was no evidence of staining or odor from either this sample or the pit in general.

The sample was collected in a brass tube, teflon tape was put on the ends and then sealed with a plastic cap. The sample was put on ice and delivered to NET Pacific for analysis. Analyses requested are:

- Total Petroleum Hydrocarbons - Gasoline (TPH-G)
- Total Petroleum Hydrocarbons - Diesel (TPH-D)
- Total Oil and Grease
- Volatile Organics by Method 8240
- Semi-volatile Organics by Method 8270
- CAM 17 Metals
- Reactivity (R)
- Corrosivity (C)
- Ignitability (I)

Results, when available, will be sent to Juliet Shum of Alameda County and Eddy So of the Water Quality Board prior to the commencement of excavation.

#### Fuel Tank Excavation

Eight discrete grab samples were collected from the northwest side of the excavation. The previously excavated soil was set aside and samples were collected from undisturbed soil at depths varying from 7 to 12 feet.

F-1 @ 8 feet - no odor, no staining; Analyzed for TPH-G, TPH-D and BTEX

F-2 @ 8 feet - no odor, no staining: On Hold

F-3 @ 8 feet - odor, no staining: Analyzed for TPH-G, TPH-D, Method 8240, CAM 17 metals, Fish Bioassay and RCI

F-4 @ 7 feet - odor, green mottling: On Hold

F-5 @ 12 feet - slight odor, green mottling: On Hold

F-6 @ 12 feet - odor, green mottling: Analyzed for TPH-G, TPH-D and BTEX

F-7 @ 8 feet - no odor, no staining: On Hold

F-8 @ 12 feet - no odor, black staining: Analyzed for TPH-G, TPH-D and BTEX

Results, when available, will be sent to Juliet Shie of Alameda County and Eddy So of the Water Quality Board prior to the commencement of excavation.

### 3.6 Time Schedule

Excavation activities is tentatively scheduled to commence March 8, 1993.

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
80 Swan Way, Rm 200  
Oakland, CA 94621  
(510) 271-4530

November 18, 1992

Mr. Dave Delamotte  
Durham Transportation  
P.O. Box 948  
Rosemead, CA 91770

STID 1879

RE: Work plan addressing soil and ground water remediation at  
19984 Meekland Avenue, Hayward, California

Dear Mr. Delamotte,

This office has received and reviewed the work plan, dated November 1, 1992, for the above site. The work plan meets with the approval of this office with the addition of the following:

- o Soil samples collected from the treated soil should be analyzed for Volatile Organic Compounds (VOCs) in addition to TPHg, TPHd, and BTEX.
- o Ground water samples collected from the holding tanks in the ground water remediation system should be analyzed for VOCs in addition to TPH and BTEX.

Per the phone conversation with Lisa Polos, CTTS, Inc., and myself on November 18, 1992, confirmatory soil samples collected from the sidewalls and bottom of the waste oil tank pit will be analyzed for TPHg, TPHd, BTEX, heavier hydrocarbons to detect waste oil, and VOCs. Additionally, the analysis of samples collected from the other tank pit should include VOCs since VOCs have been detected in former soil and ground water samples collected from the site.

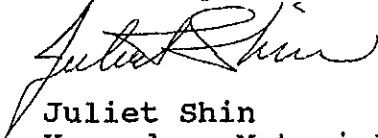
Per the phone conversation between Lisa Polos and myself, subsequent to the County's approval of this work plan, permits will be acquired for the treatment unit. It is the understanding of this office that all the necessary permits will be acquired for this treatment unit before work begins at the site. The site is expected to obtain a permit from the Bay Area Air Quality Management District (BAAQMD) for thermal treatment of the soil, and a ground water discharge permit from Oro Loma Sanitary District. Additionally, use of an on-site treatment unit usually requires a permit from the Department of Toxic Substances Control.

Mr. Dave Delamotte  
RE: 19984 Meekland Ave.  
November 18, 1992  
Page 2 of 2

With the addition of the above requirements, the work plan meets with the approval of this office. Field work should commence within 60 days of the receipt of this letter. Please notify this office 48 hours in advance before field work begins. A report documenting the results from work performed is due to this office within 45 days of completing activities.

Thank you for your cooperation. If you have any questions or comments, please contact me at (510) 271-4530.

Sincerely,



Juliet Shin  
Hazardous Materials Specialist

cc: Eddy So, RWQCB

Hugh Murphy, Hayward Fire Dept.

Lisa Polos  
Toxic Technology Services  
P.O. Box 515  
Rodeo, CA 94572

Edgar Howell-File (JS)



**CTTS, Inc.**  
*toxic technology services*

---

November 12, 1992  
Project No. 92-7

Ms. Juliete Shin  
Alameda County Health Care Services Agency  
Hazardous Materials Division  
80 Swan Way, Suite 200  
Oakland, CA 94621

Subject: Workplan for the  
Delineation, Containment and  
Remediation of Soil and Groundwater Contamination  
19984 Meekland Avenue, Hayward, California

Dear Ms. Shin:

On behalf of Durham Transportation, CTTS, Inc. (Toxic Technology Services) is pleased to present the workplan for the delineation, containment and remediation of soil and groundwater at 19984 Meekland Avenue, Hayward, California. As part of this workplan a Health and Safety Plan is enclosed as a separate document.

Please review and comment on this document as quickly as possible. Durham Transportation is eager to commence with this project.

A copy of the workplan and Health and Safety Plan have been sent to Mr. Eddy So of the Water Quality Control Board.

I look forward to your comments and approval of this project. If you have any questions, please call me at (510) 799-1140.

Sincerely,

Lisa A. Polos, REA, CHMM  
Senior Scientist  
Toxic Technology Services  
CTTS, Inc.

John N. Alt, CEG (#1136)  
Consulting Geologist  
Toxic Technology Services  
CTTS, Inc.

enclosures

cc: Eddy So - WQCB, Dave Delamotte - Durham Transportation

218 11 07 11 26



DURHAM TRANSPORTATION, INC.  
9171 CAPITAL OF TEXAS HIGHWAY NORTH  
TRAVIS BUILDING, SUITE 200  
AUSTIN, TX 78758-7252  
VOICE (512) 343-8292  
FAX (512) 343-8596

November 4, 1992

92101-9 11:0 114

Ms. Juliete Shin  
Alameda County Health Care Services Dept.  
Hazardous Materials Division  
80 Swan Way, Suite 200  
Oakland, CA 94621

Dear Ms. Shin:

Per Lisa Polos' request, please find enclosed Progress Report #16, Period Covering:  
July 1, 1992 - September 30, 1992 regarding 19984 Meekland Avenue, Hayward,  
California.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dave E. Delamotte". The signature is fluid and cursive, with a large initial "D" and "E".

Dave E. Delamotte

DED/lp  
jsalam.dd

Enclosure

Vertical text on the right edge of the page, possibly a stamp or handwritten note, including the number "92101-9".



**CTTS, Inc.**  
*toxic technology services*

---

921107-2 10 8:10

Ms. Juliet Shin  
Alameda County Health Care Services Agency  
Department of Environmental Health  
80 Swan Way, Room 200  
Oakland, CA 94621

Subject: Work Plan - Durham Transportation  
19984 Meekland, Hayward, CA

Dear Ms. Shin:

Durham Transportation is in the process of making a final approval for the work plan for the Meekland Avenue site. Unfortunately, the decision will not be made by October 31, 1992. Mr. Durham needs to be involved in this decision, but is currently out of town.

Durham Transportation and Toxic Technology Services requests an extension of the submittal date to November 18, 1992.

Thank you for your time and attention to this matter. If you have any questions, please call the undersigned at (510) 799-1140.

Sincerely,

Lisa A. Polos, REA, CHMM  
Senior Scientist  
Toxic Technology Services  
CTTS, Inc.

cc: Eddy So, RWQCB, Dave Delamotte, Durham Transportation



**CTTS, Inc.**  
Toxic technology services

Ms. Juliet Shin  
Alameda County Health Care Services Agency  
Department of Environmental Health  
80 Swan Way, Room 200  
Oakland, CA 94621

Subject: Work Plan - Durham Transportation  
19984 Meekland, Hayward, CA

Dear Ms. Shin:

Durham Transportation is in the process of making a final approval for the work plan for the Meekland Avenue site. Unfortunately, the decision will not be made by October 31, 1992. Mr. Durham needs to be involved in this decision, but is currently out of town.

Durham Transportation and Toxic Technology Services requests an extension of the submittal date to November 18, 1992.

Thank you for your time and attention to this matter. If you have any questions, please call the undersigned at (510) 799-1140.

Sincerely,

Lisa A. Polos, REA, CHMM  
Senior Scientist  
Toxic Technology Services  
CTTS, Inc.

cc: Eddy So, RWQCB, Dave Delamotte, Durham Transportation

Post-It® brand fax transmittal memo 7871		# of pages
To: J. Shin	From: L. Polos	
Co.	Co. CTTS	
Dept. Env. Health	Phone # 510	
Fax # 568-2706	Fax # 799-1140	





**CTTS, Inc.**  
*toxic technology services*

---

September 25, 1992  
Project No. 92-7

Ms. Juliet Shin  
Alameda County Health Care Services Agency  
Department Of Environmental Health  
80 Swan Way, Room 200  
Oakland, California 94621

Subject: Deadline for Submittal of Work Plan  
19984 Meekland, Ave., Hayward, California

Dear Ms. Shin:

Durham Transportation and Toxic Technology Services are in receipt of your letter dated August 25, 1992. Although we are working to meet the established deadline of October 9, 1992, we would like to request an extension to October 30, 1992.

The acceptance of a draft work plan by Durham Transportation is based on an analysis of treatment and disposal alternatives presented by Toxic Technology Services. Durham Transportation is in the process of evaluating the options and recommendations made by Toxic Technology Services. This process may exceed the October 9, 1992 deadline.

Thank you for your patience in this matter. If you should have any questions, please call me at (510) 799-1140.

Sincerely,

Lisa A. Polos  
Senior Scientist  
Toxic Technology Services  
CTTS, Inc.

cc: Dave Delamotte - Durham Transportation

92077 2 1 11 09 92

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
80 Swan Way, Rm 200  
Oakland, CA 94621  
(510) 271-4530

August 25, 1992

Mr. Dave Delamotte  
Durham Transportation  
P.O. Box 948  
Rosemead, CA 91770

STID 1879

Re: New deadline for submittal of work plan for site located at  
19984 Meekland Avenue, Hayward, California

Dear Mr. Delamotte,

This office is in receipt of your letter, dated July 28, 1992, and  
of Progress Report #15, dated June 11, 1992.

Currently, this office has granted you a two month extension on the  
initial due date of the work plan that this office requested of you  
in a letter dated April 24, 1992. It appears, in reading the above  
letter, that the primary focus of your preparation of the work plan  
has been the search for other contributors or sources to the off-  
site ground water contamination observed in Well MW-10. Although  
it is your task to determine whether other sources are contributing  
to the ground water contamination, it appears that your focus of  
investigations, within the extended time granted you, should be in  
developing proposals for the delineation, containment, and  
remediation of the ground water and soil contamination resulting  
from your site.

In looking at all the available ground water sampling data, it is  
fairly certain that at least part, if not all, of the observed  
ground water contamination in **on-site** wells is a result of a  
release at your site. Ground water samples collected from all the  
on-site monitoring wells, except for the one well upgradient of the  
former tank excavation, Well MW-8, have consistently exhibited **very**  
elevated concentrations of benzene as high as 5,000 parts per  
billion (ppb) and Total Petroleum Hydrocarbons (TPH) as high as  
27,000 ppb. Additionally, considering the fact that both Wells MW-  
3 and MW-9, which are located at the downgradient boundary of the  
site in the northwestern corner, have consistently exhibited high  
concentrations of both benzene and TPH, it is very likely that  
contaminants have migrated off site. The elevated concentrations  
observed in the on-site wells are of great concern to this office.

This office is establishing a new deadline for the submittal of a  
work plan that, again, addresses your proposals for the  
**delineation, containment, and remediation** of the ground water  
contaminant plume and soil contamination. Included in this work  
plan should be a timetable of scheduled project tasks. This work

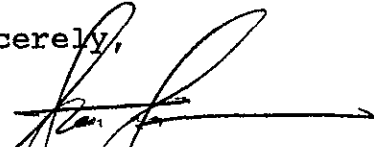
Mr. Dave Delamotte  
Re: 19984 Meekland Ave.  
August 19, 1992  
Page 2 of 2

plan will be due **within 45 days** of the receipt of this letter. If there is a valid reason for further extending the due date of the work plan, please put the reasons for your extension in writing and submit it to this office for approval.

Additionally, please begin including ground water gradient maps, in addition to the ground water elevation tables, in the quarterly ground water monitoring reports. This will allow for greater efficiency in our review of the ground water data.

Please be reminded to copy Eddy So, San Francisco Bay Region-Water Quality Control Board, on all correspondence and reports.

If you have any questions or comments, please contact Ms. Juliet Shin at (510) 271-4530.

Sincerely,  
  
Scott O. Seery, CHMM  
Senior Hazardous Materials Specialist

cc: <sup>cc</sup>Eddy So, <sup>cc</sup>RWQCB

Hugh Murphy, Hayward Fire Dept.

Lisa Polos  
CTTS, Inc.  
Toxic Technology Services  
P.O. Box 515  
Rodeo, CA 94572

Edgar Howell-File (JS)



DURHAM TRANSPORTATION, INC.  
8171 CAPITAL OF TEXAS HIGHWAY NORTH  
TRAVIS BUILDING, SUITE 200  
AUSTIN, TX 78758-7252  
VOICE (512) 343-6292  
FAX (512) 343-6506

July 28, 1992

Ms. Juliette Shin  
80 Swan Way #200  
Oakland, CA 94621

Dear Ms. Shin:

Lisa Polos has notified me that you have discussed the current status of our project at 19984 Meekland Avenue in Hayward California. Please find enclosed a copy of progress report number 15. I truly appreciate your patience in waiting for a complete plan of action. Lisa has told you of our desire to take the proper actions but the next steps must be cautiously defined. Lisa is performing the investigations and analysis that will hopefully lead to a well thought out plan of action.

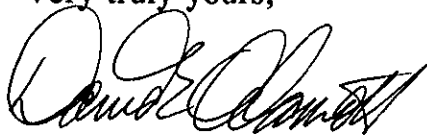
We certainly know that a source of contamination was found on the property, properly removed and we have seen declining levels since. At this time, I am not in agreement that this same source is the cause of any of the off-site readings. This must be proven and to my knowledge there were other business sources in the area that could have been the whole source or certainly would have contributed to the readings now noted off-site. We have authorized Lisa to fully investigate the history of the sites around our property and to include that information as recommendations for the future are made. It is our hope that if reasonable cause is found to suspect other sources for the readings found off-site that you will take actions that will cause owners of those sites to take appropriate actions to remediate the problems and contribute to the very high costs being encountered.

92-110-0  
11-12

Page 2

I look forward to our work together.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dave E. Delamotte". The signature is written in a cursive, flowing style with large, connected letters.

Dave E. Delamotte

DD/lp  
ctts15.dd

cc: Larry Durham  
Bruce Ashton  
Lisa Polos

Enclosure

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Division  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(510) 271-4320

April 24, 1992

Mr. Dave Delamotte  
Durham Transportation  
P.O. Box 948  
Rosemead, CA 91770

STID 1879

RE: Durham Transportation site, located at 19984 Meekland Avenue,  
Hayward, California

Dear Mr. Delamotte,

Groundwater samples collected from all the on-site monitoring wells, except upgradient well MW-8, have consistently exhibited elevated concentrations of benzene as high as 5,000 parts per billion (ppb) and Total Petroleum Hydrocarbons as high as 27,000 ppb. Furthermore, the contaminant plume appears to be migrating off site.

You are required to submit a work plan to this office **within 45 days** of the date of this letter, addressing your proposals for the delineation, containment, and remediation of the contaminant plume resulting from your site. These proposals must adhere to the Regional Water Quality Control Board's Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks and the State Water Board's LUFT manual. A report documenting the results from work performed is due to this office within 45 days of completion of field activities. Copies of all plans and proposals should be sent to this office. Alameda County must approve these plans before they can be implemented.

Please be aware that you must continue to prepare quarterly groundwater monitoring reports and submit them to this office.

If you have any questions or comments, please contact Juliet Shin at (510) 271-4320.

Sincerely,



Scott O. Seery, CHMM  
Senior Hazardous Materials Specialist

cc: Eddy So, RWQCB

Hugh Murphy, Hayward Fire Dept.

Lisa Polos  
CTTS, Inc.  
Toxic Technology Services  
P.O. Box 515  
Rodeo, CA 94572

*file js*

DATE 4/23/92

CONTACT LOG

FROM: Juliet Shin AFFILIATION: Alameda County  
TITLE: Haz. Mat. Spec. PHONE: (510) 271-4320  
TO: Lisa Polos, REA, CHMM AFFILIATION: Toxic Technology Services  
TITLE: \_\_\_\_\_ PHONE: (415) 799-1140  
RE: STID 1879, located at 19884 Meekland Ave, Hayward  
CA 94541

According to Ms. Polos, the two sumps are still located on site. Trenching was conducted downgradient of the sump under the wash rack, in order to collect soil samples. Additionally, no soil samples were collected downgradient of the waste oil sump, ~~at the MW-7 location~~ during the installation of MW-7.

The hoists on site have been removed from the site.

The excavated soil from the tank pulls are being stored on site in on plastic in the tank pits. These tank pits are covered.

I informed Ms. Polos that I would be sending out a letter req. to the responsible party to require immediate work to begin at the site.

I asked why no groundwater gradient maps have been submitted w/ the quarterly groundwater reports. She said Ms. Polos stated that it was because ~~no~~ the groundwater gradient at the site is flat.



To: Zone 7 Well Permits & Pam Ewers - Alameda  
County

From: Lisa Polos voice/fax (510) 799-1140

Toxic Technology Services

Re: Monitoring Well Installations.

Durham Transportation

Permit # 91617 (21 Oct. 91)

Wells are to be installed Tuesday January 21, 1992

Work begins at 7:30 AM

1 page w/cover



92 JAN 29 AM 11:03

DURHAM TRANSPORTATION, INC.  
2713 North River Avenue  
Post Office Box 948  
Rosemead, CA, 91770-0948  
(818)571-7020  
FAX (818)280-4008

**January 20, 1992**

**Miss Pamela Evans  
Alameda County Health Care Services Agency  
Hazardous Materials Division  
80 Swan Way, Suite 200  
Oakland, CA 94621**

**RE: Reports**

**Dear Miss Evans:**

**Enclosed is a copy of Toxic Technology's Progress Report #13 covering the 19984 Meekland Avenue, Hayward, California project.**

**Sincerely,**

A handwritten signature in black ink, appearing to read "Chris M. Stone". The signature is fluid and cursive, with a long horizontal stroke at the end.

**Chris M. Stone  
Director of Contracts  
and Administration**

**cc: G. Peterson  
B. Ashton  
J. Harbert**



DURHAM TRANSPORTATION, INC.  
2713 North River Avenue  
Rosemead, California 91770  
(818) 571-7020

FACSIMILE TRANSMISSION COVER/MEMO

DATE: 01/13/92 TIME OUT: 15:30 AM/PM

TO: [REDACTED]

IF CHECKED...PLEASE CALL  
RECIPIENT AND INFORM THEM OF  
RECEIPT OF THIS FAX!

FROM: [REDACTED]

ATTENTION: [REDACTED]

( 415 ) 271-4320

SENDING FAX NUMBER: ( 818 ) 571-7020

( ) ON FILE

RECEIVED BY: [REDACTED]

EXTENSION: 203

SEND TO: [REDACTED]

IF YOU ARE RECEIVING THIS COVER MEMO,

PLEASE CALL IMMEDIATELY!

PLEASE BE KEPT UP WITH "HARD COPY".

NOTE: MESSAGE NUMBER

80 4008

MESSAGE

PER OUR DISCUSSION  PER YOUR REQUEST

99.07.0903.07W(11/90)

TX	X SENT BY	DATE
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0002/000

DURHAM TRANSPORT

0818 280 4008

10:34

01/13/92



DURHAM TRANSPORTATION, INC  
2733 NORTH RIVER AVENUE  
POST OFFICE BOX 948  
ROSEMAD, CALIFORNIA 91770-0919  
PH 571-7020

15-471-220

42529

UNION BANK  
5701 SO. EASTERN AVENUE  
CITY OF COMMERCE, CA 90040-2914

01/01/91

PAY: \*\*\* Three Hundred and 00 \*\*\*  
TO THE ORDER OF

DATE 09/01/91 CHECK NO \*\*\*\*\* AMOUNT \*\*\*\*\*300.00

COUNTY OF ALAMEDA  
HEALTH CARE SERVICES AGENCY  
P.O. BOX 28924

TWO SIGNATURES REQUIRED OVER \$1,000.00

*[Signature]*

OAKLAND CA 94604

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018 280 4008 PAGE 002

JAN 13 '92 16:30

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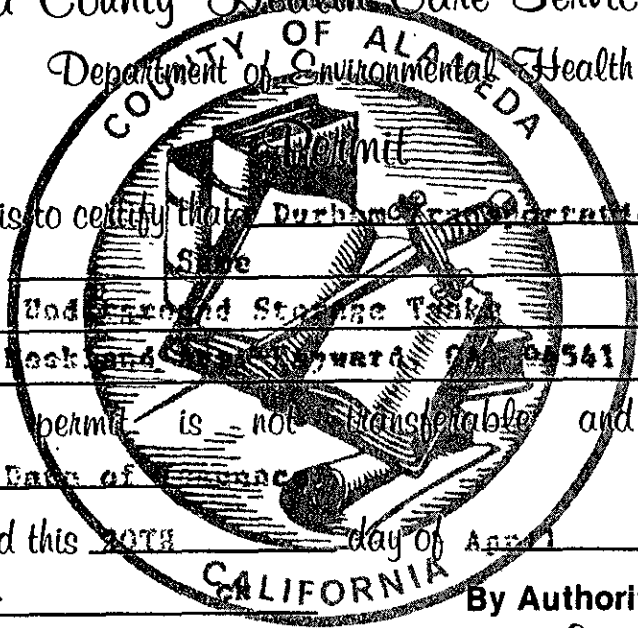
DT '91' CI  
NCSC

SEP 79 91

PAY TO THE ORDER OF  
TREASURER OF ALAMEDA COUNTY  
FOR DEPOSIT ONLY  
HEALTH CARE SERVICES AGENCY  
ENVIRONMENTAL HEALTH #4  
DONALD W. WARE  
AVL COL. TREASURER  
TAX COLLECTOR  
121000044

# Alameda County Health Care Services Agency

Department of Environmental Health



This is to certify that Durham Transcription  
doing business as State, is permitted  
to operate a (4) Wood and Storage Tanks  
at 19984 Rockland Road Hayward, CA 94541

This permit is not transferable and is good until  
6 Months From Date of Issuance

Issued this 20th day of April, 1988

Edgar Howell  
Sanitarian

By Authority of  
County Health Officer

FACSIMILE TRANSMITTAL

ALAMEDA COUNTY HEALTH AGENCY  
CARE SERVICES

FROM:

Pamela J. Evans  
Hazardous Materials Specialist



DIVISION OF HAZARDOUS MATERIALS  
DEPARTMENT OF ENVIRONMENTAL HEALTH  
80 Swan Way, Rm. 200, Oakland, CA 94621 • (510) 271-4320



(510) 568-3706

Fax Phone Number

Floor/Room # \_\_\_\_\_

Date: 1-14-92

Time Sent: \_\_\_\_\_

TO:

818-913-3840

Fax Phone Number

Floor/Room # \_\_\_\_\_

Name: Greg Petersen

Title/Section \_\_\_\_\_

Agency: Durham Transportation

Number of Pages Including Transmittal Sheet: 2

Special Instructions/Comments:

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(415)

June 10, 1991

Jack Worthington  
Durham Transportation  
P.O. Box 948  
Rosemead CA 91770

RE: 19984 Meekland Av., Hayward 94541

Dear Mr. Worthington:

I have reviewed the progress reports and other documents recently submitted by CTTS for your site. The data gathered from the eight onsite groundwater monitoring wells indicate that petroleum constituents continue to be a problem. The three wells located in the northwest corner of the property have shown high levels of benzene and other contaminants and two of these are within 10 feet of a property boundary. CTTS has recommended that an additional offsite well be installed. In order to define the extent of groundwater contamination, it will be necessary for you to install at least two offsite wells in the down gradient direction (west to north west) and to continue quarterly monitoring for the existing wells.

Once the plume of contamination has been defined, remediation activities must begin without delay. Please submit a description of your proposed remediation program, including a timetable for implementation, with your next quarterly report.

In addition, your deposit for oversight of the investigation and clean up at your site has been exhausted. Please submit a payment of \$300.00, payable to County of Alameda, to cover future oversight costs. An accounting sheet is attached. You may contact me with any questions at (415)271-4320.

Sincerely,

Pamela J. Evans  
Hazardous Materials Specialist

Enclosure

c: Richard Hiett, RWQCB  
Lisa Polos, CTTS





*radio technology services inc.*

To: [faint text]  
From: [faint text]

regarding  
Mr.  
ain  
ne  
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he



*Handwritten text, possibly a name or address, is visible but illegible due to blurring.*

To: 15  
62

Agent

of  
2

103

3246-1-1140

SEARCHED  
SERIALIZED  
INDEXED  
FILED  
APR 11 1980

90 NOV -5 PM 2:08

November 1, 1990  
File No. 90-4

Ms. Pam Evans  
Alameda County Environmental Health  
Hazardous Materials Division  
80 Swan Way, Suite 200  
Oakland, California 94621

Subject: Groundwater Remediation Plan for  
19984 Meekland Avenue, Hayward, California  
Durham Transportation

Dear Ms. Evans:

This letter is to notify you that the Phase II site investigation for the above mentioned site is nearing completion. This information will be transmitted to our client and to you in a forthcoming report.

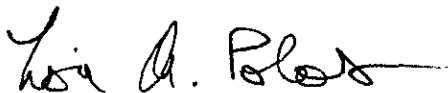
We are currently analyzing remediation options and will be making our recommendations to Durham Transportation in early November. After they have chosen a remediation scheme, Toxic Technology Services will prepare a groundwater remediation plan and submit it to you.

It is anticipated that your office will receive this plan by November 30, 1990.

Thank you for your continued time and effort. If you have any questions, please call the undersigned at (415) 799-1140.

Sincerely,

*OK by phone pe*



Lisa A. Polos, REA  
Senior Scientist  
Toxic Technology Services  
CTTS, Inc.

cc: Jack Worthington, Durham Transportation

To: Pam Evans, Alameda County Haz. Mat. Div. 9/19/90  
From: Lisa Polos, Toxic Technology Services *LP*  
Subject: 19984, Meekland Ave. (Durham Transportation)

On August 30 and 31, 1990, two monitoring wells were installed at the subject site. An additional well and a boring are scheduled for installation on October 1, 1990.

We do not anticipate this schedule change to greatly affect the submittal of the Groundwater Remediation Plan due to your office on October 31, 1990.

Thank you for notifying my office of vandalism at the subject site. The entire fence has been stolen, but it appears that all else is intact. A new fence is scheduled to be installed as soon as possible.

I also discussed with Mr. Worthington of Durham Transportation, the matter of payment to your office for project maintenance. He will tend to this matter right away.

Should you have any questions, please call me at (415) 799-1140.

cc: Jack Worthington, Durham Transportation



*toxic technology services inc.*

*1 page*

To: Pam Evans - Alameda County Haz. Mat.

From: Lisa Polos - Toxic Technology Services *lap*

Regarding: 19984 Meekland Avenue, Hayward  
(Durham Transportation)

This is to confirm that Toxic Technology Services has been given a verbal go-ahead to proceed with work at the above mentioned site as described in the work plan amendment dated August 6, 1990.

The schedule is as follows:

Drilling Activities: August 30 & 31, 1990  
Trenching Activities: September 4 & 5, 1990

Thank you for your help and guidance with this project.

cc: J. Worthington, C. Stone - Durham Transportation

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Director



90 OCT 18 AM 11:44

Telephone Number: (415)

(421)

August 27, 1990

Jack Worthington  
Durham Transportation  
P.O. Box 948  
Rosemead CA 91770

RE: 19984 Meekland Av., Hayward 94541

Dear Mr. Worthington:

I have reviewed the workplans submitted by Toxic Technology Services Inc. and have informed Lisa Polos by telephone that the proposed monitoring well locations are satisfactory. She plans to go ahead with the installations and other site work later this week.

The following is a list of concerns that must be addressed in the course of investigation and remediation work for the site. Ms. Polos has referred to most, if not all, of these issues in her report recommendations.

1. **Soil Contamination:** Soil gas testing indicates that waste oil constituents may have migrated around and under the former service station building.

Another area of concern is the former sump in the vicinity of the wash rack. High levels of various contaminants were found there. Soil samples must be collected from the area adjacent to the sump and analyzed for those substances previously found above detectable levels.

Also, there is a strong possibility of contamination from the piping to the former waste oil tank. CTTS' report indicates that these lines were found to be corroded and that soil gas testing indicated contamination was present.

Finally, the hoists must be removed and the possibility of leaked hydraulic fluid investigated. At minimum, any hydraulic fluid still contained within these hoists must be disposed of properly.

Further investigation of the full lateral and vertical extent of these contaminated areas is required and must include possible groundwater impact. Samples must be collected, submitted, and analyzed according to EPA protocol. Copies of analysis results must be submitted to this office.

August 27, 1990  
Jack Worthington  
Durham Transportation  
Page 2 of 2

2. **Groundwater Contamination** established through monitoring well sampling: Existing wells have been sampled twice since March, 1990 and are contaminated with 1,1-dichloroethane and constituents of petroleum fuel.

CTTS' recently submitted workplans for further soil investigation appear adequate for identifying possible onsite sources for these contaminants. You must submit a workplan for groundwater remediation to this office no later than October 31, 1990.

JACK  
↓  
In order to cover the costs of investigation and remediation oversight, please submit a check to this office for \$500, payable to County of Alameda. }

You may contact me with any questions at 271-4320.

Sincerely,

*Pamela J. Evans*

Pamela J. Evans  
Hazardous Materials Specialist

c: Richard Hiett, Regional Water Quality Control Board  
Lisa Polos, CTTS

April 27, 1990  
File No. 90-2

Ms. Pam Evans  
Alameda County Health Care Services Agency  
Hazardous Materials Division  
80 Swan Way, Room 200  
Oakland, California 94621

Subject: Durham Transportation  
19984 Meekland Road  
Hayward, California

Dear Ms. Evans:

Toxic Technology Services is in receipt of your letter of April 20, 1990 regarding particular aspects of the Durham Transportation Work Plan and Health and Safety Plan. I want to thank you for your quick attention to the Durham project.

This letter addresses only the items concerning the soil gas testing at the subject site. A letter addressing the other items will be forthcoming, well before trenching and excavation activities will take place.

Item 2 of the letter concerns worker health and safety. Respirators with organic vapor cartridges, solvent-resistant suits and appropriate gloves and goggles will be available to the sampling crew.

Exposure will be minimal due to the fact that soil contamination is anticipated at a depth of 20', no spoils will be generated and the sampling crew should not come into direct contact with the contamination. Exposure by inhalation of toxic vapors is possible, but low because soil gas will be extracted at a depth of 20' through a tube connected to an evacuated glass bomb. The diameter of the boring is 3/4".

To assure that the sampling crew will not be exposed to toxic vapors, a ThermoElectron OVM - 580 organic vapor analyzer will be on-site and used to monitor the ambient air at each sampling location.



This instrument will be calibrated against isobutylene and will be able to detect part per million levels of the compounds of interest. These are:

- Benzene
- Toluene
- Xylenes
- Ethylbenzene
- Gasoline
- Ethylene Dichloride
- Trichloroethylene

Of these compounds, Benzene is the most restrictive having a Federal OSHA PEL of 1ppm (8-hr TWA) and a STEL of 5ppm with a maximum of a 15 min. exposure. One part per million will be used as the trigger level to prompt the use of respirators and any other Level C equipment, as appropriate, by the sampling crew.

Item 4 of your letter requested more information on our plans to track chlorinated hydrocarbon contamination. During soil gas testing, samples on the northeast side of the property will be tested for specifically 1,2 - Dichloroethane and Trichloroethylene, both of which have been found on-site, as well as gas and BTEX. This is detailed in the work plan on page 10.

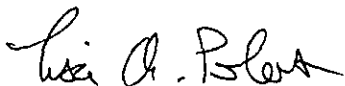
Then based on the data from the soil gas survey, trenching will take place in the appropriate spots and samples will be collected and analyzed for the entire 8010 series.

I hope this addresses the matter at hand. On April 27, 1990, I spoke to Mr. Edgar Howell and discussed the above items with him.

We intend to proceed with the soil gas testing on Monday, April 30, 1990 at 8:00 am. Please contact me if you have further questions. We invite you to visit the site at your convenience. Testing is scheduled for Monday through Thursday.

Thank you again for your attention to this matter. I look forward to working with you on this project.

Sincerely,



Lisa A. Polos, REA, CHMM  
Senior Scientist  
Toxic Technology Services  
CTTS, Inc.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(415)

April 20, 1990

Lisa Polos  
Toxic Technologies Services, Inc.  
P.O. Box 515  
Rodeo CA 94572

Dear Ms. Polos:

My staff has reviewed the Work Plan for the Durham Transportation site. Before any trenching or re-excavation of the tank pits takes place, this office requires additional information concerning the items listed below. These points were discussed in a telephone conversation between you and Hazardous Materials Specialist Pamela Evans on April 20, 1990:

1. Specify measures to be taken onsite to mitigate possible excavation collapse hazard. Address both trenching and tank pit excavation situations. OSHA shoring and sloping requirements must be adhered to.
2. Appropriate EPA Level C protection for workers should be available onsite. Special areas of concern include eye, hand, foot, and respiratory protection. Indicate the specific type of safety gear that will be available to workers who may be exposed to contaminated groundwater and soil. Also specify for which tasks and under which circumstances workers will be required to use safety equipment and clothing. Safety gear must be adequate to protect workers against the types of hazardous wastes you anticipate encountering onsite, including fuel constituents and chlorinated solvents.
3. Your work plan indicates that trenching and excavation will cease at 17 feet below existing ground level. If sampling indicates significant soil contamination below this level, further excavation would be necessary. The investigation should explore the full lateral and vertical extent of contamination.
4. Your examination and analysis of water from the abandoned well revealed the presence of 1,2-dichloroethane. Specify how your soil gas survey and other excavation and sampling will help you investigate the source of this contamination. Indicate which type of sampling procedures and equipment you plan to use in order to test further for this and other chlorinated solvents that might be encountered.

Lisa Polos  
Toxic Technology Services, Inc.  
RE: Durham Transportation, 19984 Meekland Road, Hayward  
April 20, 1990  
Page 2 of 2

Regarding Figure 4 in your Work Plan, water regulatory guidelines specify that a monitoring well be within 10 feet of a tank removal in the down gradient direction. The figure indicates that the proposed well would be at least 15 feet from the waste oil tank excavation and not in the suspected down gradient direction. Our recommendation is that the well be placed closer to and more to the west of the waste oil tank excavation.

You may supply the required information as addenda to your Work Plan and Site Safety Plan. Site safety information specific to the Soil Gas Survey work must be submitted before that activity is begun. Please contact Pamela Evans, Hazardous Materials Specialist, at 271-4320 with any questions.

Sincerely



Edgar B. Howell III, Chief  
Hazardous Materials Division

EBH:PJE

c: Lester Feldman, Regional Water Quality Control Board  
Gil Jensen, Alameda County District Attorney  
Howard Hatayama, Department of Health Services  
James Ferdinand, Eden Consolidated Fire District

February 26, 1990  
File No. 89-12

Mr. Tom Peacock  
Alameda County Health Care Services Agency  
Department of Environmental Health  
Hazardous Materials Division  
80 Swan Way  
Oakland, California 94621

Subject: Groundwater Monitoring Well Installations  
19984 Meekland Road, Hayward

Dear Mr. Peacock:

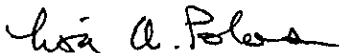
Enclosed is a copy of the groundwater monitoring well installation report for the Durham Transportation property located at 19984 Meekland Road in the unincorporated area of Alameda County, near Hayward.

CTTS, Inc. (Toxic Technology Services) is under contract to Durham Transportation to investigate further the extent of contamination, work with the State and local agencies and prepare a remediation plan.

Within the next few weeks, demolition of the existing property will take place and the items described in the Conclusions and Recommendations section of this report will be carried out.

Copies of any future data reports will be sent to you. You will be contacted for your input in the preparation of the remediation plan. If you have questions or comments regarding this project, please contact the undersigned at (415) 799-1140.

Sincerely,



Lisa A. Polos, REA  
Senior Scientist  
Toxic Technology Services  
CTTS, Inc.

Enclosure

cc: Jack Worthington - Durham Transportation  
Chief James Ferdinand - Eden Fire District  
Tom Callaghan - Water Quality Control Board

white -env.health  
 yellow -facility  
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200  
 Oakland, CA 94621  
 (415) 271-4320

Hazardous Materials Inspection Form

II, III

Site ID # \_\_\_\_\_ Site Name Durham Trans. Today's Date 08/09

Site Address 19984 Meekland Ave.

City Hayward Zip 94541 Phone \_\_\_\_\_

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

Removal - well installation

\* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments:

Installing 2 monitoring wells  
 & 1 existing immediately to the  
 west of the gasoline tank hole,  
 NW & SW corners of lot.

Well near washbasin behind the  
 station near the waste oil pit  
 to be abandoned and closed.

Recommend collecting water  
 sample from well in back  
 prior to closing.

II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus. Plan Stds. 25503(b)
- 3. RR Cars > 30 days 25503.7
- 4. Inventory Information 25504(a)
- 5. Inventory Complete 2730
- 6. Emergency Response 25504(b)
- 7. Training 25504(c)
- 8. Deficiency 25505(a)
- 9. Modification 25505(b)

II.B ACUTELY HAZ. MATLS

- 10. Registration Form Filed 25533(a)
- 11. Form Complete 25533(b)
- 12. RMPP Contents 25534(c)
- 13. Implement Sch. Req'd? (Y/N)
- 14. OffSite Conseq. Assess. 25524(c)
- 15. Probable Risk Assessment 25534(d)
- 16. Persons Responsible 25534(g)
- 17. Certification 25534(f)
- 18. Exemption Request? (Y/N) 25536(b)
- 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

- General
- 1. Permit Application 25284 (H&S)
  - 2. Pipeline Leak Detection 25292 (H&S)
  - 3. Records Maintenance 2712
  - 4. Release Report 2651
  - 5. Closure Plans 2670

- Monitoring for Existing Tanks
- 6. Method
    - 1) Monthly Test
    - 2) Daily Vadose  
Semi-annual groundwater  
One time sols
    - 3) Daily Vadose  
One time sols  
Annual tank test
    - 4) Monthly Gndwater  
One time sols
    - 5) Daily Inventory  
Annual tank testing  
Cont pipe leak det  
Vadose/gndwater mon.
    - 6) Daily Inventory  
Annual tank testing  
Cont pipe leak det
    - 7) Weekly Tank Gauge  
Annual tank test
    - 8) Annual Tank Testing  
Daily Inventory
    - 9) Other \_\_\_\_\_

- 7. Precs Tank Test Date: \_\_\_\_\_ 2643
- 8. Inventory Rec. 2644
- 9. Soil Testing 2646
- 10. Ground Water 2647

- New Tanks
- 11. Monitor Plan 2632
  - 12. Access. Secure 2634
  - 13. Plans Submit Date: \_\_\_\_\_ 2711
  - 14. As Built Date: \_\_\_\_\_ 2635

Rev 8/88

Contact: Lisa Polos  
 Title: Senior Scientist  
 Signature: Lisa A. Polos

Inspector: [Signature]  
 Signature: [Signature]

II, III

November 14, 1989  
File No. 89-12

Mr. Thomas F. Peacock  
Alameda County Health Care Services Agency  
Hazardous Materials Division  
80 Swan Way, Rm 200  
Oakland, CA 94621

Subject: Underground Storage Tank Unauthorized Release  
Release (Leak)/Contamination Site Report  
19984 Meekland Road, Hayward

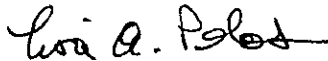
Dear Mr. Peacock:

Enclosed is the above mentioned report for the Meekland Road property currently owned by Durham Transportation. The back copy has already been sent to Mr. Jack Worthington of Durham Transportation.

Please note also that I have enclosed four copies of comments to add further information on the history of this site. Please send these along with the report to the appropriate agencies.

Thank you for your help in this matter. If you have any questions, please contact me at (415) 799-1140.

Sincerely,



Lisa A. Polos, R.E.A.  
Senior Scientist  
CTTS, Inc.

Am 11/29

# UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		FOR LOCAL AGENCY USE ONLY HEREBY CERTIFY THAT I AM A DESIGNATED GOVERNMENT EMPLOYEE AND THAT I HAVE REPORTED THIS INFORMATION TO LOCAL OFFICIALS PURSUANT TO SECTION 25100.7 OF THE HEALTH AND SAFETY CODE.	
REPORT DATE 1   M   0   D   9   D   8   Y   9   Y		CASE #		SIGNED _____ DATE _____	

REPORTED BY	NAME OF INDIVIDUAL FILING REPORT <b>Lisa Polos</b>		PHONE <b>(415) 999-1140</b>	SIGNATURE <i>Lisa D. Polos</i>	
	REPRESENTING <input checked="" type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> LOCAL AGENCY <input type="checkbox"/> OTHER		COMPANY OR AGENCY NAME <b>CTTS, INC</b>		
	ADDRESS <b>Po Box 515</b> STREET CITY <b>Rodeo</b> STATE <b>CA</b> ZIP <b>94572</b>				

RESPONSIBLE PARTY	NAME <b>Durham Transportation</b> <input type="checkbox"/> UNKNOWN		CONTACT PERSON <b>Jack Worthington</b>	PHONE <b>(415) 887-6005</b>	
	ADDRESS <b>27577(A) Industrial Blvd.</b> STREET CITY <b>Hayward</b> STATE <b>CA</b> ZIP <b>94545</b>				

SITE LOCATION	FACILITY NAME (IF APPLICABLE) _____		OPERATOR _____	PHONE <b>( ) _____</b>	
	ADDRESS <b>19984 Meekland Road</b> STREET CITY <b>Hayward</b> COUNTY <b>Alameda</b> ZIP <b>94541</b>				
	CROSS STREET <b>Blossom Way</b>	TYPE OF AREA <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> RURAL <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> OTHER	TYPE OF BUSINESS <input checked="" type="checkbox"/> RETAIL FUEL STATION <input type="checkbox"/> FARM <input type="checkbox"/> OTHER <b>(former)</b>		

IMPLEMENTING AGENCIES	LOCAL AGENCY <b>Alameda Co. Haz. Mat. Program</b>	AGENCY NAME	CONTACT PERSON <b>Thomas F. Peacock</b>	PHONE <b>(415) 271-4320</b>	
	REGIONAL BOARD <b>San Francisco Bay Region</b>			PHONE <b>(415) 464-1255</b>	

SUBSTANCES INVOLVED	(1) NAME <b>Gasoline</b>	QUANTITY LOST (GALLONS) <input checked="" type="checkbox"/> UNKNOWN
	(2) NAME <b>Benzene, Toluene, Xylene.</b>	QUANTITY LOST (GALLONS) <input checked="" type="checkbox"/> UNKNOWN

DISCOVERY/ABATEMENT	DATE DISCOVERED <b>0   M   6   D   8   Y   6   Y</b>	HOW DISCOVERED <input type="checkbox"/> INVENTORY CONTROL <input checked="" type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS <input type="checkbox"/> TANK TEST <input type="checkbox"/> TANK REMOVAL <input type="checkbox"/> OTHER
	DATE DISCHARGE BEGAN _____	METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input checked="" type="checkbox"/> REMOVE CONTENTS <input type="checkbox"/> REPLACE TANK <input checked="" type="checkbox"/> CLOSE TANK <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> REPAIR PIPING <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> OTHER
	HAS DISCHARGE BEEN STOPPED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE <b>0   M   5   D   8   Y   8   Y</b>	

SOURCE/CAUSE	SOURCE OF DISCHARGE <input checked="" type="checkbox"/> TANK LEAK <input type="checkbox"/> UNKNOWN <input checked="" type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER	TANKS ONLY/CAPACITY AGE <b>Attached Street</b> GAL. YRS <input type="checkbox"/> UNKNOWN	MATERIAL <input type="checkbox"/> FIBERGLASS <input checked="" type="checkbox"/> STEEL <input type="checkbox"/> OTHER	CAUSE(S) <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input checked="" type="checkbox"/> CORROSION <input type="checkbox"/> UNKNOWN <input type="checkbox"/> SPILL <input type="checkbox"/> OTHER
--------------	--	--	--	---

CASE TYPE	CHECK ONE ONLY <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/> SOIL ONLY <input type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)
-----------	--

CURRENT STATUS	CHECK ONE: ONLY <input checked="" type="checkbox"/> SITE INVESTIGATION IN PROGRESS (DEFINING EXTENT OF PROBLEM) <input type="checkbox"/> CLEANUP IN PROGRESS <input type="checkbox"/> SIGNED OFF (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> NO FUNDS AVAILABLE TO PROCEED <input type="checkbox"/> EVALUATING CLEANUP ALTERNATIVES
----------------	---

REMEDIAL ACTION	CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS) <input type="checkbox"/> CAP SITE (CD) <input type="checkbox"/> EXCAVATE & DISPOSE (ED) <input type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO DEGRADATION (IT) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> TREATMENT AT HOOKUP (HU) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input type="checkbox"/> OTHER (O)
-----------------	---

COMMENTS	<b>see attached detail sheet</b>
----------	----------------------------------



November 9, 1989  
File No. 89-6

Subject: 19984 Meekland Ave.  
Hayward, California

The following is a site history of the subject site located at the northeast corner of the intersection of Meekland Avenue and Blossom Way in the unincorporated area of Alameda County, near the City of Hayward.

The following underground storage tanks were located on site and identified as follows:

- #1 - 4000 gallon unleaded gasoline
- #2 - 6000 gallon regular gasoline
- #3 - 5000 gallon unleaded gasoline
- #4 - 500 gallon waste oil

The original service station was opened on this site in 1946. It is assumed that tanks 1, 2 and 4 were installed in 1946 or 1947. Tank 3 was installed in 1972.

In July, 1986, when the property was owned by Harbert Transportation, a soils and groundwater investigation was conducted by Applied Geosystems of Fremont, California.

Soil samples from this investigation indicated that petroleum hydrocarbons were found at a level of over 200 ppm in a boring placed near tanks 1, 2 and 3. Groundwater was encountered at 24', and the boring was then converted into a monitoring well. The well was sampled and found to have 42 ppm of gasoline and BTX values ranging from 5-6 ppm.

Durham Transportation took possession of the subject site in December, 1986.

In May, 1988, precision tank tests were conducted on the gasoline tanks. Tanks 1 & 2 were found to be manifolded together above the tank top and the system appeared to be leaking. The test suggested that the leak was in the piping. Tank 3 tested tight.

Durham shut down the leaking system and pumped out the product. In April, 1989, tanks 3 & 4 were shut down and product was pumped out and removed. The site is now vacant.

On August 9, 1989, the product lines to all four tanks were removed and the tops and sides of the tanks were exposed.





27:111 01:13100

All four tanks were removed from the subject site on August 11, 1989. All tanks showed signs of corrosion and tanks 1 & 4 had holes.

Soil samples taken from the gasoline tank excavations indicated gasoline contamination ranging from <10 ppm to 6178 ppm. Benzene was found as high as 12 ppm; Toluene as high as 83 ppm; Ethylbenzene as high as 67 ppm; and Xylenes as high as 420 ppm.

From the waste oil tank pit, the only contaminant found worth mentioning is Xylenes at 0.14 ppm.

The existing groundwater monitoring well was sampled and found to have 26 ug/L of Toluene and 50 ug/L of Xylenes.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(415)

October 20, 1989

Lisa Polos, R.E.A.  
Toxic Technology Services Inc.  
P.O. Box 515  
Rodeo, CA 94572

Dear Ms. Lisa Polos:

This letter is in response to your Underground Tank Removal report dated September 28, 1989 regarding 19984 Meekland Rd., Hayward (File No. 89-6). A review has been done of the samples and your interpretation. This office is looking forward to the mitigation report which you will be submitting within 4-6 weeks. You must also submit an Underground Storage Tank Unauthorized Release (Leak)/Contamination Site Report (enclosure) to this office.

If you have any other questions, please contact this office at (415) 271-4320.

Sincerely,

A handwritten signature in black ink that reads "Thomas F. Peacock". The signature is fluid and cursive.

Thomas F. Peacock, Senior HMS  
Hazardous Materials Division

TFP:tfp

cc: Jeff Lawson, Reed, Elliott, Creech & Roth, 99 Almaden Blvd., 8th  
Floor, San Jose, CA 95113  
Lester Feldman, RWQCB  
Jack Worthington, Durham Transportation, 27577 Industrial Blvd.,  
Hayward, CA 94545

ACCEPTED

DEPARTMENT OF ENVIRONMENTAL HEALTH  
470 - 27th Street, Third Floor  
Oakland, CA 94612  
Telephone: (415) 874-7237

These plans have been reviewed and found to be acceptable and essentially meet the requirements of State and local health laws. Changes to your plans indicated by this Department are to assure compliance with State and local laws. The project proposed herein is now released for issuance of any required building permits for construction.

One copy of these accepted plans must be on the job and available to all contractors and craftsmen involved with the removal.

Any change or alterations of these plans and specifications must be submitted to this Department and to the Fire and Building Inspection Department to determine if such changes meet the requirements of State and local laws. Notify this Department at least 48 hours prior to the following required inspections:

- \_\_\_\_\_ Removal of Tank and Piping
- \_\_\_\_\_ Sampling
- \_\_\_\_\_ Final Inspection

Issuance of a permit to operate is dependent on compliance with accepted plans and all applicable laws and regulations.

THERE IS A FINANCIAL PENALTY FOR NOT OBTAINING THESE INSPECTIONS.

*8-889*

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY  
DEPARTMENT OF ENVIRONMENTAL HEALTH  
HAZARDOUS MATERIALS DIVISION  
80 SWAN WAY, ROOM 200  
OAKLAND, CA 94621  
PHONE NO. 415/271-4320

Project # U552834  
Fee Paid \$831.00  
Date 7/28/83

*7/28*

*\*Will mail in workman's compensation*

UNDERGROUND TANK CLOSURE/MODIFICATION

1. Business Name DURHAM TRANSPORTATION, INC.  
Business Owner LARRY K. DURHAM
2. Site Address 19984 MEEKLAND AVENUE  
City HAYWARD, CALIFORNIA Zip 94541 Phone (415) 887-6005
3. Mailing Address 2713 NORTH RIVER AVE / P.O. BOX 948  
City ROSEMEAD, CALIFORNIA Zip 91770 Phone (818) 571-7020
4. Land Owner DURHAM  
Address \_\_\_\_\_ City, State \_\_\_\_\_ Zip \_\_\_\_\_
5. EPA I.D. No. CAC000189948
6. Contractor VERL'S CONSTRUCTION, INC.  
Address 753 PERALTA AVENUE  
City SAN LEANDRO, CALIFORNIA Phone (415) 568-1234  
License Type A & HAZ ID# 487537
7. Consultant TOXIC TECHNOLOGY SERVICES, INC.  
Address P.O. BOX 515  
City RODEO, CALIFORNIA 94572 Phone (415) 799-1140

8. Contact Person for Investigation

Name JACK WORTHINGTON Title ADMINISTRATOR

Phone (415) 887-6005

9. Total No. of Tanks at facility 4

10. Have permit applications for all tanks been submitted to this office? Yes [] No []

*u-2089*

11. State Registered Hazardous Waste Transporters/Facilities

a) Product/Waste Tranporter

Name \_\_\_\_\_ EPA I.D. No. \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

b) Rinsate Transporter

Name \_\_\_\_\_ EPA I.D. No. \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

c) Tank Transporter

Name H & H SHIPPING SERVICE EPA I.D. No. CAD004771168

Address 220 CHINA BASIN ROAD

City SAN FRANCISCO, State CA. Zip 94107

d) Tank Disposal Site

Name H & H SHIPPING SERVICE EPA I.D. No. CAD004771168

Address 220 CHINA BASIN ROAD

City SAN FRANCISCO, State CA. Zip 94107

e) Contaminated Soil Transporter

Name \_\_\_\_\_ EPA I.D. No. \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

12. Sample Collector

Name KENT MADENWALD  
 Company SCS ENGINEERS  
 Address 6761 SIERRA CIRCLE, SUITE D  
 City DUBLIN State CA. Zip 94568 Phone (415) 829-0661

13. Sampling Information for each tank or area

Tank or Area		Material sampled	Location & Depth
Capacity	Historic Contents (past 5 years)		
6,000 GALLON	GAS		2 FEET BELOW TANK
5,000 GALLON	GAS		" " "
4,000 GALLON	GAS		" " "
500 GALLON	WASTE OIL		" " "

14. Have tanks or pipes leaked in the past? Yes [ ] No [X]

If yes, describe. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

15. NFPA methods used for rendering tank inert? Yes [X] No [ ]

If yes, describe. STEAM RINSE AND DRY ICE 15 LBS. PER 1,000 GALLON  
 \_\_\_\_\_  
 \_\_\_\_\_

An explosion proof combustible gas meter shall be used to verify tank inertness.

16. Laboratories

Name T M A - NOR CAL  
 Address 2030 WRIGHT AVENUE  
 City RICHMOND, State CA. Zip 94804  
 State Certification No. 208

17. Chemical Methods to be used for Analyzing Samples

Contaminant Sought	EPA, DHS, or Other Sample Preparation Method Number	EPA, DHS, or Other Analysis Number
GASOLINE -----	EPA 5030 -----	LUFT MANUAL GUIDELINES (MODIFIED 8015)
BENZENE, TOLUENE ETHYL BENZENE, XYLENE (BTEX) -----	EPA 5030 -----	EPA 8020
GAS, BTEX, DIESEL -----	EPA 3540 -----	LUFT MANUAL GUIDELINES
VOLATILE HYDRO-CARBONS-----	EPA 5030 -----	EPA 8240
OIL & GREASE -----	GRAVIMTRIC -----	5030
PCB'S -----	EPA 3540 -----	EPA 8080

18. Submit Site Safety Plan

19. Workman's Compensation: Yes [] No [ ]

Copy of Certificate enclosed? Yes [ ] No []

Name of Insurer STATE INSURANCE FUND

20. Plot Plan submitted? Yes [] No [ ]

21. Deposit enclosed? Yes [] No [ ]

22. Please forward to this office the following information within 60 days after receipt of sample results.

- a) Chain of Custody Sheets
- b) Original Signed Laboratory Reports
- c) TSD to Generator copies of wastes shipped and received
- d) Attachment A summarizing laboratory results

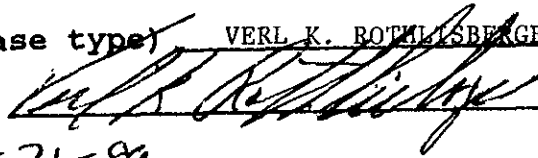
I declare that to the best of my knowledge and belief the statements and information provided above are correct and true. I understand that information in addition to that provided above may be needed in order to obtain an approval from the Department of Environmental Health and that no work is to begin on this project until this plan is approved.

I understand that any changes in design, materials or equipment will void this plan if prior approval is not obtained.

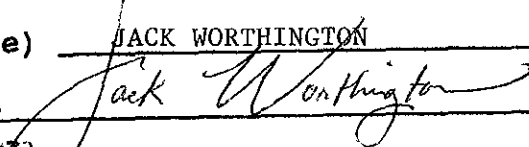
I understand that all work performed during this project will be done in compliance with all applicable OSHA (Occupational Safety and Health Administration) requirements concerning personnel and safety.

I will notify the Department of Environmental Health at least two (2) working days (48 hours) after approval of this closure plan in advance to schedule any required inspections. I understand that site and worker safety are solely the responsibility of the property owner or his agent and that this responsibility is not shared nor assumed by the County of Alameda.

Signature of Contractor

Name (please type) VERL K. ROTHLISBERGER  
Signature   
Date 7-21-89

Signature of Site Owner or Operator

Name (please type) JACK WORTHINGTON  
Signature   
Date 7/26/89

NOTES:

1. Any changes in this document must be approved by this Department.
2. Any leaks discovered must be submitted to this office on an underground storage tank unauthorized leak/contamination site report form within 5 days of its discovery.
3. Three (3) copies of this plan must be submitted to this Department. One copy must be at the construction site at all times.
4. After approval of plan, notification of at least two (2) working days (48 hours) must be given to this Department prior to removal of tank(s).
5. A copy of your approved plan must be sent to the landowner.
6. Triple rinse means that:
  - a) Final rinse must contain less than 100 ppm of Gasoline (EPA method 8020 for soil, or EPA method 602 for water) or Diesel (EPA method 418.1). Other methods for halogenated volatile organics (EPA method 8010 for soil, EPA method 601 for water) may be required. The composition of the final rinse must be demonstrated by an original or facsimile report from a laboratory certified for the above analyses.
  - b) Tank interior is shown to be free from deposits or residues upon a visual examination of tank interior.
  - c) Tank should be labelled as "tripled rinsed; laboratory certified analysis available upon request" with the name and address of the contractor.

If all the above requirements cannot be met, the tank must be transported as a hazardous waste.

7. Any cutting into tanks requires local fire department approval.



UNDERGROUND TANK CLOSURE/MODIFICATION PLANS

ATTACHMENT A  
SAMPLING RESULTS

Tank or Area	Contaminant	Location & Depth	Results (specify units)

## INSTRUCTIONS

2. SITE ADDRESS

Address at which closure or modification is taking place.

5. EPA I.D. NO.

This number may be obtained from the State Department of Health Services, 916/324-1781.

6. CONTRACTOR

Prime contractor for the project.

7. OTHER

List professional consultants here.

12. SAMPLE COLLECTOR

Persons who are collecting samples.

13. SAMPLING INFORMATION

Historic contents - the principal product(s) used in the last 5 years.

Material sampled - i.e., water, oil, sludge, soil, etc.

16. LABORATORIES

Laboratories used for chemical and geotechnical analyses.

17. CHEMICAL METHODS:

All sample collection methods and analyses should conform to EPA or DHS methods.

Contaminant - Specify the chemical to be analyzed.

Sample Preparation Method Number - The means used to prepare the sample prior to analyses - i.e., digestion techniques, solvent extraction, etc. Specify number of method and reference if not an EPA or DHS method.

Analysis Method Number - The means used to analyze the sample - i.e., GC, GC-MS, AA, etc. Specify number of method and reference if not a DHS or EPA method.

NOTE:

Method Numbers are available from certified laboratories.

18. SITE SAFETY PLAN

A plan outlining protective equipment and additional specialized personnel in the event that significant amount of hazardous materials are found. The plan should consider the availability of respirators, respirator cartridges, self-contained breathing apparatus (SCBA) and industrial hygienists.

19. ATTACH COPY OF WORKMAN'S COMPENSATION

20. PLOT PLAN

The plan should consists of a scaled view of the facility at which the tank(s) are located and should include the following information:

- a) Scale
- b) North Arrow
- c) Property Line
- d) Location of all Structures
- e) Location of all relevant existing equipment including tanks and piping to be removed
- f) Streets
- g) Underground conduits, sewers, water lines, utilities
- h) Existing wells (drinking, monitoring, etc.)
- i) Depth to ground water
- j) All existing tanks in addition to the ones being pulled

rev. 9/88  
mam

7/25/89

**OPERATIONAL SAFETY PLAN FOR UNDERGROUND  
TANK REMOVAL SERVICE**

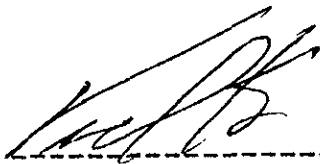
UNDERGROUND ALERT AT 800-642-2444 SHALL BE NOTIFIED AT LEAST 48 HOURS BEFORE DIGGING. WORKMEN HAVE BEEN TRAINED ON TANK REMOVAL AND THEY SHALL WEAR HARD HATS AND WORK BOOTS. FIRE EXTINGUISHERS ARE READILY AVAILABLE.

WE FIRST EXPOSE THE TANK (S) TO MAKE SURE THERE ARE NO OVERLAYING LINES OR OBSTRUCTIONS TO PREVENT THE TANK (S) FROM BEING REMOVED EASILY.

BEFORE TANKS ARE LIFTED THEY ARE FILLED WITH 22 LBS. PER 100, OF DRY ICE AND SMALL AMOUNT OF WATER AT LEAST 2 HOURS BEFORE LIFTING, PROVIDED OUR TEST SHOW THAT ITS SAFE.

A MACHINE IS USED THAT HAS THE CAPACITY OF LIFTING THE TANK SAFELY.

WE PLACE THE TANK DIRECTLY FROM THE GROUND TO THE TRUCK FOR DISPOSAL. IF THE TANK HAS MATERIAL ON THE OUTSIDE, WE SCRAPE IT BEFORE LOADING.



-----  
VERL K. ROTH LISBERGER  
PRESIDENT  
VERL'S CONSTRUCTION, INC.

# DETAILED REVIEW CHECKLIST

CLAIM NO.: 3377	REGION: 2	COUNTY: ALAMEDA	CODE: 01
PRIORITY ASSIGNED: B	LEAD AGENCY AND Alameda County Health/Hayward FD		
CURRENT RANK: 705	CONTACT PERSON: Tom Peacock / Pam Evans		
DATE REVIEWED:	PHONE NO.: (510) 271-4530		
REVIEWER: B. Torres			

SITE NAME: Durham Transportation

SITE ADDRESS: 19984 Meekland Ave., Hayward, CA 94541

CLAIMANT INFORMATION	ACC.	REJ.	HOW INFORMATION WAS VERIFIED	
<b>I. Claimant Identification</b>				
1. Claimant is/was the owner and/or operator of the leaking UST?	✓		previous owner/operator per app. removal permit	
2. Have all applicable past and current UST owners/operators been identified?	✓			
3. All required tax ID numbers provided?	✓			
4. Date site/tanks acquired verified?	✓			
<b>II. Statement of Costs</b>				
1. Valid third party claim?	N/A			
2. Claimed corrective action costs exceed \$10,000?	N/A			
<b>III. Joint Claimant</b>				
1. Joint Claimant is an owner and/or operator?				
2. Tax ID number provided?				
3. Joint Claimant's priority class verified?				
<b>IV. Co-Payee</b>				
1. Tax ID No. provided?				
2. Mailing address/phone no. provided?				
<b>V. Contamination Site/Occurrence Description*</b>				
1. Description of tank and use verified?			URF	
2. Registered farm tank?	N/A	Yes	No	
3. Leaking tank contained eligible substance?	✓		URF	
4. Is there any evidence that the UAR was the result of a spill, overfill or gross negligence?	✓		none indicated in County file.	
5. If claimant submitted more than one claim for the site, each claim is for a separate occurrence?	✓		duplicate claim filed by Durham # 4316	
6. Site map provided?				
<b>VII. Priority Class Worksheet</b>				
1. Claimant's priority verified?	✓		D - duplicate claim is D.	
2. Claimant was both the owner and operator at time of leak discovery?	Yes	No	previous owner/operator	
3. Claimant is the current owner and operator?	Yes	No/NA		
4. If either question = No, other party(s) priority class was verified?	✓			
<b>VIII. Priority Class Designation</b>				
<b>A. Priority Class A</b>				
<b>Residential Motor Fuel Tanks</b>				
1. UST located at the residence of a person and property zoned residential use only at time of leak discovery?			Jerry Harbert, previous owner & clmnt, is not eligible at this time because it appears that he has not incurred cleanup costs nor was he directed by Alameda to initiate corrective action plans. Durham, current owner has assumed RP role.	
2. UST located at property improved by an owner-occupied single family dwelling or duplex at time of leak discovery?				
3. UST was not used for agricultural purposes or for resale on or after 1/1/85?				
OR				
<b>Residential Small Home Heating Oil Tanks</b>				
4. UST located at the residence of a person at time of leak discovery?				
5. UST located at property improved by an owner-occupied single family dwelling or duplex at time of leak discovery?				
6. UST has a capacity of 1,100 gallons or less?				
7. UST is used only to store home heating oil for consumptive use on property?				
8. UST was not located on agricultural property on or after 1/1/85?				

DETAILED REVIEW CHECKLIST - CONT'D PAGE 2

CLAIM NO. 3377

LOCAL AGENCY NO. \_\_\_\_\_

CLAIMANT INFORMATION	ACC	REJ.	HOW INFORMATION WAS VERIFIED
<b>B. Priority Class B</b> Financial Review Team has determined that the claimant qualifies for Priority Class B.			
<b>C. Priority Class C</b> Financial Review Team has determined that the claimant qualifies for Priority Class C.	n/a		
<b>IX. Eligibility Requirements*</b>			
1. UAR reporting requirements satisfied and date release discovered verified?	✓		10/2/89 per Release Rept.
2. If property acquired after 1/1/84, claimant exercised due diligence or previous owner was eligible?	n/a		
3. Claimant either had or applied for a permit by 1/1/90, or was able to substantiate why not obtained?	✓		tanks removed in 8/89
4. UST is not grossly out of compliance with permit requirements?	✓		Removal permit issd to Durham Transp.
③ 5. Claimant was required to initiate corrective action?		✓	Durham - current owner.
6. If claimant discovered UAR prior to 1/1/88 required corrective action was initiated on or before 6/30/88?	n/a		
④ 7. Corrective action is in compliance with regulatory requirements?		✓	SEE PAGE 3 OF CHECKLIST
8. Claimant is in compliance with financial responsibility requirements?	n/a		
<b>X-XII. Certifications/Agreements/Statements/Verification</b>			
1. Claim contains original signatures of all claimants and joint claimants?	✓		
2. Required documentation was submitted for authorized representative?	✓		

PROBLEM AREAS AND ANY ADDITIONAL COMMENTS

- ① Duplicate claim filed by Durham Transportation. check <sup>on</sup> who is actually incurring costs.
- ② All reports, investigation + cleanup costs are incurred by Durham Transp. per County file.
- ③ CA directives issd to Durham
- ④ No CA directives issd to clmnt.

\* Compliance with requirements for items listed in Section V. (Contamination Site/Occurrence Description) and Section IX. (Eligibility Requirements) may require lead agency confirmation. Any items that cannot be verified through the applicant and which will require lead agency review and confirmation, should be highlighted for further review. In all cases lead agency confirmation of corrective action compliance will be required.

CLAIM NO. 3377

LOCAL AGENCY NO.

SITE ADDRESS 19984 Meekland Ave., Hayward, CA 94541

CORRECTIVE ACTION COMPLIANCE DOCUMENTATION

DATE	ACTION REQUIRED/RESPONSE
6-1-89	Rls. discovered
8-11-89	Tanks removed.
9-28-89	Tank removal + investigation rept submitted by Toxic Technology Services Inc.
2-26-90	Groundwater MW Installation rept. submitted by Toxic.
4-6-90	WP submitted by Toxic.
7-9-90	Progress Rept #1 submitted by Toxic.
8-20-90	" " #2 " " "
8-6-90	Amendment to WP for investigation Submitted by Toxic.
11-27-90	Phase II Investigation Rept. submitted by Toxic.
12-21-90	Progress Rept. #3 + #4 submitted by Toxic [prepared for Durham]
5-1-91	" " #5 " " " " "
2-19-91	" " #6 " " " " "
3-6-91	" " #7 " " " " "
4-2-91	Report of Add'l Well Installation Submitted by Toxic.
7-11-91	Progress Rept. # 11 submitted by Toxic (Prepared for Durham)
9-30-91	" " #12 " " " " "
12-31-91	" " #13 " " " " "
6-11-92	" " #15 " " " " "
7-28-92	Ltr from Durham re possible contamination from neighboring sites. Investigation is being conducted.
4-24-92	Alameda ltr to Durham to submit wp to remediate contamination.
8-25-92	" " " " in response to his 7/28/92 ltr to Alameda. Granted Durham 45 days to submit wp.
9-25-92	Ltr from Toxic requesting extension for submission of wp
10-29-92	" " " " " " " " "
11-4-92	Progress Rept #16 submitted by Toxic for Durham.
11-12-92	WP submitted by Toxic for Durham.

CONFIRMATION OF CORRECTIVE ACTION COMPLIANCE: After reviewing the lead agency site file, the claim reviewer has determined that the claimant is in substantial compliance with corrective action requirements.

REVIEWER'S SIGNATURE

DATE SIGNED

LEAD AGENCY CONCURRENCE:

As of this date, the lead agency representative concurs with the determination that the claimant is in compliance with applicable corrective action requirements.

SIGNATURE

DATE SIGNED

STAFF RECOMMENDATION: ( ) APPROVED ( ) REFERRED TO TEAM LEADER - See Comments, Page 2.

REVIEWER'S SIGNATURE:

DATE SIGNED

