

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



11-03

November 26, 2003

Mr. Kelly Engineer
All Star Inc.
1791 Pine Street
Concord, CA 94620

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

Dear Mr. Engineer:

Subject: Fuel Leak Case RO0000089, 3820 San Leandro St., Oakland, CA 94601

Alameda County Environmental Health, Local Oversight Program (LOP) staff has received and reviewed the October 3, 2003 *Limited Subsurface Soil Boring Investigation* prepared by ACC Environmental Consultants. We request that you address the following technical comments and submit the technical reports requested below.

TECHNICAL COMMENTS

1. Per the County's 5/8/03 letter, please provide a cross-section diagram minimally including borings B-9, 10, 12 and 14.
2. The report recommends two additional wells. Our office concurs with this recommendation. You should include well locations and construction information in the work plan requested below. Interim remediation should also be proposed in the work plan based upon recent and historic groundwater sample results.
3. No electronic submission of monitoring or surveying reports has been submitted to the Geotracker database in accordance to AB2886. Please submit such reports as previously requested.
4. Our office has not received the fourth quarter 2003 monitoring report for this site, due on 11/17/03. Please submit this report and resume the reporting schedule stated in our 5/8/03 letter.
5. An evaluation of the oxygenate release should be provided. This should include sources, migration pathway(s) and remediation options.
6. Please provide a Site Conceptual Model (SCM) for the site. Your SCM should include elements such as the nature and extent of the source, the dominant fate and transport mechanism, potential exposure pathways and potential receptors. This evaluation will enable you to focus on collection of appropriate data and evaluation of remediation goals and options.

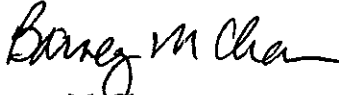
TECHNICAL REPORT REQUEST

- December 29, 2003- Work plan for monitoring well installations and minimally one cross-section diagram. Interim remedial options should be evaluated and recommended.
- January 30, 2004- Site Conceptual Model including an evaluation of the oxygenate release.
- Quarterly monitoring reports and electronic data submission should be performed immediately and continued according to schedule in 5/8/03 letter.

Mr. Kelly Engineer
Fuel Leak Case RO0000089
3820 San Leandro St., Oakland, CA 94601
November 26, 2003
Page 2 of 2

Please contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, D. Drogos

Mr. D. Dement, ACC Env. Consultants, 7977 Capwell Drive, Suite 100, Oakland, CA 94621

Ms. S. Torrence, Alameda County DA Office, 7677 Oakport St., Suite 400, Oakland, 94621

Mr. H. Gomez, City of Oakland Fire Services, 1605 MLK Jr. Dr., Oakland, CA 94612

Mr. Paul Rosenstein, Attorney at Law, 55 Santa Clara Ave., Suite 250, Oakland CA 94610

3820San Leandro St_11-25-03

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



07-21-03

July 21, 2003

Mr. Kelly Engineer
All Star Inc.
1791 Pine Street
Concord, CA 94620

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

Dear Mr. Engineer:

Subject: Fuel Leak Case RO0000089, 3820 San Leandro St., Oakland, CA 94601

Alameda County Environmental Health, Local Oversight Program (LOP) staff has received and reviewed the July 1, 2003 Revised Work Plan- Limited Subsurface Soil Boring Investigation for the referenced site prepared by ACC Environmental Consultants. This work plan responds to my May 8, 2003 letter, which commented on the original May 1, 2003 Work Plan by ACC. It appears that the Revised Work Plan has addressed our office's technical comments and therefore the work plan is approved.

Technical Report Request

Based upon the approval of the Revised Work Plan, please submit the following technical reports according to the following schedule:

- August 18, 2003- Third quarter 2003 monitoring report
- September 23, 2003- Soil and Groundwater Investigation report
- November 17, 2003- Fourth quarter 2003 monitoring report
- February 18, 2004- First quarter 2004 monitoring report
- May 15, 2004- Second quarter 2004 monitoring report

It appears that there have been significant delays in the submission of reports and performance of requested investigations. The District Attorney Office shall be informed of such delays in report submission for possible enforcement actions.

Please contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, D. Drogos

Mr. D. Dement, ACC Env. Consultants, 7977 Capwell Drive, Suite 100, Oakland, CA 94621
Ms. S. Torrence, Alameda County DA Office, 7677 Oakport St., Suite 400, Oakland, 94621
Mr. H. Gomez, City of Oakland Fire Services, 1605 MLK Jr. Dr., Oakland, CA 94612
Mr. Paul Rosenstein, Attorney at Law, 55 Santa Clara Ave., Suite 250, Oakland CA 94610

RevWp3820SanLeandroSt

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



6-13-03
ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

June 13, 2003

Mr. Kelly Engineer
All Star Inc.
1791 Pine Street
Concord, CA 94620

Dear Mr. Engineer:

Subject: Fuel Leak Case RO0000089, 3820 San Leandro St., Oakland, CA 94601

NOTICE OF VIOLATION

Alameda County Environmental Health, Local Oversight Program (LOP) requested in their May 8, 2003 letter, copy enclosed, that you provide specific technical reports according to a stated schedule. This notice confirms that you are delinquent in providing a written comment to the Technical Comments in the May 8, 2003 letter by the requested date, June 9, 2003. Please provide the requested technical comment letter to our office, within two weeks or no later than June 30, 2003. You are also reminded that the soil and groundwater investigation report is due by July 7, 2003, therefore, you should be making progress in obtaining the required permits for this work.

You are also notified that our office has taken over the oversight of your 1220 W. Tennyson Road, Hayward site from the City of Hayward Fire Department. Our office recently sent you a Notice of Responsibility letter informing you of this administrative action. This letter was returned to our office and marked refused by the addressee at 5:41pm on June 9, 2003. Please explain why this occurred. I have enclosed this document in this letter.

It appears that there have been significant delays in the submission of reports and performance of requested investigations. The District Attorney Office shall be informed of such delays in report submission for possible enforcement actions.

Please contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

Enclosures (Mr. Engineer only)

C: B. Chan, D. Drogos

Mr. D. Dement, ACC Env. Consultants, 7977 Capwell Drive, Suite 100, Oakland, CA 94621
Ms. S. Torrence, Alameda County DA Office, 7677 Oakport St., Suite 400, Oakland, 94621
Mr. H. Gomez, City of Oakland Fire Services, 1605 MLK Jr. Dr., Oakland, CA 94612
Mr. Paul Rosenstein, Attorney at Law, 55 Santa Clara Ave., Suite 250, Oakland CA 94610
Mr. H. Murphy, Hayward Fire Dept., 777 B St., Hayward, CA 94541-500

NOVWp3820SanLeandroSt

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



5-08-03

May 8, 2003

Mr. Kelly Engineer
All Star Inc.
1791 Pine Street
Concord, CA 94620

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

Dear Mr. Engineer:

Subject: Fuel Leak Case RO0000089, 3820 San Leandro St., Oakland, CA 94601

Alameda County Environmental Health, Local Oversight Program (LOP) staff has received and reviewed the recent submittal of four groundwater reports (May 19, 2001, August 17, 2001, February 26, 2003, April 30, 2003) and the May 1, 2003 Work Plan-Limited Subsurface Soil Boring Investigation, all by ACC Environmental Consultants, for the referenced site. We request that you address the following technical comments and submit the technical reports requested below.

Technical Comments

Seven borings with an option of two additional borings are proposed using the Geoprobe technique. Selective borings are proposed for soil and groundwater sampling. Borings are proposed at depths ranging from 20-28' bgs. Borings B9, B10, B12 and B14 will be continuously cored in order to prepare a cross section in the presumed groundwater flow direction. The Drilling Program states that borings B9, B12 and B14 will be advanced to approximately 28' for soil characterization purposes. Soil samples from 2-4 foot intervals will be screened using a PID instrument to characterize and help select soil samples for laboratory analysis. Borings B9 through B12 propose to collect soil samples, while borings B11-B16 propose to collect water samples.

1. Our office concurs with locations of the proposed borings, however, we request that the optional boring proposed in the corner of 39th St. and San Leandro St. be advanced, while the other boring, southwest of B14, can be optional.
2. Since B9, B12 and B14 are being advanced for soil characterization purposes, a cross section of these borings and a cross section of boring B9, B10, B12 and B14 should be included in your report.
3. Groundwater samples are not proposed for borings B9 and B10. We assume, B10, due to its proximity to MW-3 is also expected to have elevated petroleum contamination. However, a groundwater sample should be collected from B-9 to determine the up-gradient extent of the plume and determine if residual benzene in soil identified in this area has impacted groundwater.
4. For those borings scheduled for soil sampling, please use the fielding screening results to determine those samples that will be analyzed by the laboratory. Your boring logs should note the PID readings. Do not limit the number of borehole soil samples analyzed.
5. It is noticed that the fuel oxygenates are not proposed for analysis in samples from B9 and B10. Please justify this omission or add these to the analysis.
6. It is noticed that though the other ether oxygenates (besides MTBE) were reported as < detection limits, the detection limits are quite high. Please determine whether these

Mr. Kelly Engineer
RO0000089
3820 San Leandro St., Oakland, CA 94601
May 8, 2003

detection limits need to be reduced based on the health based action limits for each compound.

7. Our office wishes to clarify that though we concur in general with the work plan, additional well(s) will be required, minimally to confirm the extent of the petroleum plume. Your recommendation section of the investigation report should include proposed location(s) for additional monitoring wells.
8. Please also address options for groundwater remediation from MW-3 or from the general area of MW-3. Historic groundwater concentrations indicate the need for remediation based upon human health risk and plume control. Include a remediation proposal in your investigation report.
9. You are reminded that in order to comply with AB2886 you are required to submit electronic submission of laboratory reports, location data (latitude and longitude) for groundwater monitoring wells, surveyed elevation relative to MSL of the groundwater in the monitoring wells sampled and a site map with well information.

Technical Report Request

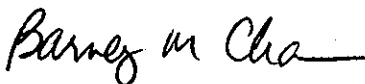
Please submit the following technical reports according to the following schedule:

- June 9, 2003- Written comment to the above Technical Comments
- July 7, 2003- Soil and Groundwater Investigation report
- August 18, 2003- Third quarter 2003 monitoring report
- November 17, 2003- Fourth quarter 2003 monitoring report
- February 18, 2004- First quarter 2004 monitoring report
- May 15, 2004- Second quarter 2004 monitoring report

It appears that there have been significant delays in the submission of reports and performance of requested investigations. The District Attorney Office shall be informed of such delays in report submission for possible enforcement actions.

Please contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, D. Drogos

Mr. D. Dement, ACC Env. Consultants, 7977 Capwell Drive, Suite 100, Oakland, CA 94621

Ms. S. Torrence, Alameda County DA Office, 7677 Oakport St., Suite 400, Oakland, 94621

Mr. H. Gomez, City of Oakland Fire Services, 1605 MLK Jr. Dr., Oakland, CA 94612

Mr. Paul Rosenstein, Attorney at Law, 55 Santa Clara Ave., Suite 250, Oakland CA 94610

Wp3820SanLeandroSt

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



12-14-00

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

December 13, 2000

Mr. Micheal O'Connor
Alameda County District Attorney Office
7677 Oakport St., Suite 400
Oakland CA 94621

Re: Guy's Diesel, 3820 San Leandro St., Oakland CA 94601

Dear Mr. O'Connor:

This letter is to inform you of the environmental status of the above referenced site. My September 25, 2000 letter to Mr. Kelly Engineer requested the submission of a number of technical reports (tank removal report, groundwater gradient map and work plan for off-site investigation). Because of your June 5, 2000 letter and the continuance allowed, I requested that these reports be submitted by October 24, 2000. To date, our office has not received the requested reports. By way of copy of this letter, Mr. Hernan Gomez of the City of Oakland is being notified of this status. I understand that the City of Oakland may, therefore, take steps to revoke the underground tank operating permit for the above site.

You may contact me at (510) 567-6765 if you have any comments or questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. K. Engineer, 1791 Pine St., Concord, CA 94520

Mr. H. Gomez, City of Oakland Fire Services, 1605 MLK Jr. Dr., Oakland CA 94612

Mr. D. Dement, ACC Env. Consultants, 7977 Capwell Drive, Suite 100, Oakland CA 94621

2-3820SanLeandroSt



September 25, 2000
StID # 4055

Mr. Kelly Engineer
1791 Pine St.
Concord, CA 94520

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

Re: Technical Reports for Guy's Diesel, 3820 San Leandro St., Oakland CA 94601

Dear Mr. Engineer:

This letter acknowledges the receipt of the September 19, 2000 Groundwater Sampling Letter Report and the completed Unauthorized Release (Leak) Report for the above site both prepared by ACC Environmental Consultants (ACC). It is unfortunate that you did not provide ACC with the historic records and reports for this site, therefore, they were not able to make any significant conclusions or recommendations for the site. In fact, without the prior Brunsing Associates' reports, they were unable to determine groundwater gradient and even the names of the monitoring wells are different in the two reports.

Minimally, ACC states that the highest concentration of petroleum in groundwater is found in their well, MW-2. As you may recall, Brunsing Associates identification of wells, MW-1, MW-2 and MW-3 are equivalent to ACC well numbers MW-3, MW-1 and MW-2, respectively. The September 2000 results are similar to the 7/98 Brunsing Associates' results as both identify high TPHg, BTEX and MTBE concentrations in the same well. Further off-site characterization is necessary as is an evaluation of remediation alternatives.

Please refer to my June 12, 2000 letter where I listed the outstanding items needed for your site to come into compliance. You will note that you still are required to submit a complete underground tank removal report, provide a groundwater gradient map for the monitoring report and provide a recommendation section in the report. Your recommendation section should provide a work plan for additional off-site investigation and a review of potential remedial actions. Please provide this information by the continuance date stated by the Alameda County District Attorney's Office, October 24, 2000.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. D. DeMent, ACC Env. Consultants, 7977 Capwell Dr., Suite 100, Oakland CA 94621

Mr. M. O'Connor, Alameda County District Attorney Office

Mr. H. Gomez, City of Oakland Fire Services, 1605 MLK Jr. Dr., Oakland, CA 94612

3820SLSt

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

SENT 6-16-2000
mld ce's

2089

June 12, 2000
StID # 4055

Mr. Kelly Engineer
1791 Pine St.
Concord, CA 94520

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

**Re: Request for Technical Reports for Guy's Diesel, 3820 San Leandro St.,
Oakland CA 94601**

Dear Mr. Engineer:

Our office has been instructed to advise you of your requirements necessary to bring this site back into regulatory compliance. Though this information has previously been stated and requested in several notices of violation, our office will again provide it.

The following items are requested for regulatory compliance:

- Completion and submittal of the enclosed Unauthorized Release (Leak) Report (initially provided to you in my 3/11/98 letter). **Please submit this form within 10 days of receipt or no later than June 23, 2000.**
- **Provide a complete underground tank removal report within 45 days or no later than July 24, 2000.** The report should include, at a minimum: a description of the removal and sampling process, a figure showing the location of all samples, a complete set of analytical data signed by the certified laboratory performing the work and copies of the disposal receipts for waste materials generated, including tanks, soil, sludge and liquid.
- Perform a groundwater monitoring sampling event on the three existing monitoring wells. The groundwater samples should be analyzed for Total Petroleum Hydrocarbons as diesel, as gasoline, BTEX and MTBE. MTBE concentrations detected should be confirmed using EPA Method 8260. **Please submit a groundwater monitoring report to our office within 45 days or no later than July 24, 2000.** Please insure that your report has an evaluation and recommendation section for next quarter actions.
- Perform groundwater monitoring on a regular quarterly schedule unless a schedule change has been approved by our office or that of the Regional Water Quality Control Board. Your reports are due within 45 days of the monitoring event.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files
Mr. Micheal O'Connor, Alameda County District Attorney's Office

Reps3820SLSt



R089

August 13, 1999
StID # 4055

Mr. Kelly Engineer
1791 Pine St.
Concord, CA 94520

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

FINAL NOTICE OF VIOLATION

Re: Request for Technical Reports for Guy's Diesel, 3820 San Leandro St., Oakland CA 94601

Dear Mr. Engineer:

Our office has not received the previously requested technical reports regarding the above site per my May 18, 1999 and June 30, 1999 letters. These reports were to include a complete underground tank closure report and all prior and current monitoring reports for the wells at the above site.

Please submit these documents to our office within 30 days or by September 14, 1999.

This site will be referred to the Alameda County District Attorney's Office for enforcement if the requested documents are not provided by the above deadline.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Ms. Jill Duerig, Alameda County District Attorney Office

Mr. H. Gomez, City of Oakland Fire Services, 505 14th St., Suite 702, Oakland CA 94612

FNOV3820SL

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



1089

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

June 30, 1999
StID #4055

Mr. Kelly Engineer
1791 Pine St.
Concord, CA 94520

SECOND NOTICE OF VIOLATION

Re: Request for Technical Reports for Guy's Diesel, 3820 San Leandro St., Oakland 94601

Dear Mr. Engineer:

Our office requested in my May 18, 1999 letter that the underground storage tank closure report and a current groundwater monitoring report be submitted to our office by June 21, 1999. To date, our office has not received any of the requested reports.

Please perform groundwater monitoring and submit a monitoring report, as well as your underground tank closure report, to our office **within 30 days or by July 30, 1999.**

This is a formal request for technical reports, pursuant to Title 23 of the California Underground Storage Tank Regulations and Section 13267 (b) of the Water Code. The failure to submit the requested documents will result in civil liability and enforcement by referral to Alameda County District Attorney Office.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. J. Bruxvoort, BACE Environmental, 760 Market St., Suite 344, San Francisco, CA 94520
Ms. J. Duerig, Alameda County District Attorney Office, 7677 Oakport St., Oakland
CA, 94621

Mr. H. Gomez, City of Oakland, 505 14th St., Suite 702, Oakland CA 94612

2NOV3820SanLeandro

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

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

May 18, 1999
StID #4055

Mr. Kelly Engineer
1791 Pine St.
Concord, CA 94520

NOTICE OF VIOLATION

Re: Request for Technical Reports for Guy's Diesel, 3820 San Leandro St., Oakland 94601

Dear Mr. Engineer:

Our office has requested twice previously in my August 13, 1998 and February 1, 1999 letters, technical reports regarding the tank removals and subsurface investigation at the above site. To date, our office has not received any reports. You were requested to submit a copy of the underground tank closure report by March 8, 1999. After the installation of monitoring wells in July 1998, you were requested to initiate quarterly groundwater monitoring. Monitoring reports were to be submitted within 45 days of the sampling event.

Please perform groundwater monitoring and submit a monitoring report, as well as your underground tank closure report, to our office **within 30 days or by June 21, 1999.**

This is a formal request for technical reports, pursuant to Title 23 of the California Underground Storage Tank Regulations and Section 13267 (b) of the Water Code. The failure to submit the requested documents will result in civil liability and enforcement.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. J. Bruxvoort, BACE Environmental, 760 Market St., Suite 344, San Francisco, CA 94520
Mr. Bob Chambers, Alameda County District Attorney Office, 7677 Oakport St., Oakland
CA, 94621

Mr. H. Gomez, City of Oakland, 505 14th St., Suite 702, Oakland CA 94612

NOV3820SanLeandro

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Ro#89

February 1, 1999
StID #4055

Mr. Kelly Engineer
1791 Pine St.
Concord, CA 94520

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

Re: Request for Technical Reports for Guy's Diesel, 3820 San Leandro St., Oakland 94601

Dear Mr. Engineer:

In my last letter to you dated August 13, 1998, I provided comment on the August 10, 1998 Soil and Groundwater Investigation report for the above site. I noted that it appeared that there had been a site-wide release of gasoline and diesel fuel, which had impacted either or both soil and groundwater. Because of these results, you were requested to initiate quarterly groundwater monitoring. Your monitoring reports were to be submitted within 45 days of each monitoring event. Since this time, our office has not received any additional reports from you.

The results of the sampling are to be used to verify the initial sampling results, determine if additional investigation is necessary and determine the potential risk to human health. All of this information is necessary prior to recommending the appropriate remediation for the site.

You are also requested to provide our office with a copy of the referenced ACRC's "Tank Closure Report". This report should include a narrative of tank closure activities, sampling description and map, analytical reports and copies for the disposal of the underground tanks, soil and groundwater.

Please send the tank closure report and all monitoring reports to our office **within 45 days or by March 8, 1999**. This will allow you enough time to perform groundwater monitoring if none has been done since the well installations in July 1998.

This is a formal request for technical reports, pursuant to Title 23 of the California Underground Storage Tank Regulations and Section 13267 (b) of the Water Code. Substantial civil liability may result for the failure to submit the requested reports. You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. T. Allan, BACE Environmental, 760 Market St., Suite 344, San Francisco, CA 94520

Mr. Bob Chambers, Alameda County District Attorney Office, 7677 Oakport St., Oakland
CA, 94621

Mr. H. Gomez, City of Oakland, 505 14th St., Suite 702, Oakland CA 94612

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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO# 89

August 13, 1998
StID # 4055

Mr. Kelly Engineer
1791 Pine St.
Concord, CA 94520

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

Re: Soil and Groundwater Investigation for Guy's Diesel, 3820 San Leandro St., Oakland 94601

Dear Mr. Engineer:

Thank you for the submitting the August 10, 1998 Soil and Groundwater Investigation report prepared by Brunsing Associates, Inc. The work described in this report concludes the necessary sampling to complete the underground tank removal project and also initiated a groundwater investigation by installing three monitoring wells. Our office has completed the review of this report. As concluded in the report, the site has experienced a site-wide impact of petroleum hydrocarbon to groundwater by the release of gasoline. In addition, significant diesel has impacted the soil but has yet to impact groundwater. Because some of the soil contamination is in moist soil, there is some difficulty determining if there is a groundwater or soil problem or both.

The highest petroleum contamination concentration was exhibited in both soil and groundwater samples from MW-3. Not only is the soil and groundwater significantly impacted, but all of the potential contaminants were found; gasoline, diesel, benzene and methyl tert-butyl ether (MTBE). Assuming the southerly groundwater gradient, this would indicate that the fuel release came from the fuel islands and piping, the former 4000 gallon gasoline tank or both. We can further assume that groundwater contamination has migrated beyond the property boundary beneath San Leandro St. Because initial monitoring results can be atypical of true groundwater conditions, you should initiate a quarterly groundwater monitoring program. Please submit your monitoring reports to our office **within 45 days of each monitoring event**. After groundwater concentrations trends have been identified, you will need to perform an off-site investigation to adequately characterize the site. Each monitoring report should contain a section for conclusions and recommendations for next quarter's actions.

After the site has been adequately characterized, you should have your consultant perform a human health risk assessment consistent with ASTM RBCA methodology. This information will be useful when determining which method is most practical for site remediation. Following the risk assessment, you should perform a feasibility study to evaluate and determine which remediation method(s) are most effective for the site based on economics and effectiveness. Finally the method(s) chosen for site remediation should be proposed in a Corrective Action Plan (CAP) along with a time schedule for implementation.

Please provide our office with a copy of your underground storage tank removal report. This report should contain at a minimum:

Mr. Kelly Engineer
StID # 4055
3820 San Leandro St.
August 13, 1998
Page 2.

- A description of all activities associated with the tank removal
- A site map indicating the location of former tanks, piping, dispensers, samples, etc.
- Copies of all analytical results for samples collected and analyzed
- Copies of the disposal receipts for the tanks, soil, water or any other waste generated

You are encouraged to apply for the State Water Resources Control Board Cleanup Fund. You may get information regarding the Fund by calling 1-800-813-3863. Please keep in mind, eligibility for the Cleanup Fund requires compliance with the requirements of the local agency overseeing your site cleanup.

You are further reminded that the permitting of your new underground tanks and thus their operation is under the jurisdiction of the City of Oakland, Fire Services Agency, Office of Emergency Services. Mr. Herman Gomez remains your inspector for this.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. H. Gomez, City of Oakland, 505 Fourteenth St., Suite 702, Oakland CA 94612

Mr. T. Allan, BACE Environmental, 760 Market St., Suite 344, San Francisco, CA 94520

Mr. Bob Chambers, Alameda County District Attorney Office, 7677 Oakport St., Oakland
CA, 94621

Sst3820

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RO# 89

May 7, 1998
StID # 4055

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

Mr. Kelly Engineer
All Star, Inc.
1791 Pine St.
Concord CA 94520

3820

Re: Workplan Addendum for Guy's Diesel, ~~3280~~ San Leandro St.,
Oakland CA 94601

Dear Mr. Engineer:

Our offices have received and reviewed the May 4, 1998 Workplan Addendum addressing the items in our April 23, 1998 letter. The work plan incorporates all of the items mentioned in the letter and is, therefore, accepted. Please notify our offices when the sampling and well installation is scheduled so someone from our offices can be present.

You may contact either Hernan Gomez at (510) 238-7253 or myself at (510) 567-6765.

Sincerely,

Barney Chan
Hazardous Materials Specialist
Alameda County Environmental Health

C:B.Chan, files

Mr. H. Gomez, City of Oakland OES, 505 14th St., 7th Floor,
Oakland, CA 94612

Mr. Carl Schwab, BACE Environmental, P.O. Box 588, Windsor, CA
95492

Mr. Bob Chambers, Alameda County District Attorney Offices, 7677
Oakport St., Oakland, CA 94621

Wpad3820

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO# 89

April 23, 1998
StID # 4055

Mr. Kelly Engineer
All Star, Inc.
1791 Pine St.
Concord CA 94520

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

Re: Soil and Groundwater Investigation Workplan for Guy's Diesel,
~~3280~~ San Leandro St., Oakland CA 94601
3820

Dear Mr. Engineer:

Our offices have received and reviewed the Brunsing Associates, Inc. (BAI) April 9, 1998 Soil and Groundwater Workplan for additional sampling and monitoring well installation at the above site. This work plan was meant to address the additional sampling requirements of the City of Oakland and the subsurface investigation requirements of Alameda County Environmental Health. We have discussed our concerns and comments with Mr. Carl Schwab of BAI. Based upon our discussion we have the following comments and requirements:

- To address the City's request to resample at the former locations of samples #2,3 and 5, borings B-2 and B-5 will be advanced. The area near former sample #5 was overexcavated to a depth of approximately 16' as required for the installation of the new underground tanks and therefore will not require resampling.
- The location of boring B-1 should be moved to the south approximately 10' to represent the ends of both the former 8000 gallon diesel and 8000 gallon gasoline tanks.
- The analyte MTBE should be added to the other proposed analytes; TPHg, TPHd and BTEX. You are reminded, if MTBE is detected in any of the samples, please confirm its presence by analyzing the sample with the highest concentration using EPA Method 8260 as recommended by the Water Board.
- Monitoring wells MW-1 and MW-2 should not be located within borings B-5 and B-2. To gather information regarding the extent of contamination and obtain more representative monitoring data, the locations of these two wells should be moved approximately 10' north and 10' southeast, respectively. In addition, the location of MW-3 should also be moved approximately 10' northwest to monitor any release from the former 4000 gasoline tank, piping and/or dispensers. To account for seasonal groundwater elevation changes, our office recommends screening the wells 5' above and 10' below the first encountered groundwater level.

Mr. Kelly Engineer
StID #4055
3820 San Leandro St.
April 23, 1998
Page 2.

Please provide our offices with a work plan addendum addressing the above requirements within 30 days or by May 25, 1998.

You may contact either of us if you have any questions.

Sincerely,

Barney Chan for

Hernan Gomez (510) 238-7253
Hazardous Materials Inspector
City of Oakland OES

Barney Chan

Barney Chan (510) 567-6765
Hazardous Materials Specialist
Alameda County Environmental Health
wpap3820

C:B.Chan, files

Mr. H. Gomez, City of Oakland OES, 505 14th St., 7th Floor,
Oakland, CA 94612

Mr. Carl Schwab, BACE Environmental, P.O. Box 588, Windsor, CA
95492

Mr. Bob Chambers, Alameda County District Attorney Offices, 7677
Oakport St., Oakland, CA 94621

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0#89

March 11, 1998
StID # 4055

Mr. Kelly Engineer
362 Riviera Dr.
Union City, CA 94587

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

Re: Guy's Service Station, 3820 San Leandro St., Oakland 94601

Dear Mr. Engineer:

Our office has received and reviewed the analytical results from soil samples taken during the removal of the four underground fuel tanks at the above referenced site on January 20, 1998. These results were provided to our office from Mr. Hernan Gomez of the City of Oakland. Because of the analytical results and his observations, this site has been transferred to the Local Oversight Program (LOP), within Alameda County Environmental Health, Hazardous Materials Division. Our office has been delegated by the Regional Water Quality Control Board (RWQCB), to be the local agency to oversee the investigation and remediation of fuel releases sites which impact soil and/or groundwater. A Notice of Requirement (NOR) letter will be sent to your attention informing you of this administrative action.

The City of Oakland remains the permitting agency for the underground tanks and you should work with them to meet their requirements. I understand that additional soil and possibly groundwater sampling has been requested by the City of Oakland to complete the underground tank removal process. Please be aware, this sampling also serves in part to characterize the site.

Our office will also require a soil and groundwater investigation to determine the extent of the petroleum contamination. You may want to consider incorporating additional soil and/or groundwater sampling to satisfy both the City of Oakland and Alameda County Environmental Health's requirements. Should you decide to do this, please contact me at your earliest convenience. A groundwater investigation might include sampling from boreholes or the installation of groundwater monitoring wells.

Enclosed, please find an Unauthorized Release (Leak) Report (ULR). Please fill out this form and return to our office within 10 days of receipt.

Please submit your work plan for subsurface investigation within 30 days or by April 20, 1998.

Mr. Kelly Engineer

StID # 4055

Guy's Service Station, 3820 San Leandro St.

March 11, 1998

Page 2.

This is a formal request for technical reports pursuant to both the Water Code and the California Health and Safety Code. Failure to submit the requested reports may subject you to civil liability.

Please contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan

Hazardous Materials Specialist

enclosure (Mr. Engineer)

c: B. Chan, files

Mr. H. Gomez, City of Oakland, OES, 505 14th St., Suite 702,
Oakland CA 94612

Mr. Bob Chambers, Alameda County District Attorney Office

wprq3820

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R089

RAFAT A. SHAHID, Assistant Agency Director

October 27, 1993

Kelly Engineer
Guy's Service
3820 San Leandro St
Oakland CA 94601

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320

**Re: FIVE-YEAR PERMITS FOR OPERATION OF UNDERGROUND STORAGE
TANKS (UST'S) AT 3820 SAN LEANDRO ST, OAKLAND**

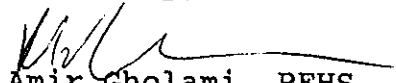
Dear Mr Engineer:

According to our records the above mentioned facility has not received a five-year permit to operate UST's. Please complete the following items and return them to me within 30 days. The example plans enclosed, should be used only as guidelines and may not meet your requirements under Title 23.

1. Complete UST PERMIT FORM A-one per facility. (enclosed)
2. Complete UST PERMIT FORM B-one per tank. (enclosed)
3. Complete UST PERMIT FORM C-one per tank if information is available. (enclosed)
4. A written tank monitoring plan. (enclosed)
5. Results of precision tank test(s) (initial and annual).
6. Results of precision pipeline leak detector tests (initial and annual).
7. An accurate and complete plot plan. (enclosed)
8. A written spill response plan. (enclosed)
9. a copy of your inventory reconciliation data for the last three months.

Title 23 of the California Code of Regulation (CCR) prohibits the operation of ANY UST without a permit. Please be advised that Title 23 CCR requires either installation of automatic tank gauging device in single wall tanks where the ground water level is less than 20 feet from bottom of the tank or getting your stick readings evaluated by Statistical Inventory Reconciliation (SIR) method for tank monitoring by an approved third party company. Please feel free to contact me at (510) 271-4320, if you have any questions which may arise in completing the mandatory five-year permit process.

Sincerely,


Amir Gholami, REHS
Hazardous Materials Specialist

cc: files

5YRALL

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R089

RAFAT A. SHAHID, Assistant Agency Director

Certified Mailer # P 113 815 260

April 1, 1993

Mr. Kelley Engineer
262 Rivera Dr.
Union City, CA 94587

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320

******Final Notice of Violation******

Re: Compliance issues relating to underground storage tank and Hazardous Materials Management Plan requirements at **Guys Service Station, 3820 San Leandro Blvd., Oakland, CA 94601**

Dear Mr. Engineer:

On March 30, 1993 I made a site visit to Guys Service Station located at the above address. I performed a site inspection associated with the operation of four underground storage tanks currently being operated at the site. Our records indicate that these tanks have never been permitted.

The following violations were noted regarding the underground tanks:

- 1) Need to perform an annual tank integrity and pipeline test. The last record of tank integrity test in our files was conducted February 2, 1991. You are required to submit a copy of tank integrity test performed within 30 days.
- 2) Need to conduct daily inventory reconciliation. Upon inspection it appeared that daily stick and pump dispenser readings were being conducted however calculations between these two were not being performed and recorded. **You are required to provide copies of completed inventory reconciliation sheets for the past three weeks (from 3/8/93 to 3/30/93) within 10 days of the receipt of this letter.**
- 3) Need to install in place tank monitoring devices in each tank or submit inventory reconciliation data to and approved firm which will, using statistical inventory reconciliation, determine whether significant reporting disparities have occurred.
- 4) Need to submit a written monitoring plan describing the monitoring procedures you are currently implementing to monitor each underground tank.
- 5) Need a site plot plan describing the location of all hazardous materials stored on site.

Mr. Kelley Engineer
April 6, 1993
page 2 of 3

6) You are required to prepare a spill response plan describing procedures which would be implemented in the event of an spill or other emergency.

7) Need to complete tank permit application forms (1) A and (4) B.

Regarding the completion of an Hazardous Materials Management Plan (HMMP) you are required to:

Complete the HMMP form issued to your site manager during at the time of the last inspection. You are required to submit a completed HMMP to this office by April 30, 1993.

A chronology of the events at the site follows:

On February 1, 1990 an inspection was performed at your facility in association with and a diesel spill which had entered a stormdrain.

On March 21, 1990 an inspection was conducted. An HMMP was issued to the facility for completion. One underground tank form A and four form B's were issues to the facility.

On October 3, 1990 an inspection was conducted regarding the underground storage tanks at the facility. Underground tank permit forms were left with the facility operator. A request was made for a precision test. The facility was informed that tank integrity testing was required on an annual basis. Inventory records were requested to be kept at the site. An HMMP was given to the facility with a request for completion within 30 days.

On or about February 23, 1991 our office received a copy of a petro-test performed on four tanks; each passed.

On February 28, 1991, one form A and four form B tank application forms were sent to your 1220 West Tennyson Road site. A request was made to fill out these forms for the Oakland facility.

On June 17, 1991 a Notice of Violation was issued to Guys Service Station in which you were requested to submit underground tank permit application forms, tank integrity test results, retain inventory reconciliation records on site for the past three years, quarterly reports of inventory disparities and a completed Part 2 Hazardous Materials Management Plan. Since that time this office has only received the tank testing result noted above dated February 23, 1991.

Mr. Engineer
April 6, 1993
page 3 of 3

On March 23, 1993, an inspection was again performed at the site. The above items 1-7 were noted.

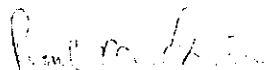
You are in violation of numerous sections of the California Code of Regulations Title 23 regarding the underground tanks at the above site. Additionally, Section 25514(b) of the California Health and Safety Code (H&S code) states that any business violating the HMMP reporting requirements shall be civilly liable to the administering county or city in the amount not to exceed \$ 5,000 for each day in which the violation occurs. Please note that section 25299 allows for civil penalties of not less than \$500 or more than \$ 5,000 for each day of violation for operating in violation of the permit requirements.

Additionally Section 25514.3 of the H&S code states that any person that knowingly violates Section 25503.5, 25503.7, 25503.8, 25505, 25508, 25509, 25509.3, 25510, or 25533 after reasonable notice of the violation, is, upon conviction, guilty of a misdemeanor. This section does not preempt any other applicable criminal or civil penalties.

You are once again directed to submit the information requested above to this Department within the times specified on the inspection report or listed above.

This case has been referred to the District Attorneys office for review and possible enforcement action.

Sincerely,


Paul M. Smith
Senior Hazardous Materials Specialist

c:

Susan Rocke, Guys Service Station, 3820 San Leandro St,
Oakland, CA 94601

Kelley Engineer, Five Star, 1220 W. Tennyson Road, Hayward,
CA 94544

Gil Jensen, Alameda County District Attorneys Office, Consumer
and Environmental Division, 7677 Oakport Dr., Suite 400,
Oakland, CA 94621

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R089

CERTIFIED MAILER NUMBER P 062 127 788

June 17, 1991

Mr. Kelly Engineer
1220 West Tennyson Road
Hayward, CA 94544

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94621
(415)

RE: Guy's Service Station, 3820 San Leandro Street, Oakland

NOTICE OF VIOLATION

Dear Mr. Engineer:

On February 27, 1991 I outlined the items you needed to complete to be in minimum compliance with existing hazardous materials and underground storage tank regulations. I did this at a Citation Hearing conducted by the Alameda County District Attorney's office. At this hearing I gave you a Hazardous Materials Management Plan, and explained that: 1) you needed to complete underground tank registration forms; 2) you were to keep inventory reconciliation records on file for three years; and, 3) that you were to have your tanks precision tested annually (according to you the lines operate on a suction system). You indicated that on February 23, 1991 you had the four tanks tested and that you would provide me a copy of the results at our next meeting, March 5, 1991. On February 28, 1991, I mailed you the proper underground storage tank registration forms for you to complete and bring to the March 5 meeting.

On March 5, 1991, I sat down with you and explained how to complete the HMMP, and provided you with a copy of the quarterly summary report. As I stated in our meeting, this is to be sent to our office every quarter to report any inventory overages or shortages that exceed the allowed amounts. This quarterly summary report also details the monitoring requirements you need to comply with. At this meeting you completed the tank registration forms, but did not have a copy of the tank test results. I allowed six weeks for you to complete and submit the HMMP and the tank test results were to be submitted to me as soon as possible.

To date this office has not received the completed HMMP and the tank test results. On June 4, 1991, I happened upon you at another business I was inspecting. You stated that you would drop the information off at my office within the week. This has not occurred. In addition to this office providing you with the information you need to be in compliance with the existing regulations for underground tanks and hazardous materials, I have

Mr. Kelly Engineer
June 17, 1991
Page 2

had a recent conversation with Mr. Hugh Murphy of the Hayward Fire Department which indicates that his office has made an extensive effort to educate you of the legal requirements as well and that you have an extensive history of noncompliance in the City of Hayward.

You are required by law (California Code of Regulations, Title 23 section 2643 (e)) to submit a copy of your tank test results to our office within thirty days after you have received them. California Health and Safety Code (H&SC) section 25503.5 requires that you submit an HMMP to our office. H&SC section 25514 (b) states that any business violating the HMMP reporting requirements shall be civilly liable to the administering county or city in an amount not to exceed \$5,000 for each day in which the violation occurs. Please note also that H&SC section 25299 allows for civil penalties of not less than \$500 or more than \$5,000 for each underground storage tank for each day of violation for operating in violation of the permit requirements.

You are requested to submit the HMMP and tank test results to my office within five working days from the date of this letter. Failure to do so will result in reopening the case with the Alameda County District Attorney's office.

I can be reached at 415/271-4320.

Sincerely,

Cynthia Chapman

Cynthia Chapman
Hazardous Materials Specialist

- c: Mr. Gil Jensen, Alameda County District Attorney, Consumer and Environmental Protection
- Mr. Hugh Murphy, Hayward Fire Prevention