

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

September 4, 1992  
STID # 4240

Mr. J. Lawrence David  
7042 El Fuerte St.  
Carlsbad, CA 92009

Re: Subsurface Investigation at 106 and 110 Hegenberger Rd.,  
Oakland, CA 94621

NOTICE OF VIOLATION

Dear Mr. David:

As you are aware, the oversight of the remediation at the above sites has been transferred to the Local Oversight Program (LOP) within our department. You have been informed of this through a formal "Notice of Requirement to Reimburse" sent to your attention.

After the removal of the three underground tanks at the above site in 8/21/90 and 9/5/90 you were initially notified of a workplan requirement to assess and remediate the sites in an October 12, 1990 letter from Mr. Ariu Levi of this office. Recall that soil contamination equal to or in excess of 100 parts per million (ppm) petroleum hydrocarbons require a subsurface soil and groundwater investigation pursuant to Leaking Underground Fuel Tank (LUFT) document published by the State Water Resources Control Board (SWRCB) and the Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Tank Sites, 10 August 1990, (Tri-Regional Board Guidelines). Accordingly, there were several areas of concern at the sites which needed a work plan for further investigation.

An initial attempt to address contamination was a preliminary assessment of the former sump location as proposed by West Coast Environmental done in April of 1991. Contamination was uncovered during the sump removal and sample analysis by Harding Lawson Associates (HLA) earlier. Their approach was to take radial borings to determine the extent of soil contamination. Due to high groundwater levels, only samples to the south and west of the former sump were analyzed yet these results indicated high levels of oil and grease, gasoline and BTEX (benzene, toluene, ethylbenzene, xylenes). In addition, the origin and the extent of soluble lead in soils and groundwater has not been defined.

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West Coast Environmental then made the following recommendations to this investigation:

1. Further assessment of the sump/dispenser area for lead and petroleum hydrocarbon contamination and the assessment of groundwater with installation of wells in this area.
2. Proceed with the assessment of other areas on the site which have been identified in the HLA results, specifically around the area of Tank #3.
3. Based on the results of these assessments, identify and evaluate remediation options and clean-up standards.

These recommendations are in part what is required by our office to evaluate and remediate the sites. Be aware that in addition to the obvious contamination around Tank #3 in SS-20-5 (NE Wall), SS-29-2.5 (Product line) and SS-3-3 (Pump island) were also identified with high gasoline contamination. Other areas of concern are the pump island where SS-7-4 was taken and Tank 1 & 2 (SE Wall) where SS-10-5 was taken.

Our office also has the following concerns:

1. No evaluation of groundwater impact has been performed since the tank removals in 1990.
2. No determination of the extent of subsurface soil contamination has been done other than the incomplete assessment in the former sump area.
3. Recent observation of this site noticed the removal of the several hundred cubic yards of contaminated soils in the rear of the site. Please document the disposal of all soils and groundwater which was removed from this site.
4. Assuming no further excavation is being considered, as is likely in the confined space near 110 Hegenberger, you must offer and evaluate remedial options to treat contaminated soils. Any contaminated water must also be treated to non-detectable levels.
5. Please submit copies of the manifests for the tanks and piping removed from the site.

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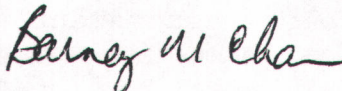
Please submit within thirty (30) days of receipt of this letter a workplan which addresses these County concerns.

You should consider this a formal request for technical reports pursuant to the California Water Code Section 13267 (b). All workplans, analytical results or reports should be sent our office and to that of the RWQCB to the attention of Mr. Rich Hiatt. Their address is 2101 Webster St., Oakland CA 94612. Failure to submit the requested document may subject you to civil liabilities.

In addition, be aware that in accordance to the California Health and Safety Code, Section 25298 (c) 4 , no person shall close an underground tank unless that person has taken steps to demonstrate to the appropriate agency that the site has been investigated to determine if there are any present, or were any past releases and if so that the appropriate corrective or remedial activities have been taken. Section 25299 (5) allows for the civil penalty of not less than \$500 or more than \$5,000 per tank per each day that that the owner or operator fails to properly close an underground tank. Failure to properly close an underground may cause this case to be referred to the District Attorney Office for prosecution.

Please contact me at (510) 271-4530 should you have any questions regarding this letter.

Sincerely,



Barney M. Chan  
Hazardous Material Specialist

cc: M. Thomson, Alameda County District Attorney Office  
R. Hiatt, RWQCB  
Ms. D. David, Lebovits and David, Two Century Plaza, 2049  
Century Park East, Suite 3100, Los Angeles CA 90067  
Edgar Howell, files

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