

**PIERS**



**Environmental  
Services, Inc.**

1038 Redwood Highway Suite 100 A  
Mill Valley, CA 94941

Tel (415) 388-7900 Fax (415) 388-7909

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

[piers@pierses.com](mailto:piers@pierses.com)

March 30<sup>th</sup> 2009

Mr. George Lockwood  
State Water Resources Control Board  
Division of Water Quality  
P. O. Box 2231  
Sacramento, CA 95812

**RE: Petition for Case Closure Review  
Fuel Leak Case No. RO0000161  
Geotracker Global ID T0600101922  
American Auto Wreckers, 3744 Depot Road, Hayward, CA 94545**

Dear Mr. Lockwood:

As per the "Site Closure Petition Process Fact Sheet" from your agency, PIERS is requesting review from your agency of the above-referenced case. A "Table Summary of Previous Work and Agency Correspondence" is attached which documents the site regulatory history and previous closure requests under Alameda County Environmental Health (ACEH) oversight. PIERS has submitted this case review request based on previous conversations with Mr. Dennis Parfitt of your agency indicating that there is a precedent for closure for this site. In Water Quality Order 9804, the Mathew Walker petition, closure was granted for a site in Napa County where excavation was the only remedial option. It is PIERS' opinion that the closure decision for this case is similar, in that there is no essentially no groundwater plume, the underlying groundwater is not of beneficial use, and there is no feasible technology to remediate the residual oil-range hydrocarbons except for excavation and disposal at a landfill. The closure decision therefore becomes whether re-excavating the tank pit and offsite disposal is required at this location for closure.

The most recent directive from ACEH is a letter dated January 16, 2009 from Mr. Paresh Khatri requesting a Corrective Action Plan and semi-annual monitoring. This letter is the most recent document denying case closure, and lists the responsible parties. PIERS reviewed the case with Mr. Khatri (the 5<sup>th</sup> or 6<sup>th</sup> case worker assigned and reassigned to this site) by telephone on February 26, 2009. Mr. Khatri stated that in his opinion, additional excavation would be required for closure.

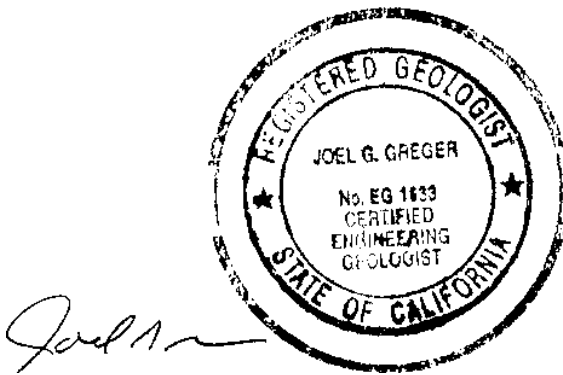
It is PIERS' opinion that because of a personality conflict between a former principal at PIERS and Ms. Donna Drogos, and the historical record of closures and revolving caseworkers under ACEH oversight, further discussions with the ACEH would not be fruitful. Based on that history and the specific conditions for this case that are similar to the Walker decision, this petition for review by your agency is therefore considered necessary and warranted.

The most recent Site Closure Summary prepared by PIERS is dated May, 2008. This summary predates the additional investigative work summarized in the December, 2008 report. These documents, and the previous reports, are all available for your review on Geotracker.

Also, attached is a table of landowners adjacent and near the Property, as requested in the petition fact sheet from your agency.

If you have any questions regarding this request, please contact Joel Greger at (510) 593-5382.

Respectfully,  
PIERS Environmental Services, Inc.



Joel G. Greger  
Senior Project Manager  
CEG # EG1633, REA # 07079



Dawn Murray  
President/Chief Executive Officer  
REA #07260

Attachments:  
Table of Previous Work and Agency Correspondence  
ACEH letter dated January 16, 2009  
Table of Adjacent and Nearby Landowners

**Table Summary of Previous Work and Agency Correspondence**

<i>Reports/Correspondence</i>	<i>Date</i>	<i>Author</i>	<i>Description</i>
<b>Letter requiring submission of reports</b>	January 27, 1995	ACHSA	Requirement of submission of Tank Closure Rpt & PSA
<b>Letter: Notice of Violation to Jack Lotz/ Jesse Allen/ Kenneth &amp; Patricia Hein</b>	May 18, 1995	ACHSA PIERS	Letter of Notice of Violation, failure to submit Tank Closure Rpt & PSA
<b>Site Reconnaissance Workplan for: 3744 Depot Road, Hayward, California</b>	August 28, 1995		Workplan to reconstruct tank history and to install soil borings
<b>Work plan acceptance letter</b>	August 28, 1995	ACHSA	ACHSA reviewed and accepted Work Plan w/comments
<b>Limited Phase II Site Assessment for 3744 Depot Road, Hayward, CA</b>	September 12, 1995	PIERS	Tank removal report & soil borings
<b>Work Plan for Preliminary Site Assessment for 3744 Depot Road, Hayward, CA</b>	June 1996	PIERS	Work plan for PSA
<b>Memorandum on Guidance on MTBE</b>	August 22, 1996	SWRCB	New guidance on GW monitoring of MTBE from active LUFT cases
<b>Well Survey Report</b>	December 30, 1996	JW Rasp, PE	Surveyed monitoring well elevations
<b>Preliminary Site Assessment, Groundwater Well Installation and 1<sup>st</sup> Quarterly Report</b>	February 10, 1997	PIERS	PSA, well installation and sampling report
<b>Letter reviewed PSA Report</b>	April 9, 1997	ACHSA	Reviewed PIERS' PSA report, and ordered 2 quarters of GW monitoring & sampling
<b>Groundwater Monitoring Well Sampling Report and Request for No Further Action Status</b>	May 27, 1997	PIERS	GW sampling report and request for NFA status
<b>Amendment Letter to the ACHSA</b>	November 3, 1998	PIERS	Letter amending previous groundwater flow direction of 0.002 ft/ft to the south
<b>Letter requesting an additional round of sampling</b>	March 1, 1999	ACHSA	Request for an additional round of well sampling before closure
<b>GW Monitoring Wells Sampling Report</b>	March 30, 1999	PIERS	All results were non-detect
<b>Storm Water Pollution Prevention Plan</b>	April 1999	PIERS	Storm water plan
<b>First Rainfall Event Storm Water Sampling Report</b>	April 1999	PIERS	Storm water sampling report
<b>Final 1999 Groundwater Monitoring Well Sampling Report and Request for No Further Action Status</b>	April 1999	PIERS	Qtrly GW sampling report & request for NFA
<b>Amendment to Final 1999 Report</b>	July 12, 1999	PIERS	Amended lab report, now quantifies MTBE in results.
<b>Phase I Environmental Site Assessment of 3744 Depot Road, Hayward, California</b>	August 2000	PIERS	Phase I ESA
<b>Site Closure Summary and Request for Case Closure for 3744 Depot Road, Hayward, California</b>	August 2000	PIERS	Site closure summary and formal request for No Further Action status
<b>Letter: Comments to Request for Case Closure</b>	March 6, 2001	ACHSA	Comments on case closure request
<b>Letter: Case Closure Summary Additional Data</b>	March 30, 2001	PIERS	Response to ACHSA comments on case closure
<b>Letter response to Case Closure Summary Add. Data</b>	April 4, 2001	ACHSA	Response to letter PIERS dated March 30, 2001
<b>Letter response to ACHSA on GW gradient</b>	May 9, 2001	PIERS	Response to ACHSA letter dated April 4, 2001
<b>Comments on Case Closure request</b>	May 14, 2001	ACHSA	Response to PIERS letter dated May 9, 2001
<b>Response to Comments and Case Closure Request</b>	February 10, 2003	PIERS	Synopsis of previous work done on-site
<b>Work Plan for Additional Soil and Groundwater Investigation</b>	December 10, 2003	PIERS	Work plan for six borings with soil and groundwater sampling.
<b>Report of Additional Soil and Groundwater</b>	March 1, 2004	PIERS	Report of work proposed in

<b>Investigation</b>			December, 2003 work plan
<b>Letter response to March 2004 report</b>	May 19, 2004	ACHSA	Response to March 2004 report and request for work plan for additional investigation with site conceptual model with preferential pathway study
<b>Work Plan with Site Conceptual Model with Preferential Pathway Study</b>	July 19 2004	PIERS	PIERS sent work plan requested by ACHSA
<b>Letter Requesting new ACHSA Case Worker</b>	November 12, 2004	PIERS	Letter requesting new case worker, as prior case worker was re-assigned
<b>Stand Alone Document form and request</b>	August 24, 2005	ACHSA	Form submitted to PIERS for summary of work done at site
<b>Report, Summary of Env. Invest. w/SCM w/PPS</b>	November 7, 2005	PIERS	Summary of env. Investigations requested by ACHSA for a "Stand Alone Document"
<b>Stand Alone Document</b>	December 22, 2005	PIERS	"Stand Alone Document" form sent by ACHSA to PIERS was prepared and submitted
<b>Addendum to Work Plan with SCM w/PPS</b>	September 19, 2006	PIERS	Addendum to work plan sent in 2004
<b>Letter, approval of work plan from 2004</b>	April 25, 2008	ACHSA	Approval of work plan from 2004, with addendums dated 2006
<b>Site Closure Summary form and Request for Case Closure</b>	May 9, 2008	PIERS	Request for Case Closure
<b>Report of Additional Soil and Groundwater Investigation</b>	December 30, 2008	PIERS	Most recent investigative report.
<b>Review Letter</b>	January 16, 2009	ACHSA	Requests CAP and semi-annual sampling.

TABLE of OWNERSHIP INFORMATION - 3744 Depot Road and Vicinity  
(Property and adjacent and nearby parcels)

<b>APN</b>	<b>Parcel Address</b>	<b>Owner</b>
439-70-5-1	3744 Depot Road (Property)	Masood Ferez
439-70-4	3720 Depot Road	Paul R. Dorris
439-70-6-2	3760 Depot Road	GHULAM & NAJEEBA RABANI
439-101-47	3685 Depot Road	MICHAEL DELCASTELLO, SR
438-100-48	3667 Depot Roac	SHINWA INTERNATIONAL INC.

<u>Owner Address</u>
----------------------

3744 Depot Rd., Hayward, CA 94545
-----------------------------------

3720 Depot Rd., Hayward, CA 94545
-----------------------------------

914 READING WAY, VACAVILLE CA 95687
-------------------------------------

23842 CABOT BLVD., HAYWARD CA 94545
-------------------------------------

3667 DEPOT RD., HAYWARD CA 94545
----------------------------------



Dawn Murray &lt;dawnmurr@gmail.com&gt;

---

**Re: Fwd: 3744 Depot Road - Alameda County - Please Help**

2 messages

---

**Dennis Parfitt <dparfitt@waterboards.ca.gov>****Tue, Feb 24, 2009 at 8:54 AM**

To: DawnMurray, dawnmurr@gmail.com

Dawn...the petition should cite WQO 98-04, pointing out the similarities: no receptor, no plume, very localized, etc.

Dennis

>>> Dennis Parfitt 2/18/2009 8:57 AM >>>

The case has the ear marks of the Mathew Walker petition - WQO 98-04 - industrial area, motor oil, shallow groundwater.

>>> <[Coffman.Joel@epamail.epa.gov](mailto:Coffman.Joel@epamail.epa.gov)> 2/18/2009 7:09 AM >>>

What would the RWQCB require them to do? Perhaps they request the RWQCB become the lead agency, or, go ahead and petition for closure.

Joel Coffman, P.G.  
Underground Storage Tanks Program  
US EPA Region 9  
75 Hawthorne Street (WST-8)  
San Francisco, CA 94105  
(415) 972-3530 (office)  
(415) 947-3530 (fax)

"Dennis Parfitt" <[dparfitt@waterboards.ca.gov](mailto:dparfitt@waterboards.ca.gov)>

02/17/2009 05:19 PM

To

Joel Coffman/R9/USEPA/US@EPA, "George Lockwood"

<[GLockwood@waterboards.ca.gov](mailto:GLockwood@waterboards.ca.gov)>

cc

Subject

Fwd: 3744 Depot Road - Alameda County - Please Help

This place is among 2-3 other junk yards out on the Bay Mud. Non-soluble, very localized heavy NAPL. I think this case can only be closed by a SWRCB order?!

----- Message from Dawn Murray <[piers@pierses.com](mailto:piers@pierses.com)> on Mon, 16 Feb 2009 13:08:53 -0800 -----

To:

[dparfitt@waterboards.ca.gov](mailto:dparfitt@waterboards.ca.gov)

Subject:

3744 Depot Road - Alameda County - Please Help

Dear Dennis, My name is Dawn Murray and I am contacting you in order to follow up on an important project that you and Kay Pannell (PIERS

Environmental Services Inc.) had recently been working on together. Unfortunately, Kay took a voluntary layoff from PIERS due to financial difficulties. Therefore I have taken over many of her cases, Depot Road being one of the highest priority.

I just left you a voice mail regarding this issue/email. Although I emailed you the attached LOP response over a week ago, I am not sure that you received it as I did not hear back from you. Therefore, I am forwarding you this information again - the latest response from ACEHS which yet again requests more work of the RP for this case.

I am really hoping you can advise us on what to do next for our client (RP- Eric Freeburg) as this site should have been closed years ago. I believe Kay had several discussions with you regarding this case (and the ongoing troubles with the LOP) however, if you need the 13 year history and/or any other documentation I will gladly send it to you. I thank you in advance for helping us. Please feel free to call or email me with your comments. Please let me know if you do receive this email.

Latest LOP response letter attached. Respectfully, Dawn Murray  
President/CEO/REA # 07260  
PIERS Environmental Services Inc.  
[dawnmurray@pierses.com](mailto:dawnmurray@pierses.com)  
415-497-8440 ? Cell Direct  
408-559-1248 ? Headquarters  
[www.pierses.com](http://www.pierses.com)

---

**Murray Dawn <dawnmurr@gmail.com>**  
To: Dennis Parfitt <dparfitt@waterboards.ca.gov>

**Tue, Feb 24, 2009 at 9:51 AM**

Dennis, thank you very much. So do we petition for closure or to have the RWQCB to become the lead?

Dawn Murray  
President/CEO  
PIERS Environmental Services  
Cell - 415-497-8440  
[www.pierses.com](http://www.pierses.com)  
[dawnmurray@pierses.com](mailto:dawnmurray@pierses.com)

[Quoted text hidden]



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

January 16, 2009

Masood Feroz  
3744 Depot Road  
Hayward, CA 94545-2720

Jack Lotz  
Lotz and Associates  
22320 Foothill Blvd., Ste. 410  
Hayward, CA 94541

Eric Freeberg  
Riverbend Properties  
P.O. Box 9940  
Rancho Santa Fe, CA 92067-4440

Kenneth Hein  
25858 Peterman Avenue  
Hayward, CA 94545

Subject: Fuel Leak Case No. RO0000161 and GeoTracker Global ID T0600101922, American Auto Wreckers, 3744 Depot Road, Hayward, CA 94545

Dear Messrs. Feroz, Freeberg, Lotz, and Hein:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site including the recently submitted document entitled, "Additional Soil and Groundwater Investigation Report," dated December 30, 2008, which was prepared by PIERS Environmental Services, Inc. for the subject site. PIERS conducted the subsurface investigation to define the extent of the soil and groundwater contaminant plume. Soil sample analytical results detected total petroleum hydrocarbons (TPH) as diesel (d), TPH-mo, and total recoverable petroleum hydrocarbons (TRPH) at concentrations of 580 mg/kg, 1,400 mg/kg, and 3,300 mg/kg, respectively, collected from boring EB4A indicating that residual source exists in the vicinity of the former UST. "Grab" groundwater sample analytical results detected significantly elevated concentrations of TPH-d, TPH-mo, and TRPH at maximum concentrations of 490,000 µg/L, 1,200,000 µg/L, 1,300 µg/L, respectively, indicating that "free product," albeit limited to the former UST, exists at the site. Please note that the concentrations of contaminants detected in soil and groundwater are significantly above the applicable Environmental Screening Levels (ESLs) listed in the California Regional Water Quality Control Board's Screening for Environmental Concerns at Sites with Contaminated Soil and Groundwater, Interim Final – May 2008 document.

Therefore, ACEH cannot consider case closure for the subject site at this time. This decision to deny closure is subject to appeal to the State Water Resources Control Board (SWRCB), pursuant to Section 25299.39.2(b) of the Health and Safety Code (Thompson-Richter Underground Storage Tank Reform Act - Senate Bill 562). Please contact the SWRCB Underground Storage Tank Program at (916) 341-5851 for information regarding the appeal process.

ACEH requests that you address the following technical comments and send us the technical work plan and reports requested below.

### **TECHNICAL COMMENTS**

1. **Feasibility Study/Corrective Action Plan** – Since the contaminant plume and the contaminant source areas appear adequately characterized, a Feasibility Study/Corrective Action Plan (FS/CAP) prepared in accordance with Title 23, California Code of Regulations, Section 2725 appears appropriate. The FS/CAP must include a concise background of soil and groundwater investigations performed in connection with this case and an assessment of the residual impacts of the chemicals of concern (COCs) for the site and the surrounding area where the unauthorized release has migrated or may migrate. The FS/CAP should also include, but not limited to, a detailed description of site lithology, including soil permeability, and most importantly, contamination cleanup levels and cleanup goals and time to attain both, in accordance with the San Francisco Regional Water Quality Control Board Basin Plan and appropriate ESL guidance for all COCs and for the appropriate groundwater designation. Please note that soil cleanup levels should ultimately (within a reasonable timeframe) achieve water quality objectives (cleanup goals) for groundwater in accordance with San Francisco Regional Water Quality Control Board Basin Plan. Please propose appropriate cleanup levels and cleanup goals in accordance with 23 CCR Section 2725, 2726, and 2727 in the FS/CAP.

The FS/CAP must evaluate at least three viable alternatives for remedying or mitigating the actual or potential adverse effects of the unauthorized release(s) besides the “no action” and “monitored natural attenuation” remedial alternatives. Each alternative shall be evaluated for cost-effectiveness and the Responsible Party must propose the most cost-effective corrective action. Please submit the FS/CAP by the date specified below.

2. **Groundwater Contaminant Plume Monitoring** – In order to evaluate groundwater contaminant plume stability, consecutive groundwater monitoring must be conducted. Please initiate semi-annual groundwater monitoring at the site. Your consultant may propose and justify an alternate groundwater monitoring plan for review. This may be incorporated into the above requested FS/CAP.

### **NOTIFICATION OF FIELDWORK ACTIVITIES**

Please schedule and complete the fieldwork activities by the date specified below and provide ACEH with at least three (3) business days notification prior to conducting the fieldwork, including routing groundwater sampling.

### **TECHNICAL REPORT REQUEST**

Please submit technical reports to ACEH (Attention: Paresh Khatri), according to the following schedule:

- **April 16, 2009** – FS/CAP
- **April 30, 2009** – Quarterly Monitoring Report (1<sup>st</sup> Quarter 2009)
- **October 30, 2009** – Quarterly Monitoring Report (3<sup>rd</sup> Quarter 2009)

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

#### ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of reports in electronic form. The electronic copy replaces paper copies and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) GeoTracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for all groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the GeoTracker database over the Internet. Beginning July 1, 2005, these same reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in GeoTracker (in PDF format). Please visit the SWRCB website for more information on these requirements ([http://www.swrcb.ca.gov/ust/electronic\\_submittal/report\\_rqmts.shtml](http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml)).

#### 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.

#### PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans 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.

**UNDERGROUND STORAGE TANK CLEANUP FUND**

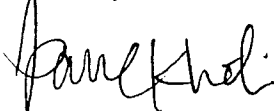
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

**AGENCY OVERSIGHT**

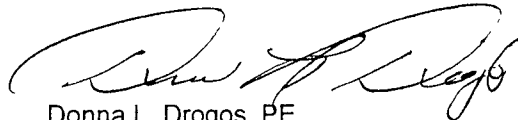
If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 777-2478 or send me an electronic mail message at [paresh.khatri@acgov.org](mailto:paresh.khatri@acgov.org).

Sincerely,



Paresh C. Khatri  
Hazardous Materials Specialist



Donna L. Drogos, PE  
Supervising Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Joel Gregor, PIERS Environmental Services, Inc., 1330 Bascom Avenue., Suite F, San Jose, CA  
95125  
Donna Drogos, ACEH  
Paresh Khatri, ACEH  
File