

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



SENT 7-18-2000

p0222

StID 345

July 17, 2000

Mr. W. L. Race, trustee  
Brook's Auto Service  
P.O. Box 3345  
Walnut Creek, CA 94598

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

**SECOND NOTICE OF VIOLATION**

Dear Mr. Race:

On May 24, 2000, the Alameda County Department of Environmental Health, Hazardous Materials Division, sent you a letter requesting a work plan detailing the work intended to determine the extent of soil and water contamination onsite due to the unauthorized release of fuel products at **1101 28<sup>th</sup> Street, Oakland, CA**. As of the date of this letter, however, we have not received any communication from you on this matter. Therefore, this letter constitutes a **Second Notice** that you are in violation of specific laws and that the technical report is due.

According to Section 25298 of the California Health and Safety Code, underground storage tank closure is incomplete until the responsible party characterizes and remediates the contamination resulting from product discharge. Therefore, you, as the responsible party, are in violation of this section of the Code, for which Section 25299 specifies civil penalties of up to \$5,000, for each day of violation. Also, failure to furnish technical reports regarding documented or potential groundwater contamination violates Section 13267(b) of the California Water Code. The Regional Water Quality Control Board (RWQCB) can impose civil penalties of up to \$1,000 per day that such a violation continues.

You are required to submit the work plan for the site to this office **within 30 days** from the date of this letter. **Failure to respond may result in referral of this case to the RWQCB or Alameda County District Attorney to consider for enforcement action. Modification of required tasks or extensions of stated deadlines must be confirmed in writing by either this agency or the RWQCB.**

If you have any questions, I can be reached at (510) 567-6762.

eva chu  
Hazardous Materials Specialist

brooks-2

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



SENT 5-24-20  
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2022

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

StID 345

May 24, 2000

Mr. W. L. Race, Trustee  
Brook's Auto Service  
P.O. Box 3345  
Walnut Creek, CA 94598

RE: PSA for 1101 28<sup>th</sup> Street, Oakland, CA

Dear Mr. Race:

When two underground storage tanks were removed in May 1996, soil samples collected in the tank excavation contained elevated levels of petroleum hydrocarbons. The tank pits were overexcavated, creating one large excavation. Approximately 27 cubic yards of hydrocarbon-impact soil was removed. Confirmation soil samples contained up to 20,000 parts per million (ppm) total petroleum hydrocarbons as gasoline (TPHg), 13,000ppm TPH as diesel, 13ppm benzene, 220ppm toluene, 110ppm ethyl-benzene, and 1,250ppm xylenes and 540ppm total oil and grease. Clearly, an unauthorized release of petroleum hydrocarbons has occurred at the site.

At this time, additional investigations are required to delineate the extent of soil and possibly groundwater contamination at the site. Such an investigation shall be in the form of a **Preliminary Site Assessment**, or PSA. The information gathered by the PSA will be used to determine an appropriate course of action to remediate the site, if deemed necessary. The PSA must be conducted in accordance with the RWQCB Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks, and Article 11 of Title 23, California Code of Regulations. The major elements of such an investigation are summarized in the attached Appendix A. The PSA proposal is due **within 45 days** of the date of this letter. All reports and proposals must be submitted under seal of a California Registered Geologist, Certified Engineering Geologist, or Registered Civil Engineer.

**Please be advised that this is a formal request for technical reports pursuant to Title 23, CCR, Section 2722(c). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by this agency.**

If you have any questions, I can be reached at (510) 567-6762.

  
eva chu  
Hazardous Materials Specialist

attachment

brooks-1

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



RO# 222

CERTIFIED MAILER # P 112 479 185  
August 19, 1998

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

STID# 345

Mr. W.L. Race  
P.O. Box 3345  
Walnut Creek, CA 94598

Subject: Brook's Auto Service, 1101 28<sup>th</sup> Street, Oakland, CA 94608

**NOTICE OF VIOLATION**

Dear Mr. Race:

On March 2, 1998, this office directed you to submit a work plan for subsurface groundwater investigation relating to the removal of underground storage tanks formerly located at the aforementioned site. This investigation is required by law under Title 23, Division 3, Chapter 16 of the California Code of Regulations, and 6.7 of the California Health and Safety Code.

As of today, this office has not received *any information* concerning an investigation regarding the site. You are hereby directed to submit a work plan for subsurface investigation **within thirty (30) days from this date**, as previously requested. All work and reports will require the geologic and engineering evaluations and must be performed under the direction of a registered geologist civil engineer.

Failure to supply the information as requested will result in civil penalties of up to \$500.00 per day, per violation. If you have any questions, please do not hesitate to call this office. The telephone number is (510) 567-6737.

Sincerely,

Brian P. Oliva, REHS, REA  
Hazardous Materials Specialist

C: Bob Chambers, Alameda County Deputy District Attorney  
Tom Edwards & Associates

bc

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO# 222

ENVIRONMENTAL HEALTH SERVICES

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

May 13, 1998

STID #345

Mr. W.L. Race  
P.O. Box 3435  
Walnut Creek, CA 94598

Subject: Brook's Auto Service, 1101 28th Street,  
Oakland, CA 94608

NOTICE OF VIOLATION

Dear Mr. Race:

On March 2, 1998, this office requested that you submit a work plan for investigation of the aforementioned site. This request is required due to the high concentrations of petroleum hydrocarbons following the removal of several underground storage tanks (USTs) at the site on May 30, 1996. Since that time no investigation has taken place.

You are therefore directed to submit to this office within 30 days, a work plan for the investigation for subsurface groundwater investigation of the site. Pursuant to provisions of the Business and Professional Code, all work and reports will require geologic and engineering evaluation under the direction of a registered/certified professional. Therefore, all proposals must be submitted by California registered geologist, or Civil Engineer, with the appropriate environmental background..

Please be advised that not undertaking the appropriate action may subject you to civil penalties. If you have any questions, please contact this office. The telephone number is (510) 567-6737.

Sincerely,

Brian P. Oliva, REHS, REA  
Hazardous Materials Specialist

C: Bob Chambers, Alameda County, Deputy District Attorney  
Tom Edwards, & Associates  
Leroy Griffin, City of Oakland Fire Dept.

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

RO# 222

March 2, 1998

ENVIRONMENTAL HEALTH SERVICES

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

STID #345

Mr. W.L. Race  
P.O. Box 3345  
Walnut Creek, CA 94598

**Subject: Brook's Auto Service, 1101 28th Street,  
Oakland, CA 94608**

Dear Mr. Race:

This office has reviewed the "Excavation and Sampling" results for the aforementioned site, dated August 29, 1996, and submitted by Tom Edwards & Associates, the consultant of record for the removal of the underground storage tanks (USTs) on site. Thank you for the submission of the report.

The data analysis indicates that there are large concentrations of petroleum products in the soils in the area of the USTs. For this reason, it will be necessary for you to undertake further investigation at this site. This activity should include a sampling regime of subsurface water in the area of the USTs.

Please submit a workplan for subsurface groundwater investigation for the site within thirty (30) days. Pursuant to provisions of the Business and Professional Code, all work and reports will require geologic and engineering evaluations and/or judgements must be performed under the direction of an appropriately registered or certified professional. Therefore, all proposals must be submitted under seal of a California-registered geologist or civil engineer, with appropriate the environmental background.

If you have any questions, please call this office. The telephone number is (510) 567-6737.

Sincerely,

Brian P. Oliva, REHS, REA  
Hazardous Materials Specialist

c: Tom Edwards & Associates  
Bob Chambers, Alameda Co. Deputy District Attorney

3

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY



DAVID J. KEARS, Agency Director

RO# 222

STID 0345

October 2, 1996

Mr. W. L. Race, Trustee  
P. O. Box 3345  
Walnut Creek, CA 94598

ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, #250  
Alameda, CA 94502-6577  
(510) 567-8700 FAX (510) 337-9335

RE: BROOK'S AUTO SERVICE, 1101 28TH STREET, OAKLAND, CA 94608

Dear Mr. Race:

This office is in receipt of and has completed review of the case file for this site, up to and including the August 29, 1996, Tom Edwards & Associates, (TE&A) "Excavation and Sampling Work Plan".

**This work plan is approved with the stipulation that collected soil and groundwater samples be quantitatively analyzed for methyl-tert butyl ether (MTBE), in addition to TPHg, TPHd, BTEX and TOG. MTBE analysis is being requested by the Regional Water Quality Control Board.**

A report must be submitted within 45 days of the completion of field activities associated with this phase of work at the site. The referenced reports must describe the status of the investigation and include, among other elements, the following:

- Details and results of all work performed during the designated reporting period: records of field observations and data, water level data, chain-of-custody forms, laboratory results for all samples collected and analyzed (including QA/QC data), tabulations of free product thicknesses and dissolved fractions, etc.
- Status of ground water contamination and characterization.
- Recommendations for additional work.

Pursuant to provisions of the Business and Professions Code all work and reports which require geologic or engineering evaluations and/or judgements must be performed under the direction of an appropriately registered or certified professional. Therefore, all proposals must be submitted under seal of a California-registered geologist or civil engineer with the appropriate environmental background.

**Please be advised that this letter constitutes a formal request for technical reports pursuant to California Water Code Section 13267(b) and Health and Safety Code Sections 25299.37 and 25299.78.**

Mr. W. L. Race, Trustee  
RE: 1101 28th Street, Oakland  
October 2, 1996  
Page 2 of 2

For your information, the Underground Storage Tank Cleanup Fund (Fund) is created pursuant to Chapter 6.75 of the California Health & Safety Code to help eligible owners and operators of petroleum underground storage tanks obtain reimbursement for costs of the cleanup of unauthorized releases of petroleum. You are encouraged to contact the SWRCB fund representative (916/227-4529) for more case-specific information and to obtain an application package. Please also bear in mind that, in order to maintain UST clean-up fund eligibility, specific bidding requirements and contracting criteria must be met.

For your information, I have just recently taken over management of this case from Susan Hugo of this office. In the event that you any questions, please feel free to contact me directly at (510)567-6880.

Sincerely,



Dale Klettke, CHMM  
Hazardous Materials Specialist

c: Tom Peacock, LOP Manager--files  
W L Race Trust, P. O. Box 3435, Walnut Creek, CA 94598  
*Be* Tom Edwards, c/o Tom Edwards & Associates, 2243 Del Monte Drive, San Pablo, CA  
94806

0345wpok.ovx

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

R0222

RAFAT A. SHAHID, Assistant Agency Director

CERTIFIED MAILER # P 418 724 648

September 28, 1993

W.L. Race  
P.O. Box 3435  
Walnut Creek, Ca

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

Notice of Violation

Subject: 1101 28th Street, Oakland, CA 94608

Dear Mr. Race:

Our records indicate that there are underground storage tanks at the above facility. You were notified of this situation several months ago and have not taken the appropriate action as described below.

In accordance with the California Code of Regulations, Title 23, Chapter 3, Subchapter 16, of the Underground Tank Regulations, you must perform the following actions:

- 1) Submit a tank closure plan to this department as required by Article 7, Section 2670, or,
- 2) Apply for a permit as required by Article 10, Section 2710.

You are directed to notify this department within ten days of your intentions and to obtain the necessary instructions and forms.

Please note that Section 25299 of the California Health and Safety Code states that any operator or owner of an underground storage tank is liable for a civil penalty of not less than five hundred dollars nor more than five thousand dollars per day for failure to obtain a permit, or failing to properly close an underground storage tank, as required by Section 25298.

If you have any questions concerning this matter, please contact this office as (510) 271-4320.

Sincerely,

Brian P. Oliva, REHS, REA  
Hazardous Materials Specialist

cc: Gilbert Jensen, Alameda County Deputy District Attorney



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0222

RAFAT A. SHAHID, Assistant Agency Director

CERTIFIED MAILER #P 418 724 621

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

July 22, 1993

W.L. Race  
P.O. Box 3435  
Walnut Creek, CA 94608

**NOTICE OF LEGAL OBLIGATION**

**Re: Underground Storage Tank(s) at 1101 28th St., Oakland CA 94608**

Dear Mr. Race:

Our records indicate that there are underground tanks at the above facility. In accordance with the California Code of Regulations (CCR), Title 23, Division 3, Chapter 16 Underground Tank Regulations, you are required to perform one of the following actions:

1. Submit a tank closure plan to this Department as required by Article 7, Section 2670, or
2. Apply for a permit as required by Article 10, Section 2710.

**Please Notify this Department within 10 days of your intentions.**

Please note that the California Health and Safety Code Section 25299(a) states that the operator or owner of an underground storage tank is liable for a civil penalty of not less than five hundred dollars or more than five thousand dollars per day per violation for failure to obtain a permit, or failing to properly close an underground storage tank, as required by section 25298.

To obtain the necessary instructions and or forms, contact this office at (510)-271-4320.

Sincerely,

Brian P. Oliva, REHS, REA  
Hazardous Materials Specialist

c: Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection Division  
Oakland Fire Dept.

(NOV)

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

R0222

RAFAT A. SHAHID, Assistant Agency Director

February 25, 1993

William Race  
P.O. Box 3435  
Walnut Creek, CA 94598

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 ONE  
UNDERGROUND STORAGE TANK (UST) AT  
1101 28th Street, Oakland, CA 94608**

According to our records the above mentioned facility has not received a five-year permit to operate UST's. Please complete the following items marked below 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)

**Title 23 of the California Code of Regulation prohibits the operation of ANY UST without a permit.** Please feel free to contact Brian P. Oliva at 510/271-4320 if you have any questions which may arise in completing the mandatory five year permit process.

Sincerely,

Brian P. Oliva, REHS, REA  
Hazardous Materials Specialist

cc: Ed Howell/files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0222

RAFAT A. SHAHID, Assistant Agency Director

December 28, 1992

Brook's Auto Service  
1101 28th St.,  
Oakland, CA 94608

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 ONE  
UNDERGROUND STORAGE TANK (UST's) AT 1101 28th St., Oakland, CA  
94608

According to our records the above mentioned facility has not received a five-year permit to operate UST's. Please complete the following items marked below 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)

Title 23 of the California Code of Regulation prohibits the operation of ANY UST without a permit. Please feel free to contact Brian P. Oliva at 510/271-4320 if you have any questions which may arise in completing the mandatory five year permit process.

Sincerely,

Brian P. Oliva, REHS, REA  
Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney  
Rafat Shahid, Assistant Agency Director, Alameda County  
Department of Environmental Health Ed  
Howell/files