



✓  
7

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

April 28, 2005

Mr. Dinesh Maniar  
Diversified Investment Management  
400 Oyster Point Blvd., Suite 415  
South San Francisco, CA 94080

Re: Fuel Leak Case No. [REDACTED] Environmental Investigation at 625 Hegenberger  
St., Oakland CA 94624

Dear Mr. Maniar:

It has come to our attention that you and/or your consultant have requested the review of the above subject site for closure. Please be advised that the following State Water Board "low risk" criteria must be met prior to your case being considered for closure. If you feel that your site meets the following state requirements for a "low risk" site, then submit a stand-alone document specified below for our office review.

LOW RISK requirements:

1. Leak stopped, on-going source, including free product removed
2. Site adequately characterized
3. Plume not migrating
4. No sensitive receptors impacted
5. No significant risk to human health
6. No significant risk to environment
7. Water quality objectives to be achieved within a reasonable time frame

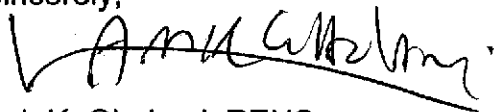
Please be advised that a stand-alone document must include a site conceptual model (SCM), which incorporates the following items:

- Summary Figures
  - Site vicinity map showing the site location and identification of any nearby sensitive receptors.
  - Plot plan showing all historical sampling locations. Differentiation between sample types (i.e. excavation soil samples, soil boring locations, monitoring wells, soil vapor sampling points, etc.) is required. This figure also needs to include any former and existing UST system components, delineation of excavation areas, areas targeted by active remediation, building locations, potential preferential pathways such as utilities, property boundaries and public right-of-way locations.

- Depth specific contaminant isoconcentration maps for soil and groundwater. If active remediation was performed, separate pre-remediation and post-remediation isoconcentration maps are required.
- Summary Tables
  - Table of all historical soil data. Sample ID, date, depth, and results for all analytes are required. Please refer to the Tri-Regional Guidelines to confirm that chemical analysis was performed for all relevant contaminants of concern (CoCs). Pre- and post-remediation concentrations should be clearly identified or presented in separate tables.
  - Table of all historical groundwater data. Chemical concentrations in monitoring well(s) concentrations along with depth to water should be tabulated.
  - The tables need to compare the detected CoC concentrations with the Regional Board's ESLs or other appropriate cleanup levels and to the water quality objectives identified in the Regional Board's Basin Plan.
- Complete set of all boring logs generated during site investigation.
- Geologic cross-sections showing soil borings, monitoring wells with screened intervals, UST locations, any preferential pathways, excavation boundaries, water table elevations (historical and current) and extent of residual contamination.

The above stand-alone document will help to expedite the review of your case. Please contact Amir K. Gholami at 510-567-6876 or [amir.gholami@acgov.org](mailto:amir.gholami@acgov.org) to receive document samples to help you prepare the stand-alone document, if you are requesting a closure review.

Sincerely,



Amir K. Gholami, REHS

Hazardous Materials Specialist

C: D. Drogos, A. Gholami

Mr. P. McIntyre, AEI Consultants, 3210 Old Tunnel Rd., Suite B, Lafayette, CA 94549-4157

## Drogos, Donna, Env. Health

---

**Subject:** RO226 - 625 Hegenberger Rd -- AMIR --  
**Entry Type:** Phone call

**Start:** Wed 12/29/2004 10:02 AM  
**End:** Wed 12/29/2004 10:02 AM  
**Duration:** 0 hours

RO226 - 625 Hegenberger Rd -- AMIR --

11/12/04, 920a, joe dorocki, AEI, 625 hegenberger, 310-798-4255

12/29/04, 940a, did lots of work mid 90s, excavation

GW remediation, injected O2, somewhat sucessful, asked for addtl GWM, submitted closure document, 20 phone calls in, client called, Diversified Investment Mgmt, thinking of developing, closure summary report submitted  
Would like agency response.

Last report to Amir, 03/28/03 CL request report, addressed Amir asked for screning level & Oak criteria stuff.  
Will look on Amir's quque & discuss schedule for review date



August 4, 2004

8/12/04  
AG

Mr. Amir Gholami  
Alameda County Health Care Service Agency  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502

RO 226

Alameda County  
AUG 09 2004  
Environmental Health

**Subject: Lust Case Closure Request**  
625 Hegenberger Road  
Oakland, California  
Fuel Leak Case No. RO0000226  
AEI Project No. 6274

Dear Mr. Gholami:

Thank you for your time this afternoon, spending a few minutes to discuss the closure request for the above referenced property.

As we agreed, I will contact you in several weeks to give you ample time to review the March 28, 2003 report. I understand that your office is busy; however, the property owners have been awaiting response to this request since April 2003.

I can be reached at 925/283-6000, extension 104, or at [pmcintyre@aeiconsultants.com](mailto:pmcintyre@aeiconsultants.com). Thank you again for your time.

Sincerely,

Peter McIntyre, R.G.  
Project Manager

cc: Mr. James Graeb  
Attorney at Law  
415 Oyster Point Boulevard, Suite 415  
South San Francisco, CA 94080

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

May 31, 2002

Mr. Dinesh Maniar  
Diversified Investment Management  
400 Oyster Point Blvd., Suite 415  
South San Francisco, CA 94080

Dear Mr. Maniar:

Subject: Fuel Leak Case No. RO0000226, 625 Hegenberger Rd., Oakland, CA 94621

Alameda County Environmental Health, Local Oversight Program (LOP), has received and reviewed the May 3, 2002 Groundwater Treatment and Site Closure Summary Report for the referenced property as prepared by AEI Consultants. As you are aware, the report details the results of the enhanced bio-treatment, which occurred from 6/01 to 2/02, and recommends case closure. Our office has the following technical comments below.

Technical Comments

1. It appears that not all wells have been analyzed for MTBE using EPA Method 8260. In addition, those wells detecting MTBE should also be tested for TAME, ETBE, TBA, EDB and EDC. EPA Method 8260 was used once on a sample from MW-8. This sample reported 62 ppb MTBE by this method versus <1000 ppb by EPA Method 8020. MW-11 reported 300 ppb MTBE by EPA 8020 but this concentration may not be an accurate number. Confirmation sampling would determine if MTBE concentrations are defined or not in this area.
2. The concentrations of TPHg and BTEX remain elevated in MW-8 even after the months of treatment immediately next to this well. Wouldn't you expect some affect from the bio-treatment even though this well is not within the former tank-pit? The aeration pump was intended to force injection to points outside the backfill according to the report. Our office recommends treatment of this well by introduction of reagents or oxygen et al. Shallow TPHg concentrations at the current levels could create a nuisance odor condition to indoor occupants.
3. Our office finds that the report on the enhanced bio-treatment of groundwater at this site lacking. We request a more detailed report of these activities including the dates of extraction and application, the amounts of groundwater treated and re-injected, the wells which were treated and those which were sparged and the times of each treatment.
4. Only one sampling event, 4/8/02, was performed after the bio-treatment was concluded. Additional monitoring is necessary to see if there is any rebound in groundwater concentrations or if the concentrations have stabilized. We recommend an additional sampling event be performed after treatment in MW-8 and that the additional analysis mentioned be done.

Technical Report Request

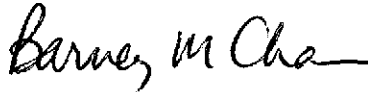
Please submit the following technical reports to our office according to the following schedule:

- July 1, 2002- detailed bio-treatment report
- August 30, 2002- Groundwater Monitoring Report

Mr. Dinesh Maniar  
RO0000226  
625 Hegenberger Rd., Oakland, CA 94621  
May 31, 2002  
Page 2

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. P. McIntyre, AEI Consultants, 3210 Old Tunnel Rd., Suite B, Lafayette, CA 94549-4157

Addr625HegenbergerRd

May 15, 2001

Mr. Barney Chan  
Alameda County Health Care Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502

**MAY 17 2001**

**Subject: Project Update**  
625 Hegenberger Road  
Oakland, California  
AEI Project No. 4342

Dear Mr. Chan:

This letter has been prepared as an update of the planned remediation activities for the groundwater issues at the above referenced site. AEI has recently been given authorization to proceed with the groundwater remediation project at the site.

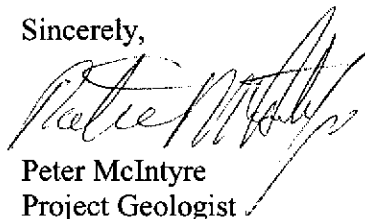
The general scope of the project is outlined in AEI's *Remedial Action Plan*, dated August 26, 1997. The system will consist of the extraction of groundwater from the center of the source area from well EW-01, mixing of the groundwater with the inoculate microbes and oxygenate, and re-injection within the impacted area. Minor adjustments to the originally proposed scope will include:

1. The installation of twelve (12) injection wells rather than the five originally proposed. The points will all remain within the area of the backfilled excavation, the bottom 1 foot of which consists of pea gravel.
2. Air sparge points will be installed in eight (8) of the injection wells at a depth of 15 feet below grade (approximately 10 feet below the water table). The injection of air will increase the in-situ dissolved oxygen (DO) content of the groundwater, which has been shown to be low in the source area, and thus further enhance the bio degradation.
3. The system will be installed with a manifold, capable of adjusting the number of injection wells and sparge points utilized at any particular time.

Installation of the injection wells / sparge points is scheduled for the last week of May, at which time the treatment system and piping will be installed. AEI anticipates that the system will be operational in early June. Initial system monitoring and the results of effluent and groundwater testing will be submitted to the ACHCSA. Progress reports will be submitted on a regular basis.

Please call either Joe Derhake or myself at (925) 283-6000 if you have any questions.

Sincerely,



Peter McIntyre  
Project Geologist

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



September 26, 2000  
StID # 568

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

Mr. Dinesh Maniar  
Diversified Investment Management Group  
400 Oyster Point Blvd., Suite 415  
South San Francisco, CA 94080

**Re: 625 Hegenberger Road, Oakland, CA 94621**

Dear Mr. Maniar:

Our office has received and reviewed the **September 10, 2000 Soil Boring and Groundwater Monitoring Well Installation and Sampling Report** for the above referenced site prepared by AEI Consultants. This report includes the results for past environmental investigations including:

- The advancement of a deep boring and sampling of soil and grab groundwater
- The installation of two additional down-gradient monitoring wells
- The identification potential off-site wells (sensitive receptors) and
- The sampling of existing and new monitoring wells for both chemical and physical (bio-attenuation) parameters.

Your consultant offers, and our office concurs with the following conclusions:

- The westerly extent of groundwater contamination appears to have been determined
- The off-site sensitive receptors (wells) do not appear in jeopardy from this site's release
- The extent of soil and groundwater contamination attenuates significantly with depth with the potential of a deeper aquitard existing beneath the site.

Additionally, however, gasoline, BTEX and MTBE concentrations still exist at elevated levels within the former tank pit. This groundwater contamination is detected in MW-8, MW-11, EW-01 and the deep boring B28. A risk evaluation indicates that these concentrations may pose a human health risk. There appears to be a lack of oxygen or other favorable bio-attenuating conditions within this area. Our office recommends remediation in this area, such as adding supplements or chemicals to soil and/or groundwater. After reduction in contaminant concentrations is verified, you may consider site closure. **Please have your consultant reply to our recommendation within 30 days or no later than October 27, 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. P. McIntyre, AEI, 3210 Old Tunnel Rd., Suite B., Lafayette, CA 94549-415

rem625Hegenberger



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

March 24, 2000  
StID # 568

Mr. Dinesh Maniar  
400 Oyster Point Blvd., Suite 415  
South San Francisco, CA 94080

**Re: Subsurface Investigation at 625 Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

Our office has received and reviewed the March 21, 2000 Quarterly Groundwater Monitoring Report for the above site as prepared by AEI Consultants. It appears that this report was intended to provide the most recent monitoring results and respond to my December 15, 1999 letter. As you may recall, my letter commented on your revised work plan for this site. As an alternative to the previously approved enhanced bio-remediation approach, your consultant recommended the installation of two additional down-gradient wells plus the advancement of one deep boring within the former tank pit. This decision was based upon the assumed lack of natural degradation expected on MTBE by the proposed enhanced bio-remediation.

My letter also requested that you provide information required in your Site Conceptual Model (SCM) as it pertains to the MTBE contamination, along with some additional information. Our office finds that this report does not adequately address the requested items. Our office has the following observations and requirements:

- A well survey of deep and other sensitive receptors was requested. The information provided is incomplete. Three locations with deep wells are identified, the Oakland Coliseum Complex, 7825 San Leandro St. and 550 85<sup>th</sup> Ave.. These wells should be clearly marked on a map and the slot interval of the wells noted. In addition, the report failed to identify the Fitchburg Well Field, a former active water production field, located on the east side of the Oakland Coliseum, northeast of this site. The closure of this well field has not been documented and may still pose a conduit to the deeper groundwater.
- You were requested to provide a more "complete" report for the August 19 and September 9, 1999 samplings. This should include, at a minimum, copies of the sampler's report and copies of the laboratory analytical reports.
- As long as bio-indicator compounds and measurements are being taken, please have your consultant evaluate the likelihood of natural attenuation occurring.
- You were requested to confirm the presence of MTBE in your water samples using EPA Method 8260 or another GC/MS method. They have found a significant difference in the reported results for MTBE depending upon the analytical method used for quantification. Please include this additional analysis in future monitoring reports.

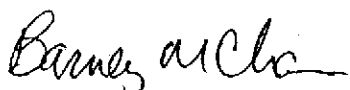
Mr. D. Maniar  
StID # 568  
625 Hegenberger Rd.  
March 24, 2000  
Page 2.

It is commonly believed and field tests support the idea that MTBE is naturally biodegraded by microbes in an oxygen rich environment, in the absence of other petroleum concentrations. It is also apparent that the dissolved oxygen levels at this site are much lower than that which is necessary for aerobic (the most efficient type) bio-degradation. Often, the limiting factor in bio-degradation is the presence of oxygen, not the presence of microbes or nutrients. Therefore, our office requests that you, at a minimum, attempt to oxygenate groundwater within the permeable fill material of the former tank pit. This will undoubtedly increase bio-degradation and could also reduce MTBE along with gasoline concentrations. The oxygen can be introduced chemically or physically and will need to be added in several locations. You are reminded that source removal is required before considering site closure as "low risk". **Please provide a viable work plan for this, within 30 days or by April 25, 2000.**

In addition, our office formally approves the previous work plan for the installation of two additional monitoring wells and the advancement of a deep boring within the tank pit. Keep in mind, your objective in advancing the deep boring is to determine the vertical extent of MTBE contamination. This may be done by sampling groundwater beneath that first encountered, or verifying the existence of a significant impermeable layer beneath the initial groundwater, which would likely prevent vertical migration. Please schedule this work as soon as possible and notify our office prior.

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. P. McIntyre, AEI Consultants, 3210 Old Tunnel Rd., Suite B, Lafayette, CA 94549-415

2wp625Heg

COM No.	REMOTE STATION	START TIME	DURATION	PAGES	RESULT	USER ID	REMARKS
675	9252836121	01-25 16:58	00' 37	01/01	OK		

7499402046

State of California  
Department of Water Resources  
Central District  
3251 S Street  
Sacramento, CA 95816-7017

**WELL DRILLER'S REPORTS  
INSPECTION REQUEST AND AGREEMENT**

Project: Dinesh  
Location: 625 Hegenberger Rd, Oakland  
County: Alameda Contract Number: 20826

Request is made pursuant to Section 13751 of the California Water Code for permission to inspect or copy Water Well Driller's Reports which are on file in your office.

In accordance with the requirements of Section 13752 of the Water Code, it is stipulated and agreed that such reports, or any copy or copies made thereof, will not be made available for inspection by the public but will be used solely by this governmental agency for making studies. If copies are made or taken, each copy will be stamped "CONFIDENTIAL" or "FOR OFFICIAL USE ONLY" and will be kept in a restricted file, access to which is limited to the staff of this governmental agency or to its contracted agents. Any copies furnished to contracted agents must be returned to the Department of Water Resources, Central District upon completion of work by the contracted agent.

No information contained in these reports can be disseminated or published without the written permission of the owner of the well.

<u>AEI Consultants</u> Contracted Agent	<u>Alameda County Environmental Health</u> Governmental Agency
<u>3210 Old Tunnel Road, Ste B</u> Address	<u>1131 Harbor Bay Parkway 2nd Floor</u> Address
<u>Lafayette, CA 94549</u> City, State, & Zip Code	<u>Alameda CA 94502</u> City, State, & Zip Code
By <u>Peter McIntyre</u> Officer	By <u>Barney M. Chan</u> Officer
<u>Project Geologist</u> Title	<u>Hazardous Materials Specialist</u> Title

State of California  
Department of Water Resources  
Central District  
3251 S Street  
Sacramento, CA 95816-7017

WELL DRILLER'S REPORTS  
INSPECTION REQUEST AND AGREEMENT

Project: Dinesh  
Location: 625 Hegenberger Rd, Oakland  
County: Alameda Contract Number: 20826

Request is made pursuant to Section 13751 of the California Water Code for permission to inspect or copy Water Well Driller's Reports which are on file in your office.

In accordance with the requirements of Section 13752 of the Water Code, it is stipulated and agreed that such reports, or any copy or copies made thereof, will not be made available for inspection by the public but will be used solely by this governmental agency for making studies. If copies are made or taken, each copy will be stamped "CONFIDENTIAL" or "FOR OFFICIAL USE ONLY" and will be kept in a restricted file, access to which is limited to the staff of this governmental agency or to its contracted agents. Any copies furnished to contracted agents must be returned to the Department of Water Resources, Central District upon completion of work by the contracted agent.

No information contained in these reports can be disseminated or published without the written permission of the owner of the well.

<u>AEI Consultants</u> Contracted Agent	<u>Alameda County Environmental Health</u> Governmental Agency
<u>3210 Old Tunnel Road, Ste B</u> Address	<u>1131 Harbor Bay Parkway 2nd Floor</u> Address
<u>Lafayette, CA 94549</u> City, State, & Zip Code	<u>Alameda CA 94502</u> City, State, & Zip Code
By <u>Peter McIntyre</u> Officer	By <u>Barney M. Chan</u> Officer
<u>Project Geologist</u> Title	<u>Hazardous Materials Specialist</u> Title
<u>(510) 283-6000</u> Telephone	<u>(510) 567-6765</u> Telephone
<u>12/29/99</u> <u>1/29/00</u> Date	<u>1/25/00</u> Date

(For Departmental Information: \_\_\_\_\_ copies sent \_\_\_\_\_)

Post-It™ brand fax transmittal memo 7871 # of pages 1

To	<u>PETER MCINTYRE</u>	From	<u>Anna Roth</u>
Co.		Co.	
Dept.		Phone #	<u>227-7182</u>
Fax #	<u>227-7100</u>	Fax #	<u>227-7100</u>

ID: 227-2600 CENTRAL DISTRICT



**AEI CONSULTANTS**  
 3210 Old Tunnel Road, Suite B  
 Lafayette, CA 94549-4157  
 PHONE: (800) 801-3224  
 (925) 283-6000  
 FAX: (925) 283-6121

**Date:** 1/25/00

Hard Copy Sent? Y  N

**To:** Mr. Barney Chan  
ACHCSA

**Phone:** 510 567-6765

**Fax:** 510 ~~567~~-9335  
337

**From:** Peter McIntyre

**Pages:** 2, including this cover page

**Subject: 625 Hegenberger Road, Oakland**

Dear Mr. Chan – Following is a deep well survey request form for the Department of Water Resources in Sacramento. This has been sent per Joe Derhake at your request. Please sign and fax this back to me so we can make your February 4, 2000 dead line and I will send it to DWR.

Thanks for you time

Peter McIntyre

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



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

December 15, 1999  
StID # 568

Mr. Dinesh Maniar  
400 Oyster Point Blvd., Suite 415  
South San Francisco, CA 94080

**Re: Subsurface Investigation at 625 Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

Our office has received a fax copy of the December 1, 1999 Work Plan for the above site prepared by AEI Consultants (AEI). This work plan provides your response to my October 5, 1999 letter, which requested a work plan for the lateral and vertical extent of the methyl tertiary butyl ether (MTBE) contamination. As you may recall, it was determined that the petroleum contamination ie TPH as gasoline and BTEX has the tendency to bio-remediate over time, whereas MTBE is more resistant to natural degradation. Therefore, to best meet site closure requirements, the MTBE in groundwater should be defined and a plan provided for its management and remediation, if necessary.

The requirements for MTBE impacted sites is an ever developing situation. In absence of a formal Water Board recommendation, our office has been requesting items which have been provided in Water Board seminars and which appear in State Water Board Draft Guidelines. One element that will likely be a final guideline is the requirement for a Site Conceptual Model (SCM). Before the SCM can be developed, the extent of the MTBE contamination should be determined. Included in the SCM are, minimally, the following:

- Prioritization of the site based on potential or actual impact to a sensitive receptor
- Obtain information such as the location of sources, receptors, extent of contamination and direction of groundwater gradient.
- Obtain geologic maps with subsurface geologic features including well and boring logs.
- Conduct a well survey including deep wells.
- If necessary, develop a corrective action plan.

Before our office approves the mentioned work plan, you should perform the following:

- Please provide a complete groundwater monitoring report for the groundwater sampling performed on August 19 and September 9, 1999.
- Please provide an interpretation of the likelihood of the occurrence of natural bio-degradation. This should include a review of historical dissolved oxygen, oxidation-reduction potential, nitrate, sulfate and iron +2 (ferrous iron).

Mr. Dinesh Maniar  
StID # 568  
625 Hegenberger Rd.  
December 15, 1999  
Page 2.

- Please provide a rose diagram indicating the predominant groundwater gradient.
- Please determine the presence of any deep wells. The Water Board states that there are deep wells just to the east of the Coliseum. Please provide well log indicating the soil types from surface to the deep aquifer. You should also use this information to justify how many deep soil and groundwater samples are necessary to determine the vertical extent of contamination.
- Please provide commitment for your future monitoring of existing and any new wells. Your future monitoring should include confirmation analysis for MTBE using EPA Method 8260 or an equivalent.
- You may also provide any recommendation for enhancing aerobic degradation conditions.

**Please prepare a report responding to the above items within 45 days or no later than February 4, 2000.** In this report, please indicate whether the number, location and type of construction of the previously proposed wells is still recommended.

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. M. Escobar, AEI Consultants, 2309 Pacific Coast Hwy, Suite 206, Hermosa Beach,  
CA 90254-2753

MTBEwp625



99 NOV 12 PM 3:35  
RECEIVED  
ENVIRONMENTAL  
PROTECTION

November 11, 1999

Mr. Barney M. Chan  
Hazardous Materials Specialist  
Alameda County Health Care Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

**RE: 625 Hegenberger Road**  
Oakland, CA 94621  
AEI Project No. 20826

Dear Mr. Chan:

This letter is in response to your request for a workplan proposing additional MTBE characterization of the above-referenced site, as stated in your letter dated October 5, 1999. As you are aware, AEI Consultants (AEI) is in the process of determining whether MTBE contamination on the property is a result of on- or off-site releases. There is currently some discrepancy as to the reported closure date for the former gasoline station on-site. According to the Levine-Fricke tank removal report (1994), the tanks were abandoned in the mid-1970's, making it very unlikely that MTBE contamination could be attributed to the subject property.

AEI is aware that a workplan was due to the Alameda Health Care Agency by November 8, 1999. In light of the facts presented in this letter, AEI hereby requests that a 90 day extension be granted in order to fully investigate the possibility that MTBE contamination may have migrating onto the property from an off-site source. If no evidence is found to support this theory, a workplan satisfying all of the points outlined in the October 5, 1999 letter will be submitted to the County by February 8, 1999.

*2000*

Please provide a written response to this letter. If you have any questions or would like additional information, please do not hesitate to contact me at (310) 798-4255. Thank you.

Sincerely,  
AEI CONSULTANTS

Mauricio Escobar  
Project Manager



*Mr. Barney Chan*  
*Alameda Health Care Agency*  
*AEI Project No. 20826*  
*November 10, 1999*  
*Page 2*

cc: Mr. James T. Graeb  
400 Oyster Point Boulevard, Suite 415  
South San Francisco, CA 94080

\\SERVER\_01\DATA\AEI\Projects\Remediation\20826 Diversified Investment Hegenberger\Barney - Extension 11-10-99.doc

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



November 11, 1999  
StID # 568

Mr. Dinesh Maniar  
400 Oyster Point Blvd., Suite 415  
South San Francisco, CA 94080

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

**Re: Site Investigation at 625 Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

Our office is in receipt of the November 11, 1999 fax from AEI Consultants, which responds to my October 5, 1999 letter. This letter requested a work plan be submitted to our office by November 8, 1999 to address the lateral and vertical extent of MTBE contamination in groundwater at the above site. As you will recall, the original enhanced bio-remediation work plan for the site was discarded in favor of additional investigation of MTBE, since this would be the best way to obtain site closure.

AEI's letter request a 90 day extension for the submittal of the MTBE investigation work plan because they believe the MTBE found at the site may be coming from an off-site source. Although our office does not believe this is the case, we will require the following types of evidence to support this claim:

- Historical proof of proper closure of the underground tanks prior to the use of MTBE in gasoline.
- Analytical data verifying the existence of off-site sources, including groundwater gradient and MTBE concentration gradient maps towards this site, from the assumed source. If this data does not exist, you must provide a work plan or show reason why another party should provide a work plan, to obtain this information.
- Please provide historical ownership and use of the former underground tanks at this site.

Our office will grant the requested extension for your work plan on the condition that you restart groundwater monitoring. Historical groundwater data is necessary to illustrate stable or declining groundwater concentrations, a requirement for site closure. **Please perform quarterly groundwater monitoring and provide us your monitoring report and your off-site investigation report by December 20, 1999. Your MTBE work plan, if required, is due by February 8, 2000.** Please contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

C: B. Chan, files

Mr. M. Escobar, AEI Consultants, 2309 Pacific Coast Hwy, Suite 206, Hermosa Beach, CA  
90254-2753 MTBEwpext625

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

October 5, 1999  
StID # 568

Mr. Dinesh Maniar  
400 Oyster Point Blvd., Suite 415  
South San Francisco, CA 94080

**Re: Site Investigation at 625 Hegenberger Road, Oakland CA 94621**

Dear Mr. Maniar:

This letter is to advise you of current regulatory conditions as they affect the investigation and remediation of the above site. As you are aware, All Environmental Inc. (AEI) is initiating the previously approved, August 26, 1997 work plan to install a bio-remediation system within the former underground tank pit. This work plan was approved in January 1998 when the policy requirements for MTBE were more liberal than today. Recent developments where MTBE has contaminated drinking water wells and surface water has led to a much more conservative view on MTBE. The Water Board currently requires a much more complete investigation of MTBE including the following:

- Adequate site characterization
- Removal of the primary source
- Demonstration of a stable plume
- Examination of any public health or ecological health risk
- Examination of threat to future water resources
- Risk management plan

The proposed work plan would likely reduce the gasoline and BTEX concentrations within the heart of the release, however, it may have a limited affect on the MTBE concentrations. This is due to the food source preference of the microbes to BTEX and TPH as gasoline and the faster migration of MTBE in groundwater. It is therefore likely that MTBE will be the most critical chemical of concern at this site. Much more is known on the bio-degradation of gasoline and BTEX, therefore, residual concentrations of these compounds are more acceptable than for MTBE. It is therefore our office's belief that in order to obtain site closure, this site would be better off meeting the MTBE requirements than continuing on the enhanced bio-remediation work plan. To do this, you will be required to further determine the lateral and vertical extent of MTBE, continue monitoring this site to verify plume stability, determine if there are any public or ecological risks or risks to future water resources and determine if a risk management plan is necessary. Please submit a work plan to address these issues to our office **within 30 days or no later than November 8, 1999**. This work plan should include at a minimum, a monitoring program, the installation of additional monitoring wells, the examination of the vertical extent of contamination, a well survey for deep wells and a discussion of clean-up levels for MTBE.

Mr. D. Maniar  
STID # 568  
625 Hegenberger Rd., Oakland CA 94621  
October 5, 1999  
Page 2.

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

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

✓ C: B. Chan, files  
Messrs. J. Derhake and M. Escobar, AEI Consultants, 2309 Pacific Coast Hwy., Suite 206,  
Hermosa Beach, CA 90254-2753  
Mr. J. Graeb, 400 Oyster Point Blvd., Suite 415, South San Francisco, CA 94080  
MTBEwp625Heg



September 30, 1999

Mr. Barney M. Chan  
Hazardous Materials Specialist  
Alameda County Health Care Services  
1131 harbor bay Parkway, Suite 250  
Alameda, CA 94502-6577

**RE: 625 Hegenberger Road**  
Oakland, CA 94621  
AEI Project No. 20826

99 OCT 4 PM 4:40  
ENVIRONMENTAL  
PROTECTION  
TECHNOLOGIES

Dear Mr. Chan:

This letter is an update to the planned remediation activities for the above-referenced property and is written in response to the Notice of Violation issued on September 15, 1999. Per your conversation with Joseph Derhake on September 29, 1999, AEI Consultants (AEI) will provide you with baseline groundwater sampling data (attached) collected on August 19 and September 9, 1999. Please note that this is the only groundwater data collected since the 1997 Fourth Quarter report submitted to your office in January 1998. AEI will perform two formal quarterly groundwater-monitoring events at the completion of the remedial activities. These are expected to cover the 2<sup>nd</sup> and 3<sup>rd</sup> quarters of 2000.

AEI would also like to inform you that the proposed groundwater remediation system will be installed by the third week of October and should be fully functional by November 1, 1999. AEI is in the process of obtaining electrical and building permits for the property which will be forwarded to your office once received.

If you have any questions or would like additional information, please do not hesitate to contact me at (310) 798-4255. Thank you.

Sincerely,  
AEI CONSULTANTS

Mauricio Escobar  
Project Manager

cc: Mr. James T. Graeb  
400 Oyster Point Boulevard, Suite 415  
South San Francisco, CA 94080

K:\AEI\Projects\Remediation\20826 Diversified Investment Hegenberger\Barney - Update 9-30-99.doc

**Table 3**  
**Historic Groundwater Monitoring Data**  
**625 Hegenberger Road, Oakland, California**  
**(concentrations in mg/L)**


Well ID	Date	Consultant/ Lab		TPHg	MTBE	Benzene	Toluene	Ethyl- Benzene	Xylenes	TPHo	TPHd	Total Lead	
MW-8	(1)	SUB	(2)	NA	NA	3.7	BDL	0.29	0.69	NA	NA	BDL	
	05/28/1993	HC/SUP		19	NA	6.4	0.028	0.16	0.036	NA	1	(3)	
	12/22/1993	LF/AEN	(4)	56	NA	16	5.9993	(5)	0.65	<0.2	0.3	<0.04	
	06/30/1994	LF/AEN	(4)	41	NA	11	4.8	2.2	8.2	0.5	<0.5	<0.04	
	09/27/1994	LF/AEN		28	NA	8.5	0.26	1.6	5.3	<0.2	0.62	<0.04	
	01/10/1995	LF/AEN		58	NA	10	11	2.4	12	<0.2	0.07	NA	
	10/02/1995	AEI/PEL		28	NA	0.051	0.016	0.054	0.08	<0.5	<0.05	NA	
	01/08/1996	AEI/MAI		72	NA	8.6	13	2.2	12	<0.25	3.7	NA	
	01/08/1996	AEI/MAI		62	NA	7.2	9.5	1.6	8	NA	NA	NA	
	04/25/1996	AEI/MAI		33	NA	7.6	2.3	1.5	4.8	NA	3.1	NA	
	03/25/1997	AEI/MAI		23	1.5	8.3	0.08	0.35	0.38	NA	1.9	NA	
	07/03/1997	AEI/MAI		14	1.3	6.6	0.032	0.19	0.1	NA	1.4	NA	
	07/03/1997	AEI/MAI		15	1.7	7.3	0.034	0.16	0.11	NA	1.4	NA	
10/02/1997	AEI/MAI		7.6	0.89	3.5	0.014	0.037	0.021	NA	0.81	NA		
01/28/1998	AEI/MAI		21	0.9	5.5	0.27	0.73	0.78	NA	2.7	NA		
09/09/1999	AEI/MAI		<b>2.5</b>	<b>0.38</b>	<b>0.79</b>	0.0028	0.0047	0.008	NA	NA	NA		
MW-10	(1)	SUB		NA	NA	0.0017	BDL	BDL	BDL	NA	NA	BDL	
	05/28/1993	HC/SUP		<0.05	NA	<0.0003	<0.0003	<0.0003	<0.0009	NA	0.054	(3)	
	12/22/1993	LF/AEN		<0.05	NA	<0.0005	<0.0007	(5)	<0.0005	<0.0002	<0.2	0.58	<0.04
	06/30/1994	LF/AEN		<0.05	NA	<0.0005	<0.0005	<0.0005	<0.0002	0.6	<0.05	<0.04	
	09/27/1994	LF/AEN		<0.05	NA	<0.0005	<0.0005	<0.0005	<0.0002	<0.2	0.61	<0.04	
	01/10/1995	LF/AEN		<0.05	NA	<0.0005	<0.0005	<0.0005	<0.0002	<0.2	0.6	NA	
	10/02/1995	AEI/PEL		0.35	NA	0.0044	0.0026	0.0023	0.0064	<0.5	<0.05	NA	
	01/08/1996	AEI/MAI		0.05	NA	0.0058	0.0071	0.0012	0.0064	<0.25	<0.05	NA	
	04/25/1996	AEI/MAI		<0.05	NA	<0.0005	<0.0005	<0.0005	<0.0005	NA	<0.05	NA	
	03/25/1997	AEI/MAI		<0.05	<0.005	<0.0005	<0.0005	<0.0005	<0.0005	NA	<0.05	NA	
	07/03/1997	AEI/MAI		<0.05	<0.005	<0.0005	<0.0005	<0.0005	<0.0005	NA	<0.05	NA	
	10/02/1997	AEI/MAI		<0.05	<0.005	<0.0005	<0.0005	<0.0005	<0.0005	NA	0.11	NA	
	01/28/1998	AEI/MAI		<0.05	<0.005	0.0057	<0.0005	<0.0005	<0.0005	NA	ND	NA	
08/19/1999	AEI/MAI		<0.05	<0.005	<0.0005	<0.0005	<0.0005	<0.0005	NA	NA	NA		
MW-11	(1)	SUB	(6)	NA	NA	0.053	BDL	BDL	BDL	NA	NA	0.21	
	05/28/1993	HC/SUP		1.2	NA	0.45	0.017	0.0015	0.0021	NA	<0.05	(3)	
	12/22/1993	LF/AEN		9.2	NA	4.5	0.0383	(5)	0.012	0.043	<0.2	0.53	<0.04
	06/30/1994	LF/AEN		8.8	NA	1.5	0.013	0.69	1.2	1.1	<0.05	<0.04	
	06/30/1994	LF/AEN		9.7	NA	1.7	0.014	0.73	1.3	NA	NA	NA	
	09/27/1994	LF/AEN		15	NA	6.5	0.026	0.87	0.59	<0.2	0.91	<0.04	
	01/10/1995	LF/AEN		14	NA	0.89	0.22	0.84	2.4	0.2	1.1	NA	
	10/02/1995	AEI/PEL		7.1	NA	0.047	0.0057	0.011	0.036	<0.5	<0.05	NA	
	01/08/1996	AEI/MAI		12	NA	1.2	0.099	0.79	1.4	<0.25	2	NA	
	04/25/1996	AEI/MAI		5.8	NA	0.23	0.059	0.2	0.77	NA	1.4	NA	
	03/25/1997	AEI/MAI		0.76	0.13	0.13	0.049	0.0029	0.001	NA	0.49	NA	
	07/03/1997	AEI/MAI		0.29	0.38	<0.0005	<0.0005	0.6	<0.0005	NA	<0.05	NA	
	10/02/1997	AEI/MAI		0.22	0.72	0.0088	0.0073	<0.0005	0.00067	NA	0.22	NA	
01/28/1998	AEI/MAI		0.54	0.36	0.14	0.0081	<0.0005	<0.0005	NA	0.16	NA		
08/19/1999	AEI/MAI		0.59	<b>0.72</b>	<b>0.18</b>	0.0032	<0.0005	<0.0005	NA	NA	NA		
MW-12	(1)	SUB		NA	NA	0.0017	BDL	BDL	BDL	NA	NA	BDL	
	05/28/1993	HC/SUP		<0.05	NA	<0.0003	<0.0003	<0.0003	<0.0009	NA	<0.05	(3)	
	12/22/1993	LF/AEN		0.05	NA	<0.0005	<0.0007	(5)	<0.0005	<0.0002	<0.2	0.3	<0.04
	06/30/1994	LF/AEN		<0.05	NA	<0.0005	<0.0005	<0.0005	<0.0002	0.4	<0.05	<0.04	
	09/27/1994	LF/AEN		<0.05	NA	<0.0005	<0.0005	<0.0005	<0.0002	<0.2	0.4	<0.04	
	09/27/1994	LF/AEN		<0.05	NA	<0.0005	<0.0005	<0.0005	<0.0002	NA	NA	NA	
	01/10/1995	LF/AEN		<0.05	NA	<0.0005	<0.0005	<0.0005	<0.0002	<0.2	0.3	NA	
	10/02/1995	AEI/PEL		<0.05	NA	<0.0005	<0.0005	<0.0005	<0.0005	<0.5	<0.05	NA	
	01/08/1996	AEI/MAI		<0.05	NA	0.0024	0.0027	0.00054	0.0028	<0.25	<0.05	NA	
	04/25/1996	AEI/MAI		<0.05	NA	<0.0005	<0.0005	<0.0005	<0.0005	NA	<0.05	NA	
	03/25/1997	AEI/MAI		<0.05	0.016	<0.0005	<0.0005	<0.0005	<0.0005	NA	<0.05	NA	
	07/03/1997	AEI/MAI		<0.05	0.016	<0.0005	<0.0005	<0.0005	<0.0005	NA	<0.05	NA	
	10/02/1997	AEI/MAI		<0.05	0.017	<0.0005	<0.0005	<0.0005	<0.0005	NA	0.12	NA	
01/28/1998	AEI/MAI		<0.05	0.013	0.0013	<0.0005	<0.0005	<0.0005	NA	<0.05	NA		
08/19/1999	AEI/MAI		<0.05	0.0091	<0.0005	<0.0005	<0.0005	<0.0005	NA	NA	NA		
MW-16	(1)	SUB	(7)	NA	NA	BDL	BDL	BDL	BDL	NA	NA	BDL	
	05/28/1993	HC/SUP		<0.05	NA	0.0028	<0.0003	<0.0007	<0.0009	NA	<0.05	(3)	
	12/22/1993	LF/AEN		2.2	NA	<0.0005	<0.0007	(5)	<0.0005	<0.0002	<0.2	0.52	<0.04
06/30/1994	LF/AEN		<0.05	NA	0.008	<0.0005	<0.0005	<0.0002	0.9	<0.05	<0.04		

**Table 3**  
**Historic Groundwater Monitoring Data**  
**625 Hegenberger Road, Oakland, California**  
**(concentrations in mg/L)**

Well ID	Date	Consultant/ Lab	TPHg	MTBE	Benzene	Toluene	Ethyl- Benzene	Xylenes	TPHo	TPHd	Total Lead
MW-16	09/27/1994	LF/AEN	0.07	NA	0.017	<0.0005	<0.0005	<0.0002	<0.2	0.59	<0.04
	01/10/1995	LF/AEN	0.3	NA	0.19	<0.0005	<0.0005	<0.0002	<0.2	0.7	NA
	10/02/1995	AEI/PEL	0.55	NA	0.0077	0.0007	0.0035	0.013	<0.5	<0.05	NA
	01/08/1996	AEI/MAI	0.36	NA	<0.0005	<0.0005	0.004	0.0097	<0.25	0.14	NA
	04/25/1996	AEI/MAI	1.1	NA	0.39	0.0037	0.0032	0.014	NA	0.33	NA
	03/25/1997	AEI/MAI	0.31	2.1	<0.0005	<0.0005	<0.0005	0.0014	NA	0.12	NA
	07/03/1997	AEI/MAI	0.25	1.9	<0.0005	<0.0005	<0.0005	<0.0005	NA	0.13	NA
	10/02/1997	AEI/MAI	0.29	2	<0.0005	<0.0005	<0.0005	<0.0005	NA	0.18	NA
	01/28/1998	AEI/MAI	0.15	1.9	<0.0005	<0.0005	<0.0005	<0.0005	NA	0.13	NA
	09/09/1999	AEI/MAI	<0.05	0.88	<0.0005	<0.0005	<0.0005	<0.0005	NA	NA	NA
MW-24 duplicate	01/10/1995	LF/AEN	31	NA	12	1.9	1.1	1.3	0.2	0.9	NA
	01/10/1995	LF/AEN	31	NA	12	2	1.1	1.3	0.2	0.8	NA
	10/02/1995	AEI/PEL	8.6	NA	0.044	0.011	0.012	0.04	<0.5	<0.05	NA
	01/08/1996	AEI/MAI (8)	22	NA	8.8	0.14	0.5	0.28	<0.25	1.5	NA
<b>Blanks</b>											
Trip Blank	05/28/1993	HC/SUP	<0.05		<0.0003	<0.0003	<0.0003	<0.0009	NA	NA	BDL
MW-12-BB	12/22/1993	LF/AEN	<0.05		<0.0005	0.0007	<0.0005	<0.0002	NA	NA	(3)
MW-16-BB	12/22/1993	LF/AEN	NA		NA	NA	NA	NA	NA	NA	<0.04
MW-12-BB	06/30/1994	LF/AEN	<0.05		<0.0005	<0.0005	<0.0005	<0.0002	NA	NA	<0.04
MW-12-BB	09/27/1994	LF/AEN	<0.05		<0.0005	<0.0005	<0.0005	<0.0002	NA	NA	NA
Trip Blank	09/27/1994	LF/AEN	<0.05		<0.0005	<0.0005	<0.0005	<0.0002	NA	NA	NA
MW-11-BB	01/10/1995	LF/AEN	<0.05		<0.0005	<0.0005	<0.0005	<0.0002	NA	NA	NA

**Notes**

- BDL below detection limit
  - NA not analyzed
  - NS not sampled
  - TPHd total petroleum hydrocarbons as diesel
  - TPHg total petroleum hydrocarbons as gasoline
  - TPHo total petroleum hydrocarbons as oil
  - MTBE methyl tertiary butyl ether
  - AEN American Environmental Networks, Pleasant Hill, California
  - HC HartCrowser, San Francisco, California
  - LF Levine Fricke, Emeryville, California
  - SUB Subsurface Consultants, Oakland, California
  - SUP Superior Analytical Laboratories, Martinez, California
  - AEI All Environmental, Inc., Lafayette, California
  - PEL Priority Analytical Laboratories, Milpitas, California
  - MAI McCampbell Analytical Inc., Pacheco, California
- (1) Date of groundwater sampling unavailable.
  - (2) 18 mg/ total volatile hydrocarbons also detected
  - (3) All May 1993 samples also analyzed for total organic lead (DHS Method). The compound was not detected above the detection limit of 4 mg/l.
  - (4) A slight hydrocarbon sheen was observed on the surface of the well water.
  - (5) Toluene detection for 22-Dec-93 were qualified using 0.0007 mg/l as a baseline.  
The bailer blank (MW-12-BB) contained toluene at 0.0007 mg/l.
  - (6) 0.24 mg/l total volatile hydrocarbons also detected
  - (7) 0.38 mg/l total volatile hydrocarbons also detected
  - (8) Well Mw-8 was abandoned on April 5, 1996.

 <b>McCAMPBELL ANALYTICAL INC.</b>	110 2nd Avenue South, #D7, Pacheco, CA 94553-5560
	Telephone: 925-798-1620 Fax: 925-798-1622 <a href="http://www.mccampbell.com">http://www.mccampbell.com</a> E-mail: <a href="mailto:main@mccampbell.com">main@mccampbell.com</a>

All Environmental, Inc. 901 Moraga Road, Suite C Lafayette, CA 94549	Client Project ID: #20826; Hegen Berger	Date Sampled: 08/19/99
		Date Received: 08/19/99
	Client Contact: Peter McIntyre	Date Extracted: 08/20/99
	Client P.O:	Date Analyzed: 08/20/99

**Gasoline Range (C6-C12) Volatile Hydrocarbons as Gasoline\*, with Methyl tert-Butyl Ether\* & BTEX\***  
 EPA methods 5050, modified 8015, and 8020 or 602; California RWQC8 (SF Bay Region) method GC/FID/S030

Lab ID	Client ID	Matrix	TPH(g)*	MTBE	Benzene	Toluene	Ethylbenzene	Xylenes	% Recovery Surrogate
17502	MW-10	W	ND	ND	ND	ND	ND	ND	103
17503	MW-11	W	590,c	720	180	3.2	ND	ND	112
17504	MW-12	W	ND	9.1	ND	ND	ND	ND	106
Reporting Limit, unless otherwise stated; ND means not detected above the reporting limit	W		50 ug/L	5.0	0.5	0.5	0.5	0.5	
	S		1.0 mg/kg	0.05	0.005	0.005	0.005	0.005	

\* water and vapor samples are reported in ug/L, wipe samples in ug/wipe, soil and sludge samples in mg/kg, and all TCLP and SPLP extracts in ug/L

\* cluttered chromatogram; sample peak coelutes with surrogate peak

The following descriptions of the TPH chromatogram are cursory in nature and McCampbell Analytical is not responsible for their interpretation: a) unmodified or weakly modified gasoline is significant; b) heavier gasoline range compounds are significant (aged gasoline?); c) lighter gasoline range compounds (the most mobile fraction) are significant; d) gasoline range compounds having broad chromatographic peaks are significant; biologically altered gasoline?; e) TPH pattern that does not appear to be derived from gasoline (?); f) one to a few isolated peaks present; g) strongly aged gasoline or diesel range compounds are significant; h) lighter than water immiscible sheen is present; i) liquid sample that contains greater than -5 vol. % sediment; j) no recognizable pattern.

DHS Certification No. 1644

 Edward Hamilton, Lab Director





ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

September 15, 1999  
StID # 568

Mr. Dinesh Maniar  
Diversified Investment Management Group  
400 Oyster Point Blvd., Suite 415  
South San Francisco, CA 94080

**NOTICE OF VIOLATION**

**Re: Request for Technical Reports for 625 Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

My last letter, dated March 2, 1999, requested that you send all groundwater monitoring reports for the above site since Fourth Quarter 1997 to our office by April 19, 1999. Our office has not received any of the requested reports. The last monitoring event for this site occurred in January of 1998, well over 1 1/2 years ago. Even longer than that has your work plan for enhanced bio-remediation been approved by our office. The March 2, 1999 letter also requested that you initiate this project by applying for all necessary permits.

A September 7, 1999 letter from All Environmental, Inc. (AEI) states that they have been contracted to go forward on the bio-remediation project and that they will be providing periodic updates to their progress. Please initiate groundwater monitoring on the existing wells at this site immediately and continue on a quarterly schedule thereafter. Your monitoring report should include an update on your progress installing the bio-remediation system.

Please submit your monitoring report to our office **within 45 days or no later than November 1, 1999. You are reminded this is a formal request for technical reports and the failure to submit the requested report may subject you to civil liability.**

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

Sincerely,

A handwritten signature in cursive script that reads "Barney M. Chan".

Barney M. Chan  
Hazardous Materials Specialist

C: B. Chan, files

Mr. M. Escobar, AEI, 901 Moraga Rd., Suite J, Lafayette, CA 94549  
Ms. J. Duerig, Alameda County District Attorney Office

2Reps625HegRd

**JAMES T. GRAEB**

ATTORNEY AT LAW  
400 OYSTER POINT BLVD., SUITE 415 ENVIRONMENTAL  
SOUTH SAN FRANCISCO, CA 94080 PROTECTION  
(650) 266-8080

99 SEP 23 PM 2:14

September 22, 1999

Mr. Joe Derhake  
All Environmental, Inc.  
2200 Pacific Coast Hwy.  
Suite 217  
Hermosa Beach, CA 90254

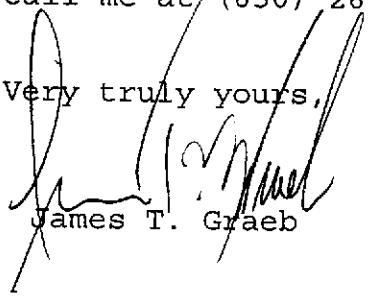
#568

2  
Re: 675 Hegenberger Road

Dear Mr. Derhake:

This letter confirms our telephone conversation today during which we discussed the September 15, 1999 letter from Mr. Barney Chan, a copy of which is enclosed for your review. You indicated that you would contact Mr. Chan and make appropriate arrangements so that my client may avoid any administrative difficulties with Alameda County. Please call me at (650) 266-8080 if you have any questions.

Very truly yours,



James T. Graeb

cc: Mr. Barney Chan

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



*Give to  
#1 J. GAMES  
cc DIVERS  
AM*

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

September 15, 1999  
StID # 568

Mr. Dinesh Maniar  
Diversified Investment Management Group  
400 Oyster Point Blvd., Suite 415  
South San Francisco, CA 94080

**NOTICE OF VIOLATION**

**Re: Request for Technical Reports for 625 Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

My last letter, dated March 2, 1999, requested that you send all groundwater monitoring reports for the above site since Fourth Quarter 1997 to our office by April 19, 1999. Our office has not received any of the requested reports. The last monitoring event for this site occurred in January of 1998, well over 1 1/2 years ago. Even longer than that has your work plan for enhanced bio-remediation been approved by our office. The March 2, 1999 letter also requested that you initiate this project by applying for all necessary permits.

A September 7, 1999 letter from All Environmental, Inc. (AEI) states that they have been contracted to go forward on the bio-remediation project and that they will be providing periodic updates to their progress. Please initiate groundwater monitoring on the existing wells at this site immediately and continue on a quarterly schedule thereafter. Your monitoring report should include an update on your progress installing the bio-remediation system.

Please submit your monitoring report to our office **within 45 days or no later than November 1, 1999. You are reminded this is a formal request for technical reports and the failure to submit the requested report may subject you to civil liability.**

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. M. Escobar, AEI, 901 Moraga Rd., Suite J, Lafayette, CA 94549  
Ms. J. Duerig, Alameda County District Attorney Office

2Reps625HegRd

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

March 2, 1999  
StID # 568

Mr. Dinesh Maniar  
Diversified Investment Management Group  
400 Oyster Point Blvd., Suite 415  
South San Francisco, CA 94080

**Re: Request for Technical Reports and Implementation of Approved Remedial Action Plan  
For 625 Heegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

The last quarterly groundwater monitoring report for the above site received by our office was the Fourth Quarter, 1997 report from All Environmental, Inc., AEI. The actual sampling event occurred on January 28, 1998. This report indicated, as expected, continual elevated dissolved gasoline, diesel and BTEX (benzene, toluene, ethylbenzene and xylenes) in groundwater. This is the result of residual petroleum contamination in the saturated soils, ie those soils below the highest groundwater level. In addition, the compound, MTBE, was also detected in water samples from MW-8, MW-11 and MW-16.

It is expected that groundwater concentrations would remain elevated without some type of remediation. Therefore, your consultant proposed enhanced bio-remediation as the best available technology. His proposal was included in the August 26, 1997 Remedial Action Plan. With a few conditions, our office approved this work plan in my August 29, 1997 letter. To date, our office has not been kept aware of the status of this bio-remediation project. Please initiate the permitting process to install the bio-remediation system. The implementation of this remediation would be expected to greatly reduce petroleum concentration in soil and groundwater to allow for closure after confirmatory monitoring is complete.

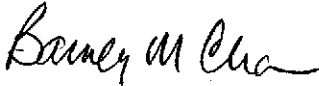
Please submit all groundwater monitoring reports since the Fourth Quarter 1997 report. In future reports, please confirm the presence of MTBE by running the highest MTBE sample using EPA Method 8240 or 8260. Based upon the past monitoring results, our office approves discontinuing the sampling and analysis for MW-10 and MW-12 for petroleum constituents. You should, however, continue to take groundwater elevation, dissolved oxygen and oxidation-reduction potential readings from these wells. Please submit your monitoring reports to our office **within 45 days or by April 19, 1999**. You are reminded that only through regular submittal of groundwater monitoring reports can you illustrate a stable condition required for consideration for site closure.

This is a formal request for technical reports pursuant to the Health and Safety Code and the Water Code. Failure to submit the requested reports may subject you to civil liability. Alameda County District Attorney Office is being informed of this request due to the past pre-enforcement hearing for this site.

Mr. D. Maniar  
StID # 568  
625 Hegenberger Rd.  
March 2, 1999  
Page 2.

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. Derhake, All Environmental, Inc., 111 Sepulveda Blvd., Suite 250  
Manhattan Beach, CA 90266

Ms. J. Duerig, Alameda County District Attorney Office

Reps-625Hegenberger Rd.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



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

March 12, 1998  
StID # 568

Mr. Dinesh Maniar  
Diversified Investment Management Group  
400 Oyster Point Blvd., Suite 415  
South San Francisco, CA 94080

**RE: Groundwater Investigation and Remediation at 625 Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

Our office has received and reviewed the February 13, 1998 All Environmental, Inc. **Quarterly Groundwater Monitoring Report** for the above site. As concluded in this report, site conditions and petroleum concentrations in water remain consistent with prior monitoring events. This means that there continues to be very high levels of gasoline and benzene in groundwater near the former underground tank pit. These levels potentially pose a human health risk depending on future site use. In addition, the low dissolved oxygen levels and the negative redox potential in the groundwater are conditions not conducive to natural biodegradation.

Our office approved the All Environmental Remedial Action Plan for enhanced bioremediation of groundwater in August of 1997. Please provide your time table for the permitting and installation of the proposed remediation system in your next quarterly monitoring report.

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. Derhake, All Environmental, Inc., 111 N. Sepulveda Blvd., Suite 250, Manhattan Beach, CA 90266

2rap625

JAMES T. GRAEB

ATTORNEY AT LAW  
400 OYSTER POINT BLVD., SUITE 415  
SOUTH SAN FRANCISCO, CA 94080  
(415) 266-8080

ENVIRONMENTAL  
PROTECTION

98 JAN 22 AM 10:18

January 19, 1998

R0226

Mr. Barney Chan  
Alameda County Health Care Services  
1131 Harbor Bay Parkway  
Suite 250  
Alameda, CA 94502-6577

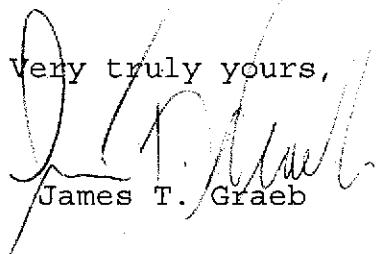
625

Re: Hegenberger Road Remediation

Dear Mr. Chan:

I am writing in response to your letter of January 13, 1998. Mr. Maniar is in the process of closing a new loan on the Hegenberger Road Property which loan will have a budget for additional remediation costs. Once this is recorded, we hope to proceed with the bioremediation of the groundwater plume with the goal of obtaining either a site closure or a no action letter. Until such time as Mr. Maniar is prepared to proceed with the bioremediation, he will continue the quarterly groundwater monitoring as outlined in your letter. Please call me if you have any questions.

Very truly yours,

  
James T. Graeb



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



January 13, 1998  
StID # 568

Mr. Dinesh Maniar  
Diversified Investment Management Group  
400 Oyster Point Blvd., Suite 415  
South San Francisco, CA

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

**Re: Remedial Action Plan for 625 Hegenberger Rd., Oakland CA  
94621**

Dear Mr. Maniar:

Our office has received and reviewed the December 31, 1997 Quarterly Groundwater Monitoring Report prepared by All Environmental. The quarterly report continues to indicate a localized area of gasoline contamination in groundwater in addition to an apparent faster moving plume of methyl tert-butyl ether (MTBE). As stated by your consultant, current contaminant levels in groundwater are consistent with the past levels. This fact is not surprising since previous sampling results indicated a lack of oxygen and a reducing environment which would not encourage natural aerobic biodegradation.

As you are aware, our office reviewed and approved the All Environmental 8/26/97 Remedial Action Plan. This plan proposed the installation of a well and piping system for the addition of nutrients, microbes, oxygen and other chemicals. In addition, a monitoring schedule was proposed which would chart the progress of the bioremediation.

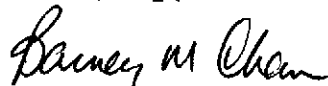
Please provide a written update on the progress made in obtaining the necessary permits for the installation and operation of the proposed remediation system. At a minimum, until this system is in operation, please continue to monitor the wells for dissolved oxygen and oxidation-reduction potential in addition to the chemical analytes. If you do not plan to have the system in operation within the next quarter (3/98), please consider installing oxygen releasing compounds into those wells within the contaminant plume.

The existence of MTBE at this site complicates the proposed plan since this compound migrates faster than the petroleum plume and is less amenable to natural bioremediation. This is illustrated in the results of sampling from MW-16, the furthest downgradient well. This well exhibited 2.1 ppm MTBE, the highest concentration identified at this site. As has been requested by the Water Board, please confirm the presence of MTBE in this well during your next monitoring event by running the water sample by EPA Method 8260.

Mr. D. Maniar  
625 Hegenberger Rd.  
StID # 568  
January 13, 1998  
Page 2

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. Derhake, All Environmental, Inc., 2200 Pacific Coast  
Highway, Suite 217, Hermosa Beach, CA 90254  
2bio625

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



August 29, 1997  
StID # 568

Mr. Dinesh Maniar  
Diversified Investment Management Group  
400 Oyster Point Blvd., Suite 415  
South San Francisco, CA

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

**Re: Remedial Action Plan for 625 Hegenberger Rd., Oakland CA  
94621**

Dear Mr. Maniar:

Our office has received and reviewed the 8/26/97 Quarterly Groundwater Monitoring Report and the 8/26/26/97 Remedial Action Plan for the above site as prepared by All Environmental. The Quarterly report continues to indicate a localized area of gasoline contamination in groundwater. Additional analysis of dissolved oxygen, oxidation-reduction potential and nutrients indicate that conditions at this site are not suitable for natural bioremediation.

As a way to achieve site closure as expeditiously as possible, the Remedial Action Plan proposes to add microbes, oxygen, nutrients and chemicals to the groundwater to enhance natural bioremediation. Additional wells will be installed within and around the former underground tank pit where additions can be made and from which progress may be followed by regular sampling.

Further, cleanup levels for specific hydrocarbons are proposed. When these levels are reached, the additions will be stopped and site closure proposed.

Our office agrees with this remedial action approach for this site. You may start obtaining the appropriate permits from the City of Oakland and Alameda County Public Works.

Please be aware, however, of the following additional requirements:

\* Site closure must include an evaluation of risk to human health and the environment. As such, the proposed cleanup level of 100 ppb benzene in groundwater must be verified to be adequately protective. To do this, either a Tier 1 or Tier 2 risk assessment must be done.

\* In response to the monitoring schedule proposed in Table 1, please include analysis for BTEX (EPA Method 8020) on a quarterly basis for the inoculating wells.

Mr. D. Maniar  
625 Hegenberger Rd.  
StID # 568  
August 29, 1997  
Page 2

\* Please include in your baseline data, an assay for either hydrocarbon utilizing or heterotrophic microbe. In addition, on a quarterly basis, a count of the "broad spectrum" microbes should be done.

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. Derhake, All Environmental, Inc., 111 N. Sepulveda  
Blvd., Suite 250 Manhattan Beach, CA 90266

biowp625

# ALL ENVIRONMENTAL, INC.

Environmental Engineering & Construction

December 19, 1996

Mr. Barney Chan  
Alameda County Health Care Services  
Environmental Health Division--Hazardous Materials Group  
1131 Harbor Bay Pkwy.  
Alameda, CA 94502

RE: Quarterly Monitoring  
625 Hegenberger Road  
Oakland, CA

Dear Mr. Chan:

As per our conversation earlier this month, AEI is recommending reducing the frequency of groundwater monitoring events from a quarterly basis to a semi-annual basis.

AEI believes that the quarterly fluctuations in fuel concentrations in groundwater is well understood after 8 quarters of monitoring. Semi-annual monitoring should provide enough groundwater data to measure the stability of the plume over time.

Please do not hesitate to contact me at (310) 328-8878, if you have any questions.

Sincerely,



Joseph P. Derhake  
Project Manager

new contact: Mr. Manning

ALL ENVIRONMENTAL, INC.  
Environmental Engineering & Construction

JOSEPH P. DERHAKE, PE, CAC  
Principal

111 North Sepulveda Blvd.  
Suite 250  
Manhattan Beach, CA 90266

(310) 328-8878  
Fax: (310) 798-2841  
Pager: (310) 655-1788

Corporate Headquarters:

3364 Mt. Diablo Blvd.  
Lafayette, CA 94549  
(510) 283-6000

Los Angeles Office

111 N. Sepulveda, Suite 250  
Manhattan Beach, CA 90266  
(310) 328-8878

12/19/96

# ALL ENVIRONMENTAL, INC.

Environmental Engineering & Construction

July 3, 1996

*Review*

Mr. Barney Chan  
Alameda County Health Care Services  
Environmental Health Division--Hazardous Materials Group  
1131 Harbor Bay Pkwy.  
Alameda, CA 94502

RE: Groundwater Remediation  
625 Hegenberger Road  
Oakland, CA


Dear Mr. Chan:

In response to your June 9, 1997 letter, Diversified Investment Management Group has contracted All Environmental, Inc. to explore the feasibility of injecting oxygen, nutrient, and microbes to expedite the breakdown of the hydrocarbons in the groundwater.

Please allow us to submit a workplan for your review by August 1, 1997. You originally asked for this workplan by July 11, 1997, but we collected important data during the last monitoring episode on July 3, 1997. We will need this data to properly design the bioremediation system.

Please do not hesitate to contact me at (310) 328-8878, if you have any questions.

Sincerely,



Joseph P. Derhake, PE, CAC  
Project Manager

cc Dinesh Maniar, Diversified Investment Management Group

---

Corporate Headquarters:

3364 Mt. Diablo Blvd.  
Lafayette, CA 94549  
Phone: (510) 283-6000  
Fax: (510) 283-6121

Sacramento Office::

5524 Assembly Ct., Suite 19  
Sacramento, CA 95823  
Phone: (916) 429-0776  
Fax: (916) 429-0685

Los Angeles Office:

111 N. Sepulveda Blvd., #250  
Manhattan Beach, CA 90266  
Phone: (310) 328-8878  
Fax: (310) 798-2841

568 Dinesh Maniar, 625 Hegenberger Road, Oakland

4/10/96

On site to witness soil excavation at above address. Perimeter sidewall samples from the large excavation were collected on Tues (4/9/96), which I did not witness. The excavations reportedly had encountered groundwater on the 9th and no bottom samples were collected. When I arrived on site (4/10/96), the excavations were dry with no groundwater encountered in any of the three (3) excavations. Informed Joe Derhake that bottom samples were to be collected since no groundwater encountered. ALL Environmental collected eight (8) bottom samples from locations approximately 20 feet in from the sidewalls. No sample was obtained from the middle of the large excavation, since it was composed of backfill material from the initial closure of the USTs. The three excavations were all approximately 5 to 5.5 feet deep. Only one groundwater monitoring well was destroyed which was the well closest to the UST petroleum hydrocarbon release area. Approximately 1000-1500 cubic yards of soil has so far been removed. Additional excavations may be warranted once the confirmatory sidewall soil samples results were reviewed. Informed ALL Environmental that the biotreatment pad soils would need to be covered so as to minimize any possible surface water runoff from the excavated soils. Informed Joe Derhake that Barney Chan would be in the office on Monday April 15th, and that I would be in RCBA training on Thursday and Friday (April 11th and 12th).

ALAMEDA COUNTY  
HEALTH CARE SERVICES

#568

AGENCY  
DAVID J. KEARS, Agency Director



Lop or Gen

RAFAT A. SHAHID, DIRECTOR

April 5, 1996

Mr. Dinesh Maniar  
400 Oyster Point Blvd., Suite 415  
South San Francisco, CA 94080

Alameda County Environmental Health Div.  
Environmental Protection Services  
1131 Harbor Bay Parkway, Room 250  
Alameda CA 94502-6577  
(510)567-6700 fax: (510)337-9335

**Re: Soil Excavation at 625 Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

Our office has received and reviewed the March 20, 1996 Soil Remediation work plan as prepared by All Environmental. This work plan replaces a similar work plan previously prepared by Levine Fricke. Based on the recent findings of the LLNL report and the recommendations of the State Water Resource Control Board (SWRCB), the All Environmental's proposed cleanup levels for benzene, BTEX, TPHg,d and mo are acceptable. In addition, the soil reuse levels of one order of magnitude less than the soil cleanup levels are also acceptable.

The work plan for soil excavation, soil remediation and soil reuse is accepted with the following conditions:

1. One soil sample will be collected every 20 linear feet along the excavation sidewalls and one soil sample will be collected every 400 square feet of the excavation floor. These samples will be analyzed discretely in a California certified lab.
2. The field screening, PetroFLAG test kit, may be used to determine the limits of necessary excavation, however, once the limits of excavation have been determined, discrete sampling as referenced in #1 must be done. Because of the PetroFLAG test cannot quantify BTEX, even soils with no detectable concentration of gas, diesel or motor oil must be run for BTEX, Method 8020, to verify BTEX cleanup levels have been attained.
3. The sampling and analysis of soils at a frequency of one discrete sample per every 50 cubic yards for reuse will be shown to be statistically appropriate per verification sampling guidelines presented in SW846.
4. Those monitoring wells which need to be closed due to the excavation must be closed under permit from the Alameda County Water District, Zone 7, phone # (510) 484-2600. Note additional replacement wells may be required in the future.
5. Runoff from the remediation cell must be avoided. No contamination to surface waters is allowed, regardless of threat to human or environmental health.



Mr. Dinesh Maniar  
StID #568  
625 Hegenberger Rd.  
April 5, 1996  
Page 2.

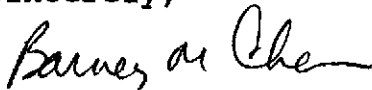
6. Please contact our office at least 48 hours prior to your final discrete soil sampling so someone from this office may have the opportunity to witness the sampling.

Keep in mind this work plan deals only with soil contamination. It was noticed that the benzene concentration in groundwater poses a potential human health threat when compared to the Tier 1 Risk Based Screening Levels (RBSLs). This will need to be addressed in the future.

In response to your consultant's request, you may eliminate TPHmo as an analyte in your future monitoring events.

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

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

c: G. Jensen, Alameda County DA Office  
J. Derhake, All Environmental, 2641 Crow Canyon Rd., San Ramon  
CA 94583  
Mr. J. Graeb, Diversified Investment Management Group,  
(address same as Mr. Maniar)  
G. Coleman, files

wpap625

# ALL ENVIRONMENTAL, INC.

Environmental Engineering & Construction

April 1, 1996

Mr. Barney Chan  
Alameda County Health Care Services Agency  
Department of Environmental Health  
Division of Hazardous Materials  
80 Swan Way, Room 200  
Oakland, CA 94621

Subject: **Well Destruction and Discontinuation of TPHo Testing**  
625 Hegenberger Road  
Oakland, California

ENVIRONMENTAL  
PROTECTION  
96 APR -4 AM 10:54

Dear Mr. Chan:

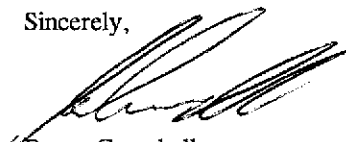
This letter is to inform you that All Environmental, Inc. (AEI) will be destroying a well at the site referenced above. The well is designated MW-24 in the workplan submitted to you by AEI entitled "Soil Remediation Workplan" dated March 20, 1996. The well stands in the way of the proposed excavation area and must be destroyed before remediation may begin.

The well will most likely be drilled out and filled with cement grout. Prior to the destruction of this well, AEI will submit all the required notification documentation and schedule all necessary inspections. The destruction of this well will take place before April 9, 1996, the current start date of the remedial activities at the above referenced site.

The well to be destroyed is one of a series of six wells which are sampled on a quarterly basis. The last sampling episode took place on January 8, 1996, and the results of this sampling are listed in AEI's report entitled "Quarterly Groundwater Monitoring Report." As stated in this report, AEI believes that the quarterly monitoring of the wells for Total Petroleum Hydrocarbons as motor oil (TPHo) should be discontinued. TPHo concentrations were not detected in the most recent monitoring episode and have either been low or not detected during the last two years. Please review your information and state in writing your position regarding the continued testing of TPHo at the subject site.

If you have any question please feel free to contact me at (510) 820-3224.

Sincerely,



Bryan Campbell  
Project Geologist

Corporate Headquarters:

2641 Crow Canyon Rd., #5  
San Ramon, CA 94583  
(510) 820-3224

Los Angeles Office:

5031 Pacific Coast Hwy., #178  
Torrance, CA 90505  
(310) 328-8878

# ALL ENVIRONMENTAL, INC.

Environmental Engineering & Construction

---

March 29, 1996

Mr. Barney Chan  
Alameda County Health Care Services Agency  
Department of Environmental Health  
Division of Hazardous Materials  
80 Swan Way, Room 200  
Oakland, CA 94621

Subject: Soil Remediation  
625 Hegenberger  
Oakland, California

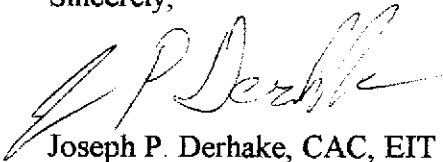
Dear Mr. Chan:

As per our telephone conversation today, I am sending you information on the PetroFLAG Analyzer. Notice that I have tabbed and highlighted the portion of the document which applies to its detection limits.

You also inquired about our confirmation sampling procedure. As we discussed on the telephone, AEI will collect one sample per 50 cubic yards of treated soil prior to backfilling. The sufficiency of the number of samples taken will be verified by statistical methods outlined in "EPA Methods of Evaluating the Attainment of Cleanup Standards" as described in EPA SW846.

If you have any question please feel free to contact me at 310-820-3224.

Sincerely,



Joseph P. Derhake, CAC, EIT  
Project Manager

---

Corporate Headquarters:

2641 Crow Canyon Rd., #5  
San Ramon, CA 94583  
(510) 820-3224

Los Angeles Office:

5031 Pacific Coast Hwy., #178  
Torrance, CA 90505  
(310) 328-8878

2/25/96 J. Verhale

- 10 sples / 100 cy → 2 sples  
w/ highest screen w/ overburden  
(<sup>is clean?</sup> or contaminated soils suspected)

- baseline samples

Composite 4 into 1 → As per  
aeration purposes.

- Reuse: 1/50 yds

analyzed in certified lab  
verify correct # of samples by subs

- Petro Plug detection limit -

- OVM detection limit.

\* Confidence limit for verification of  
# of samples needs to clarify

- all sidewall + floor sples to be analyzed

- may need to install addnl mwis to replace  
those destroyed.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

February 1, 1996  
StID # 568

Alameda County CC4580  
Environmental Health Services  
1131 Harbor Bay Pkwy., #250  
Alameda CA 94502-6577  
(510)567-6700 FAX(510)337-9335

Mr. Dinesh Maniar  
400 Oyster Point Blvd., Suite 415  
S. San Francisco, CA 94080

**Re: 625 Hegenberger Rd., Oakland CA 94621, Referral for  
Enforcement to the District Attorney Office**

Dear Mr. Maniar:

Our last communication with you was subsequent to the 1994 Pre-enforcement hearing for the above site. The items requested in the Water Board's 9/16/94 Request for Technical Reports became delinquent. I, therefore, requested an update and schedule for each item's implementation. Levine-Fricke, your consultant at that time, prepared a response letter dated July 20, 1995. As time proceeded closer to the proposed excavation date, I was contacted by Mr. James Graeb, your attorney. He requested an extension to the previously proposed dates stating that you were soliciting bids for the excavation and that negotiations would require additional time. Professional Service Industries, Inc. (PSI) was identified as the potential new contractor/consultant. I verbally agreed to an extension and later received a statement of qualifications from PSI. All this was occurring around November of 1995. Recent conversation with PSI indicates that they have not been contracted to perform any work.

Meanwhile, groundwater monitoring was performed on January 10, 1995 on the existing six wells at this site. Our office has not received any additional monitoring reports since the January 1995 monitoring event. You must continue to monitor all wells at this site on a quarterly basis. Recall, this is specifically requested in item 1 of the Water Board's Request for Technical Reports.

I have been advised by the District Attorney's Office to allow you thirty (30) days or until March 4, 1996 to come into compliance otherwise they will seek enforcement.

I would like to inform you of recent changes in acceptable remedial approach. In response to the changing regulations resulting from Senate Bill 1764 (and the SB1764 Scientific Advisory Committee), the October 16, 1995-Lawrence Livermore National Laboratory (LLNL) Study entitled "Recommendations To Improve the Cleanup Process for California's Leaking Underground Fuel Tanks" was published. The State Water Resource Control Board

Mr. Dinesh Maniar  
StID # 568  
625 Hegenberger Rd.  
February 1, 1996  
Page 2.

(SWRCB) issued its December 8, 1995 "Interim Guidance on Required Cleanup at Low Risk Fuel Sites". This document was further modified by the January 5, 1996 RWQCB's "Supplemental Instructions" a guidance document recommended for use in regulating low-risk sites. These documents concur with the findings and conclusions of the LLNL Study, which recommended that fuel sites be treated differently and less stringently than solvent sites. The study also concluded that most fuel sites fall into the low-risk category, for which source removal and passive remediation are adequate.

In order for your site to fall into the "Low Risk Groundwater Case" the following conditions must apply:

- 1) The leak has been stopped and ongoing sources, including free product, have been removed or remediated.
- 2) The site has been adequately characterized.
- 3) The dissolved hydrocarbon plume is not migrating.
- 4) No water well, deeper drinking water aquifers, surface water, or other sensitive receptors are likely to be impacted.
- 5) The site presents no significant risk to human health.
- 6) The site presents no significant risk to the environment.


Prior to initiating the previously proposed overexcavation, you are encouraged to review whether the above conditions are met. Note that these conditions are consistent with the Water Board's "Containment Policy". The SWRCB's Cleanup Fund is judiciously reviewing all work submitted for reimbursement to insure that it is consistent with these new policies prior to approving funding. Without quarterly monitoring, it is not possible to verify the above conditions. At a minimum, a Risk Assessment should be performed for this site to determine the potential threat to human health.

**Please provide your quarterly monitoring report and your work plan to determine if this site is of "low risk" to our office within 30 days.**

Mr. Dinesh Maniar  
StID # 568  
625 Hegenberger Rd.  
February 1, 1996  
Page 2.

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

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

c: G. Jensen, Alameda County District Attorney Office  
2H Mr. J. Graeb, Diversified Investment, 400 Oyster Point Blvd.,  
Suite 415, S. San Francisco, CA 94080  
G. Coleman, files

ENF625

JAMES T. GRAEB  
ATTORNEY AT LAW  
400 OYSTER POINT BLVD., SUITE 415  
SOUTH SAN FRANCISCO, CA 94080  
(415) 266-8080

September 5, 1995

VIA FACSIMILE & REGULAR MAIL

Mr. Barney M. Chan  
Hazardous Materials Specialist  
Alameda County Health Care  
Services Agency  
80 Swan Way, Room 200  
Oakland, California 94621

Re: 625 Hegenberger Road, Oakland, California

Dear Barney:

Enclosed with the hard copy of this letter is the Statement of Qualifications by PSI. It is my understanding that PSI acquired GeoResource Consultants, Inc. which was a local company. Most of the people from GeoResource Consultants are still with PSI.

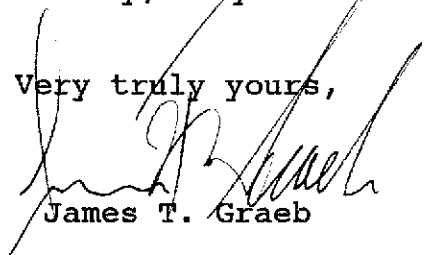
As I mentioned to you on the telephone, the bid for site work by Levine - Fricke was very high. We were introduced to PSI by the lender on the property and asked PSI to bid Levine - Fricke's scope of work. The initial bid came back some \$37,000 lower than Levine - Fricke.

We have now asked PSI to bid a "turn key" price, such that all costs, including construction and related matters, are covered in a single bid. We have also asked Levine - Fricke to bid on a "turn key" price and have asked a third contractor/environmental firm to bid.

We should have all the bids back next week. Once the bids are received, we anticipate awarding the contract to the low bidder right away and proceeding with the clean up. Although this has caused some time delay, I feel that the substantial differences we are seeing in the pricing, warrant a reasonable extension.

Please let me know if there is anything that I can do to give you assurances that Mr. Maniar is moving diligently towards a clean up of this property. Naturally, if you have any questions, please feel free to call.

Very truly yours,

  
James T. Graeb



JAMEST. GRAEB  
ATTORNEY AT LAW  
400 OYSTER POINT BLVD., SUITE 415  
SOUTH SAN FRANCISCO, CA 94080  
(415) 266-8080

*10/2/95*

**FACSIMILE TRANSMISSION SHEET**

**PLEASE DELIVER THE FOLLOWING PAGES TO:**

**NAME:** Barney M. Chan

**LOCATION/TELECOPY NUMBER:** 510-337-9335

**FROM:** James T. Graeb

**DATE/TIME:** September 5, 1995

**PAGES TRANSMITTED (INCLUDING THIS PAGE):** 2

**SUBJECT:** 625 Hegenberger Road, Oakland, California

**MESSAGE:**

This message is intended for the use of the individual or entity to which it is addressed, and may contain information that is privileged or confidential. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank You.

The original of this transmittal will be returned to the originator to confirm transmission date and time.

Please contact Pam immediately at 415-266-8080 if the document is incomplete or if transmission quality is unacceptable.

JAMES T. GRAEB  
ATTORNEY AT LAW  
400 OYSTER POINT BLVD., SUITE 416  
SOUTH SAN FRANCISCO, CA 94080  
(415) 266-8080

September 5, 1995

VIA FACSIMILE & REGULAR MAIL

Mr. Barney M. Chan  
Hazardous Materials Specialist  
Alameda County Health Care  
Services Agency  
80 Swan Way, Room 200  
Oakland, California 94621

Re: 625 Hegenberger Road, Oakland, California

Dear Barney:

Enclosed with the hard copy of this letter is the Statement of Qualifications by PSI. It is my understanding that PSI acquired GeoResource Consultants, Inc. which was a local company. Most of the people from GeoResource Consultants are still with PSI.

As I mentioned to you on the telephone, the bid for site work by Levine - Fricke was very high. We were introduced to PSI by the lender on the property and asked PSI to bid Levine - Fricke's scope of work. The initial bid came back some \$37,000 lower than Levine - Fricke.

We have now asked PSI to bid a "turn key" price, such that all costs, including construction and related matters, are covered in a single bid. We have also asked Levine - Fricke to bid on a "turn key" price and have asked a third contractor/environmental firm to bid.

We should have all the bids back next week. Once the bids are received, we anticipate awarding the contract to the low bidder right away and proceeding with the clean up. Although this has caused some time delay, I feel that the substantial differences we are seeing in the pricing, warrant a reasonable extension.

Please let me know if there is anything that I can do to give you assurances that Mr. Maniar is moving diligently towards a clean up of this property. Naturally, if you have any questions, please feel free to call.

Very truly yours,

  
James T. Graeb



July 20, 1995

LF 3015.95-001

Mr. Barney Chan, Hazardous Materials Specialist  
Alameda County Health Care Services Agency  
Department of Environmental Health  
Division of Hazardous Materials  
1131 Harbor Bay Parkway, Room 250  
Alameda, California 94502-6577

Subject: Schedule for Remedial Activities at 625 Hegenberger  
Road, Oakland, California

Dear Barney:

As you requested, Levine-Fricke has prepared this letter on behalf of Diversified Investment and Management Corp. (DI) for remedial activities to be performed at the DI property located at 625 Hegenberger Road, Oakland, California.

DI proposes the following schedule:

Begin preconstruction activities	September 1, 1995
Bid walk	October 3, 1995
Bid period	October 3 - 27, 1995
Notice to proceed	Oct 31, 1995
Contractor mobilize on site	November 13, 1995
Complete excavation	November 22, 1995
Aeration begins	December 1995 (weather permitting)
Aeration complete	May 1996
Complete backfill	June 1996

If you have any questions or comments regarding this schedule for remediation activities, please do not hesitate to call me or John Sturman, P.E., R.G.

Sincerely,

Shellie Fletcher  
Senior Staff Engineer

cc: James Graeb, Diversified Investment and Management Corp.

AMERICAN CONSTRUCTION & ENVIRONMENTAL SERVICES, INC.

567 Exchange Court  
Livermore, CA 94550  
510-447-2484 PH.  
510-447-9178 FAX

FAX COVER SHEET

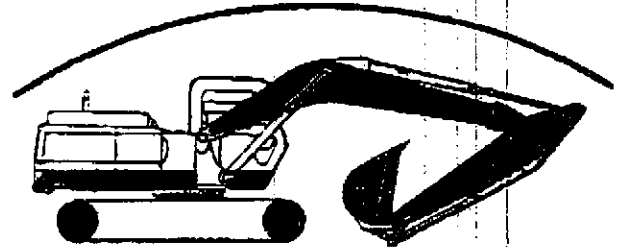
DATE: 5-19-95

TOTAL NO. OF PAGES 1 (including cover sheet)

TO: Alameda co. Env. Health

ATTN: Barney Chan

FAX # 337-9335



FROM: RICK HENDERSON

SUBJ: Letter of Knowledge of site

PROJ: 625 Hegenberger rd OAKLAND

NOTES: Barney, per our phone conversation,  
please provide a hand written statement  
of your knowledge of prior contamination  
evidence prior to tank removal and knowledge  
of tank removal, whether or not C.W.  
CAUSED contamination AS A RESULT OF tank

IF YOU DO NOT RECEIVE ALL PAGES PLEASE CONTACT 510 447-2484 EXT. 100

puncture. thank you Rick Henderson.

The information contained in this facsimile transmission is intended only for the personal and confidential use of the designated recipient named above. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.

...KARI\FAXCOV.FOR



5/23/95

TO: RICK HENDERSON  
FROM: BARNEY CHAN, ACEH-LOP  
RE: 625 HEGENBERGER RD. STFD # 56P.

Regarding this site, our office has been overseeing the investigation and remediation of the above site through the County's Local Oversight Program (LOP) since 1992. There has been information regarding contamination (petroleum) at this site since 1988. This information is in an April 27, 1988 Subsurface Consultant report. This report found soil + groundwater contamination. Subsequent monitoring well installations and groundwater sampling have verified significant gasoline contamination. All this information was found prior to the tank removals. I witnessed the tank removals. The tanks had no obvious holes.

I hope this information is useful.

Sincerely,

Barney Chan.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. CARP, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

ALAMEDA COUNTY-ENV. HEALTH DEPT.  
ENVIRONMENTAL PROTECTION DIV.  
1131 HARBOR BAY PKWY., #250  
ALAMEDA CA 94502-6577  
(510)567-6700

April 19, 1995  
StID # 568

Mr. Dinesh Maniar  
400 Oyster Point Blvd., Suite 415  
S. San Francisco, CA 94080

Re: Comment on April 5, 1995 Supplemental Site Investigation and  
Conceptual Remediation Plan for 625 Hegenberger Rd., Oakland  
CA 94621

Dear Mr. Maniar:

This letter serves to comment on the above referenced report prepared by your consultant, Levine & Fricke, and to redirect the investigation of the above site to achieve the goals initially set out in the Water Board's prior request for technical reports. As you are aware, the Water Board's September 1994 technical report letter requested certain reports and the completion of the appropriate field work by specific dates. If you look at these anticipated dates, you will see that all dates for items 2-4 have been exceeded and item 4, the submission of a work plan for remediation, was approximately 3 months late. In fact, the actual implementation of the remediation work plan was requested by March 15, 1995.

I trust that a number of unforeseen actions have contributed to the delays in meeting the above deadlines, therefore, instead of recommending this site for enforcement to the District Attorney Office, I will provide a course to meet new realistic deadlines and use referral to the District Attorney Office as the last alternative.

Certain actions previously considered are being reconsidered, therefore, the numbered items of the Water Board request are dependent on the choices you make for soil disposal and those decisions based on your recent supplemental investigation and the actual results of your next excavation.

After review of the April 5, 1995 report, our office has the following comments/requirements:

1. Based on your consultant's evaluation of remediation options for this site, our office agrees with the proposal to excavate the affected vadose zone soils. The proposed "clean-up levels" used for the Malibu Grand Prix site are acceptable for the Non-Attainment Area approach for site management. Our office would encourage limited groundwater removal if it is encountered during your excavation activities.

Mr. D. Maniar  
StID # 568  
625 Hegenberger Rd.  
April 19, 1995  
Page 2.

2. Our office has no comment on the treatment/disposal of the excavated soils as long as it is done with appropriate regulatory notification/permitting and satisfactory soil disposal documentation is provided to our office. Although, the initial soil "clean-up levels" are also consistent for soil reuse, our office would recommend soil treatment to as low levels of petroleum contamination as possible prior to reuse.

3. Groundwater monitoring should remain as previously stated by our office, ie quarterly, with your monitoring reports provided to our office **within 45 days of each monitoring event**. Your next monitoring should occur this month if it has already.

4. Please provide a map showing the areal extent of your proposed excavation. The cubic yardage has been estimated but we would like to see the areal estimate. Is Figure 3 the proposed extent of excavation? Will excavation be the approach to address the free product found in boring LF-26? If not, how will it be addressed?

5. Please clarify your sampling frequency for confirmatory soil sampling after excavation. Our office will require at a minimum, 1 discrete soil sample for every 20 linear feet of excavation. Our office should also be notified **48 working hours prior to any sampling** so we may arrange to be present if possible.

6. Please keep in mind that the mentioned "clean-up levels" apply only to soil. Some type of risk assessment will be required for any residual petroleum groundwater contamination. Note this is a requirement of the Non-Attainment Area policy.

7. Our office agrees with the point made by L&F in the April 5, 1995 report ie the extent of groundwater contamination has not been determined in the south-southwesterly direction. An additional monitoring well(s) will be required in the future.

In order to redirect the site investigation, your work plan taking into account the above items, should be initiated **within 60 days or by July 20, 1995**. Failure to initiate work by that time will cause this case to be referred to the District Attorney Office.

Mr. D. Maniar  
StID # 568  
625 Hegenberger Rd.  
April 19, 1995  
Page 3.

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

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office  
S. Morse, SFRWQCB  
Mr. N. Tsui, OITC, 1714 Franklin St., Oakland CA 94612  
Mr. J. Graeb, Diversified Investment, 400 Oyster Point Blvd.,  
Suite 415, S. San Francisco, CA 94080  
Ms. S. Fletcher, Levine & Fricke, 1900 Powell St., 12th  
Floor, Emeryville, CA 94608

RAP625



ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
ALAMEDA COUNTY CC4580  
DEPT. OF ENVIRONMENTAL HEALTH  
ENVIRONMENTAL PROTECTION DIV.  
1131 HARBOR BAY PKWY., #250  
ALAMEDA CA 94502-6577

February 22, 1995  
StID # 568

Mr. Dinesh Maniar  
400 Oyster Point Blvd., Suite 415  
S. San Francisco, CA 94080

**Re: Update on Status of Subsurface Investigation at 625  
Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

This letter serves to recount the recent conversation I had with Ms. Shelly Fletcher of Levine Fricke (LF), who has replaced Ms. Sue Henry as Project Lead. Due to this change in individual lead, the report detailing the most recent supplemental investigation performed in December 1994 would be delayed. With the understanding that all other subsequent actions would therefore also be delayed, you should note that the deadlines previously outlined in the **Request for Technical Reports** should be changed to reflect this. The new request dates should read:

1. The report detailing the results of the supplemental investigation will be provided by **March 21, 1995**.
2. A work plan for the remediation of the site should be provided by **May 21, 1995**, approximately 8 weeks after submission of the report. Initiation of the above work plan will proceed **within 60 days** of submission of the work plan **ie by July 21, 1995**. It is understood that quarterly groundwater monitoring should continue until directed otherwise by the Regional Water Quality Control Board (RWQCB) or this office.

In response to a request in the February 6, 1995 quarterly monitoring report, our office approves the discontinuance of analysis for TPH as oil in future monitoring events, however, you should continue to analyze for TPH as diesel, as gasoline and BTEX.

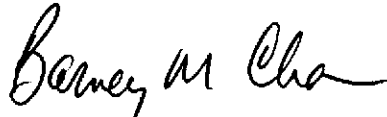
Additionally in our conversation, we discussed the potential reuse of the stockpiled soils in the rear of the property. Our office will require a sampling plan which appropriately characterizes this soil. Total Oil and Grease would also need to be shown to have originated from fill material rather than from a release to the surface or the subsurface.

Mr. D. Maniar  
StID # 568  
625 Hegenberger Rd.  
February 22, 1995  
Page 2.

We also discussed potential cleanup standards for both soil and groundwater. I recommended as an initial step using the "Look-Up Table" as presented in ASTM's ES 38 document.

You should contact me at (510) if you have any questions.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office  
J. Graeb, Diversified Investment and Management Corp.,  
400 Oyster Point Blvd., Suite 415, S. San  
Francisco, CA 94080  
Ms. Shelley Fletcher, Levine Fricke, 1900 Powell St., 12th  
Floor, Emeryville, CA 94608  
E. Howell, files

*direct #*  
*596-9591*

updt625

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH

September 30, 1994  
StID # 568

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY  
DEPARTMENT OF ENVIRONMENTAL HEALTH  
1131 HARBOR BAY PARKWAY, 2ND FLOOR  
ALAMEDA, CA 94502-6577

Mr. Dinesh Maniar  
400 Oyster Point Blvd., Suite 415  
S. San Francisco, CA 94080

**Re: Comment on September 26, 1994 Supplemental Site Investigation  
Work Plan for 625 Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

Our office has received and reviewed the above referenced work plan prepared by Levine Fricke (L&F). I have also discussed its contents with Ms. Sue Henry of L&F. In general our office approves of the work plan with the following comments and requirements:

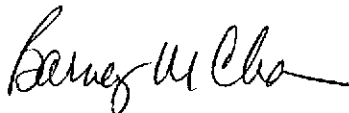
1. A minimum of one and up to three soil samples from each boring will be run by the laboratory, however, all samples will be screened using the PID field instrument.
2. A grab groundwater sample will be taken from the proposed boring between former borings 4 and 5.
3. An additional grab groundwater sample will be taken west of MW11 in order to determine the extent of groundwater contamination.
4. Following the current groundwater monitoring event, if total lead is again non-detectable in all wells, it may be dropped from the required target analytes. Please contact me at least **48 working hours** prior to any field work so I may arrange to be present if possible.

Please be aware of the time schedule stated in the RWQCB letter. It appears that you will not be able to perform this work by October 3, 1994 as required, however, you should make every attempt to perform it ASAP and provide a report of this work by November 15, 1994.

You may contact me at (510) 567-6765 if you have any questions. Our new address is 1131 Harbor Bay Parkway, Room 250, Alameda CA 94502.

Mr. Dinesh Maniar  
StID # 568, 625 Hegenberger Rd.  
September 30, 1994  
Page 2.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office  
J. Graeb, Diversified Investment and Management Corporation,  
400 Oyster Point Blvd., Suite 415, S. San  
Francisco, Ca 94080  
Mr. N. Tsui, OITC, 1714 Franklin St., Oakland CA 94a612  
Ms. S. Henry, Levine Fricke, 1900 Powell St., 12th Floor,  
Emeryville, CA 94608  
E. Howell, files

3wp625

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**

SAN FRANCISCO BAY REGION

2101 WEBSTER STREET, SUITE 300

OAKLAND, CA 94612

(510) 286-1235



Mr. Dinesh Maniar  
400 Oyster Point Blvd., Suite 415  
S. San Francisco, CA 94080

Mr. Nelson Tsui  
OITC  
1714 Franklin St.  
Oakland CA 94612

RE: **Legal Request for Submittal of a Technical Report Resulting from the Alameda County Department of Environmental Health's Enforcement Panel Meeting of June 21, 1994.**

Dear Sirs:

It has been brought to my attention by Regional Board staff that a condition of soil and ground water pollution exists on your property from an underground storage tank release. The Alameda County Department of Environmental Health (ACHD) staff have requested technical reports from you to fulfill your obligations per California Code of Regulations, Title 23, Waters, Chapter 16, Underground Storage Tank Regulations, Article 11, Corrective Action Requirements. It is my understanding that ACHD staff were unsuccessful in eliciting your co-operation in resolving these issues through normal correspondence.

A Pre-Enforcement Review Panel was held at the ACHD Offices on June 21, 1994, unattended by someone of my staff due to a prior committment. Our office has been appraised of what transpired during this meeting during which time specific items requested by Alameda County were verbally committed to by your attorney, Mr. James T. Graeb. Further, these time committments where transmitted through a faxed letter to the County from Mr. Graeb. Pursuant to the Regional Board's authority under Section 13267(b) of the California Water Code, you are hereby required to submit technical reports to address soil and ground water pollution by the following dates. The technical reports should specifically address the following numbered items:

- 1) The next quarterly groundwater monitoring will occur by October 3, 1994 and a technical report provided to the County no later than 45 days after each monitoring event. Subsequent groundwater monitoring shall continue on a quarterly basis until stated otherwise by Alameda County or the RWQCB.

- 2) The removal of all stockpiled soils shall be accomplished by September 30, 1994, unless bioremediation of this soil is being considered. In this event, by November 15, 1994, your Supplemental investigation/Conceptual Remediation Plan Report will include a workplan for the bioremediation of the stockpiled soils and any other generated by additional excavation. Should your plan determine that bioremediation is not viable, the stockpiled soils shall be disposed by December 15, 1994.
- 3) A work plan for supplemental investigation which may include additional subsurface borings, monitoring wells, etc. should be submitted by September 15, 1994. The performance of this workplan should occur by October 3, 1994. The report detailing the results of this supplemental investigation will be provided by November 15, 1994.
- 4) A work plan for the remediation of the site should be provided by January 15, 1995, approximately 8 weeks after submission of the report for the supplemental investigation. Initiation of the above work plan will proceed within 60 days of submission of the work plan.

All proposed work should adhere to the requirements articulated in The Tri-Regional Board Staff Recommendations for the Preliminary Evaluation and Investigation of Underground Storage Tank Sites - 8/10/90 and Article 11 of Title 23, Waters, California Code of Regulations.

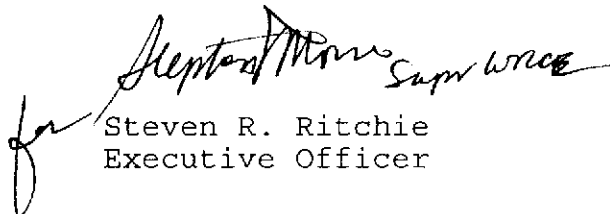
I am hereby transmitting this request for a technical report to ACHD for service and continued case handling. You should be aware that failure on your part to submit the requested technical report, or a submittal received after the date specified in this request may result in fines up to \$1,000 per day of delinquency. Your response to this technical report request should be sent to **Mr. Barney Chan**, at ACHD. Please inform **Mr. Barney Chan** at least three working days in advance of all field activities.

Enforcement Panel Meeting  
625 Hegenberger Rd., 94621  
Page 3 of 3.

Please be advised that this is a formal request for technical reports pursuant to California Water Code Section 13267(b). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or the Alameda County Department of Environmental Health, Hazardous Materials Division.

If you have any questions regarding the contents of this letter, please contact Mr. Barney Chan, of ACHD, at (510) 271-4520.

Sincerely,

  
Steven R. Ritchie  
Executive Officer

cc: Gil Jensen, Alameda County District Attorney's Office,  
Consumer & Environmental Protection Division.  
Barney Chan, Hazardous Materials Specialist, ACHD.



1900 Powell Street, 12th Floor  
 Emeryville, California 94608-1811  
 (510) 652-4500; FAX (510) 652-2246

Date	September 26, 1994		
Time	12:20pm		
From	Susan Henry/John Sturman		
Deliver To	Barney Chan		
Name of Firm	ACHA Department of Environmental Health		
FAX No.	337-9335	LF Project No.	3015.94-04

Number of Pages: This cover page plus **15** pages

Remarks:

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE PERSON RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, DO NOT USE OR DISCLOSE THIS FACSIMILE. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL TO LEVINE-FRICKE VIA THE U.S. POSTAL SERVICE. THANK YOU.





**Work Plan for  
Supplemental Site Investigation and  
Conceptual Remedial Planning  
625 Hegenberger Road  
Oakland, California**

**September 26, 1994  
3015.94-04**

**Prepared for  
Diversified Investment and  
Management Corporation  
400 Oyster Point Boulevard, Suite 415  
South San Francisco, California 94080**



**LEVINE·FRICKE**

**LEVINE•FRICKE**

ENGINEERS, HYDROGEOLOGISTS &amp; APPLIED SCIENTISTS

September 26, 1994

LF 3015.94-04

Mr. Barney Chan, Hazardous Materials Specialist  
Alameda County Health Care Services Agency  
Department of Environmental Health  
Division of Hazardous Materials  
1131 Harbor Bay Parkway, Room 250  
Alameda, California 94502-6577

Subject: Work Plan for Supplemental Site Investigation and  
Conceptual Remedial Planning, 625 Hegenberger Road,  
Oakland, California

Dear Mr. Chan:

This work plan for Supplemental Site Investigation and  
Conceptual Remedial Planning is submitted by Levine-Fricke,  
Inc. ("Levine-Fricke") on behalf of Diversified Investment and  
Management Corp., for the former fuel service station site  
located at 625 Hegenberger Road, Oakland, California.

Sincerely,

John Sturman, P.E., R.G.  
Senior Geotechnical Engineer

Susan M. Henry, Ph.D.  
Senior Project Environmental  
Engineer

Enclosures

cc: James T. Graeb, Diversified Investments and Management  
Corp.

3015\3015SSI.LP:FNC

1900 Powell Street, 12th Floor  
Emeryville, California 94608  
(510) 652-4500  
Fax (510) 652-2246



986 338 305

BC



**Receipt for  
Certified Mail**

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

PS Form 3800, June 1991

Sent to	
Mr. Nelson Tsui	
Street and No.	
1714 Franklin Street	
P.O., State and ZIP Code	
Oakland CA 94612	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	



BC

P 386 338 384



**Receipt for Certified Mail**

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

Sent to		Mr. Dinesh Maniar
Street and No.		400 Oyster Point Blvd. STE415
P.O., State and ZIP Code		S. San Francisco CA 94080
Postage		\$
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, and Addressee's Address		
TOTAL Postage & Fees		\$
Postmark or Date		

PS Form 3800, June 1991

## CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION  
2101 WEBSTER STREET, SUITE 500  
OAKLAND, CA 94612  
(510) 286-1255



Mr. Dinesh Maniar  
400 Oyster Point Blvd., Suite 415  
S. San Francisco, CA 94080

Mr. Nelson Tsui  
OITC  
1714 Franklin St.  
Oakland CA 94612

RE: **Legal Request for Submittal of a Technical Report Resulting from the Alameda County Department of Environmental Health's Enforcement Panel Meeting of June 21, 1994.**

Dear Sirs:

It has been brought to my attention by Regional Board staff that a condition of soil and ground water pollution exists on your property from an underground storage tank release. The Alameda County Department of Environmental Health (ACHD) staff have requested technical reports from you to fulfill your obligations per California Code of Regulations, Title 23, Waters, Chapter 16, Underground Storage Tank Regulations, Article 11, Corrective Action Requirements. It is my understanding that ACHD staff were unsuccessful in eliciting your co-operation in resolving these issues through normal correspondence.

A Pre-Enforcement Review Panel was held at the ACHD Offices on June 21, 1994, unattended by someone of my staff due to a prior commitment. Our office has been appraised of what transpired during this meeting during which time specific items requested by Alameda County were verbally committed to by your attorney, Mr. James T. Graeb. Further, these time commitments were transmitted through a faxed letter to the County from Mr. Graeb. Pursuant to the Regional Board's authority under Section 13267(b) of the California Water Code, you are hereby required to submit technical reports to address soil and ground water pollution by the following dates. The technical reports should specifically address the following numbered items:

- 1) The next quarterly groundwater monitoring will occur by October 3, 1994 and a technical report provided to the County no later than 45 days after each monitoring event. Subsequent groundwater monitoring shall continue on a quarterly basis until stated otherwise by Alameda County or the RWQCB.

- 2) The removal of all stockpiled soils shall be accomplished by September 30, 1994, unless bioremediation of this soil is being considered. In this event, by November 15, 1994, your Supplemental investigation/Conceptual Remediation Plan Report will include a workplan for the bioremediation of the stockpiled soils and any other generated by additional excavation. Should your plan determine that bioremediation is not viable, the stockpiled soils shall be disposed by December 15, 1994.
- 3) A work plan for supplemental investigation which may include additional subsurface borings, monitoring wells, etc. should be submitted by September 15, 1994. The performance of this workplan should occur by October 3, 1994. The report detailing the results of this supplemental investigation will be provided by November 15, 1994.
- 4) A work plan for the remediation of the site should be provided by January 15, 1995, approximately 8 weeks after submission of the report for the supplemental investigation. Initiation of the above work plan will proceed within 60 days of submission of the work plan.

All proposed work should adhere to the requirements articulated in The Tri-Regional Board Staff Recommendations for the Preliminary Evaluation and Investigation of Underground Storage Tank Sites - 8/10/90 and Article 11 of Title 23, Waters, California Code of Regulations.

I am hereby transmitting this request for a technical report to ACHD for service and continued case handling. You should be aware that failure on your part to submit the requested technical report, or a submittal received after the date specified in this request may result in fines up to \$1,000 per day of delinquency. Your response to this technical report request should be sent to Mr. Barney Chan, at ACHD. Please inform Mr. Barney Chan at least three working days in advance of all field activities.

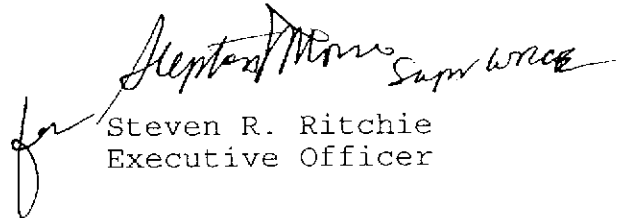


Enforcement Panel Meeting  
625 Hegenberger Rd., 94621  
Page 3 of 3.

Please be advised that this is a formal request for technical reports pursuant to California Water Code Section 13267(b). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or the Alameda County Department of Environmental Health, Hazardous Materials Division.

If you have any questions regarding the contents of this letter, please contact Mr. Barney Chan, of ACHD, at (510) 271-4520.

Sincerely,

 *Steven R. Ritchie*  
for Steven R. Ritchie  
Executive Officer

cc: Gil Jensen, Alameda County District Attorney's Office,  
Consumer & Environmental Protection Division.  
Barney Chan, Hazardous Materials Specialist, ACHD.

JAMES T. GRAEB  
ATTORNEY AT LAW  
400 OYSTER POINT BLVD., SUITE 415  
SOUTH SAN FRANCISCO, CA 94080  
(415) 266-8080

FILED  
HAZMAT  
94 JUL -6 PM 2:07

June 23, 1994

**VIA FACSIMILE & REGULAR MAIL**

Mr. Barney M. Chan  
Hazardous Materials Specialist  
Alameda County Health Care  
Services Agency  
80 Swan Way, Room 200  
Oakland, California 94621

Re: 625 Hegenberger Road, Oakland, CA

Dear Mr. Chan:

Pursuant to our discussions at the Pre-Enforcement Hearing on June 21, 1994, Mr. Dinesh Maniar and Diversified Investment & Management Corporation have agreed to take the following actions and provide the following reports on the dates specified below:

A. Quarterly Monitoring:

First quarterly monitoring event	June 30, 1994
First quarterly monitoring report	August 15, 1994

All subsequent monitoring events and reports to be provided as per agreement between Alameda County and Levine-Fricke.

B. On Site Soil Removal:

Complete Further Testing and File Plan for Soils Removal	August 15, 1994
Remove Existing Soils from Site	September 30, 1994

C: Supplemental Site Investigation:

Supplemental Investigation Workplan	September 1, 1994
Supplemental Investigation	September 15, 1994
Supplemental Investigation/Conceptual Remediation Plan Report	November 15, 1994

D: Further Site Remediation:

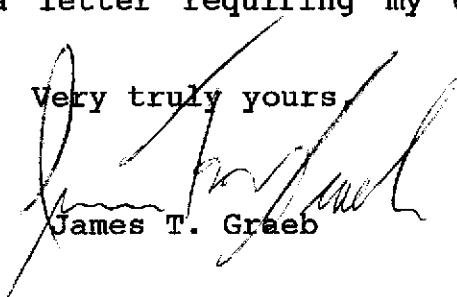
Workplan for Remediation of Site	8 weeks after agency approval of conceptual site cleanup plan
Commence Site Remediation	60 days after Workplan approval

E: Reports & Filings:

All reports and filings shall comport with the foregoing schedules and such other time frames as may be agreed upon.

Please call if any of the foregoing is not reflected in your records of the hearing. As I mentioned at the hearing, these dates do not have any allowance for small delays and we again request that an additional 15 days for each activity be allowed. We understand that the San Francisco Bay Regional Water Quality Control Board will be issuing a letter requiring my clients' compliance with the above dates

Very truly yours,



James T. Graeb

JTG/llk

cc: Susan Henry, Ph.D.  
William D. Wick, Esq.

6/21/94

625 Haysenberg Rd.

Gil Jansen	Alameda Co DA	(510) 569-9281
Thomas Research	Alameda Co.	(510) 271-4530
Barney Chan	Alameda County	(510) 271-4530
SUSAN HENRY	LEVINE-FRICKE	(510) 652-4502
DINESH MANIAR		(415) 266-8080
BILL WICK	CROSBY, HEAFY	(510) 466-6842
JAMES T. GRAEB	DIVERSIFIED	(415) 266-8085

1-2<sup>00</sup> pm

---

Specific time schedule will be provided for all requested "need" items.

- ① QM Commitment should be indefinite not 1yr
- ② WP for site assessment \_\_\_\_\_  
performance of site assessment + GWA <sup>monitoring</sup> results &  
conceptual approach for site remediation \_\_\_\_\_
- ③ Disposal of stockpiled soils \_\_\_\_\_

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1.  Addressee's Address

2.  Restricted Delivery  
Consult postmaster for fee.

3. Article Addressed to: BC #568

Mr. Dinesh Maniar  
Diversified Investments  
400 Oyster Point Blvd.  
Suite 415  
So. San Francisco CA  
94080

4a. Article Number  
P 029 0244 656

4b. Service Type  
 Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery  
6.9.94

5. Signature (Addressee)  
*Dinesh Maniar*

6. Signature (Agent)  
*Rina Alvarado*

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 U.S. POST OFFICE DOMESTIC RETURN RECEIPT

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1.  Addressee's Address

2.  Restricted Delivery  
Consult postmaster for fee.

3. Article Addressed to: (BC) #568

Dinesh Maniar  
400 Oyster Pt. Bl #415  
So. San Francisco CA 94080

4a. Article Number  
P 072 565 812

4b. Service Type  
 Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery  
2.26.93

5. Signature (Addressee)

6. Signature (Agent)  
*Rina Alvarado*

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 U.S. POST OFFICE DOMESTIC RETURN RECEIPT

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: (BC) #568

Mr. Nelson Tsui  
Oak. Intl. Trade Center  
1714 Franklin Street  
Oakland CA 94612

4a. Article Number  
P 072 565 811

4b. Service Type

Registered  Insured

Certified  COD

Express Mail  Return Receipt for Merchandise

7. Date of Delivery  
2-26

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent) *Chris B*

PS Form 3811, December 1991 ☆ U.S.G.P.O.: 1992-307-530 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: (BC) #568

Mr. Nelson Tsui  
Oakland Intl. Trade Center  
1714 Franklin Street  
Oakland CA 94612

4a. Article Number  
P 113 815 376

4b. Service Type

Registered  Insured

Certified  COD

Express Mail  Return Receipt for Merchandise

7. Date of Delivery  
2-26

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent) *Chris B*

PS Form 3811, December 1991 ☆ U.S.G.P.O.: 1992-307-530 **DOMESTIC RETURN RECEIPT**

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1.  Addressee's Address
- 2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: BC #568  
 Mr. Nelson Tsui  
 OITC  
 1714 Franklin Street  
 Oakland CA 94612

4a. Article Number  
P 029 244 655

- 4b. Service Type
- Registered  Insured
  - Certified  COD
  - Express Mail  Return Receipt for Merchandise

7. Date of Delivery  
10/9/94

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Thank you for using Return Receipt Service.

Alameda County Health Care Services Agency, Department of  
Environmental Health, Hazardous Materials Division

In Re The Property Known As : )  
Oakland Int'l Trade Center )  
625 Hegenberger Rd. )  
Oakland CA 94621 )

Notice of Reset of  
Pre-Enforcement  
Review Panel

(insert address of property)

Notice is hereby given that upon the motion of the Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board a **Review Panel** will convene on June 21, 1994 at 11:00 am in the offices of the Alameda County Hazardous Materials Division located at 80 Swan Way, Room 200, Oakland, CA 94621. This **Review Panel** will convene for the purpose of determining responsible parties as well as appropriate closure, site assessment, clean-up and mitigation of contamination at the above location.

The Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board have named and served notice of this **Review Panel** on the following persons or entities as having proposed responsibility for closure, site assessment, clean-up and mitigation of contamination at the above location, and by this notice all parties named herein are informed of the right to appear and show cause, if any they have, for the exclusion or inclusion of any of the parties served herein from said responsibility or obligations:

1. Mr. Dinesh Maniar, Diversified Investments  
(name)  
400 Oyster Point Blvd., Suite 415, S. San Francisco, CA 94080  
(address)
2. Mr. Nelson Tsui, OITC  
1714 Franklin St., Oakland CA 94612

Dated: 6/07/94

  
(signature)



Alameda County Health Care Services Agency, Department of  
Environmental Health, Hazardous Materials Division

In Re The Property Known As :  
Oakland Int'l Trade Center  
625 Hegenberger Rd.  
Oakland CA 94621

Proof of Service of  
Notice of  
Pre-Enforcement  
Review Panel

I Barney Chan, do hereby certify

that I served Mr. Dinesh Maniar, 400 Oyster Point Blvd., Suite 415, South San Francisco, CA 94080

with a copy of the attached Notice of Pre-Enforcement

Panel on June 7, 1994 by certified

mailer # P 029 244 656

Dated: 06/07/94

Barney Chan  
(signature)

P 029 244 656

BC #568

**Receipt for  
Certified Mail**

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)



So

Sent to	Dinesh Maniar
Street and No.	400 Oyster Point Blvd.
P.O., State and ZIP Code	Suite 415 San Francisco CA 94080
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, June 1991

Alameda County Health Care Services Agency, Department of  
Environmental Health, Hazardous Materials Division

In Re The Property Known As : )  
Oakland Int'l Trade Center )  
625 Hegenberger Rd. )  
Oakland CA 94621 )

Notice of Reset of  
Pre-Enforcement  
Review Panel

(insert address of property)

Notice is hereby given that upon the motion of the Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board a **Review Panel** will convene on June 21, 1994 at 11:00 am in the offices of the Alameda County Hazardous Materials Division located at 80 Swan Way, Room 200, Oakland, CA 94621. This **Review Panel** will convene for the purpose of determining responsible parties as well as appropriate closure, site assessment, clean-up and mitigation of contamination at the above location.

The Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board have named and served notice of this **Review Panel** on the following persons or entities as having proposed responsibility for closure, site assessment, clean-up and mitigation of contamination at the above location, and by this notice all parties named herein are informed of the right to appear and show cause, if any they have, for the exclusion or inclusion of any of the parties served herein from said responsibility or obligations:

1. Mr. Dinesh Maniar, Diversified Investments

(name)

400 Oyster Point Blvd., Suite 415, S. San Francisco, CA 94080

(address)

2. Mr. Nelson Tsui, OITC

1714 Franklin St., Oakland CA 94612

Dated: 6/07/94

Barnes, Che  
(signature)

**Alameda County Health Care Services Agency, Department of  
Environmental Health, Hazardous Materials Division**

In Re The Property Known As :  
Oakland Int'l Trade Center  
625 Hegenberger Rd.  
Oakland CA 94621

**Proof of Service of  
Notice of  
Pre-Enforcement  
Review Panel**

I Barney Chan, do hereby  
that I served Mr. Nelson Tsui, OITC, 1714  
Oakland CA 94612  
with a copy of the attached Notice of Pre-Enforcement  
Panel on June 7, 1994 by certified  
mailer # P 029 244 655

Dated: 06/07/94

*Barney Chan*  
(signature)

P 029 244 655

BC #568



**Receipt for  
Certified Mail**

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

Sent to		Nelson Tsui
Street and No.		1714 Franklin St.
P. O., State and ZIP Code		Oakland CA 94612
Postage		\$
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, and Addressee's Address		
TOTAL Postage & Fees		\$
Postmark or Date		

PS Form 3800, June 1991

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

April 20, 1994  
StID #568

Mr. Dinesh Maniar  
400 Oyster Point Blvd., Suite 415  
South San Francisco, CA 94080

**FINAL NOTICE OF VIOLATION**

**Re: Request for Technical Reports for Subsurface Investigation  
at 625 Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

Our last correspondence with you occurred on February 4, 1994 in a **Notice of Violation**. Prior to that letter, our office wrote to you in a November 10, 1993 letter. In these letters, we requested a complete tank closure report, a work plan for future investigation and remediation of this site and a copy of the most recent quarterly groundwater monitoring event. To this date, our office has received only the January 27, 1994 report documenting the December 1993 monitoring event.

My November 1993 letter specifically stated that **you are required to monitor all wells associated with this site on a quarterly basis**. Be aware that Section 2652 (c) (11d) Chapter 16 of Title 23 of the California Code of Regulations requires that until the investigation and cleanup are complete, the owner or operator shall submit reports to the local agency or regional board every three months or at more frequent intervals as specified by the implementing agency.

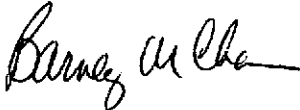
The actual remediation and investigation of this site was granted an extension in December given the potential of extended rainfall. This extension did not apply to the submittal of the closure report, monitoring report and work plan addendum report.

Please submit the previously requested reports to our office **within 30 days or by May 20, 1994**. This is a formal request for technical reports pursuant to the California Water Code Section 13267 (b). Because of the previous conditions, failure to submit the requested reports our office will cause the referral of this case to the District Attorney Office and the Water Board for enforcement.






Mr. Dinesh Maniar  
StID # 568  
625 Hegenberger Rd.  
April 20, 1994  
Page 2.

You may contact me at (510) 271-4530 if you have any questions.

Sincerely,



  
Hazardous Materials Specialist

cc: , Alameda County District Attorney Office  
, 400 Oyster Point Blvd., Suite 415, South San  
Francisco, CA 94080  
, OITC, 1714 Franklin St., Oakland Ca 94612  
, Levine-Fricke, 1900 Powell St., 12th Floor,  
Emeryville, CA 94608  
, files

FNOV625

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

February 4, 1994  
StID #568

Mr. Dinesh Maniar  
400 Oyster Point Blvd., Suite 415  
South San Francisco, CA 94080

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

**NOTICE OF VIOLATION**

**Re: Request for Technical Reports for Subsurface Investigation at  
625 Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

Our office has received the January 27, 1994 Levine and Fricke report for the December 1993 monitoring of the existing wells at the above site. These results confirm the presence of dissolved gasoline and diesel in the groundwater downgradient to the former underground tanks and piping. As you may be aware, significant petroleum contamination was uncovered during the removal of the three underground fuel tanks on October 21, 1993. Our office has received faxed analytical results for the samples taken from the tank removal and they indicate severe contamination remains at this site.

If you refer to my November 10, 1993 letter, you will notice that I requested several reports by December 21, 1993 which, to this date, our office has not received. You are reminded that these items include:

1. A complete tank closure report which should include copies of the original analytical results from the tank pull, a description of the tank removal activities, a description of any remedial measures taken at the time of the removal, copies of manifests for all hazardous waste hauled from the site and a plan for the disposition of all stockpiled soils generated from the tank removal. The copy of analytical results which we currently have is not sufficient;


2. A work plan addendum which describes your future plans to determine the extent of soil and groundwater contamination. The plan should also propose a remediation method and time schedule for its implementation. In comment to the recommendations provided in the Levine and Fricke report, all their suggestions are consistent with your requirement to further characterize this site. You are also reminded that quarterly groundwater monitoring is required on all wells at this site until our office agrees with any changes.

Mr. Dinesh Maniar  
StID # 568  
625 Hegenberger Rd.  
February 4, 1994  
Page 2.

Please provide the requested reports to our office **within 30 days or by March 7, 1994.** You are reminded that this is a formal request for technical reports pursuant to the California Water Code Section 13267(b). Failure to submit the requested documents may subject you to civil liability and case referral to the Water Board or the District Attorney Office for enforcement.

You may contact me at (510) 271-4530 if you have any questions.

Sincerely,



~~Barney M. Kha~~  
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office  
J. Graeb, 400 Oyster Point Blvd., Suite 415, South San Francisco, CA 94080  
N. Tsui, OITC, 1714 Franklin St., Oakland CA 94612  
S. Henry, Levine-Fricke, 1900 Powell St., 12th Floor, Emeryville, CA 94608  
E. Howell, files

NOV625



**LEVINE•FRICKE**

ENGINEERS, HYDROGEOLOGISTS & APPLIED SCIENTISTS

ALCO  
HAZMAT

93 DEC 27 PM 4: 03

December 23, 1993

LF 3015

Mr. Barney Chan  
Alameda County Health Care Services Agency  
Department of Environmental Health  
Division of Hazardous Materials  
80 Swan Way, Room 200  
Oakland, California 94621

Subject: Quarterly Monitoring and Related Issues,  
625 Hegenberger Road, Oakland, California

Dear Mr. Chan:

I appreciate the time you spent on December 16 and 17 discussing the issues related to Diversified Investment and Management Corp.'s property at 625 Hegenberger in Oakland ("the Site"). Thank you for extending the deadline for the quarterly monitoring report and the tank closure report to January 31, 1994.

Levine-Fricke sampled the ground-water monitoring wells at the Site yesterday. The ground-water samples were picked up by the analytical laboratory's courier this morning. The analyses were ordered on a normal turnaround time. Because of this and the laboratory's holiday schedule, the soonest the analytical results will be available will be January 5. I have requested that the laboratory fax me the analytical results as soon as possible.

Please do not hesitate to call me if you have any questions, or if you would like me to fax the analytical results to you when I receive them.

Sincerely,

Susan M. Henry, Ph.D.  
Senior Project Environmental Engineer

cc: James Graeb, Diversified Investment and Management Corp.

1900 Powell Street, 12th Floor  
Emeryville, California 94608  
(510) 652-4500  
Fax (510) 652-2246



JAMES T. GRAEB  
ATTORNEY AT LAW  
400 OYSTER POINT BLVD., SUITE 415  
SOUTH SAN FRANCISCO, CA 94080  
(415) 266-8080

ALCO  
HAZMAT

93 NOV -9 PM 1:30

November 8, 1993

Mr. Barney M. Chan  
Hazardous Materials Specialist  
UST Local Oversight Program  
80 Swan Way, Room 200  
Oakland, California 94621

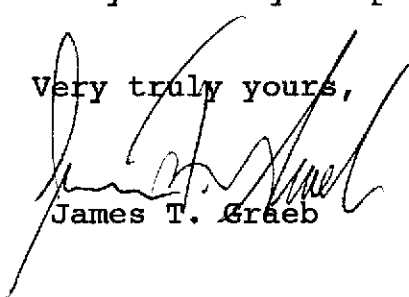
Re: 625 Hegenberger Road, Oakland, California

Dear Mr. Chan:

I am writing to update you on the status of the above site. As you are aware, my client pulled the tanks and related sources of contamination on October 21, 1993. My client is waiting for the complete analytical testing reports to be completed. Once these have been received, we will update you as to how my client intends to proceed with the remainder of the site.

Ms. Susan Henry of Levine - Fricke suggested that I inquire as to whether or not you wish my client to undertake quarterly groundwater monitoring. Please contact either myself or Ms. Susan Henry as to your suggestions. Thank you for your patience and assistance with this matter.

Very truly yours,

  
James T. Graeb

JTG/hsm



**LEVINE-FRICK**  
ENGINEERS, HYDROGEOLOGISTS & APPLIED SCIENTISTS

**SHELLIE FLETCHER**  
SENIOR STAFF GEOTECHNICAL ENGINEER

1900 POWELL STREET, 12TH FLOOR  
EMERYVILLE, CA 94608  
(510) 652-4500  
FAX (510) 652-2246

*Other Offices:*

*Irvine, CA; Sacramento/Roseville, CA;  
Tallahassee, FL; Honolulu, HI*



**LEVINE-FRICK**  
ENGINEERS, HYDROGEOLOGISTS & APPLIED SCIENTISTS

**SUSAN M. HENRY, Ph.D.**  
SENIOR PROJECT ENVIRONMENTAL ENGINEER

1900 POWELL STREET, 12TH FLOOR  
EMERYVILLE, CA 94608  
(510) 652-4500  
FAX (510) 652-2246

*Other Offices:*

*Irvine, CA; Sacramento/Roseville, CA;  
Tallahassee, FL; Honolulu, HI*

# ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200  
Oakland, CA 94621  
(415) 271-4320

## Hazardous Materials Division Inspection Form

Site ID# \_\_\_\_\_ Site Name Former OTR Today's Date 10/21/93  
 Site Address 625 Heegenberger Rd EPA ID# \_\_\_\_\_  
 City \_\_\_\_\_ Zip 94621 Phone \_\_\_\_\_

MAX Amt. Stored > 500lbs/55g/200cf?  Y  N  
 Hazardous Waste generated per month? \_\_\_\_\_

**Inspection Categories:**

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

The marked items represent violations of the Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

**I.A GENERATOR (Title 22)**

- |       |                             |         |
|-------|-----------------------------|---------|
| ___   | 1. Waste ID                 | 66471   |
| ___   | 2. EPA ID                   | 66472   |
| ___   | 3. > 90 days                | 66508   |
| ___   | 4. Label dates              | 66508   |
| ___   | 5. Biennial                 | 66493   |
| <hr/> |                             |         |
| ___   | 6. Records                  | 66492   |
| ___   | 7. Correct                  | 66484   |
| ___   | 8. Copy sent                | 66492   |
| ___   | 9. Exception                | 66484   |
| ___   | 10. Copies Rec'd            | 66492   |
| <hr/> |                             |         |
| ___   | 11. Treatment               | 66371   |
| ___   | 12. On-site Disp. (H.S.&C.) | 26189.5 |
| ___   | 13. Ex Haz. Waste           | 66570   |
| <hr/> |                             |         |
| ___   | 14. Communications          | 67121   |
| ___   | 15. Aisle Space             | 67124   |
| ___   | 16. Local Authority         | 67126   |
| ___   | 17. Maintenance             | 67120   |
| ___   | 18. Training                | 67105   |
| <hr/> |                             |         |
| ___   | 19. Prepared                | 67140   |
| ___   | 20. Name List               | 67141   |
| ___   | 21. Copies                  | 67141   |
| ___   | 22. Emg. Coord. Trng.       | 67144   |
| <hr/> |                             |         |
| ___   | 23. Condition               | 67241   |
| ___   | 24. Compatibility           | 67242   |
| ___   | 25. Maintenance             | 67243   |
| ___   | 26. Inspection              | 67244   |
| ___   | 27. Buffer Zone             | 67246   |
| ___   | 28. Tank Inspection         | 67259   |
| ___   | 29. Containment             | 67245   |
| ___   | 30. Safe Storage            | 67261   |
| ___   | 31. Freeboard               | 67257   |

**Comments:**

N  
W + E  
S

Quality June up

Spleas (1) sign. odor (2) sign odor (3) sig odor (4) sign. odor (5) v. h. odor (6) sig. odor (7) sig odor (8) sig odor (9) odor (10) odor

Manifest #  
92221049

**I.B TRANSPORTER (Title 22)**

- |       |                           |       |
|-------|---------------------------|-------|
| ___   | 32. Applic./Insurance     | 66428 |
| ___   | 33. Comp. Cert./CHP Insp. | 66448 |
| ___   | 34. Containers            | 66465 |
| <hr/> |                           |       |
| ___   | 35. Vehicles              | 66465 |
| ___   | 36. EPA ID #s             | 66531 |
| ___   | 37. Correct               | 66541 |
| ___   | 38. HW Delivery           | 66543 |
| ___   | 39. Records               | 66544 |
| <hr/> |                           |       |
| ___   | 40. Name/ Covers          | 66545 |
| ___   | 41. Recyclables           | 66800 |

Sols are gray to black clay + silty clay  
 - Shelley Fletcher took 6 discrete sples of str. ch. test soil (~200cy) in extreme north part of prop.!

Contact: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Signature: [Signature] Inspector: B. Chan  
 Signature: \_\_\_\_\_

- grab H<sub>2</sub>O samples taken from bucket of water

1045-215  
315-600

2

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200  
Oakland, CA 94621  
(415) 271-4320

Hazardous Materials Division Inspection Form

Site ID# \_\_\_\_\_ Site Name former OITC Today's Date 10/21/93  
Site Address 625 Heg Rd EPA ID# \_\_\_\_\_  
City Oak Zip 94621 Phone \_\_\_\_\_

MAX Amt. Stored > 500lbs/55g/200cf?  Y  N  
Hazardous Waste generated per month? \_\_\_\_\_

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

The marked items represent violations of the Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

I.A GENERATOR (Title 22)

- |                   |                          |                             |         |
|-------------------|--------------------------|-----------------------------|---------|
| Manifest          | <input type="checkbox"/> | 1. Waste ID                 | * 66471 |
|                   | <input type="checkbox"/> | 2. EPA ID                   | 66472   |
|                   | <input type="checkbox"/> | 3. > 90 days                | 66508   |
|                   | <input type="checkbox"/> | 4. Label dates              | 66508   |
|                   | <input type="checkbox"/> | 5. Biennial                 | 66493   |
|                   | <input type="checkbox"/> | 6. Records                  | 66492   |
|                   | <input type="checkbox"/> | 7. Correct                  | 66484   |
|                   | <input type="checkbox"/> | 8. Copy sent                | 66492   |
|                   | <input type="checkbox"/> | 9. Exception                | 66484   |
|                   | <input type="checkbox"/> | 10. Copies Rec'd            | 66492   |
| Misc.             | <input type="checkbox"/> | 11. Treatment               | 66371   |
|                   | <input type="checkbox"/> | 12. On-site Disp. (H.S.&C.) | 26189.5 |
|                   | <input type="checkbox"/> | 13. Ex Haz. Waste           | 66570   |
| Prevention        | <input type="checkbox"/> | 14. Communications          | 67121   |
|                   | <input type="checkbox"/> | 15. Aisle Space             | 67124   |
|                   | <input type="checkbox"/> | 16. Local Authority         | 67126   |
|                   | <input type="checkbox"/> | 17. Maintenance             | 67120   |
|                   | <input type="checkbox"/> | 18. Training                | 67105   |
| Confin. Agency    | <input type="checkbox"/> | 19. Prepared                | 67140   |
|                   | <input type="checkbox"/> | 20. Name List               | 67141   |
|                   | <input type="checkbox"/> | 21. Copies                  | 67141   |
|                   | <input type="checkbox"/> | 22. Emg. Coord. Trng.       | 67144   |
| Containers, Tanks | <input type="checkbox"/> | 23. Condition               | 67241   |
|                   | <input type="checkbox"/> | 24. Compatibility           | 67242   |
|                   | <input type="checkbox"/> | 25. Maintenance             | 67243   |
|                   | <input type="checkbox"/> | 26. Inspection              | 67244   |
|                   | <input type="checkbox"/> | 27. Buffer Zone             | 67246   |
|                   | <input type="checkbox"/> | 28. Tank Inspection         | 67259   |
|                   | <input type="checkbox"/> | 29. Containment             | 67245   |
|                   | <input type="checkbox"/> | 30. Safe Storage            | 67261   |
|                   | <input type="checkbox"/> | 31. Freeboard               | 67257   |

Comments:

Tanks sparged w/ Nitrogen  
 East tank; N-8%LEL, 38% O<sub>2</sub> S-10%LEL, 39% O<sub>2</sub>  
 Middle tank, N-11%LEL, 27% O<sub>2</sub> S-11%LEL, 27% O<sub>2</sub>  
 West tank - 3% LEL & 0% O<sub>2</sub>

Middle tank removed 1st., tank is skel + asphalt wrapped, much of wrapping has deteriorated no apparent holes

3 flashers from H+H, (1) # 401995 exp 1/94  
 (2) 401994 exp 1/94  
 (3) 401993 exp 1/94

East tank retested for LEL 11% & O<sub>2</sub> 27%  
 Tank's wrapping is deteriorated & no holes other than the large one in 8" x 2" put in by contractor? on south end, appears to be an "old" hole  
 Manifest # 922 21048

West tank - again wrapping is deteriorated & south end dented but no obvious holes noted.

I.B TRANSPORTER (Title 22)

- |          |                          |                           |       |
|----------|--------------------------|---------------------------|-------|
| Manifest | <input type="checkbox"/> | 32. Applic./Insurance     | 66428 |
|          | <input type="checkbox"/> | 33. Comp. Cert./CHP Insp. | 66448 |
|          | <input type="checkbox"/> | 34. Containers            | 66465 |
|          | <input type="checkbox"/> | 35. Vehicles              | 66465 |
|          | <input type="checkbox"/> | 36. EPA ID #s             | 66531 |
|          | <input type="checkbox"/> | 37. Correct               | 66541 |
|          | <input type="checkbox"/> | 38. HW Delivery           | 66543 |
|          | <input type="checkbox"/> | 39. Records               | 66544 |
| Contra   | <input type="checkbox"/> | 40. Name/ Covers          | 66545 |
|          | <input type="checkbox"/> | 41. Recyclables           | 66800 |

Rev 6/88

Contact: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: [Signature]

Inspector: B Chan

Signature: \_\_\_\_\_

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200 Oakland, CA 94621 (415) 271-4320

Hazardous Materials Division Inspection Form

Site ID# \_\_\_\_\_ Site Name former OITC Today's Date 10/21/93
Site Address 625 Heegenberger Rd EPA ID# \_\_\_\_\_
City Oak Zip 94621 Phone \_\_\_\_\_

MAX Amt. Stored > 500lbs/55g/200cf? Y N
Hazardous Waste generated per month? \_\_\_\_\_

- Inspection Categories:
I. Haz. Mat/Waste GENERATOR/TRANSPORTER
II. Business Plans, Acute Hazardous Materials
III. Underground Tanks Removal

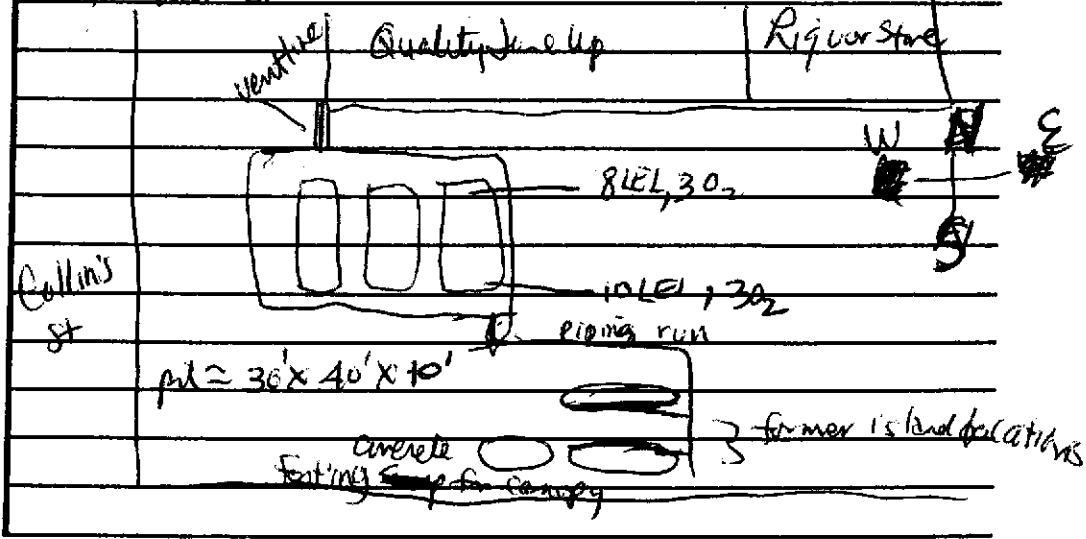
The marked items represent violations of the Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

- LA GENERATOR (Title 22)
1. Waste ID \* 66471
2. EPA ID 66472
3. > 90 days 66508
4. Label dates 66508
5. Biennial 66493
6. Records 66492
7. Correct 66484
8. Copy sent 66492
9. Exception 66484
10. Copies Rec'd 66492
11. Treatment 66371
12. On-site Disp. (H.S.&C.) 26189.5
13. Ex Haz. Waste 66570
14. Communications 67121
15. Aisle Space 67124
16. Local Authority 67126
17. Maintenance 67120
18. Training 67105
19. Prepared 67140
20. Name List 67141
21. Copies 67141
22. Emg. Coord. Trng. 67144
23. Condition 67241
24. Compatibility 67242
25. Maintenance 67243
26. Inspection 67244
27. Buffer Zone 67246
28. Tank Inspection 67259
29. Containment 67245
30. Safe Storage 67261
31. Freeboard 67257

- LB TRANSPORTER (Title 22)
32. Applic./Insurance 66428
33. Comp. Cert./CHP Insp. 66448
34. Containers 66465
35. Vehicles 66465
36. EPA ID #s 66531
37. Correct 66541
38. HW Delivery 66543
39. Records 66544
40. Name/ Covers 66545
41. Recyclables 66800

Comments:

Witness removal of 3 gasoline tanks ~12k plus 2 pumps
Contractor: Golden West, Lape + Ing
Mr John McVay representing Diversified Investments present
- Sue Heney + Shelly Fletcher - Laverie + Julie splers
H+H tank hauler.
OPD - did not show but authorized Ala City to make call.



Contact: \_\_\_\_\_
Title: \_\_\_\_\_
Signature: [Handwritten Signature]

Heegenberger Rd
Inspector: B Chan
Signature: \_\_\_\_\_

JAMES T. GRAEB  
ATTORNEY AT LAW  
400 OYSTER POINT BLVD., SUITE 415  
SOUTH SAN FRANCISCO, CA 94080  
(415) 266-8080

93 OCT -5 PM 2:58

October 5, 1993

VIA HAND DELIVERY

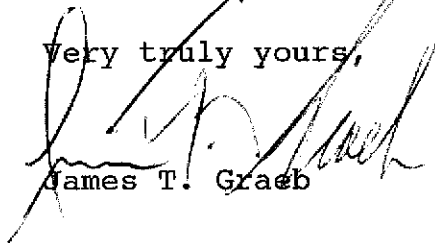
Mr. Barney Chan  
Hazardous Materials Specialist  
UST Local Oversight Program  
80 Swan Way, Room 200  
Oakland, California 94621

Re: 625 Hegenberger Road, Oakland

Dear Mr. Chan:

Enclosed please find the Underground Tank Closure Plan together with all attachments for the above-referenced site. Please contact either myself, Susan Henry at Levine-Fricke or Rebecca Hamblin at Golden West Environmental if you have any questions. I understand that work is scheduled to commence October 18, 1993.

Very truly yours,

  
James T. Graeb

/llk



93 OCT -5 PM 12:49

**LEVINE•FRICKE**

ENGINEERS, HYDROGEOLOGISTS & APPLIED SCIENTISTS

October 1, 1993

LF 93P-308K

Mr. Barney Chan  
Alameda County Health Care Services Agency  
Department of Environmental Health  
Division of Hazardous Materials  
80 Swan Way, Room 200  
Oakland, CA 94621

Subject: UST Removal and Closure, Former Service Station,  
625 Hegenberger Road, Oakland, California

Dear Mr. Chan:

Levine-Fricke, Inc. has been retained by Diversified Investment and Management Corporation (see enclosure) to provide project management services for the removal of the three gasoline underground storage tanks (USTs) and associated structures at the subject site, and the subsequent excavation of petroleum-contaminated soil around these USTs.

The UST Closure Plan should arrive by mail at your office no later than October 4. It was prepared by Golden West (the contractor hired by Diversified Investment and Management Corporation) according to my recommendations. As per our phone conversation, it is similar to the 1991 UST Closure Plan that had been approved by Alameda County Department of Environmental Health. The recommended analyses that you requested have been added. The UST Closure Plan has been faxed to Diversified Investment and Management Corporation for signature. It will be signed and sent promptly to your office as soon as it is received by Diversified Investment and Management Corporation.

1900 Powell Street, 12th Floor  
Emeryville, California 94608  
(510) 652-4500  
Fax (510) 652-2246

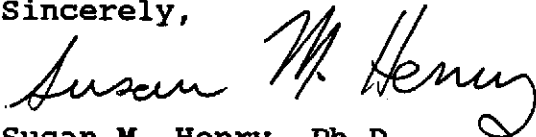
# LEVINE·FRICKE

We anticipate the following schedule for work at this site:

<u>Activity</u>	<u>Anticipated Completion Date</u>
Preparation and review of UST Closure Plan	October 1, 1993
Submittal of UST Closure Plan	October 4, 1993
Notification of BAAQMD	October 4, 1993
Application for Fire Department Permit (pending Closure Plan approval)	October 7, 1993
Contractor Meeting	October 7, 1993
Initiation of field work (pending Closure Plan approval)	October 18, 1993
Completion of field work	October 29, 1993
Submittal of UST closure report	November 30, 1993

I am looking forward to working with you on this project. If you have any questions, please call me at (510) 652-4500.

Sincerely,



Susan M. Henry, Ph.D.  
Senior Project Environmental Engineer

Enclosure

cc: James T. Graeb, Diversified Investment  
Rick Henderson, Golden West



DIVERSIFIED  
INVESTMENT  
AND  
MANAGEMENT CORP  
(415) 266-8080

October 1, 1993

VIA FACSIMILE & REGULAR MAIL

Susan M. Henry, Ph.D.  
Levine-Fricke, Inc.  
1900 Powell Street  
12th Floor  
Emeryville, CA 94608

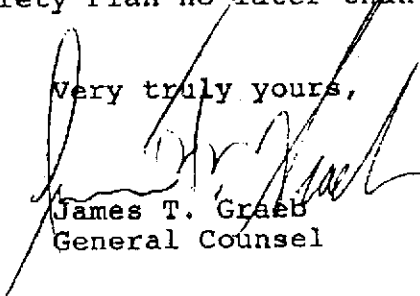
Re: Proposal & Agreement

Dear Susan:

We are in receipt of the "Proposal for Engineering Services for Underground Tank Removal and Site Cleanup" dated September 30, 1993, together with the "Agreement Made Between Diversified Investment and Management Corporation and Levine-Fricke, Inc." also dated September 30, 1993. Both the Proposal and the Agreement are accepted.

Mr. Maniar will return to the office on Monday, October 4, 1993 and execute the originals. Additionally, we anticipate having the Permit and the Health and Safety Plan no later than Monday so that they can also be executed.

Very truly yours,

  
James T. Graeb  
General Counsel

JTG/hsm

cc: Mr. John MacKay



400 OYSTER POINT BLVD., SUITE 415 SOUTH SAN FRANCISCO, CA 94080 FAX (415) 266-8089

OCT 1 '93 10:59

PAGE.002

**ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY  
 DEPARTMENT OF ENVIRONMENTAL HEALTH  
 HAZARDOUS MATERIALS DIVISION  
 80 SWAN WAY, ROOM 200  
 OAKLAND, CA 94621  
 PHONE NO. 415/271-4320**

*Barney Chan*

Project Specialist (print)

*10/6/93*

*OK with the  
noted changes*

*Bella*

ACCEPTED

DEPARTMENT OF ENVIRONMENTAL HEALTH  
 476 - 27th Street, Third Floor  
 Oakland, CA 94612  
 Telephone: (415) 374-7737

These plans have been reviewed and found to be acceptable and comply with the requirements of State and local health laws. Changes to your plans indicated by this Department are to assure compliance with State and local laws. The original proposed permits is now released for issuance of any required building permits for construction.

One copy of these accepted plans must be on the job and available to all contractors and craftsmen involved with the project.

All plans or alterations of these plans and specifications must be submitted to this Department and to the Fire and Building Inspection Department to determine if such changes meet the requirements of State and local laws. Plans of this Department at least 48 hours prior to the start of the required inspections:

- ..... Removal of Tank and Piping
  - ..... Sampling
  - ..... Final Inspection
- Approval of a permit to operate is dependent on compliance with accepted plans and all applicable laws and regulations.

THIS IS A FINALITY PERMIT FOR NOT  
 COMPLETELY ENFORCEABLE  
**93 OCT -5 PM 2:58**

**UNDERGROUND TANK CLOSURE PLAN**

\* \* \* Complete according to attached instructions \* \* \*

1. Business Name VACANT SITE  
 Business Owner VACANT SITE
  2. Site Address 625 Hegenberger Road,  
 City Oakland, Ca Zip 94622 Phone N/A
  3. Mailing Address 400 Oyster Point Blvd., Ste. 415  
 City So. San Francisco, Ca Zip 94080 Phone (415) 266-8080
  4. Land Owner Dinesh Maniar  
 Address 400 Oyster Point Blvd., #415 City, State So. San Francisco Zip 94080  
Ca.
  5. Generator name under which tank will be manifested \_\_\_\_\_  
Dinesh Maniar
- EPA I.D. No. under which tank will be manifested CAC 000698616

6. Contractor Golden West Environmental  
 Address 567 Exchange Court  
 City Livermore, Ca Phone (510)447-2484  
 License Type A B C9 Haz Mat ID# 43210
7. Consultant Levine & Fricke  
 Address 1900 Powell Street, 12th Floor  
 City Emeryville, Ca 94608 Phone (510)652-4500
8. Contact Person for Investigation  
 Name Susan Henry Title Senior Project Engineer  
 Phone (510)652-4500
9. Number of tanks being closed under this plan (3) Three  
 Length of piping being removed under this plan Estimate 100 to 200 ft.  
 Total number of tanks at facility (3) Three
10. State Registered Hazardous Waste Transporters/Facilities (see instructions).  
 \*\* Underground tanks are hazardous waste and must be handled \*\*  
 as hazardous waste
- a) Product/Residual Sludge/Rinsate Transporter  
 Name H & H Environmental EPA I.D. No. CAD 004771168  
 Hauler License No. 0334 License Exp. Date Jan. 1994  
 Address 220 China Basin Street  
 City San Francisco State Ca. Zip 94107
- b) Product/Residual Sludge/Rinsate Disposal Site  
 Name H & H Environmental EPA I.D. No. CAD 004771168  
 Address 220 China Basin Street  
 City San Francisco State Ca. Zip 94107

## c) Tank and Piping Transporter

Name H & H Environmental EPA I.D. No. CAD 00477168  
 Hauler License No. 0334 License Exp. Date Jan. 1994  
 Address 220 China Basin Street  
 City San Francisco State Ca. Zip 94107

## d) Tank and Piping Disposal Site

Name H & H Environmental EPA I.D. No. CAD 00477168  
 Address 220 China Basin Street  
 City San Francisco State Ca. Zip 94107

## 11. Experienced Sample Collector

Name Shelly Fletcher  
 Company Levine & Fricke  
 Address 1900 Powell Street, 12th Floor  
 City Emeryville State Ca. Zip 94608 Phone (510)652-4500

## 12. Laboratory

Name American Environmental Network  
 Address 440 Vincent Road  
 City Pleasant Hill State Ca. Zip 94523  
 State Certification No. 1172

13. Have tanks or pipes leaked in the past? Yes  No 

If yes, describe. See attached reports  
 \_\_\_\_\_  
 \_\_\_\_\_

14. Describe methods to be used for rendering tank inert

Tank will be dry-iced and shipped with hazardous waste manifest to  
 H & H Environmental. H & H Environmental will rinse tank and dispose of  
 rinse water (at site). The tanks will then be destroyed.

Before tanks are pumped out and inerted, all associated piping must be flushed out into the tanks. All accessible associated piping must then be removed. Inaccessible piping must be plugged.

The Bay Area Air Quality Management District (771-6000), along with local Fire and Building Departments, must also be contacted for tank removal permits. Fire departments typically require the use of explosion proof combustible gas meters to verify tank inertness. It is the contractor's responsibility to bring a working combustible gas meter on site to verify tank inertness.

15. Tank History and Sampling Information

Tank		Material to be sampled (tank contents, soil, ground-water, etc.)	Location and Depth of Samples
Capacity	Use History (see instructions)		
3 - 12000 gal	gasoline storage (service station)	3 soil samples per tank will be sampled	samples will be taken immediately above ground water from excavation side-wall or 1 to 2 ft. into native soil if no ground water present
1 - 260 gal. sump	waste hydrocarbons (service station)	1 water sample for sump, or 1 soil sample under sump if no present	taken at mid-depth of water within excavated pit <i>or 1-2' into native if no Gw present</i>
100 - 200 ft. piping (estimate)	gasoline delivery (service station)	1 soil sample per 20 ft of piping	samples will be taken from the trench excavation bottom 1 to 2 ft. into native soil

NOTE: See below

One soil sample must be collected for every 20 feet of piping that is removed. A ground water sample must be collected should any ground water be present in the excavation.

rev 12/90

NOTE: The tanks were installed in 1974 and believed to have been used in 1/86, as noted in the O.I.T.C. tank permit applications.

Excavated/Stockpiled Soil	
<b>Stockpiled Soil Volume (Estimated)</b>	<b>Sampling Plan</b>
300 cubic yards  stockpiled soil volume (estimated)	one sample per 50 cubic yards with minimum of 4 samples or as directed by Alameda County Representative for full analysis

**Stockpiled soil must be placed on bermed plastic and must be completely covered by plastic sheeting.**

**16. Chemical methods and associated detection limits to be used for analyzing samples**

**The Tri-Regional Board recommended minimum verification analyses and practical quantitation reporting limits should be followed. See attached Table 2.**

Contaminant Sought	EPA, DHS, or Other Sample Preparation Method Number	EPA, DHS, or Other Analysis Method Number	Method Detection Limit
leaded gas in soil	5030	TPHG GCFID	1.0 ppm
	5030	BTX&E 8020 or 8240	0.005 ppm
	5030	TPHG BTX&E 8260	1.0 ppm
	3050	total lead AA-7421	0.02 ppm
	DHS	organic lead - DHS	---
leaded gas in water	5030	TPHG GCFID	50 ppb
	5030	BTX&E 602 or 624	5 ppb
	3020	total lead AA-7421	50 ppb
	DHS	organic lead - DHS	---
waste & used oil in soil	5030	TPHG GCFID	1.0 ppm
	3550	* TPHD GCFID	1.0 ppm
	5030	ORG 5520 F	50 ppm
	5030	THP and BTX&E 8260 CJ HC-8010	1.0 ppm
if any <del>oil</del> * detected	3050		
	8270	Pb, Cd, Ni, Cr, Zn-6010	range
	8010	semivolatiles-8270 <del>CA 110-8010</del>	range range

NOTE: See below

**17. Submit Site Health and Safety Plan (See Instructions)**

- 5 -

rev 12/90

NOTE: If the total lead concentrations exceed the STLC by a factor of 10, then STLC wet method will be conducted on those samples.

18. Submit Worker's Compensation Certificate copy

Name of Insurer STATE FUND POLICY # 5711486

19. Submit Plot Plan (See Instructions)

20. Enclose Deposit (See Instructions)

21. Report any leaks or contamination to this office within 5 days of discovery. The report shall be made on an Underground Storage Tank Unauthorized Leak/Contamination Site Report form. (see Instructions)

22. Submit a closure report to this office within 60 days of the tank removal. This report must contain all the information listed in item 22 of the instructions.

I declare that to the best of my knowledge and belief the statements and information provided above are correct and true.

I understand that information in addition to that provided above may be needed in order to obtain an approval from the Department of Environmental Health and that no work is to begin on this project until this plan is approved.

I understand that any changes in design, materials or equipment will void this plan if prior approval is not obtained.

I understand that all work performed during this project will be done in compliance with all applicable OSHA (Occupational Safety and Health Administration) requirements concerning personnel health and safety. I understand that site and worker safety are solely the responsibility of the property owner or his agent and that this responsibility is not shared nor assumed by the County of Alameda.

Once I have received my stamped, accepted closure plan, I will contact the project Hazardous Materials Specialist at least three working days in advance of site work to schedule the required inspections.

Signature of Contractor

Name (please type) Rebecca Hamblin / Golden West Environmental

Signature Rebecca Hamblin / Golden West Environmental

Date 9-29-93

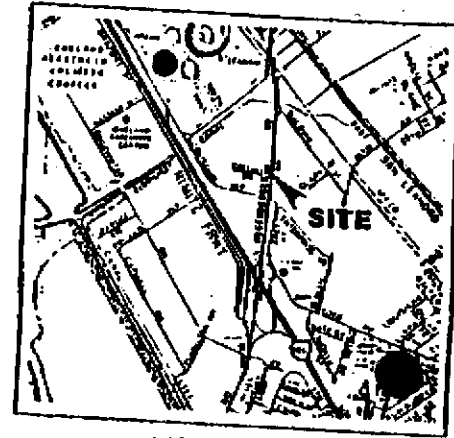
Signature of Site Owner or Operator

Name (please type) Dinesh Maniar

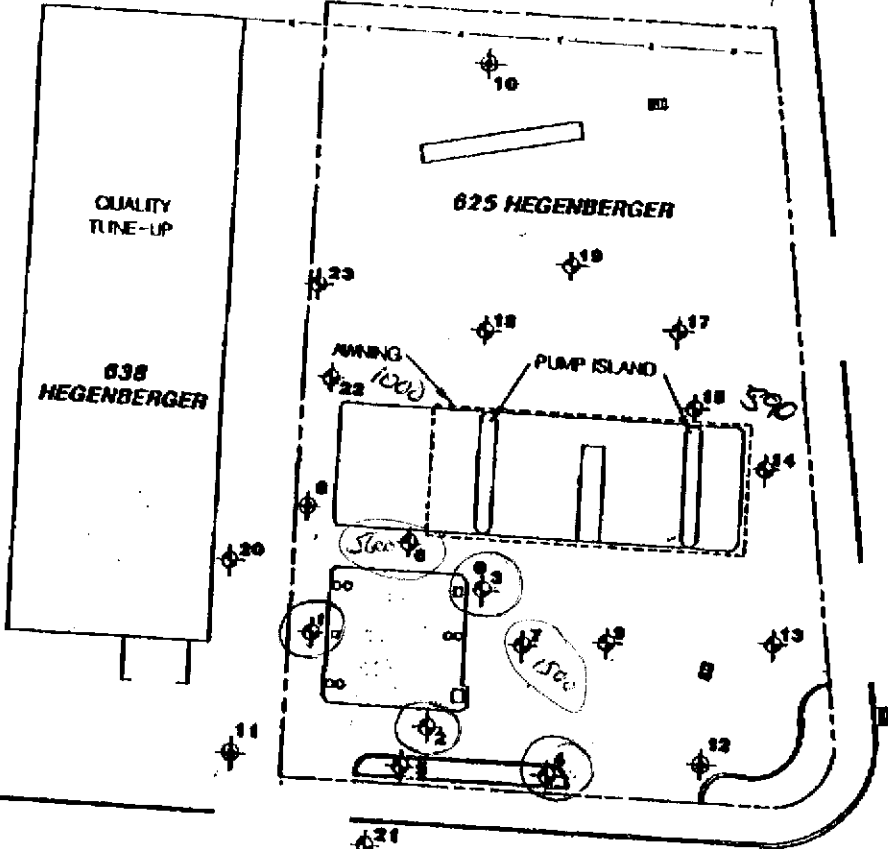
X Signature [Signature]

Date 10/4/93

Home Base



VICINITY MAP



HEGENBERGER ROAD

COLLINS DRIVE

- TEST BORING
- MONITORING WELL
- TANK AREA
- TANK PUMP
- FILL INLET
- DRAIN INLET
- SUMP



Arco <sup>Bob</sup>

SITE PLAN

Subsurface Consultants

COLLINS & HEGENBERGER - OAKLAND, CA		PLATE
ADD NUMBER 375 003	DATE 5/9/90	APPROVED

DRAFT



**STATE  
COMPENSATION  
INSURANCE  
FUND**

P.O. BOX 420807, SAN FRANCISCO, CA 94142-0807

**CERTIFICATE OF WORKERS' COMPENSATION INSURANCE**

JULY 22, 1993

POLICY NUMBER: GR2#571 UNIT#1486-92  
CERTIFICATE EXPIRES: 10-01-93

ALAMEDA COUNTY DEPT.  
ENVIRONMENTAL HEALTH  
80 SWAN WAY, RM. 200  
OAKLAND, CA 94621


RECEIVED  
JUL 23 1993  
GOLDEN WEST

This is to certify that we have issued a valid Workers' Compensation insurance policy in a form approved by the California Insurance Commissioner to the employer named below for the policy period indicated.

This policy is not subject to cancellation by the Fund except upon ten days' advance written notice to the employer.

We will also give you TEN days' advance notice should this policy be cancelled prior to its normal expiration.

This certificate of insurance is not an insurance policy and does not amend, extend or alter the coverage afforded by the policies listed herein. Notwithstanding any requirement, term, or condition of any contract or other document with respect to which this certificate of insurance may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies.

  
PRESIDENT

EMPLOYER

THE D.B. NEFF CORP.  
DBA: GOLDEN WEST ENVIRONMENTAL SERVICE/BUILDERS  
567 EXCHANGE CT.  
LIVERMORE, CA 94551

JOB # 93-292

SITE WORK HEALTH AND SAFETY PLAN

JOB NAME: LEVINE - FRICKE, DIVERSIFIED INVESTMENTS

PREPARED FOR

AGENCY ALAMEDA COUNTY HEALTH  
DIVISION HAZARDOUS MATERIAL  
ADDRESS 80 Swan Way, Room 200  
Oakland, Ca.

PREPARED BY

**GOLDEN WEST**  
ENVIRONMENTAL SERVICES,  
BUILDERS, GENERAL CONTRACTORS

567 EXCHANGE COURT  
LIVERMORE, CA 94550

(510) 447-2484

DATE 9-24-93

SITE WORK HEALTH AND SAFETY PLAN

JOB NAME: 1025 HEGENBERGER

EMERGENCY TELEPHONE NUMBERS

Fire.....911  
First Aid.....911  
Ambulance.....911  
Police.....911  
Poison Control Center.....911

HOSPITAL

PHONE #

Name: Kaiser  
Address: 3800 W. MacArthur  
Cost Mesa

.....(510) 556-1000

Golden West Environmental Services, Builders, General Contractors  
D. Bailey Neff.....(510) 447-2484 ext 102  
Rick Henderson.....(510) 447-2484 ext 106

## SITE WORK HEALTH AND SAFETY PLAN

### 1. GENERAL

This Health and Safety Plan has been designed to conform to and/or exceed guidance standards promulgated by EPA and the California Department of Health Services, Federal OSHA regulations (29CFR1910.120) and CAL/OSHA regulations. Because considerable experienced judgement must be applied to decisions that will be made while actually working on site, it is the goal of this plan to provide maximum work efficiency while maintaining an uncompromisingly safe working environment. This plan is not a substitute for experienced judgement and direction, or for common sense during the implementation of the tank and equipment removal effort or the safety procedures outlined herein.

Golden West will provide services and equipment for the tank and equipment removal work. Golden West (as well as all subcontractors and independent contractors) will adhere to the Site Work Health and Safety Plan.

### 2. SITE/WORK DESCRIPTION

A site location map is provided in Figure 1-1. All buried tanks, lines and contaminated soil, (if any), will be excavated from the site.

### 3. WORK OBJECTIVE

The overall work objective is to provide for proper and safe removal of any residual product stock, removal of underground storage tank(s) and contaminated soil (if any) to achieve proper site closure in accordance with existing local and state regulations. To achieve these objectives, the following subordinate objectives must be accomplished:

- o Monitor tank interiors for flammable or explosive concentrations.
- o Provide for safe removal of flammable or combustible vapors from tanks.
- o Provide for safe tank removal.
- o Provide for safe and proper tank disposal.

### 4. SAFETY MANAGEMENT

The field supervisor, John Schattel  
Harold Spectron is the site and safety officer and will ensure that all personnel comply with all applicable regulations and requirements of this plan. Due to the various aspects of the work specific personnel are not assigned to this project at present. Basic requirements are:

1. Personnel shall be physically able (and mentally willing) to comply with safety requirements.
2. A copy of this safety plan shall be posted at the job site, and a copy made available to each individual who will work at the site.
3. These plans should also include and/or address as a separate plan, the following:
  - a. A Worker Hazard Communication Program.
4. Periodically scheduled "tailgate safety" meetings shall be held to review the safety program. Attenders will sign the Safety Meeting notice.
5. Unsafe acts shall be stopped when discovered.
6. Required safety equipment shall be present on site and shall be checked to verify completeness and function prior to being put into service.
7. Sources of ignitions will be eliminated where possible. Smoking will be strictly forbidden on site.
8. The field supervisor is John Schettel. Personnel may change depending on field conditions. <sup>Harold Spontone</sup> Changes will be noted in the field log book.

## 5. HAZARDS

### Identified Hazards

- o Hazards associated with general construction may occur

during the course construction. Personnel should be alert and prevent as well as avoid these hazards.

- o During tank removal, there is a significant potential for hazards from falling loads when lifting and removing tanks. Workers must be especially alert to this hazard.
- o During general construction activities, there is also a potential for general (construction type) safety hazards. This plan does not address general safety in detail. If personnel are frequently reminded and will cooperate in being courteous, careful, alert, and thoughtful of outlined safety procedures, and, if they use common sense in actions and in considering probable consequences, much will already have been accomplished to insure a safe working environment.
- o Fires may occur from sources of ignition.
- o Contamination exposure is negligible on this project. Activities will cease and proper notification made if contamination is found.
- o No noise or electrical hazards are known to exist at the present time.

6. EXCLUDED WORK ZONE

The boundary of the site shall be an excluded work zone. Personnel not actively involved in site work activities (other than inspectors from concerned regulatory agencies) shall not be allowed within the excluded work zone.

7. HAZARD COMMUNICATION

All personnel are to be familiar with this Site Work Health and Safety Plan.

Field supervisor will telephone for emergency service and notify office when needed.

8. ON-SITE WORK PLAN

Removal of Flammable Vapors and Removal of Tanks

Removal of flammable vapors and removal of tanks will be performed in accordance with the requirements of Local Regulatory Agencies. The following are general guide lines.

A review of available codes, standards, and recommended procedures produces the following consensus:

1. All possible sources of ignition must be kept from impacting the tank or the area in which flammable vapors may reside during excavation or after removal.
2. Drain and flush all piping into tank. Flammable or combustible free standing liquid production stock will be



removed from the tank prior to removal. Avoid spilling product on the ground during disconnection of the tank from its associated lines.

3. Vent lines should not be sealed and should be cut last. Keep all sources of ignition away from vent lines as well as tanks.
4. Once all liquid has been removed from the tank, any tank with flammable vapors in excess of 10% of the LEL or 5% oxygen will be purged with dry ice (CO<sub>2</sub>). *Thirty* pounds of dry ice per 1,000 gallons of tank capacity is added to render the tank inert. All piping except the vent pipe should be disconnected.

#### Emergency Services

The address and telephone number of the local hospital, ambulance and medical emergency room should be prominently posted. In addition, the telephone number of a fire department/rescue unit should be posted.

General information regarding emergency services may be found on page 2.

### Emergency Equipment

The following emergency equipment will be available:

- o A 20-unit first aid kit.
- o ABC fire extinguishers (2).

### 9. DECONTAMINATION

The requirement for decontamination will be determined by the specific site conditions.

Pre-moistened tissues will be available.

### 10. SAFETY TRAINING REQUIREMENTS

The minimum training requirements specified in Federal OSHA 1910.120 Hazardous Waste Operations and Emergency Response will be met for all remediation personnel. (If required)

### 11. EQUIPMENT

#### Personal Safety Equipment

Workers engaged in the remediation work shall wear/have available personal protective safety equipment as minimum:

- o Hard hats
- o Safety glasses and/or goggles
- o Respirators
- o Work boots
- o Gloves
- o Coveralls

### Facility Safety Equipment

The following safety equipment shall be continuously available at the job site:

- o First aid kit (20-unit).
- o Fire extinguishers (2) ABC.
- o "No Smoking" signs.
- o Barricade tape.
- o Explosimeter (LEL)/Organic Vapor Analyzer.

### 12. PERSONAL HEALTH AND HYGIENE

- o Personal safety and the safety of fellow workers require mental alertness on the part of all employees. No alcohol or drugs shall be permitted at any job site. Intake of alcohol and prescription drugs should be limited when an employee is assigned to hazardous material remediation projects, due to the potential for synergistic effects. Prescription drugs should not be taken without the express approval of a physician with knowledge of project/site activities.
- o Eating and smoking will only take place in an approved break area.

# FAX MESSAGE

FROM

**GOLDEN WEST  
ENVIRONMENTAL SERVICES, BUILDERS,  
GENERAL CONTRACTORS**

567 EXCHANGE COURT  
LIVERMORE, CA 94550

(510) 447-2484

FAX (510) 447-4145

DATE: 9-23-93 TOTAL NO. OF PAGES: 2

TO: Barney Chan

COMPANY: \_\_\_\_\_

FAX NUMBER: 510-569-4757

SUBJECT: site plan

PROJECT: 625 Hegenberger

COMMENTS:

*the p. 19 of initial tank  
removal plan is better  
site map*

FROM: Beckie

IF YOU DO NOT RECEIVE ALL PAGES  
PLEASE CONTACT (510) 447-2484 EXT. 100



93 AUG -9 PM 2: 14

August 6, 1993  
BEI Job No. 93131

#568

Mr. Barney Chan  
Alameda County Health Care Services Agency  
Department of Environmental Health  
Division of Hazardous Materials  
80 Swan Way, Room 200  
Oakland, CA 94621

Subject: Former Service Station  
625 Hegenberger Road  
Oakland, California

Dear Mr. Chan:

As we discussed, Blymyer Engineers, Inc. has been retained by Diversified Investment and Management Corporation to provide project management services for the removal of the three gasoline underground storage tanks (USTs) and associated structures at the subject site, and the subsequent excavation of petroleum-contaminated soil around these USTs.

We anticipate the following schedule for work at this site:

<u>Activity</u>	<u>Anticipated Completion Date</u>
Preparation of bid specifications for UST removal	August 10, 1993
Solicitation of bids	August 25, 1993
Award of contract	September 3, 1993
Preparation and submittal of UST Closure Plan	September 10, 1993
Initiation of field work (pending Closure Plan approval)	September 20, 1993
Completion of field work	October 15, 1993
Submittal of UST closure report	November 15, 1993

Mr. Barney Chan  
Alameda County Health Care Services Agency

August 6, 1993  
Page 2

If you have any questions, please contact me at 521-3773.

Cordially,

Blymyer Engineers, Inc.



Michael S. Lewis  
Director, UST Services

cc: James T. Graeb, Esq.

ml93131bc.sch



Alameda County  
District Attorney's Office  
John J. Meehan, District Attorney

July 29, 1993

James T. Graeb  
Attorney at Law  
400 Oyster Point Blvd. Suite 415  
South San Francisco, CA 94060

Re: Superior Court Action No: C 709280 4,  
Maniar v Oakland Intl. Trade Center

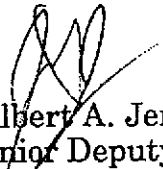
Dear Mr. Graeb:

Your letter to Mr. Chan of the Alameda County Hazardous Materials Program has been referred to me for review. Mr. Chan has provided you a list of consultants as requested. However, we cannot suspend future enforcement for violations of the law without an immediate commitment by your client to the work necessary to protect the environment.

To that end, please provide this office with endorsed filed copies of the Judgment and Settlement which you indicated has been reached. Additionally please indicate to this office the date on which the work which has been requested by the County will commence.

Very truly yours,

JOHN J. MEEHAN  
District Attorney

By:   
Gilbert A. Jensen  
Senior Deputy District Attorney

JJM:GAJ:gj

cc:  
Judge Joseph J. Carson  
James M Hanavan Esq.  
Mark A. Cameron Esq.

93 AUG -3 AM 10:39

JAMES T. GRAEB  
ATTORNEY AT LAW  
400 OYSTER POINT BLVD., SUITE 415  
SOUTH SAN FRANCISCO, CA 94080  
(415) 266-8080

FACSIMILE TRANSMISSION SHEET

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Barney Chan, Alameda County Health Care Services Agency

LOCATION/TELECOPY NUMBER: (510) 569-4757

FROM: James T. Graeb, Esq.

DATE/TIME: July 27, 1993 3:40 p.m.

PAGES TRANSMITTED (INCLUDING THIS PAGE): 2

SUBJECT: 625 Hegenberger Road, Oakland, CA

MESSAGE:

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged or confidential. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

The original of this transmittal will be returned to the originator to confirm transmission date and time.

Please contact Laura immediately at 415-266-8080 if the document is incomplete or if transmission quality is unacceptable.



JAMES T. GRAEB  
ATTORNEY AT LAW  
400 OYSTER POINT BLVD., SUITE 415  
SOUTH SAN FRANCISCO, CA 94080  
(415) 266-8080

July 27, 1993

Mr. Barney M. Chan  
Hazardous Materials Specialist  
UST Local Oversight Program  
80 Swan Way, Room 200  
Oakland, California 94621

Re: 625 Hegenberger Road, Oakland, California

Dear Mr. Chan:

This letter confirms that the parties settled the pending litigation on Friday, July 23, 1993, after the close of business. Mr. Maniar wishes to move forward with the selection of a registered professional, and we request a list of those registered professionals that have worked with your office in the past concerning tank removals and site closures. Please fax a list of experienced registered professionals to my office at (415) 266-8089 at your earliest convenience.

Very truly yours,



James T. Graeb

cc: James M. Hanavan, Esq.

JAMES T. GRAEB  
ATTORNEY AT LAW  
400 OYSTER POINT BLVD., SUITE 415  
SOUTH SAN FRANCISCO, CA 94080  
(415) 266-8080

July 27, 1993

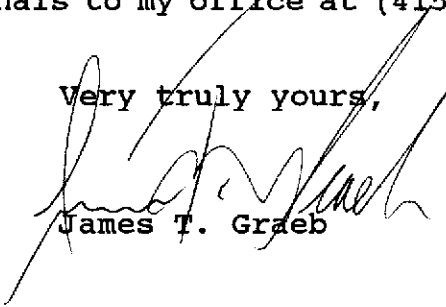
Mr. Barney M. Chan  
Hazardous Materials Specialist  
UST Local Oversight Program  
80 Swan Way, Room 200  
Oakland, California 94621

Re: 625 Hegenberger Road, Oakland, California

Dear Mr. Chan:

This letter confirms that the parties settled the pending litigation on Friday, July 23, 1993, after the close of business. Mr. Maniar wishes to move forward with the selection of a registered professional, and we request a list of those registered professionals that have worked with your office in the past concerning tank removals and site closures. Please fax a list of experienced registered professionals to my office at (415) 266-8089 at your earliest convenience.

Very truly yours,

  
James T. Graeb

cc: James M. Hanavan, Esq.

7/28/93 10:00 AM

*Endorsed filed copy  
of the court order adopting a  
agrees the settlement &  
send copy to Judge*



**AllWest Environmental, Inc.**

Specialists in Physical Due  
Diligence and Remedial Services

One Sutter Street, Suite 600  
San Francisco, Ca 94104  
Tel 415.391.2510  
Fax 415.391.2008

July 9, 1993

Mr. Barney Chan  
Alameda County Division of Hazardous Materials  
80 Swan Way, Room 200  
Oakland, CA 94621

**Subject: Request for Release of a Groundwater Monitoring Report  
625 Hegenberger Road, Oakland, California  
AllWest Project No. 93077.27**

Dear Mr. Chan:

This is to request the release of one copy of the latest groundwater monitoring report for the leaking underground storage tank site at 625 Hegenberger Road in Oakland, California. We understand there will be a reproduction and filing charge for a copy of the subject report. The charge will be based on the time of your staff spent on the task at the rate of \$75.00 per hour with a minimum of one hour. Please send the report and invoice to my attention at One Sutter Street, 6th Floor, San Francisco, CA 94104.

We appreciate any assistance you may render in helping us obtaining the needed information. Should you have any questions regarding this request, please call us at (415) 391-2510.

Sincerely,

**AllWest Environmental, Inc.**

Long Ching, PE  
Senior Project Manager

LC/bms

cc: Mr. Trevor Bond, First Boston Corporation

5/2/93

Jim Graeb : 525 + 633 Heg Rd

Diversified Investment Mr. Merwin 0.4 hr

Hart - ~~Atkinson~~ Craig Holland

Crowser - S.F.

---

Will be looking at MW 5 on site & Resampling. Will be reviewing competitive bids for tank removal. Will be drafting a WP ~~at~~ time schedule for all future events.

625  
Heg

① Golden West awarded Contract  
Closure plan will be sent down  
want to discuss

J. Grubb, M. Lewis, Mr. Mancini,  
John McKay w/ Diversified Investment  
Clean up levels + re use of soils  
anticipate ~500 cys  
- X19 - compost considering for bioremediation

Discuss the Ph  
issue!

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY



DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

April 20, 1993  
StID# 568

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

Mr. D. Maniar  
400 Oyster Point Blvd., Suite 415  
South San Francisco, CA 94080

**Re: Extension of Deadline for the Submittal of Underground Tank  
Closure Forms and Work Plan for Subsurface Investigation at  
625 Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

Our office has been made aware of the settlement conference set for April 22, 1993 which we hope will resolve some of the issues regarding the responsibility for the removal and investigation of the extent of contamination from the underground tanks at the above site. We agree that it would be in everyone's best interest to seek a tank removal contract and remedial investigation contract after this hearing. You are therefore given an extension of 30 days on each request ie you should submit an underground tank closure application **by May 23, 1993** and submit a work plan for the assessment and remediation of the site **by June 8, 1993**.

Our office would like to clarify the above request by stating what actions we would like to see occur at this site. By May 23, 1993 our office should receive a tank closure application. As soon as this application has been approved by this office, and as soon as it can be arranged, the tanks and sump should be removed. Certainly, it would be advantageous to remove the sump and tanks prior to developing a work plan for further assessment and remediation, however this is not necessary. The groundwater wells currently at this site should be examined for their viability and monitoring and reporting should resume on a quarterly basis.

You may contact me at (510) 271-4530 if you have any questions.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office  
R. Hiatt, RWQCB  
N. Tsui, OITC, 1714 Franklin St., Oakland CA 94612  
E. Howell, files 3-625Heg

JAMES T. GRAEB  
ATTORNEY AT LAW  
400 OYSTER POINT BLVD., SUITE 415  
SOUTH SAN FRANCISCO, CA 94080  
(415) 266-8080

April 16, 1993

Mr. Barney Chan  
Hazardous Materials Specialist  
Department of Environmental Health  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
80 Swan Way, Room 200  
Oakland, California 94621

Re: Filing Deadlines & Court Proceedings  
625 Hegenberger Road, Oakland, California 94621  
Your Letter of March 18, 1993

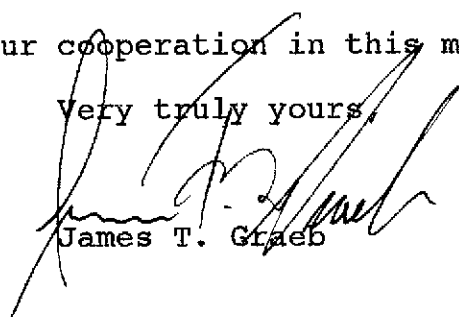
Dear Mr Chan:

Please be advised that the Honorable Joseph J. Carson, Presiding Judge for Alameda County Superior Court was presented with a request for Temporary Restraining Order and Request for Bond on April 8, 1993, by the attorneys for Mr. Dinesh Maniar. Judge Carson has not ruled on the request and has set the matter for a settlement conference and further hearing on April 22, 1993 at 9:00 a.m.

Judge Carson requested that Mr. Jensen of the Alameda County District Attorney's Office be present at these proceedings. Given this situation, the April 18, 1993 deadline for filing a permit should be extended until after the Alameda Superior Court and the Alameda County District Attorney's Office has had an opportunity to review this matter.

Thank you in advance for your cooperation in this matter

Very truly yours,

  
James T. Graeb

JTG/hms

cc: Mark A. Cameron, Esq.  
James M. Hanavan, Esq.  
G. Jensen, Esq.

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

March 18, 1993  
StID # 568

Mr. Dinesh Maniar  
400 Oyster Pt. Blvd, #415  
So. San Francisco, CA 94080

**Re: Submission of Tank Closure Application Forms and Work Plan  
for Subsurface Investigation at 625 Hegenberger Rd.,  
Oakland CA 94621**

Dear Mr. Maniar:

I have just spoke with Mr. James Graeb, your attorney, regarding my March 10, 1993 letter addressed to you. He was concerned that the deadline for tank removal application and for work plan submission could not be met ie within 30 days and 45 days of February 23, 1993 respectively. It appears that you have just recently received this letter. The tank closure forms were sent to Mr. Tsui since our office assumed he was the sole responsible party. Because of the circumstances of this site, our office will grant you an additional **30 days and 45 days** from the above date to submit a tank closure application and work plan for subsurface investigation. Your new deadlines are April 19, 1993 and May 3, 1993.

Enclosed please find the Underground Tank Closure Plan plus forms A and B. Note there should be one A form completed for the site and one B form completed for each tank to be removed.

You may contact me at (510) 271-4530 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Barney M. Chan".

Barney M. Chan  
Hazardous Materials Specialist

enclosures

cc: G. Jensen, Alameda County District Attorney Office  
R. Hiett, RWQCB  
N. Tsui, OITC, 1714 Franklin St., Oakland CA 94612  
E. Howell, files *EHW*  
3-625Heg



**MILLER  
STARR  
REGALIA &**

A PROFESSIONAL  
LAW CORPORATION

ONE KAISER PLAZA,  
SUITE 1600,  
OAKLAND,  
CALIFORNIA 94612  
FACSIMILE (510) 465-1202  
TELEPHONE (510) 465-3800

WALNUT CREEK OFFICE  
FACSIMILE (510) 933-4126  
TELEPHONE (510) 935-9400

March 18, 1993

James M. Hanavan  
Gordon & Rees  
Twentieth Floor  
Embarcadero Center West  
275 Battery Street  
San Francisco, California 94111

Re: 625 Hegenberger Road

Dear Mr. Hanavan:

Enclosed is a copy of a "Notice of Violation" Mr. Tsui recently received from the Alameda County Environmental Health, Hazardous Materials Division. The Notice states that the abandoned underground storage tanks located on the subject property need to be removed and that a new tank closure plan must be completed and approved by the County's Local Oversight Program.

Oakland International Trade Center, Inc. ("OITC") and Mr. Tsui are very concerned over the contents of the Notice. As you know, the Purchase Agreement for the Sale of the subject property to your client, Mr. Dinesh Maniar, was executed on April 9, 1991. Escrow for the transaction closed on April 23, 1991. Under the Purchase Agreement, Maniar was supposed to remove promptly the underground storage tanks left on the property by a former tenant and correct any associated problems. OITC provided Maniar with over \$300,000 in purchase funds to accomplish this task. It is indisputable that the tank removal will cost far less than \$300,000. One expert estimated \$30,000.

Despite the above, Maniar has not removed the storage tanks, even though legal title to the property has been transferred to him. Shortly after escrow closed, Mr. Graeb represented to OITC that plans were being made to pull the tanks. Despite OITC's repeated demands that Maniar remove the tanks, these plans were never carried out.

Accordingly, Maniar is again asked to promptly take all steps necessary to comply with the dictates of the Notice.

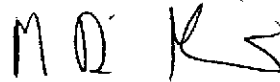
March 18, 1993  
Page 2

Failure to do so is a breach of his agreement with OITC. Maniar will also have to indemnify OITC from any fines imposed on it.

I also assume that Maniar has applied to the California Underground Storage Tank Cleanup Fund to have the costs of the removal reimbursed. Please let us know the status of this application.

Very truly yours,

MILLER, STARR & REGALIA



Michael E. DiGeronimo

MED:sym  
Enclosure

cc: Barney Chan  
Mark Cameron  
Nelson Tsui

TSU.31208 A:\TSU.LTR

JAMES T. GRAEB  
ATTORNEY AT LAW  
400 OYSTER POINT BLVD., SUITE 415  
SOUTH SAN FRANCISCO, CA 94080  
(415) 266-8080

March 18, 1993

Mr. Barney Chan  
Hazardous Materials Specialist  
Department of Environmental Health  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
80 Swan Way, Room 200  
Oakland, California 94621

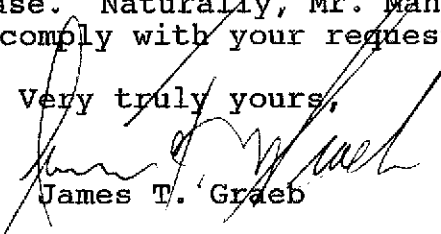
Re: Reissuance of Notice of Requirement to Reimburse for  
625 Hegenberger Road, Oakland, California 94621  
Your Letter of March 10, 1993

Dear Mr Chan:

This letter will confirm our telephone conversation today during which you advised me that after a telephone discussion with Mr. Nelson Tsui, you named Mr. Dinesh Maniar as the primary party with regards to the underground storage tanks at 625 Hegenberger Road, Oakland, California. You indicated that Mr. Tsui suggested that by naming Mr. Maniar as the primary party, settlement of the pending civil litigation would be expedited. You then sent the letter of March 10, 1993 which stated to Mr. Maniar that "within 30 days of February 23, 1993, you have initiated the removal of the three underground storage tanks and the sump." Your letter indicated that Mr. Maniar's failure to comply would result in an Administrative Hearing with the District Attorney's office.

As your letter was received on March 18, 1993, you agreed to send my office the forms required for filing a new permit application. We agreed that Mr. Maniar would have an additional 30 days from today's date to file such an application and that this was the only action required of Mr. Maniar within the 30 day period. I also advised you of the pending civil litigation and gave you my understanding of the case. Naturally, Mr. Maniar will do everything within his power to comply with your requests.

Very truly yours,

  
James T. Graeb

cc: Judge Joseph J. Carson (w/enc.)  
Mark A. Cameron, Esq. (w/enc.)  
James M. Hanavan, Esq. (w/enc.)  
G. Jensen, Esq. (w/enc.)

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

March 10, 1993  
StID# 568

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

Mr. Dinesh Maniar  
400 Oyster Pt. Bl. #415  
So. San Francisco, CA 94080

**Re: Reissuance of Notice of Requirement to Reimburse for  
625 Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

This letter is to notify you that a new Notice of Requirement to Reimburse letter was made to reflect you as the new property owner of the above referenced site. I would also like to clarify the County's position regarding the status of the underground tanks and subsurface investigation at this site. I understand that a part of the proceeds of the sales of the property was designated for the removal of the underground tanks and the investigation and remediation of the petroleum contamination. I also understand that you're in the midst of settling this issue through legal means.

Our office feels that adequate time and notification has been given regarding your requirements to address the underground tanks and contamination at this site. The last deadline according to my Second Notice of Violation are **within 30 days of February 23, 1993**, you are to have initiated the removal of the three underground tanks and the sump and **within 45 days of February 23, 1993** you are to have provided a work plan for the the assessment and remediation of the this site. Failure to perform the requested items will cause the scheduling of an Adminstrative Hearing with the District Attorney's Office

You may contact me at (510) 271-4530 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Barney M. Chan".

Barney M. Chan  
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office  
R. Hiett, RWQCB  
N. Tsui, OITC, 1714 Franklin St., Oakland CA 94612  
E. Howell, files  
2-625NRR

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

Certified Mail # P 367 604 530

03/10/93  
STID# 568

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

**Notice of Requirement to Reimburse**

Mr. Dinesh Maniar  
N/a  
400 Oyster Pt. Bl #415  
So. San Francisco, Ca 94080

Responsible Party #1  
Property Owner

Mr. Nelson Tsui  
Oak. Intl Trade Center  
1714 Franklin St.  
Oakland Ca 94612

Responsible Party #2  
Contact Person  
Contact Company

Oakland Int'l Trade Center  
625 Hegenberger Rd.  
Oakland, CA 94621

SITE

Date First Reported 04/27/88  
Substance: Gasoline  
Petroleum: (X)Yes

The federal Petroleum Leaking Underground Storage Tank Trust Fund (Federal Trust Fund) provides funding to pay the local and state agency administrative and oversight costs associated with the cleanup of releases from underground storage tanks. The legislature has authorized funds to pay the local and state agency administrative and oversight costs associated with the cleanup of releases from underground storage tanks. The direct and indirect costs of site investigation or remedial action at the above site are funded, in whole or in part, from the Federal Trust Fund. The above individual(s) or entity(ies) have been identified as the party or parties responsible for investigation and cleanup of the above site. YOU ARE HEREBY NOTIFIED that pursuant to Title 42 of the United States Code, Section 6991b(h)(6) and Sections 25297.1 and 25360 of the California Health and Safety Code, the above Responsible Party or Parties must reimburse the State Water Resources Control Board not more than 150 percent of the total amount of site specific oversight costs actually incurred while overseeing the cleanup of the above underground storage tank site, and the above Responsible Party or Parties must make full payment of such costs within 30 days of receipt of a detailed invoice from the State Water Resources Control Board.

Please contact Barney CHAN, Hazardous Materials Specialist at this office if you have any questions concerning this matter.

Edgar B. Howell, III, Chief  
Contract Project Director

cc: Sandra Malos, SWRCB

SWRCB Use:

Add: X Reason: New Case

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

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

November 2, 1992

Dear Sir:

The attached "Notice of Reimbursement" is not a bill. It is required by our contract with the State Water Resources Control Board that we send this letter to all responsible parties involved in a leaking petroleum underground tank site. A responsible party may be the operator of the tank or the property owner. You fall into the following category:

The site is contaminated and the Alameda County Local Oversight Program will be overseeing the cleanup through to "no further action needed." This letter says that you will be billed for the time that our technical staff spends on your case after the work has been accomplished.

We will work with you to expedite the remediation of your site.

If you have any questions please call this office at 271-4530 and ask for the specialist noted in the accompanying notice.

Sincerely,

Thomas F. Peacock, Supervising HMS  
Hazardous Material Division

**MILLER  
STARR &  
REGALIA**

A PROFESSIONAL  
LAW CORPORATION

ONE KAISER PLAZA,  
SUITE 1600,  
OAKLAND,  
CALIFORNIA 94612  
FACSIMILE (510) 465-1202  
TELEPHONE (510) 465-3800

STID  
#568

WALNUT CREEK OFFICE  
FACSIMILE (510) 933-4126  
TELEPHONE (510) 935-9400

MICHAEL E. DiGERONIMO

March 18, 1993

Barney M. Chan  
Hazardous Materials Specialist  
Alameda County Environmental Health,  
Hazardous Materials Division  
80 Swan Way, Rm. 200  
Oakland, CA 94621

Re: 625 Hegenberger Road

Dear Mr. Chan:

This letter is in response to the "Second Notice of Violation," which you sent to Mr. Tsui concerning the underground storage tanks located at the above-referenced location. Our firm represents Mr. Tsui and Oakland International Trade Center, Inc. ("OITC") in certain legal disputes arising out of the sale of the subject property to Maniar in April of 1991. Legal title to the subject property has been transferred to Dinesh Maniar. OITC no longer retains any control over the property, and has no legal control or authority to do anything to investigate or cleanup the property.

In coordinated actions entitled Oakland Property Cases, Judicial Council No. 2810, now pending in Alameda County Superior Court, OITC will be asking the Court to order Maniar to remove the storage tanks. OITC has repeatedly asked Maniar to remove the tanks.

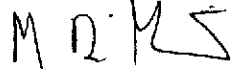
Presently, however, OITC is powerless to remove the tanks as it has no control over the property. Under these circumstances, any effort to levy a fine against it would be unjust and counterproductive. As the current owner of the property, Maniar should be the person designated by you in your

March 18, 1993  
Page 2

letter as the person primarily responsible for the removal of the tanks.

Very truly yours,

MILLER, STARR & REGALIA



Michael E. DiGeronimo

MED:sym  
Enclosure

cc: James Hanavan  
Nelson Tsui  
Mark Cameron

TSU.31208 A:\TSU.LTR



ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

March 10, 1993  
StID# 568

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

Mr. Dinesh Maniar  
400 Oyster Pt. Bl. #415  
So. San Francisco, CA 94080

3/18/93

Re: **Reissuance of Notice of Requirement to Reimburse for  
625 Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

This letter is to notify you that a new Notice of Requirement to Reimburse letter was made to reflect you as the new property owner of the above referenced site. I would also like to clarify the County's position regarding the status of the underground tanks and subsurface investigation at this site. I understand that a part of the proceeds of the sales of the property was designated for the removal of the underground tanks and the investigation and remediation of the petroleum contamination. I also understand that you're in the midst of settling this issue through legal means.

Our office feels that adequate time and notification has been given regarding your requirements to address the underground tanks and contamination at this site. The last deadline according to my Second Notice of Violation are **within 30 days of February 23, 1993**, you are to have initiated the removal of the three underground tanks and the sump and **within 45 days of February 23, 1993** you are to have provided a work plan for the the assessment and remediation of the this site. Failure to perform the requested items will cause the scheduling of an Adminstrative Hearing with the District Attorney's Office

You may contact me at (510) 271-4530 if you have any questions.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office  
R. Hiatt, RWQCB  
N. Tsui, OITC, 1714 Franklin St., Oakland CA 94612  
E. Howell, files *EH*  
2-625NRR

**OAKLAND INTERNATIONAL TRADE CENTER**

DATE:

3-8-93

NAME:

Mr. Mark Cameron

FAX:

465-1202

COMPANY:

Miller Stam

FROM:

NEKSON TSUIFAX: 510 465-1244

If there is a problem with transmission, please call 510 465-7012.

A TOTAL OF 5 PAGES ARE SENT INCLUDING THIS COVER PAGE.

Re my conversation with you last week, I am forwarding letters from Alameda County, Mr Barney M. Chan agree that the tank removal should NOT cost more than thirty thousand and he thinks that should be the first step, he is willing to speak to you to speed up the matter.

**ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY**



DAVID J. KEARS, Agency Director

Certified Mailer # *P113 815 376*

February 23, 1993  
STID # 568

Mr. Nelson Tsui  
Oakland International Trade Center  
1714 Franklin St.  
Oakland CA 94612

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) 271-4630

**Re: Tank Removal and Request for Work Plan for Subsurface  
Investigation at 625 Hegenberger Rd., Oakland CA 94621**

**SECOND NOTICE OF VIOLATION**

Dear Mr. Tsui:

Please be aware that the oversight of the subsurface investigation for the above site has been transferred to the Local Oversight Program (LOP) section of Alameda County Environmental Health, Hazardous Materials Division. The undersigned Hazardous Materials Specialist remains your case handler.

Recall, you were last notified of the requirement for further subsurface investigation at the above site in my August 27, 1992 letter. You were requested to provide a workplan for the assessment of hydrocarbon contamination within 45 days. This would address the soil and groundwater contamination documented in the April 27, 1988 report by Subsurface Consultants. The remediation was to also include the closure (removal) of the underground tanks at the referenced site. An underground tank closure plan was provided to our office and approved on January 13, 1992. To this date our office is not aware of any work plan submittal or tank removals.

You are again advised that the failure to remove the abandoned underground tanks and submit a work plan for further subsurface investigation is considered the improper closure of an underground tank. The California Health and Safety Code, Division 20, Chapter 6.7 Section 25298 (c) 4 may authorize a penalty of not less than \$500 or more than \$5000 for each tank, for each day the underground tank owner fails to properly close the underground tank. Failure to perform the required tank removals and submit a corrective work plan will cause this case to be referred to the District Attorney's Office for enforcement.

Mr. Nelson Tsui  
625 Hegenberger Rd.  
StID # 568  
February 23, 1993  
Page 2.

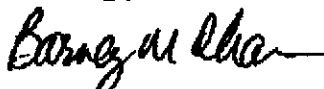
I understand that this property is no longer owned by the Oakland International Trade Center (OITC) but that OITC remains the responsible party for the investigation and remediation of the site. The new property owner is being copied with this letter since the legal definition of responsible party also includes the current property owner.

Be aware that since the submission of the underground tank closure form in January 1992, requirements have changed and a new tank closure plan must be completed and approved by this office prior to the removal of the underground tanks. Enclosed please find the newest update of the County's tank closure form along with State forms A and B.

Within 30 days, please proceed with the proper closure of the underground tanks or provide a work plan for further subsurface investigation and remediation.

You may contact me at (510) 271-4530 should you have any questions.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

enclosures (Mr. Tsui)

cc: G. Jensen, Alameda County District Attorney Office  
R. Hiett, RWQCB  
D. Maniar, 400 Oyster Pt. Blvd., #415, So. San Francisco,  
CA 94080  
E. Howell, files

2NOV-625Heg

Mr. Nelson Tsui  
625 Hegenberger Rd.  
StID # 568  
February 23, 1993  
Page 2.

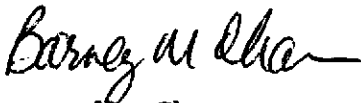
I understand that this property is no longer owned by the Oakland International Trade Center (OITC) but that OITC remains the responsible party for the investigation and remediation of the site. The new property owner is being copied with this letter since the legal definition of responsible party also includes the current property owner.

Be aware that since the submission of the underground tank closure form in January 1992, requirements have changed and a new tank closure plan must be completed and approved by this office prior to the removal of the underground tanks. Enclosed please find the newest update of the County's tank closure form along with State forms A and B.

**Within 30 days**, please proceed with the proper closure of the underground tanks or provide a work plan for further subsurface investigation and remediation.

You may contact me at (510) 271-4530 should you have any questions.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

enclosures (Mr. Tsui)

cc: G. Jensen, Alameda County District Attorney (BC)  
R. Hiett, RWQCB  
D. Maniar, 400 Oyster Pt. Blvd., #415, So. CA 94080  
E. Howell, files *EBA*  
2NOV-625Heg

P 113 815 376



**Receipt for Certified Mail**

No Insurance Coverage Provided  
Do not use for International Mail  
(See Reverse)

#568

Sent to	Nelson Tsui
Street and No.	1714 Franklin Street
P.O., State, and ZIP Code	Oakland CA 94612
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, June 1991

StID 568

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY



DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

Certified Mailer # P113 815 376

February 23, 1993  
StID # 568

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

Mr. Nelson Tsui  
Oakland International Trade Center  
1714 Franklin St.  
Oakland CA 94612

**Re: Tank Removal and Request for Work Plan for Subsurface  
Investigation at 625 Hegenberger Rd., Oakland CA 94621**

**SECOND NOTICE OF VIOLATION**

Dear Mr. Tsui:

Please be aware that the oversight of the subsurface investigation for the above site has been transferred to the Local Oversight Program (LOP) section of Alameda County Environmental Health, Hazardous Materials Division. The undersigned Hazardous Materials Specialist remains your case handler.

Recall, you were last notified of the requirement for further subsurface investigation at the above site in my August 27, 1992 letter. You were requested to provide a workplan for the assessment of hydrocarbon contamination **within 45 days**. This would address the soil and groundwater contamination documented in the April 27, 1988 report by Subsurface Consultants. The remediation was to also include the closure (removal) of the underground tanks at the referenced site. An underground tank closure plan was provided to our office and approved on January 13, 1992. To this date our office is not aware of any work plan submittal or tank removals.

You are again advised that the failure to remove the abandoned underground tanks and submit a work plan for further subsurface investigation is considered the **improper closure of an underground tank**. The California Health and Safety Code, Division 20, Chapter 6.7 Section 25298 (c) 4 may authorize a penalty of not less than \$500 or more than \$5000 for each tank, for each day the underground tank owner fails to properly close the underground tank. Failure to perform the required tank removals and submit a corrective work plan will cause this case to be referred to the District Attorney's Office for enforcement.

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

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

August 27, 1992  
STID #568

Mr. Nelson Tsui  
Oakland International Trade Center  
633 Hegenberger Rd.  
Oakland CA 94621

NOTICE OF VIOLATION  
Improper Closure of Underground Tanks at  
625 Hegenberger Rd., Oakland CA 94621

Dear Mr. Tsui:

You are aware that the April 27, 1988 report by Subsurface Consultants, Inc. indicated considerable petroleum hydrocarbon contamination in the soil and groundwater samples taken from borings and monitoring wells on this site. In addition, our office has received and approved the tank closure application for the removal of the three gasoline tanks and sump. This application has been approved since 1/13/92 yet no work has been performed to this date. From the results of soil borings around the underground tanks, it is clear that at least part of the contamination has originated from these tanks. Part of the remediation of this site will be the removal of the underground tanks and sump, however, in addition further excavation and/or soil and groundwater remediation will be needed.

You are therefore requested to submit a work plan which assesses the extent of and addresses the remediation of the soil and groundwater contamination within forty-five (45) days of receipt of this letter.

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 to our office and to that of the RWQCB to the attention of Mr. Rich Hiett. Their address is 2102 Webster St., Fourth Floor, Oakland CA 94612. Failure to submit the requested documents may subject the Oakland International Trade Center (OITC) to civil liabilities.

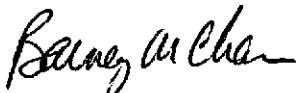
Our office has a Memorandum of Understanding (MOU) with the Department of Health Services Toxics Substance Division. As such, we are empowered to enforce the regulations of the California Health and Safety Code (CH&SC), Division 20, Chapter 6.7. Section 25298 (c) 4 of the CH&SC states that no person

Mr. Nelson Tsui  
625 Hegenberger Rd.  
STID #568  
August 27, 1992  
Page 2.

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 past releases, and if so that appropriate corrective actions are taken. Section 25299 (5) allows for the penalty of not less than \$500 or more than \$5000 for each underground tank for each day which the operator or owner fails to properly close an underground tank as required by Section 25298. The failure to remove the underground tanks or the failure to provide an adequate workplan shall be considered the improper closure of an underground tank and may cause this case to be referred to the District Attorney Office for enforcement.

Please contact me at (510) 271-4320 should you have any questions or comments.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

cc: M. Thomson, Alameda County District Attorney Office  
R. Hiett, RWQCB  
E. Howell III, files

NOV-625Heg



Contact: A. Tsai  
Mr Nelson

DATE: 7/1/92  
TO : Local Oversight Program  
FROM: B. Chan  
SUBJ: Transfer of Eligible Oversight Case

Site name: Oakland International Trade Center  
Address: 625 Hegenberger Rd city Oak zip 94621  
Closure plan attached?  Y  N DepRef remaining \$ \_\_\_\_\_  
DepRef Project # 612166 STID #(if any) 568  
Number of Tanks: 3 removed?  Y  N Date of removal Not yet  
Leak Report filed?  Y  N Date of Discovery 4/27/88  
Samples received?  Y  N Contamination: Gasoline  
Petroleum  Y  N Types: Avgas Jet leaded unleaded Diesel  
fuel oil waste oil kerosene solvents  
Monitoring wells on site 5 Monitoring schedule?  Y  N

Briefly describe the following:

Preliminary Assessment \_\_\_\_\_  
Remedial Action \_\_\_\_\_  
Post Remedial Action Monitoring \_\_\_\_\_  
Enforcement Action \_\_\_\_\_

Comments:

SSC performed a site assessments (borings & GW installation) at site in 3/88. 5 MWs & multiple borings indicate high gasoline contamination eg B6 @ 6' - 5600 ppm, B7 @ 7.5' - 2200 ppm. B15 @ 1.5' - 590 + High TEH & 706. Water spiles from MW 8 = 18 ppm TH (MW = 8, 10, 11, 12 & 16) & B - 3700 ppb). Need to continue monitoring & determine gradient & free product if any and remove tanks and piping + sump ASAP.

**ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY  
DEPARTMENT OF ENVIRONMENTAL HEALTH  
HAZARDOUS MATERIALS DIVISION  
80 SWAN WAY, ROOM 200  
OAKLAND, CA 94621  
PHONE NO. 415/271-4320**

Project Specialist (print) Barney Chan  
1/13/92 OK Blhan with additional

**ACCEPTED**  
DEPARTMENT OF ENVIRONMENTAL HEALTH  
470 - 27th Street, Third Floor  
Oakland, CA 94612  
Telephone: (415) 874-7237

These plans have been reviewed and found to be acceptable and essentially meet the requirements of State and local health laws. Changes to your plans indicated by the Department are to assure compliance with State and local laws. The project proposed herein is now released for issuance of any required building permits for construction.

One copy of these accepted plans must be on the job site available to all contractors and craftsmen involved with the removal.

Any change or alterations of these plans and specifications must be submitted to this Department and to the Fire and Building Inspection Department to determine if such changes meet the requirements of State and local laws. Notify this Department at least 48 hours prior to the following required inspections:

- \_\_\_\_\_ Removal of Tank and Piping
- \_\_\_\_\_ Sampling
- \_\_\_\_\_ Final Inspection

Issuance of a permit to operate is dependent on compliance with accepted plans and all applicable laws and regulations.

THERE IS A FINANCIAL PENALTY FOR NOT OBTAINING THESE INSPECTIONS.

**UNDERGROUND TANK CLOSURE PLAN**

\* \* \* Complete according to attached instructions \* \* \*

(510) 465-7012  
1714 Franklin Pt  
Oak 94612  
Nelson Tsui

1. Business Name Oakland International Trade Center (OITC)  
(Former) Business Owner Oakland International Trade Center (OITC)
  2. Site Address 625 Hegenberger Road  
City Oakland Zip 94621 Phone N/A
  3. Mailing Address 633 Hegenberger Road  
City Oakland Zip 94621 Phone 465-7012
  4. Land Owner OITC  
Address 633 Hegenberger Road City, State Oakland, CA Zip 94621
  5. Generator name under which tank will be manifested Oakland International Trade Center (OITC)
- EPA I.D. No. under which tank will be manifested I.D.# CAC 000698616

6. Contractor Scrivner Environmental Services, A Division of K.M. Scrivner, Inc.

Address 256 E. Polk Street

City Coalinga, CA 93210 Phone (209) 935-0815

License Type Class A Hazard ID# 575553

7. Consultant Environmental Health Consultants, Inc (EHCI)

Address 1050 Edwards Road

City Burlingame, CA 94010 Phone (415) 347-9205

8. Contact Person for Investigation

Name Irene Fanelli Title President - EHCI

Phone (415) 347-9205

9. Number of tanks being closed under this plan 3 plus sump

Length of piping being removed under this plan Estimate = 100-200 ft

Total number of tanks at facility 3 plus sump

10. State Registered Hazardous Waste Transporters/Facilities (see instructions).

**\*\* Underground tanks are hazardous waste and must be handled \*\*  
as hazardous waste**

a) Product/Residual Sludge/Rinsate Transporter

Name Erickson, Inc. EPA I.D. No. CAD009466392

Hauler License No. 0019 License Exp. Date May 1992

Address 255 Parr Boulevard

City Richmond State CA Zip 94801

b) Product/Residual Sludge/Rinsate Disposal Site

(1) Romic Chemical (1) CAD009452657  
Name (2) Gibson Pilot EPA I.D. No. (2) CAD043260702

Address (1) 2081 Bay Road (2) 475 Seaport Boulevard

(1) East Palo Alto CA 94303  
City (2) Redwood City State CA Zip 94604

- 2 -

rev 12/90 (1) = Product/Residual Sludge  
(2) = Rinsate

c) Tank and Piping Transporter

Name Erickson, Inc. EPA I.D. No. CAD009466392  
Hauler License No. 0019 License Exp. Date May 1992  
Address 255 Parr Boulevard  
City Richmond State CA zip 94801

d) Tank and Piping Disposal Site

Name Erickson, Inc. EPA I.D. No. CAD009466392  
Address 255 Parr Boulevard  
City Richmond State CA zip 94801

11. Experienced Sample Collector

Name Alan Howard  
Company Brierley & Lyman/Environmental Health Consultants  
Address 3130 Skyway Drive, Suite 402  
City Santa Maria State CA zip 93455 Phone (805) 349-0014

12. Laboratory

Name Cirrus Environmental (805) 346-1766  
Address 3130 Skyway Drive, Suite 403  
City Santa Maria State CA zip 93455  
State Certification No. 3651544 *not certified for Haz waste*

13. Have tanks or pipes leaked in the past? Yes [ X ] No [ ]

If yes, describe. See attached reports  
\_\_\_\_\_  
\_\_\_\_\_

14. Describe methods to be used for rendering tank inert

Tank will be dry-iced and shipped with hazardous waste manifest to

Erickson Environmental. Erickson will rinse tank and dispose rinse

water. The tank will then be destroyed.

Before tanks are pumped out and inerted, all associated piping must be flushed out into the tanks. All accessible associated piping must then be removed. Inaccessible piping must be plugged.

The Bay Area Air Quality Management District (771-6000), along with local Fire and Building Departments, must also be contacted for tank removal permits. Fire departments typically require the use of explosion proof combustible gas meters to verify tank inertness. It is the contractor's responsibility to bring a working combustible gas meter on site to verify tank inertness.

15. Tank History and Sampling Information

See attached reports

Tank		Material to be sampled (tank contents, soil, ground-water, etc.)	Location and Depth of Samples
Capacity	Use History (see instructions)		
3-12000 gal	Gasoline Storage (service station)	3 soil samples per tank will be sampled	samples will be taken immediately above ground water from excavation sidewall or 1-2' into native if no groundwater present
1-260 gal sump	Waste hydrocarbons (service station)	1 water sample per tank <i>1 soil spie under sump if no water present</i>	Taken at mid-depth of water depth within excavated pit.
100-100 ft piping (estimate)	Gasoline delivery (service station)	> 1 soil sample per 20 ft of piping as below	samples will be taken from the trench excavation bottom, 1-2' into native
NOTE: the tanks were installed in 1974 and believed to have last been used in 1/86, as noted in the OTC tank permit applications.			

One soil sample must be collected for every 20 feet of piping that is removed. A ground water sample must be collected should any ground water be present in the excavation.

**Excavated/Stockpiled Soil**

<p><b>Stockpiled Soil Volume (Estimated)</b></p> <p align="center">300 cy</p>	<p align="center"><b>Sampling Plan</b></p> <p>One sample per 20 cy or as directed by Alameda County Representative for full analysis suite as below.</p>
---	--

**Stockpiled soil must be placed on bermed plastic and must be completely covered by plastic sheeting.**

16. Chemical methods and associated detection limits to be used for analyzing samples

**The Tri-Regional Board recommended minimum verification analyses and practical quantitation reporting limits should be followed. See attached Table 2.**

Contaminant Sought	EPA, DHS, or Other Sample Preparation Method Number	EPA, DHS, or Other Analysis Method Number	Method Detection Limit
Leaded Gas in Soil	5030	TPHG GCFID	1.0 ppm
	5030	BTX&E 8020 or 8240	0.005 ppm
	5030	TPH G BTX&E 8260	1 ppm
	3050	Total Lead AA - 7421	0.02 ppm
Leaded Gas in Water	5030	TPHG GCFID	50 ppm
	5030	BTX&E 602 or 624	50 ppm
	3020	Total Lead AA - 7421	50 ppm
Waste & Used Oil in Soil	5030	TPHG GCFID	1.0 ppm
	3550	TPHD GCFID	1.0 ppm
	5030	OCG 5520 D&F	50 ppm
	5030	TPH and BTX&E 8260	1.0 ppm
	5030	CL HC 8010	1.0 ppm
	3050	Ph, Cd, Ni, Cr, Zn 8270 - Semivolatiles	} if any of above detected

17. Submit Site Health and Safety Plan (See Instructions)

18. Submit Worker Compensation Certificate copy

Name of Insurer Industrial Indemnity

19. Submit Plot Plan (See Instructions)

20. Enclose Deposit (See Instructions)

21. Report any leaks or contamination to this office within 5 days of discovery. The report shall be made on an Underground Storage Tank Unauthorized Leak/Contamination Site Report form. (see Instructions)

22. Submit a closure report to this office within 60 days of the tank removal. This report must contain all the information listed in item 22 of the instructions.

I declare that to the best of my knowledge and belief the statements and information provided above are correct and true.

I understand that information in addition to that provided above may be needed in order to obtain an approval from the Department of Environmental Health and that no work is to begin on this project until this plan is approved.

I understand that any changes in design, materials or equipment will void this plan if prior approval is not obtained.

I understand that all work performed during this project will be done in compliance with all applicable OSHA (Occupational Safety and Health Administration) requirements concerning personnel health and safety. I understand that site and worker safety are solely the responsibility of the property owner or his agent and that this responsibility is not shared nor assumed by the County of Alameda.

Once I have received my stamped, accepted closure plan, I will contact the project Hazardous Materials Specialist at least three working days in advance of site work to schedule the required inspections.

Signature of Contractor

Name (please type) Scribner Environmental Services, Chris Hess V.P.

Signature \_\_\_\_\_

Date 11/18/91

Signature of Site Owner or Operator

Name (please type) Oakland International Trade Center Inc.

Signature \_\_\_\_\_

Date 11/29/91