

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 16, 2006

Mr. Lynn Worthington
Golden Empire Properties, Inc.
5942 MacArthur Blvd. Suite B
Oakland, CA 94605

Subject: Fuel Leak Case No. RO0000271, Exxon Service Station, 3055 35th Avenue, Oakland, California.

Dear Mr. Worthington:

Please be advised that I have taken over the above referenced site from Mr, Amir Ghloami. Alameda County Environmental Health Department (ACEH) staff have reviewed the case file and a recently revised work plan received in February 2006 and entitled, "Revised Remediation Work Plan" prepared on your behalf by Cambria Environmental Technology. This letter is in response to the revised work plan. In addition to the report requested below, a Site Conceptual Model (SCM) should be prepared to summarize the site background, history, geology, hydrogeology, and investigation results to date for the site. The SCM also presents conclusions and recommendations for future actions. Lastly, ACEH request that the Corrective Action Plan (CAP) originally prepared in April 1998 be updated to reflect all site remediation activities.

Elevated concentrations of fuel hydrocarbons continue to be detected in groundwater in on-site monitoring wells, of particular concern are benzene concentrations in onsite monitoring wells. It also appears that the fuel hydrocarbon plume has not been adequately defined off site and the trajectory of the plume may be in the path of nearby residences. No monitoring wells or soil boring data exists off-site or downgradient of monitoring wells MW-3, MW-4 or RW-5. In order to assess the extent of dissolved fuel hydrocarbons in soil and groundwater, we request that you prepare a Work Plan to collect soil and groundwater samples offsite along the plume axis to define the extent of contamination in the downgradient direction.

Based on ACEH staff review of the case file, we request that you address the following technical comments and prepare a work plan detailing work to be performed, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to steven.plunkett@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Proposed Interim Remedial Alternative.** In-situ Chemical Oxidation (ISOC) has been proposed as the most cost effective technique to address the remediation goals at the subject site. Previously, Dual Phase Vapor Extraction (DPE) was implemented as the interim remedial alternative. The results of the interim DPE indicate that soils at the site have low permeability to air and groundwater flow, which limits the effectiveness of in-situ remedial technologies. Given hydrogeologic conditions at the site, ACEH is concerned that ISOC using ozone may not have a significant impact because the technique may have limited distribution due to low permability soils. Additionally, several remedial alternatives have been used at the site with varying degrees of success. Please discuss specific soil characteristics, in particular

site with varying degrees of success. Please discuss specific soil characteristics, in particular soil permeability, and how these qualities will allow the effective distribution of ISOC using ozone in the subsurface. In addition, please elaborate on the rationale for your decisions regarding sparge point screen intervals and linear distances. Please present your conclusion in the revised work plan presented below.

Furthermore, ACEH recommends updating the Corrective Action Plan (CAP) prepared in April 1998 to reflect all remediation activities that have occurred at the site, as ISOC and ozone sparging was not a recommended remedial alternative in the original CAP. The updated CAP should recommend several technically and economically feasible methods to meet cleanup objective leading to site closure. The CAP must also discuss monitoring and evaluation of remedial alternatives in order to demonstrate the efficacy of the chosen remediation method leading to the completion of corrective actions. Please see 23 CCR Section 2726 for CAP preparation guidelines. Please propose a schedule for implementing the corrective action plan in the work plan requested below.

2. **Preparation of Site Conceptual Model.** The SCM for this project is to incorporate, but not be limited to, the following:
 - A. A concise narrative discussion of the regional geologic and hydrogeologic setting. Include a list of technical references you reviewed.
 - B. A concise discussion of the on-site and off-site geology, hydrogeology, release source and history, secondary source areas, remediation status, risk assessment, plume migration, attenuation mechanisms, preferential pathways, and potential threat to downgradient receptors. The SCM shall include an analysis of the hydraulic flow system at and downgradient from the site, including potential vertical hydraulic gradients.
 - C. Local and regional maps showing location of sources, extent of soil and groundwater contamination for appropriate depth intervals (i.e., an interpretive drawings and isoconcentration maps—not a plot of laboratory results), rose diagram of recent and historical groundwater gradients, and locations of receptors. "Receptors" include, but are not limited to, all supply wells and surface water bodies within 2,000 feet of the source area, and all potentially impacted schools, hospitals, daycare facilities, residences, and other areas of heightened concern for vapor impact.
 - D. Geologic cross-sections, which include an interpretive drawing of the vertical extent of soil and groundwater contamination (i.e., an interpretive drawing—not a plot of laboratory results). The SCM report requested below is to include one cross section parallel and one cross section perpendicular to the contaminant plume axis. Each cross section should include, but not be restricted to, the following:
 1. Subsurface geologic features, depth to groundwater and man-made conduits.
 2. Surface topography. The cross sections should be extended off-site where necessary to show significant breaks in slope.
 3. Soil descriptions for all borings and wells along the line of section.
 4. Screen and filter pack intervals for each monitoring well.
 5. Sampling locations and results for soil and grab groundwater samples.
 6. Site features such as the tank pit, dispensers, etc.
 7. Where appropriate, monitoring well location and soil boring locations will be projected back to the strike of the cross section line.

- E. Temporal changes in the plume location and concentrations are also a key element of the SCM. In addition to providing a measure of the magnitude of the problem, these data are often useful to confirm details of the flow system inferred from the hydraulic head measurements.
- F. Exposure evaluation flowchart (similar to Figure 2 in ASTM's Standard Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites) and/or a graphical SCM (similar to Figure 1 in the Central Valley Regional Water Quality Control Board's Appendix A - Reports, Tri - Regional Board Staff Recommendations For Preliminary Investigation And Evaluation Of Underground Tank Sites, 16 April 2004).
- G. Plots of chemical concentrations vs. time and vs. distance from the source. Plots should be shown for each monitoring well, which has had detectable levels of contaminants.
- H. Summary tables of chemical concentrations in each historically sampled media (including soil, groundwater and soil vapor).
- I. Boring and well logs (including construction/screening), and a summary table indicating construction specifications for each monitoring and extraction well.
- J. Identification and listing of specific data gaps that require further investigation during subsequent phases of work.

Please prepare and present the SCM in the report requested below.

3. Proposed activities to investigate and fill data gaps identified above.

4. **Off Site Investigation and Soil and Groundwater Sampling.** During previous investigations it appears that no soil or groundwater samples were collected off site. ACEH recommends that an off site investigation be conducted to determine the extent of pollution in both soil and groundwater. Given the groundwater flow direction as determined by Cambria, it appears that the contamination plume is migrating in the direction of near by residences. Consequently, ACEH requests Cambria investigate the extent of off site soil and groundwater contamination to ascertain the extent of off site contamination plume migration.

ACEH requests soil and groundwater samples be collected off site and down gradient of the site on 35th Avenue. All soils from the boreholes are to be examined for staining and odor and are to be screened using a PID. Soil samples are to be collected from any interval where staining, odor, or elevated PID readings are observed. If no staining, odor, or elevated PID readings are observed, soil sample are to be collected from each boring at the capillary fringe, where groundwater is first encountered and at five foot intervals until total depth of the boring is reached. After soil sampling has been completed grab groundwater samples should be collected from the soil boring. All soil and groundwater samples are to be analyzed for TPHg, BTEX and fuel oxygenates including TAME, ETBE, DIPE, TBA AND EtOH using EPA methods 8015M and 8260B, respectively. Please prepare a work plan detailing the proposed investigation and requested below.

5. **Quarterly Groundwater Monitoring.** ACEH recommends sampling wells MW-1 through MW-4 and recovery wells RW-5 through RW-9, RW-11 and RW-12 on a quarterly basis after interim remediation and off site investigation. However, should contamination remain at levels currently detected on site, groundwater monitoring may need to continue into the future and

other forms of remediation may need to be considered to reduce the concentrations of dissolved petroleum hydrocarbon in the subsurface.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Mr. Steven Plunkett), according to the following schedule:

- **June 15, 2006** – Updated Corrective Action Plan
- **June 30, 2006** – Revised ISOC and Ozone Sparging Interim Remediation Work Plan Report
- **July 15, 2006** – Offsite Soil and Groundwater Investigation Work Plan/SCM Report
- **September 15, 2006** – Quarterly Groundwater Monitoring Report Third Quarter 2006
- **December 15, 2006** – Quarterly Groundwater Monitoring Report Fourth Quarter 2006

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

ELECTRONIC SUBMITTAL OF REPORTS

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

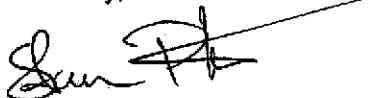
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

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

If you have any questions, please call me at (510) 383-1767.

Sincerely,



Steven Plunkett
Hazardous Materials Specialist

Mr. Lynn Worthington
May 8, 2006
Page 6

cc: Mr. Subbarao Nagulapaty
Cambria Environmental Technology, Inc.
5900 Hollis Street, Suite A
Emeryville, Ca 94608

Donna Drogos, ACEH
Steven Plunkett, ACEH
File

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



eat
12-9-04

December 8, 2004

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

Lynn Worthington
Golden Empire Properties, Inc.
5942 MacArthur Boulevard, Suite B
Oakland, California 94605-1653

Dear Mr. Worthington:

Subject: Fuel Leak Case No. RO0000271; Exxon Station, 3055 35th Ave., Oakland, CA

Alameda County Environmental Health staff has reviewed "Remediation System Shutdown Notification" dated September 30, 2004 by Cambria Environmental Technology, Inc. This letter asks for a request to prepare a work plan to implement an alternative remedial technique from the Corrective Action Plan (CAP) dated April 8, 1998 by Cambria Environmental Technology, Inc.

TECHNICAL COMMENTS

Work plan to implement an alternative remedial technique - Please submit.

TECHNICAL REPORT REQUEST

Please submit the following technical reports to Alameda County Environmental Health (Attention: Don Hwang), according to the following schedule:

Work plan – February 8, 2004

If you have any questions, please call me at (510) 567-6746.

Sincerely,


Don Hwang
Hazardous Materials Specialist
Local Oversight Program

C: Subbarao Nagulapaty, Cambria Environmental Technology, Inc., 5900 Hollis St., Suite A, Emeryville, CA 94608
Donna Drogos
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



SENT
10-6-04

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

October 5, 2004

Mr. Lynn Worthington
Golden Empire Properties, Inc.
5942 MacArthur Boulevard, Suite B
Oakland, California 94605

Dear Mr. Worthington:

Subject: Fuel Leak Case No. RO0000271; Exxon Station, 3055 35th Ave., Oakland, CA

Alameda County Environmental Health staff has reviewed "Remediation System Shutdown Notification" dated September 30, 2004 by Cambria Environmental Technology, Inc. This letter acknowledges our approval to shutdown the two-phase extraction system at the above-referenced site and then to seek an alternative remedial technique. We will review your request to include a work plan to implement the selected remedial alternative in the preparation of a Corrective Action Plan (CAP) Addendum.

OTHER COMMENTS

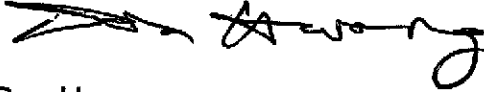
1) Professional Certification - The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

2) Perjury Statement - Please note, all work plans and technical reports submitted to this office must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached proposal or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. A review of our case file indicates that none of your reports contain a perjury statement. We request that perjury statements be submitted with all future reports for this site.

Mr. Worthington
October 5, 2004
Page 2 of 2

If you have any questions, please call me at (510) 567-6746.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Hwang". The signature is written in a cursive style with a large, stylized "H" and "W".

Don Hwang
Hazardous Materials Specialist
Local Oversight Program

C: Subbarao Nagulapaty, Cambria Environmental Technology, Inc., 5900 Hollis St.,
Suite A, Emeryville, CA 94608
Donna Drogos
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



20271

ENVIRONMENTAL HEALTH SERVICES

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

June 18, 1999
StID # 515

Mr. Lynn Worthington
5942 Mac Arthur Blvd., Suite B
Oakland CA 94605

Re: Former Exxon Service Station, 3055 35th Ave., Oakland CA 94619

Dear Mr. Worthington:

Our office has received and reviewed the First Quarter 1999 Monitoring Report for the above referenced site as prepared by Cambria, your consultant. These groundwater results continue to indicate that the petroleum contaminant plume remains at very high levels, with little sign of attenuation. Dissolved oxygen in groundwater samples is at levels barely acceptable for aerobic bio-degradation. Undoubtedly, the hydrocarbon plume has migrated off-site beneath neighboring residential properties.

It appears that your consultant has been having difficulty in either the designing, permitting or bidding for the proposed dual phase extraction system approved by our office. Therefore, until the extraction system is in place, our office will require some types of interim measures to prevent the migration of groundwater contamination and insure that no immediate risk to human health exists. These measures should include verification that no wells of any time are being used within a radius of 200' from this property, the inspection of residences within this same radius for the presence of basements or other subsurface building and increasing of oxygen concentration into all monitoring and extraction wells. In addition, please have your consultant explain their delay in installing the approved extraction system and provide a specific schedule of anticipated actions for the forthcoming quarter.

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. Bob Clark-Riddell, Cambria Environmental, 1144 65th St., Suite B, Oakland CA 94608

Stat3055 35th

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0271

June 12, 1998
StID # 515

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

Mr. Lynn Worthington
Golden Empire Properties
5942 MacArthur Blvd., Suite B
Oakland CA 94605

Re: Work Plan Addendum to Corrective Action Plan for 3055
35th Ave., Oakland CA 94619

Dear Mr. Worthington:

Our office has received and reviewed Cambria Environmental's May 29, 1998 addendum to their April 8, 1998 corrective action plan (CAP). This addendum indicates the location of one additional soil boring on the south side of 35th Ave., near the intersection of School St. and 35th Ave. A grab groundwater sample will be collected from this boring and analyzed for TPHg, BTEX and MTBE. Please add the analyte TPH as diesel to the list of parameters to be tested.

This work plan addendum is approved. Both this additional site assessment and the initiation of the permitting needed to install and operate the proposed dual phase extraction system should be scheduled as soon as possible. Please contact 72 working hours prior to the off-site field investigation.

You may contact me at (510) 567-6765.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files
Mr. R. Scheele, Cambria, 1144 65th St., Suite B, Oakland
CA 94608
Ms. J. Rose, Law Offices Randick & O'Dea, 1800 Harrison
Suite 2350, Oakland CA 94612

Wpad3055

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO# 271

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

May 21, 1998
StID # 515

Mr. Lynn Worthington
Golden Empire Properties
5942 Mac Arthur Blvd., Suite B
Oakland CA 94605

**Re: Corrective Action Plan for Former Exxon Service Station
3055 35th Ave., Oakland CA 94619**

Dear Mr. Worthington:

This letter serves to clarify the County's request for further site characterization of the referenced property. As a means of determining the extent of the up-gradient gasoline and BTEX plume, it will be necessary to take grab groundwater samples from both the east side of School St. and the south side of 35th Ave. Please provide a work plan addendum to include a boring to investigate the latter location on 35th Ave.

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. R. Scheele, Cambria, 1144 65th St., Suite B, Oakland 94608
Ms. Julie Rose Esq., Law Offices Randick & O'Dea, 1800 Harrison,
Suite 2350, Oakland CA 94612

loop3055

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



Ro#271

April 21, 1998
StID # 515

Mr. Lynn Worthington
Golden Empire Properties
5942 Mac Arthur Blvd., Suite B
Oakland CA 94605

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

Re: Corrective Action Plan Approval for Former Exxon Service Station
3055 35th Ave., Oakland CA 94619

Dear Mr. Worthington:

Our office has received and reviewed the April 8, 1998 Corrective Action Plan (CAP), prepared by your consultant, Cambria. This CAP examines several potential remedial approaches and concludes that the most applicable approach is dual phased vacuum extraction. This approach will remove both vapor and groundwater. Any free product will also be removed. A secondary benefit is the introduction of oxygen to enhance natural biodegradation. Our office agrees with this approach and requests that you initiate the permitting requirements (Air Board, building and electrical, well installation and EBMUD).

The CAP also suggests that upon the reduction of free product and elevated dissolved petroleum concentrations, the introduction of ORC compounds will be evaluated to complete the remediation process. Our office concurs with this suggestion.

In addition, further site characterization is proposed. One boring adjacent to the former Texaco station on the east side of School St. is proposed. Up to two additional monitoring wells are also proposed further downgradient on 35th Ave. The number of wells will depend on the number of wells needed to define the extent of the gasoline plume. Both soil and groundwater samples will be collected and sampled from the boring and well(s). Please add the analyte, TPHd, to the proposed list of analytes; TPHg, BTEX and MTBE. Because you are assessing potential off-site sources of fuel releases, you should also consider the potential of the Quik Stop station lying on the south side of 35th Ave. even though our office has no evidence of a past release.

Until your work plan is implemented please continue to update your progress in your quarterly monitoring reports.

Mr. Lynn Worthington
StID # 515
3055 35th Ave.
April 21, 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, file

Mr. Ron Scheele, Cambria, 1144 65th St., Suite B, Oakland CA 94608
Ms. Julie Rose Esq., Law Offices Randick & O'Dea, 1800 Harrison,
Suite 2350, Oakland, CA 94612

CAP3055

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RO#271

September 23, 1997

Lynn Worthington
Better Homes Realty
5942 Mac Arthur Blvd., Suite B
Oakland, CA 94605

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

STID 515, 3055 - 35th Ave., Oakland, CA 94619

Dear Lynn Worthington:

This office has received and reviewed a First Quarter 1997 Monitoring Report dated April 15, 1997 and a Risk-Based Corrective Action Analysis dated June 27, 1997 both by Cambria Environmental Technology, Inc. The following are comments concerning these reports:

There is even a higher concentration of benzene in MW-4 (the new well) than in MW-1 or MW-3. This is the farthest downgradient well, being almost at the property line. Further downgradient is residential property in all directions. MTBE has been discovered only in the two most downgradient wells, MW-3 and MW-4.

This situation requires further investigation in the downgradient direction. This requires notification and cooperation of the homeowners. You are required to conduct further investigation on the downgradient side of the residential property so that a proper risk can be evaluated. With the highest levels in the most downgradient wells, there is no reason to preclude actual concentrations under the housing to be even higher.

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

This case will be assigned to Madhulla Logan of this office. Please contact her at (510) 567-6764 if you have any questions regarding this letter and to schedule a meeting.

Sincerely,

Thomas Peacock, Manager

c: Scott MacLeod, Cambria, 1144 - 65th St., Suite B, Oakland, CA 94608
Gordon Coleman - Files



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

STID 515

August 26, 1996

Mr. Lynn Worthington
Golden Empire Properties
5942 MacArthur Blvd. Suite B
Oakland, CA 94605

RE: FORMER EXXON SERVICE STATION, 3055 35TH AVENUE, OAKLAND, CA 94619

Dear Mr. Worthington:

This letter serves to follow-up my August 19, 1996 telephone conversation with Scott MacLeod of Cambria. Cambria recommends reintroduction of stockpiled soil into the open excavations at the Site. This request is approved (with RWQCB concurrence) with the stipulation that the stockpiled soils are screened to remove any gross contamination before being placed into the open excavations. **Please notify this office a minimum of 72 hours in advance of field operations pertaining to the reintroduction of stockpiled soil, so I can schedule time to be on site.**

In addition, I have reviewed the Cambria "Second Quarter 1996 Monitoring Report" dated July 15, 1996. Laboratory analysis of groundwater samples collected on 5/21/96, from wells MW-1, MW-2 and MW-3 revealed benzene at concentrations of 8.5, 3.4 and 17.0 mg/L (ppm), respectively.

This groundwater data was analyzed using a limited ASTM Risk-Based Corrective Action (RBCA) Tier 1 Risk Based Screening Level (RBSL) evaluation as referenced in the ASTM E 1739 - 95 document "Standard Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites". The ASTM E 1739 - 95 document is a consistent decision-making process for the assessment and response to a petroleum release, and is based on the protection of human health and the environment. The Tier I risk assessment compares the chemicals of concern (COCs) documented at the site with Tier 1 RBSLs as presented in the published Look-up Table (ASTM E 1739-95 - Table X2.1 "Example Tier 1 Risk-Based Screening Level (RBSL) Look-up Table). *Note: Hazard Quotients (HQ) are used in the development of RBSLs for non-carcinogenic compounds only (examples: toluene, ethyl benzene, total xylenes, etc.), and are not used in determining RBSLs for carcinogens such as benzene.*

This evaluation determined that for the following risk exposure scenarios, contaminant levels exceed the CA-modified Tier 1 RSBLs:

- "Groundwater-Vapor Intrusion from Groundwater to Buildings" at a target level of $1E-04$ (1 in 10,000 excess cancer risk) for a residential receptor scenario. Tier 1 RBSL = 0.69mg/L.

Mr. Lynn Worthington
RE: 3055 35th Street, Oakland, CA 94619
August 26, 1996
Page 2 of 2

- "Groundwater-Volatilization to Outdoor Air" at a target level of $1E-06$ (1 in 1,000,000) for a residential receptor scenario. Tier 1 RBSL = 3.19 mg/L.

Please be advised that further ASTM RBCA Tier evaluation is warranted for the Site.

Finally, I have reviewed the Cambria "Investigative Work Plan" dated June 20, 1996. The work plan proposes installing two groundwater monitoring wells in 35th Avenue to further define the extent of hydrocarbons in groundwater down gradient of the Site.

However, in order to pursue the pending "Investigative Work Plan" in a more cost-effective fashion, this office encourages you to first employ rapid site assessment tools (e.g. CPT, Geo Probe, Hydropunch, etc.) to qualitatively assess impacts before proposing final well locations.

In addition, in order to obtain site-specific information on soil and groundwater contamination directly down gradient of the former tank excavations, it is recommended that the location for one of the future groundwater monitoring wells be relocated on-site, preferably in the northwestern corner of the Site. This well could be used to: 1) further document the severity of petroleum hydrocarbons in groundwater migrating off-site beneath residential property; 2) document current soil concentrations directly downgradient of the release and providing useful information for a RBCA Tier 2 evaluation; and 3) evaluate the effectiveness of the SVE/AS system which is currently being evaluated for implementation at the Site.


Therefore, please have your consultant submit an addendum proposing a revised work plan for the submitted "Investigative Work Plan". **The work plan addendum is to be submitted to this office within 30 days of the date of this letter, or no later than September 26, 1996.** Please be advised that information obtained during the execution of Cambria's proposed "Investigative Work Plan" should be developed in a manner which is consistent with the ASTM RBCA framework.

Please contact me at 510/567-6880 should you have any questions about the content of this letter.

Sincerely,



Dale Klettke, CHMM
Hazardous Materials Specialist

c:  Gil Jensen, Alameda County District Attorneys Office
Thomas Peacock, LOP Manager--files
Scott MacLeod, Cambria, 1144 65th Street, Emeryville, CA 94608

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

20271

STID 515

September 12, 1996

Mr. Lynn Worthington
Golden Empire Properties
5942 MacArthur Blvd. Suite B
Oakland, CA 94605

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

RE: FORMER EXXON SERVICE STATION, 3055 35TH AVENUE, OAKLAND, CA 94619

Dear Mr. Worthington:

This office is in receipt of and has completed review of the case file for this site, up to and including the Cambria "Investigative Work Plan Addendum" dated July 30, 1996.

The Cambria work plan proposes installing three groundwater monitoring wells to further define the extent of hydrocarbons in soil and groundwater down-gradient of the Site. The collection of site-specific data during this investigation will then be used to prepare an ASTM Tier 2 Risk-Based Corrective Action (RBCA) site assessment.

This work plan is approved. Please notify this office 72 hours in advance of field operations, so I can schedule time to be on site.

Please contact me at 510/567-6880 should you have any questions about the content of this letter.

Sincerely,

Dale Klettke, CHMM
Hazardous Materials Specialist

c: Thomas Peacock, LOP Manager--files
Scott MacLeod, Cambria, 1144 65th Street, Emeryville, CA 94608

0515wpok.dkt



STID 515

May 20, 1996

Mr. Lynn Worthington
Better Homes Realty
5942 MacArthur Blvd. Suite B
Oakland, CA 94605

"SECOND NOTICE OF VIOLATION"

RE: FORMER EXXON SERVICE STATION, 3055 35TH AVENUE, OAKLAND, CA 94619

Dear Mr. Worthington:

This letter serves to follow-up to a Alameda County Health Care Services Agency (ACHCSA) letter from myself dated January 22, 1996. In this letter you were requested to **submit a work plan for subsurface investigation and a corrective action plan within 30 days of the date of this letter or by February 23, 1996.** To my knowledge, neither work plan has been received by this office. A copy of this letter is enclosed for your review.

At this time you are directed to submit a work plan for subsurface investigation and a corrective action plan within 30 days of the date of this letter or by June 20, 1996.

Please be advised that failure to satisfy this request may result in the referral of this case to the Alameda County District Attorneys Office. Please be further advised that Sections 25299(b) and 25299.37 of the California Health and Safety Code, among other possible statutes, provides for civil penalties of up to \$5000 per tank per day for failure to comply with this directive.

Please call me at your earliest convenience concerning this matter. Failure to reply to this request may subject you additional penalties under the Water Code. Please contact me at 510/567-6880 should you have any questions about the content of this letter.

Sincerely,

Dale Klettke, CHMM
Hazardous Materials Specialist

Mr. Lynn Worthington
RE: 3055 35th Street, Oakland, CA 94619
May 20, 1996
Page 2 of 2

enclosure

c: Gil Jensen, Alameda County District Attorney's Office
Thomas Peacock, LOP Manager--files
BL Scott MacLeod, Cambria, 1144 65th Street, Emeryville, CA 94608

0515nov2.dkt

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0#271

ARNOLD PERKINS, DIRECTOR
RAFAT A. SHAHID, DEPUTY DIRECTOR

STID 515

January 22, 1996

Mr. Lynn Worthington
Better Homes Realty
5942 MacArthur Blvd. Suite B
Oakland, CA 94605

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

"NOTICE OF VIOLATION"

RE: FORMER EXXON SERVICE STATION, 3055 35TH AVENUE, OAKLAND, CA 94619

Dear Mr. Worthington:

This letter serves to follow-up to a Alameda County Health Care Services Agency (ACHCSA) letter from Susan Hugo dated September 28, 1995. In this letter you were requested to **submit a work plan to delineate the extent of soil and groundwater contamination related to the former tanks within 60 days or no later than November 27, 1995.** In addition, you were requested to **submit a corrective action plan within 90 days, or by December 28, 1995.** To my knowledge, neither work plan has been received by this office. A copy of this letter is enclosed for your review.

At this time you are directed to submit a work plan for subsurface investigation and a corrective action plan within 30 days of the date of this letter or by February 23, 1996.

Please be advised that failure to satisfy this request may result in the referral of this case to the Alameda County District Attorneys Office. Please be further advised that Section 25299(b) of the California Health and Safety Code, among other possible statutes, provides for civil penalties of up to \$5000 per tank per day for failure to comply with this directive.

I have just recently taken over management of this case from Susan Hugo of this office. Please call me at your earliest convenience concerning this matter. Failure to reply to this request may subject you additional penalties under the Water Code. Please contact me at 510/567-6880 should you have any questions about the content of this letter.

Sincerely,

Dale Klettke, CHMM
Hazardous Materials Specialist

Mr. Lynn Worthington
RE: 3055 35th Street, Oakland, CA 94619
January 22, 1996
Page 2 of 2

enclosure

c: Gil Jensen, Alameda County District Attorney's Office
 Thomas Peacock, LOP Manager--files
bx Scott MacLeod, Cambria, 1144 65th Street, Emeryville, CA 94608

0515nov1.dkt

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0271

RAFAT A. SHAHID, DIRECTOR

September 28, 1995
STID 515

Mr. Lynn Worthington
Better Homes Realty
5942 MacArthur Blvd. Suite B
Oakland, California 94605

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700

RE: Former Exxon Service Station
3055 35th Avenue, Oakland, California 94619

Dear Mr. Worthington:

This department has recently reviewed the case file for the subject site including the recent analytical results of the soil samples collected from the stockpiled soil generated during the removal of the underground storage tanks.

Approximately 312 cubic yards of soil was characterized for petroleum hydrocarbon contamination. A total of 12 discreet samples were collected and composited into 6 samples for petroleum hydrocarbon analyses (TPH gas, TPH diesel, TPH as oil & grease, BTEX). The analytical results indicate low levels of petroleum hydrocarbon ranging from 2.3 to 31 ppm TPH diesel, 23 to 340 ppm TPH as oil & grease, nd to 1.2 ppm TPH gas, nd benzene, nd toluene, nd ethyl benzene, nd to 0.012 ppm xylenes. Based on the data submitted to this office, the stockpiled soil can be used to backfill the excavation.

This office has the following issues which must be addressed regarding the soil and groundwater investigation at the subject site:

- 1) It appears that the extent of the soil and groundwater contamination remains undefined. The three on-site monitoring wells have consistently detected very high levels of petroleum hydrocarbon contamination since May 1994. The last sampling event (May 23, 1995) found sheen in well MW-3 and elevated levels of dissolved petroleum hydrocarbon up to 310,000 ppb TPH gasoline, 18,000 ppb benzene, 17,000 ppb toluene, 4,500 ppb ethyl benzene, and 6,600 ppb xylene. The soil and groundwater investigation must be expanded to determine the lateral extent of the contamination. A work plan to delineate the extent of the contamination related to the former tanks must be submitted no later than November 27, 1995.
- 2) Monitoring well sampling frequency must occur every quarter. The three wells must be sampled for the following target compounds: TPH gasoline, TPH diesel, benzene, toluene, ethyl benzene, xylene and MTBE. In addition, TPH motor oil shall be analyzed in well MW-1 which is located within 10 feet of the former waste oil tank.

Mr. Lynn Worthington
RE: 3055 35th Avenue, Oakland, Ca 94619
September 28, 1995
Page 2 of 3

- 3) Based on the data submitted for the subject site, it appears that the plume has migrated off-site. In the interest of minimizing environmental contamination and facilitate prompt clean up, a corrective action plan shall be submitted **no later than December 28, 1995**. Your corrective action plan shall include at a minimum the following elements: an assessments of the impacts, a feasibility study and applicable cleanup levels. An interim remediation measures should also be implemented to prevent continuous plume migration.
- 4) Please submit a time schedule for all phases of the investigation and remediation activities at the site.

Until cleanup is complete, you will need to submit reports to this office every three months (or at a more frequent interval, if specified at any time by this agency). In addition, the following items must be incorporated in your future reports or workplans:

- a cover letter from the responsible party or tank owner stating the accuracy of the report and whether he/she concurs with the conclusions and recommendations in the report or workplan
- site map delineating contamination contours for soil and groundwater based on recent data should be included and the status of the investigation and cleanup must be identified
- proposed continuing or next phase of investigation / cleanup activities must be included to inform this department of the responsible party or tank owner's intention
- any changes in the groundwater flow direction and gradient based on the measured data since the last sampling event must be explained
- historical records of groundwater level in each well must be tabulated to indicate the fluctuation in water levels
- tabulate analytical results from all previous sampling events; provide laboratory reports (including quality control/quality assurance) and chain of custody documentation

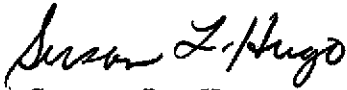
All reports and proposals must be submitted under seal of a California Registered Geologist or Registered Civil Engineer with a statement of qualifications for each lead professionals involved with the project.

Mr. Lynn Worthington
RE: 3055 35th Street, Oakland, CA 94619
September 28, 1995
Page 3 of 3

Additionally, please notify this office 72 hours in advance of any field work at the site.

If you have any questions concerning this letter, please contact me at (510) 567-6780 or Dale Klettke (who will provide continuous oversight for the case) at (510) 567-6880.

Sincerely,



Susan L. Hugo
Senior Hazardous Materials Specialist

cc: Jun Makishima, Interim Director, Environmental Health
Kevin Graves, San Francisco Bay RWQCB
George Young, Acting Chief, Environmental Protection
Division / files
Scott MacLeod, Cambria, 1144 65th St., Emeryville, CA 94608

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0271

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

April 26, 1994
STID# 515

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. Lynn Worthington
Better Homes Realty
5942 MacArthur Blvd., Suite B
Oakland, California 94605

**RE: Investigation Work Plan
Former Exxon Service Station
3055 35th Avenue, Oakland, California 94619**

Dear Mr. Worthington:

This department has recently reviewed the Investigation Work Plan dated April 22, 1994, prepared by Cambria Environmental Technology, Inc. for the referenced site.

Based on this review, the work plan is acceptable and should be implemented within three to four weeks, no later than May 16, 1994.

Please submit a copy of the site safety plan and notify this office at least 72 hours in advance for the start up of work plan implementation so a site visit can be arranged by a representative from this office.

A report must be submitted within 30 days after completion of this investigation. Until cleanup is complete, you will need to submit reports to this office every three months or at a more frequent interval, if specified at any time. In addition, the following items must be incorporated in your future reports or workplans:

- a cover letter from the responsible party or tank owner stating the accuracy of the report and whether he/she concurs with the conclusions and recommendations in the report or workplan
- site map delineating contamination contours for soil and groundwater based on recent data should be included and the status of the investigation and cleanup must be identified
- proposed continuing or next phase of investigation / cleanup activities must be included to inform this department or the RWQCB of the responsible party or tank owner's intention
- any changes in the groundwater flow direction and gradient based on the measured data since the last sampling event must be explained

Mr. Lynn Worthington
RE: 3055 35th Avenue, Oakland, CA 94619
April 26, 1994
Page 2 of 2

- historical records of groundwater level in each well must be tabulated to indicate the fluctuation in water levels
- tabulate analytical results from all previous sampling events; provide laboratory reports (including quality control/quality assurance) and chain of custody documentation

All reports and proposals must be submitted under seal of a California Registered Geologist or Registered Civil Engineer with a statement of qualifications for each lead professionals involved with the project.

Because we are overseeing this site under the designated authority of the Regional Water Quality Control Board, this letter constitutes a formal requests for technical reports pursuant to California Water Code Section 13267 (b). Any extensions of stated deadlines or changes in the workplan must be confirmed in writing and approved by this agency.

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

Sincerely,



Susan L. Hugo
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Asst. Agency Director, Environmental Health
Rich Hiett, San Francisco Bay RWQCB
Edgar B. Howell, Chief, Hazardous Materials Division - files
Bernard F. Rose, Randick & O'Dea, 1800 Harrison Street
Suite 2350, Oakland, CA 94612
N. Scott MacLeod, Cambria Environmental Technology, Inc.
1144 65th Street, Suite C, Oakland, CA 94608

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0271

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

March 18, 1994
STID# 515

Mr. Lynn Worthington
Better Homes Realty
5942 MacArthur Blvd., Suite B
Oakland, California 94605

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

**RE: Former Exxon Service Station
3055 35th Avenue, Oakland, California 94619**

Dear Mr. Worthington:

This letter documents the issues discussed during the meeting of March 17, 1994, attended by Mr. Bernard Rose, yourself and myself at this office regarding the status of the site investigation of pollution conditions in soil and groundwater at the referenced site.

The items listed below were discussed during this meeting :

- 1) The addendum to the workplan for subsurface petroleum hydrocarbon contamination dated September 24, 1993 and received by this office in December 22, 1993 is acceptable to this office with the following conditions:
 - * Submit a site map delineating contamination contours for soil using the data collected to date.
 - * The vertical and lateral extent of soil and groundwater contamination must be delineated. The isoconcentration line of the contaminant plume must be determined.
 - * The rationale for the locations of the three proposed monitoring wells must be explained. The site map should incorporate the placement of the wells in reference to the locations of the twelve exploratory soil borings and the former tank areas.
 - * All wells must be surveyed to an accuracy of 0.01 foot and referenced to mean sea level (MSL).
 - * A time schedule for all phases of the investigation and remediation activities must be submitted.
 - * Reports and proposals must be submitted under seal of a California Registered Geologist or Registered Civil Engineer including a statement of qualifications for each lead professionals.

- 2) Hydropunch may be used as an option to locate areas for proper well placement. However, monitoring wells must be installed to determine the impact to groundwater of the unauthorized release from the former tanks. In addition, conducting hydropunch should not delay the implementation of the workplan.

Mr. Lynn Worthington
RE: 3055 35th Avenue, Oakland, CA 94619
March 18, 1994
Page 2 of 2

- 3) The approved workplan must be implemented within **30 days** from the date of this letter. Any extension of stated deadlines or changes in the workplan must be confirmed in writing and approved by this office.
- 4) This office is aware of your pending letter of commitment from the cleanup fund. However, you must be in compliance with the corrective action regulations to be eligible for reimbursements. The site investigation and/or remediation must be conducted in a timely fashion.

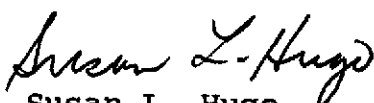
A report must be submitted within **30 days** after completion of this investigation. Until cleanup is complete, you will need to submit reports to this office every three months (or at a more frequent interval, if specified at any time by this agency). In addition, the following items must be incorporated in your future reports or workplans:

- a cover letter from the responsible party or tank owner stating the accuracy of the report and whether he/she concurs with the conclusions and recommendations in the report or workplan
- site map delineating contamination contours for soil and groundwater based on recent data should be included and the status of the investigation and cleanup must be identified
- proposed continuing or next phase of investigation / cleanup activities must be included to inform this department of the responsible party or tank owner's intention
- any changes in the groundwater flow direction and gradient based on the measured data since the last sampling event must be explained
- historical records of groundwater level in each well must be tabulated to indicate the fluctuation in water levels
- tabulate analytical results from all previous sampling events; provide laboratory reports (including quality control/quality assurance) and chain of custody documentation

Mr. Lynn Worthington
RE: 3055 35th Avenue, Oakland, CA 94619
March 18, 1994
Page 3 of 3

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

Sincerely,



Susan L. Hugo
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Asst. Agency Director, Environmental Health
Gil Jensen, Alameda County District Attorney's Office
Edgar B. Howell, Chief, Hazardous Materials Division - files
Bernard F. Rose - 1800 Harrison, Suite 1771
California, Oakland 94612

AMEDIA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

Certified Mail# P 113 815 497

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

February 9, 1993
STID# 515

Mr. Lynn Worthington
Better Homes Realty
5942 MacArthur Blvd. Suite B
Oakland, California 94605

**RE: Work Plan for Subsurface Petroleum Hydrocarbon
Contamination Assessment at Former Exxon Service Station
3055 35th Avenue, Oakland, California 94619**

Dear Mr. Worthington:

This department has recently reviewed the case file concerning the removal of five underground storage tanks at the referenced site. We are in receipt of the "Work Plan for Subsurface Petroleum Hydrocarbon Contamination Assessment" prepared by Consolidated Technologies.

Based on this review, the following issues needed clarification and must be addressed by way of an addendum to the work plan:

- * Soil contamination as high as 2,100 parts per million (ppm) of Total Petroleum Hydrocarbon as gasoline and 56 ppm of benzene still remains on site. Please describe the methods that will be implemented to remediate elevated levels of soil contamination and submit a site map delineating contamination contours for soil.
- * Soil samples must be collected every five feet as per RWQCB's guideline. Field instruments are acceptable as a screening tools. Any evidence of soil contamination such as odor, visual staining or field instrument readings must be verified by analysis from a state certified laboratory.
- * Please explain the rationale for the locations of the proposed monitoring wells MW-1, MW-2, and MW-3. As per the requirements specified in the "Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Tank Sites", August, 1990, one monitoring well must be installed within ten feet of the former tank in the verified downgradient direction. Site map should incorporate the placement of the three proposed monitoring wells in reference to the locations of the twelve exploratory soil borings and the former tank areas.

Mr. Lynn Worthington

RE: 3055 35th Avenue, Oakland, California 94619

February 9, 1993

Page 2 of 4

- * Groundwater elevation readings must be performed every month for six months. Data collected after six months will be evaluated if monthly or quarterly groundwater elevation readings is necessary for establishing groundwater flow direction at the site.
- * Groundwater monitoring wells must be sampled on a quarterly basis and analyzed for the following target compounds: TPH gasoline, TPH diesel, benzene, toluene, ethylbenzene, xylene, total oil and grease. After four quarters of non detectable levels have been achieved, the frequency of sampling events will be evaluated and/or a recommendation for signoff/case closure by RWQCB will be determined.
- * Stockpiled soil must be characterized and disposed properly. Please provide this office with copies of stockpiled soil disposal.
- * Please clarify if four of these tanks were 4000 gallon capacity tanks for motor fuel storage or two tanks were 6000 gallon and the other two were 4000 gallon capacity as stated in the manifests of the tanks disposal.
- * All pipings associated with the former tanks must be removed and properly disposed. Soil samples must be collected (one sample per 20 lineal feet) and analyzed for target compounds by a state certified laboratory.
- * Chain of custody for soil samples collected on 11/6/91 was not signed and dated by the receiving laboratory. Please submit a copy of the chain of custody as signed by the receiving laboratory.
- * Boring logs submitted for B-9 was dated 5/11/91. The twelve exploratory soil borings at the site were conducted on November 5, 1991. Please submit a copy of the boring logs for B-9 performed on November 5, 1991.
- * A time schedule for all phases of the investigation and remediation activities and anticipated time when cleanup will be completed at the site must be submitted to this office.

Please respond to the items listed above within 30 days of the date of this letter or by March 10, 1993.

Mr. Lynn Worthington
RE: 3055 35th Avenue, Oakland, California 94619
February 9, 1993
Page 3 of 4

A report must be submitted within 30 days after completion of this investigation. Until cleanup is complete, you will need to submit reports to this office and to RWQCB every three months (or at a more frequent interval, if specified at any time by either agency). In addition, the following items must be incorporated in your future reports or workplans:

- a cover letter from the responsible party or tank owner stating the accuracy of the report and whether he/she concurs with the conclusions and recommendations in the report or workplan
- site map delineating contamination contours for soil and groundwater based on recent data should be included and the status of the investigation and cleanup must be identified
- proposed continuing or next phase of investigation / cleanup activities must be included to inform this department or the RWQCB of the responsible party or tank owner's intention
- any changes in the groundwater flow direction and gradient based on the measured data since the last sampling event must be explained
- historical records of groundwater level in each well must be tabulated to indicate the fluctuation in water levels
- tabulate analytical results from all previous sampling events; provide laboratory reports (including quality control/quality assurance) and chain of custody documentation

All reports and proposals must be submitted under seal of a California Registered Geologist or Registered Civil Engineer with a statement of qualifications for each lead professionals involved with the project. Copies of reports must also be submitted to :

Rich Hiett
RWQCB, San Francisco Bay Region
2101 Webster Street, Fourth Floor
Oakland, California 94612

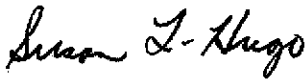
Because we are overseeing this site under the designated authority of the Regional Water Quality Control Board, this letter constitutes a formal requests for technical reports

Mr. Lynn Worthington
RE: 3055 35th Avenue, Oakland, California 94619
February 9, 1993
Page 4 of 4

pursuant to California Water Code Section 13267 (b). Any extensions of stated deadlines or changes in the workplan must be confirmed in writing and approved by this agency or RWQCB.

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

Sincerely,



Susan L. Hugo
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Asst. Agency Director, Environmental Health
Rich Hiett, San Francisco Bay RWQCB
Gil Jensen, Alameda County District Attorney's Office
Edgar B. Howell, Chief, Hazardous Materials Division - files
David Hobbs - Consolidated Technologies
1777 Saratoga Avenue, Suite 100, San Jose, CA 95129

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0271

RAFAT A. SHAHID, Assistant Agency Director

Certified Mailer # P 118 918 786

July 1, 1992

STID 515

Better Homes Realty
5942 MacArthur Blvd., Ste B
Oakland CA 94605
Attn: Lynn Worthington

RE: Former Exxon Station
3055-35th Av.
Oakland CA 94619

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

SECOND REQUEST FOR SUBSURFACE INVESTIGATION

Dear Mr. Worthington,

We have received the hazardous waste manifests for the removal of 5 underground storage tanks (USTs) at the above referenced site.

In a letter dated May 1, 1992, we requested that you submit a proposal for a subsurface investigation by June 15, 1992. This is our **second request** for submission of a proposal for a subsurface investigation. Please be advised that this letter constitutes a formal request for technical reports pursuant to Section 13267 (b) of the California Water Code. Failure to respond could result in civil penalties, a maximum of \$1,000 per day. Any extensions of stated deadlines or changes in the workplan must be confirmed in writing and approved by this agency or the RWQCB.

In addition, "the owner of an underground storage tank (UST) being closed. . . shall demonstrate to the satisfaction of the local agency that no unauthorized release has occurred," according to Section 2672(d) of Title 23 of the California Code of Regulations. "The detection of any unauthorized release shall require compliance with the reporting requirements. . .," according to Section 2672(e) of Title 23 of the California Code of Regulations. The authority for these regulations is cited in Sections 25298(c)(4), of the Health and Safety Code.

The proposal must address delineation of the vertical and lateral extent of soil contamination. The proposal must also include a groundwater investigation, which generally consists of 3 monitoring wells situated in a triangular fashion to determine groundwater flow direction.

Lynn Worthington
STID 515
Page 2 of 2
July 1, 1992

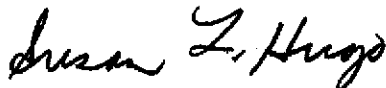
Please send this proposal to the attention of J. Eberle of this office within 45 days of the date of this letter, or by August 15, 1992.

All reports and proposals must be submitted under seal of a California-Registered Geologist, -Certified Engineering Geologist, or -Registered Civil Engineer. All proposals, reports, and analytical results pertaining to this investigation and remediation must be sent both to our office and to:

Rich Hiett
RWQCB, San Francisco Bay Region
2101 Webster St., Suite 500
Oakland CA 94612

If you have any questions, please contact Jennifer Eberle at 510-271-4320.

Sincerely,



Susan Hugo
Senior Hazardous Materials Specialist

cc: Julie Rose, Law Offices of Randick & O'Dea, 1800 Harrison
St., Ste 1771, Oakland CA 94612
Mark Thomson, Alameda County District Attorney
Rich Hiett, RWQCB
File

je

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

R0271

RAFAT A. SHAHID, Assistant Agency Director

May 1, 1992

STID 515

Better Homes Realty
5942 MacArthur Boulevard, Suite B
Oakland CA 94605
Attn: Lynn Worthington

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

RE: Former Exxon Station
3055-35th Av.
Oakland CA 94619

Dear Mr. Worthington,

The case file for the above referenced site has recently been reviewed by our staff. The case has been reassigned to Jennifer Eberle, Hazardous Materials Specialist. Please mail future correspondence to her attention.

We are in receipt of the Results for Preliminary Subsurface Site Investigation, prepared by Consolidated Technologies, under your cover letter. Please note that this report was not dated, and your cover letter was incorrectly dated 3/20/91 instead of 3/20/92. In addition, this report was not submitted under seal of a California-Registered Geologist, -Certified Engineering Geologist, or -Registered Civil Engineer.

Laboratory analyses provided in this report indicate significant concentrations of TPH as gasoline and BTEX in soils sampled. Specifically, up to 2100 ppm TPH-g, 56 ppm benzene, 100 ppm toluene, 38 ppm ethylbenzene, and 290 ppm xylenes were found.

Since high levels of contamination were found, a groundwater investigation must follow to ensure that the subsurface environment was not affected, as per RWQCB guidelines. In addition, soil contamination in excess of the detection limit for benzene (0.005 ppm) must be addressed.

Therefore, we request that you submit a proposal for a subsurface investigation within 45 days, or by June 15, 1992. The proposal must specify how you will delineate the vertical and lateral extent of soil contamination. The groundwater investigation must include a minimum of 3 exploratory wells to identify groundwater gradient. Once the gradient is determined, you must install one groundwater monitoring well within 10 feet downgradient of both UST excavations. Please specify the soil sampling frequency when boring for the monitoring wells, and also specify the analytes to be tested.

Lynn Worthington
STID #515
Page 2 of 2
May 1, 1992

All work must be performed according to the Leaking Underground Fuel Tank Field Manual, (LUFT Manual), revised 10/89, and the Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Storage Tank Sites, revised 8/10/90, as summarized in Appendix A.

Copies of these documents can be obtained by calling the SRWQCB data management group at 510-464-1269.

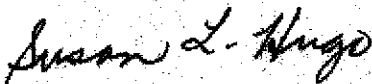
All reports and proposals must be submitted under seal of a California-Registered Geologist, -Certified Engineering Geologist, or -Registered Civil Engineer. All proposal, reports, and analytical results pertaining to this investigation and remediation must be sent to our office and to:

Rich Hiatt
RWQCB, San Francisco Bay Region
2101 Webster St., Suite 500
Oakland CA 94612

This report fulfills items 1) 2) and 3) of Paul Smith's letter to you dated 3/10/92. Item 4) still needs to be addressed; we have not received hazardous waste manifests for the removal of 5 USTs on 1/23/91. Please submit this information within 10 days or by May 11, 1992.

If you have any questions, please phone Jennifer Eberle at 510-271-4320.

Sincerely,



Susan Hugo
Senior Hazardous Materials Specialist

cc: Rich Hiatt, RWQCB
Tracy Bennett, (Consolidated Technologies, 1777 Saratoga Av.,
San Jose, CA 95129)
Gil Jensen, Alameda County District Attorney
Bernard Rose, Esq. (1800 Harrison St., Ste 1771, Oakland
CA 94612)
File

je

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0271

RAFAT A. SHAHID, Assistant Agency Director

Certified Mailer #

March 10, 1992

Mr. Lynn Worthington
Better Homes Realty
5942 MacArthur Boulevard Suite B
Oakland, CA 94605

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 9462
(510) 271-4320

Re: Former Exxon Station, 3055 35th Avenue, Oakland, CA 94605

Dear Mr. Worthington,

On January 23, 1991 five underground storage tanks were removed from the above location. Soil samples were taken from the bottom of the tank excavations and also from the stockpiled soils. You reported to this office that the analytical results from the tank closure could not be submitted to this office due to a problem you had with either the tank removal contractor; Pacific Excavators or the sampling company; Sampling Specialist Company. Consequently, a Final Closure Report has not been received by this Department. The Tank Closure Report must include the following:

- 1) Analytical results of soil and water sampling
- 2) Copies of chain of custody forms
- 3) A narrative of the tank closure process
- 4) Hazardous waste manifests

The tank closure report was due 60 days after the tank removal and is long since overdue.

Subsequently, in order to obtain data which was previously collected but unavailable, a subsurface investigation proposal was prepared by Consolidated Technologies and was reviewed and approved by this office. The work plan proposal consisted of the installation of ten borings around the former tank excavations and the collection of stockpile samples. The work plan was implemented on November 5, 1991. I have requested from you on several occasions a copy of the Soil Boring Report. This office has still not received the requested documentation.

You are hereby directed to submit a final closure report to this office within 10 days of the date of this letter. If results are not received by March 23, 1991 this case will be referred to the District Attorneys office for review and possible enforcement action.

Please be advised that this letter constitutes a formal request for technical reports pursuant to California Water Code Section 13267(b). Failure to respond or a late response could result in the

Mr. Worthington
March 10, 1992
Page 2 of 2

referral of this case to the RWQCB for enforcement, possibly subjecting the responsible party to civil penalties to a maximum of \$1,000 per day. Any extensions to the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or the RWQCB.

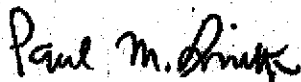
Please be further advised that Alameda County Environmental Health Department, Hazardous Materials Division, is currently delegated authority from the San Francisco Regional Water Quality Control Board (RWQCB) to oversee remediation cases within Alameda County. Therefore, this Department will be lead agency for oversight of this case should further site characterization or remediation work be warranted following our review of data incorporated in the pending tank closure report.

All proposals, reports and analytical results pertaining to this investigation and remediation must be sent to our office and to:

Eddy So
Regional Water Quality Control Board, San Francisco Bay Region
2101 Webster Street, 5th Floor
Oakland, California 94612
(510) 464-125

Should you have any questions pertaining to any of the above requests please contact me at (510) 271-4320.

Sincerely,



Paul M. Smith
Senior Hazardous Materials Specialist

cc:

Tracy Bennett, Consolidated Technologies
Eddy So, SFRWQCB
Charlene Williams, DHS
Gil Jensen, Alameda County District Attorney's Office of
Consumer and Environmental Affairs

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program

R0271

RAFAT A. SHAHID, Assistant Agency Director

certified mailer #P 367 604 676

February 3, 1992
STID# 515

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94629 271-4320
(510) 271-4320

Notice of Requirement to Reimburse

Golden Empire Properties Inc.
ATTN: Lynn Worthington
5942 MacArthur Blvd. #B
Oakland, CA 94605

Responsible Party
Property Owner

Former Gas Station
3055 35th Ave.
Oakland, CA 94605

SITE

Date First Reported 01/17/91
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 overseeing removal 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.

If you have any questions concerning this matter please contact Thomas Peacock, Supervising Hazardous Material Specialist, at this office.

Sincerely,

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



R0371

September 16, 1991

Mr. Lynn Worthington
Better Homes Realty
5942 MacArthur Boulevard Suite B
Oakland, CA 94605

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94612
(415)

Re: Work Plan Review for the Former Exxon Station, 3055 35th
Avenue, Oakland, CA 94605

Dear Mr. Worthington,

On January 23, 1991 five underground storage tanks were removed from the above location. At that time, samples were taken from the bottom of the tank excavations and also from the stockpiled soils. However, a Final Closure Report documenting the results of soil sample analyses, providing copies of sample chain-of-custody forms and hazardous waste manifests, documenting the appropriate disposal of the underground tanks, among other elements, have not been received by this Department subsequent to the January 1991 tank removals.

On September 3, 1991 Alameda County Environmental Health Department, Hazardous Materials Division received a Work Plan submitted by Consolidated Technologies for the above site. The Work Plan proposes the installation of ten soil borings located around the locations of the former underground tanks and ancillary piping in order to collect initial data which following the tank removals had been collected but is unavailable.

The following issues regarding the Work Plan need to be addressed before the Plan approval is granted:

- 1) You are required to have your consultant specify how all of the stock piled soil located on site will be characterized. You are also required to specify the frequency of the sampling, soil composition scheduling and constituents which will be analyzed for.
- 2) In addition to the analytes specified in the Work Plan you are required to analyze for the presence of Benzene, Toluene, Xylene and Ethyl-benzene (BTEX) in all analytical samples collected.
- 3) When borings are performed beneath all piping and dispensers it is not necessary to sample depths greater than 3 feet beneath these locations.
- 4) When sampling the area of the former (3) 4000 gallon and (1) 6000 gallon underground storage tanks you are required to collect a minimum of four samples or one sample per 20 lineal feet of open excavation. Additional samples are necessary in this area in order to more closely approximate the number of samples which are specified in the Regional Water Quality Document referred to as the Tri-Regional Recommendations (August 1990 revision).

Lynn Worthington
September 16, 1991
page 2 of 2

5) When collecting samples from the proposed borings from the area of the former underground tank locations, you are requested to collect the first samples at 10 feet and also at 15 feet below the ground surface. These depths are thought to indicate a more representative tank bottom depth than the initial 5 to 7 foot depths specified in the proposed Work Plan.

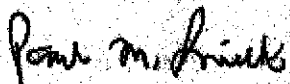
6) When sampling in the area of suspected illegal waste oil dumping at the location of SB-8 you are requested to excavate the soil in this area, which must be retained on site. Once field screening indicates the likelihood of a clean sample a confirmatory sample shall be collected in order to determine the soil condition.

7) You are required to have your consultant notify this department at least 48 hours prior to the initiation of the proposed work at the above location so that a representative from this office can be present during sample collection.

The proposed Work Plan as specified is not acceptable. You are requested to address each of the above issues in writing within 14 days of the receipt of this letter. Work plan approval will be granted upon the acknowledgment of these issues.

If you have any questions with regard to the contents of this letter you are requested to contact me at (510) 271-4320.

Sincerely,



Paul M. Smith
Hazardous Materials Specialist

cc:

- Tracy Bennett, Consolidated Technologies
- Eddie So, SFRWQCB
- Charlene Williams, DHS
- Gil Jensen, Alameda County District Attorney's Office of Consumer and Environmental Affairs

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0271

August 16, 1991

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

ATTN: Mr. Lynn Worthington

Better Homes Realty
5942 Mac Arthur Blvd., Suite B
Oakland, Ca 94605

RE: Project # 2089A - I
at 3055 - 35th Ave. in Oakland 94605

Dear Property Owner/Designee:

Our records indicate the deposit/refund account for the above project has fallen below the minimum deposit amount. To replenish the account, please submit an additional deposit of \$500.00, payable to Alameda County.

Please write your project number and site address on your check.

We must receive this deposit before we perform any further work on this project. At the completion of this project, any unused monies will be refunded to you or your designee.

If you have any questions, please contact Paul Smith at (415) 271-4320.

Sincerely,

Edgar B. Howell III, Chief
Hazardous Materials Division

EH:lp

cc: files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0271

Certified Mailer #P 367 604 324

August 12, 1991

Mr. Lynn Worthington
Better Homes Realty
5942 MacArthur Boulevard Suite B
Oakland, CA 94605

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

Re: Former Exxon Station, 3055 35th Avenue, Oakland, CA 94605

Dear Mr. Worthington,

On January 23, 1991 five underground storage tanks were removed from the above location. Soil samples were taken from the bottom of the tank excavations and also from the stockpiled soils. A Final Closure Report documenting the results of soil sample analyses, copies of sample chain-of-custody forms and hazardous waste manifests, documenting the appropriate disposal of the underground tanks, among other elements, has not been received by this department. Such reports are due for submittal within 60 days of the date of tank closure.

You are hereby directed to submit a final closure report to this office within 10 days of the date of this letter.

Section 25299(a) of the CA Health and Safety Code states that "any operator of an underground storage tank system shall be liable for a civil penalty of not less than five hundred (\$500.00) or more than five thousand dollars (\$5000.00) for each underground storage tank for each day of violation for any of the following violations:

Failure to improperly properly close an underground tank system as required by Section 25298

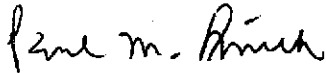
Failure to report an unauthorized release as required by Sections 25294 and 25295.

You are required by this office to submit a final closure report to this office within 10 days of the receipt of this letter. The tank closure plan shall include but should not be limited to: analytical results from beneath the former under ground tanks and taken from stock piled soils, manifests for the proper disposal of the tanks, and a map indicating the location of the samples. This case has been referred to the Alameda County District Attorney's Office for review. Failure to provide the requested information may result in enforcement action.

Mr. Worthington
August 11, 1991
Page 2 of 2

Should you have any questions pertaining to any of the above requests please contact me at 415/ 271-4320.

Sincerely,



Paul M. Smith
Hazardous Materials Specialist

cc:

John Pratt, Sampling Specialist Company
Pacific Excavators
Lester Feldman, SFRWQCB
Charlene Williams, DHS
Gil Jensen, Alameda County District Attorney's Office of
Consumer and Environmental Affairs

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0271

Certified Mailer # P 062 127 780

May 30, 1991

Mr. Lynn Worthington
Better Homes Realty
5942 MacArthur Boulevard Suite B
Oakland, CA 94605

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

Re: Former Exxon Station, 3055 35th Avenue, Oakland, CA 94605

Dear Mr. Worthington,

On January 23, 1991 five underground storage tanks were removed from the above location. Soil samples were taken from the bottom of the tank excavations and also from the stockpiled soils. A Final Closure Report documenting the results of soil sample analyses, copies of sample chain-of-custody forms and hazardous waste manifests, documenting the appropriate disposal of the underground tanks, among other elements, has not been received by this department. Such reports are due for submittal within 60 days of the date of tank closure.

You are hereby directed to submit a final closure report to this office within 15 days of the date of this letter, or by June 14, 1991.

Please be advised that this letter constitutes a formal request for technical reports pursuant to California Water Code Section 13267(b). Failure to respond or a late response could result in the referral of this case to the RWQCB for enforcement, possibly subjecting the responsible party to civil penalties to a maximum of \$1,000 per day. Any extensions to the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or the RWQCB.

Please be further advised that Alameda County Environmental Health Department, Hazardous Materials Division, is currently delegated authority from the San Francisco Regional Water Quality Control Board (RWQCB) to oversee remediation cases within Alameda County. Therefore, this Department will be lead agency for oversight of this case should further site characterization or remediation work be warranted following our review of data incorporated in the pending tank closure report.

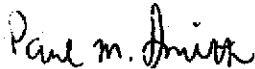
Mr. Worthington
May 30, 1991
Page 2 of 2

All proposals, reports and analytical results pertaining to this investigation and remediation must be sent to our office and to:

Lester Feldman
Regional Water Quality Control Board, San Francisco Bay Region
2101 Webster Street, 5 th Floor
Oakland, California 94612
(415) 464-125

Should you have any questions pertaining to any of the above requests please contact me at 415/ 271-4320.

Sincerely,



Paul M. Smith
Hazardous Materials Specialist

cc:

John Pratt, Sampling Specialist Company
Pacific Excavators
Lester Feldman, SFRWQCB
Charlene Williams, DHS
Gil Jensen, Alameda County District Attorney's Office of
Consumer and Environmental Affairs
Rafat A. Shahid, Assistant Agency Director, Alameda County
Environmental Health Department

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0271

June 4, 1990

Golden Empire, Inc.
5942 MacArthur Blvd., #B
Oakland, CA 94605

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

Re: Bird's EXXON, 3055 - 35th Avenue, Oakland, 94619

NOTICE OF LEGAL OBLIGATION

Dear Sirs:

The above referenced site was inspected by this office and found to be out of business. Our records indicate that there are still underground tanks on the property.

In accordance with the California Code of Regulations, Title 23, Chapter 3, Subchapter 16 Underground Tank Regulations, you are required, as the tank owner, to perform one of the following actions:

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

Notify this Department within 10 days of your intentions and to obtain the necessary instructions and forms.

If you have any questions concerning this matter, please contact Cynthia Chapman at 271-4320.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Edgar B. Howell, III', written in dark ink.

Edgar B. Howell, III
Chief, Hazardous Materials Division

EBH:CAC:cc

cc: Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Agency
Lester Feldman, RWQCB