



8-30-02

20509

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

STID 1149

August 29, 2002

Patterson Ranch
Messrs. John & Frank Sabatte
3493 Silver Springs Road
Lafayette CA 94549

RE: Downtown Toyota, 4145 Broadway, Oakland, CA 94611

Dear Messrs. John and Frank Sabatte:

I have received the workplan dated August 28, 2002, and the letter dated August 27, 2002, by Mr. Paul King of RGA Environmental Inc. regarding the above referenced site. I have also received an email dated August 28, 2002, by Mr. Patrick D. Zimaski, your attorney, regarding the above document and the potential purchase of the real property at the above referenced site. I have reviewed the above workplan and had several discussions with Mr. King regarding the clean up activities at the above referenced site.

This workplan addresses the following issues:

- Taking additional soil/groundwater sampling to delineate and or define the plume more accurately
- Installing one monitoring well 10 feet downgradient of the former plume.
- Performing quarterly monitoring of the well for at least a year until further notice from this office.
- Performing a sensitive receptor survey
- Performing A preferential receptor survey
- Obtaining two state-certified laboratory result interpretations by two different laboratories regarding the petroleum hydrocarbons

Furthermore, I discussed the closure requirements with Mr. King and indicated that, in general, the following requirements must be met prior to granting of a closure:

1. The site been adequately investigated.
2. The source (primary) been removed.
3. Floating products were removed to the extent practicable.
4. There exists a stable and or decreasing plume.
5. There is not any current / future public health threat.
6. There is not any current / future ecological threat.
7. There is not any current/future water sources threat.
8. A risk management plan (RMP) has been developed for the site if necessary.

Please call this office and give advance notice regarding your sampling schedule, so that a representative of this office could be present during the sampling event.

Should you have any questions, please free to call me at (510) 567-6876.

Sincerely,



Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Mr. Norman Alberts, Berkeley Land Company, 1211 Newell Ave., Suite 116, Walnut Creek, CA 94596
Mr. Joel Greger, Geologic Inc., 1140 5th Avenue, Crockett, CA 94525
Mr. Paul King, RGA Environmental Inc., 4701 Doyle Street, Suite 14, Emeryville, CA 94608
Mr. Patrick D. Zimski, Attorney At Law, The California Building, 1736 Franklin Street Suite 400, Oakland, CA 94618
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



Sent 11-KC-99
Including CC's

20509

Stid 1149

November 18, 1999

Patterson Ranch
Messrs. John & Frank Sabatte
3493 Silver Springs Road
Lafayette CA 94549

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

RE: Downtown Toyota, 4145 Broadway, Oakland, CA 94611

Dear Messrs. John and Frank Sabatte:

I sent you a letter on November 10th, 1999 regarding the receipt of the workplan investigation laboratory results dated November 4th, 1999 submitted by Mr. Joel Greger of Geologic Inc., your consultant. In that letter, I acknowledged the receipt of the results of the workplan implementation. However, I noticed that the soil and groundwater have not been analyzed for presence of solvents. **Due to the fact that the tank contained waste oil and the soil samples has revealed some solvent in the past, please include solvents, among other constituents, when performing laboratory analysis of all soil and groundwater collected at the above referenced site.**

As indicated previously, proper delineation of the plume, can lead toward closure if the plume is proven to be localized, stable, and or decreasing along with a risk assessment revealing no present or potential threat to human health and environment.

Please call me at (510) 567-6876, if you have any questions.

Sincerely,

Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Mr. Norman Alberts, Berkeley Land Company, 1211 Newell Ave., Suite 116, Walnut Creek, CA 94596
Mr. Joel Greger, Geologic Inc., 1140 5th Avenue, Crockett, CA 94525
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



Sent 11-10-99
Including cc's

20509

Stid 1149

November 10, 1999

Patterson Ranch
Messrs. John & Frank Sabatte
3493 Silver Springs Road
Lafayette CA 94549

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

RE: Downtown Toyota, 4145 Broadway, Oakland, CA 94611

Dear Messrs. John and Frank Sabatte:

I am in receipt of the workplan investigation laboratory results dated November 4th, 1999 submitted by Mr. Joel Greger of Geologic Inc., your consultant. Thank you for the submittal of the laboratory results. Per my discussion with Mr. Greger, **you need to take additional soil/groundwater sampling to delineate and or define the plume more accurately.**

This is required due to the high concentration TPH gasoline, TPH diesel, and TPH Motor Oil around B-2 boring, which are at the highest concentrations, at 5,200, 8,600, 11,000 ppb respectively, even though the BTEX concentration and MTBE were found at ND and or low levels. The concentration of BTEX and MTBE were below detection levels for all boring except B-1 boring, which revealed 7.8ppb of MTBE at 9.5 ft bgs.

Please be advised that proper delineation of the plume, can lead toward closure if the plume is proven to be localized, stable, and or decreasing along with a risk assessment revealing no present or potential threat to human health and environment.

Please submit a workplan as discussed above to proceed further with this case.

Call this office and give me advance notice regarding your sampling schedule, so that I could be present during the sampling event.

If you have any questions, call me at (510) 567-6876.

Sincerely,

Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Mr. Norman Alberts, Berkeley Land Company, 1211 Newell Ave., Suite 116, Walnut Creek, CA 94596
Mr. Joel Greger, Geologic Inc., 1140 5th Avenue, Crockett, CA 94525
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0809

Stid 1149

September 2, 1999

Patterson Ranch
Messrs. John & Frank Sabatte
3493 Silver Springs Road
Lafayette CA 94549

ENVIRONMENTAL HEALTH SERVICES

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

RE: Workplan for Downtown Toyota, 4145 Broadway, Oakland, CA 94611

Dear Mr. John and Frank Sabatte:

I am in receipt of the workplan dated July 9th, 1999 by Mr. Joel Greger of Geologic Inc., your consultant. Thank you for the submittal of the plan and addressing the issues raised on my letter dated June 21st, 1999. I reviewed and generally concur with this workplan proposal. However, per my discussion with Mr. Greger, you need to take additional soil/groundwater sampling downgradient and closer to the source of contamination on the site. This should include southwest of the former 500-gallon used oil tank, in between PSO8 and PSO7 borings, which represent the areas with highest contaminant concentrations. This is required due to the high concentration of TPH gasoline, TPH diesel, and TPH Motor Oil at 16,000, 50,000, 36,000 ppb respectively, even though the BTEX concentration was below Tier I levels for both soil and groundwater.

Please give me advance notice regarding your sampling schedule, so that I could be present during the sampling event.

I will be looking forward to receive the result of the submitted workplan.

If you have any questions, please call me at (510) 567-6876.

Sincerely,

Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Mr. Norman Alberts, Berkeley Land Company, 1211 Newell Ave., Suite 116, Walnut Creek,
CA 94596
Mr. Joel Greger, Geologic Inc., 1140 5th Avenue, Crockett, CA 94525
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO509

Stid 1149

July 15, 1999

Messrs. John & Frank Sabatte
Patterson Ranch
3493 Silver Springs Road
Lafayette CA 94549

ENVIRONMENTAL HEALTH SERVICES

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

RE: Property at 4145 Broadway, Oakland, CA 94611

Dear Mr. John and Frank Sabatte:

LANDOWNER NOTIFICATION AND PARTICIPATION REQUIREMENTS

Dear Messrs. John and Frank Sabatte:

This letter is to inform you of new legislative requirements pertaining to cleanup and closure of sites where an unauthorized release of hazardous substance, including petroleum, has occurred from an underground storage tank (UST). Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code requires the primary or active responsible party to notify all current record owners of fee title to the site of: 1) a site cleanup proposal, 2) a site closure proposal, 3) a local agency intention to make a determination that no further action is required, and 4) a local agency intention to issue a closure letter. Section 25297.15(b) requires the local agency to take all reasonable steps to accommodate responsible landowners' participation in the cleanup or site closure process and to consider their input and recommendations.

For purposes of implementing these sections, you have been identified as the primary or active responsible party. Please provide to this agency, within twenty (20) calendar days of receipt of this notice, a complete mailing list of all current record owners of fee title to the site. You may use the enclosed "list of landowners" form (sample letter 2) as a template to comply with this requirement. If the list of current record owners of fee title to the site changes, you must notify the local agency of the change within 20 calendar days from when you are notified of the change.

If you are the sole landowner, please indicate that on the landowner list form. The following notice requirements do not apply to responsible parties who are the sole landowner for the site.

LANDOWNER NOTIFICATION

Re: 4145 Broadway, Oakland

July 15, 1999

Page 2 of 2

In accordance with Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code, you must certify to the local agency that all current record owners of fee title to the site have been informed of the proposed action before the local agency may do any of the following:

- 1) consider a cleanup proposal (corrective action plan)
- 2) consider a site closure proposal
- 3) make a determination that no further action is required
- 4) issue a closure letter

You may use the enclosed "notice of proposed action" form (sample letter 3) as a template to comply with this requirement. Before approving a cleanup proposal or site closure proposal, determining that no further action is required, or issuing a closure letter, the local agency will take all reasonable steps necessary to accommodate responsible landowner participation in the cleanup and site closure process and will consider all input and recommendations from any responsible landowner.

Please call me at (510) 567-6876 if you have any questions about the content of this letter.

Sincerely,

Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Mr. Norman Alberts, Berkeley Land Company, 1211 Newell Ave., Suite 116, Walnut Creek, CA 94596
Mr. Joel Greger, Geologic Inc., 1140 5th Avenue, Crockett, CA 94525
Chuck Headlee, RWQCB

Attachments: Sample letter 2 and Sample letter 3, which must be filled out by the Responsible Party and mailed to Alameda County.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ROSDY

Stid 1149

July 15, 1999

Messrs. John & Frank Sabatte
Patterson Ranch
3493 Silver Springs Road
Lafayette CA 94549

ENVIRONMENTAL HEALTH SERVICES

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

RE: Property at 4145 Broadway, Oakland, CA 94611

Dear Mr. John and Frank Sabatte:

LANDOWNER NOTIFICATION AND PARTICIPATION REQUIREMENTS

Dear Messrs. John and Frank Sabatte:

This letter is to inform you of new legislative requirements pertaining to cleanup and closure of sites where an unauthorized release of hazardous substance, including petroleum, has occurred from an underground storage tank (UST). Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code requires the primary or active responsible party to notify all current record owners of fee title to the site of: 1) a site cleanup proposal, 2) a site closure proposal, 3) a local agency intention to make a determination that no further action is required, and 4) a local agency intention to issue a closure letter. Section 25297.15(b) requires the local agency to take all reasonable steps to accommodate responsible landowners' participation in the cleanup or site closure process and to consider their input and recommendations.

For purposes of implementing these sections, you have been identified as the primary or active responsible party. Please provide to this agency, within twenty (20) calendar days of receipt of this notice, a complete mailing list of all current record owners of fee title to the site. You may use the enclosed "list of landowners" form (sample letter 2) as a template to comply with this requirement. If the list of current record owners of fee title to the site changes, you must notify the local agency of the change within 20 calendar days from when you are notified of the change.

If you are the sole landowner, please indicate that on the landowner list form. The following notice requirements do not apply to responsible parties who are the sole landowner for the site.

LANDOWNER NOTIFICATION

Re: 4145 Broadway, Oakland

July 15, 1999

Page 2 of 2

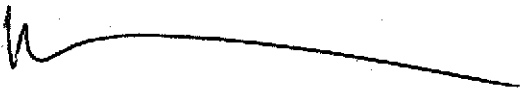
In accordance with Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code, you must certify to the local agency that all current record owners of fee title to the site have been informed of the proposed action before the local agency may do any of the following:

- 1) consider a cleanup proposal (corrective action plan)
- 2) consider a site closure proposal
- 3) make a determination that no further action is required
- 4) issue a closure letter

You may use the enclosed "notice of proposed action" form (sample letter 3) as a template to comply with this requirement. Before approving a cleanup proposal or site closure proposal, determining that no further action is required, or issuing a closure letter, the local agency will take all reasonable steps necessary to accommodate responsible landowner participation in the cleanup and site closure process and will consider all input and recommendations from any responsible landowner.

Please call me at (510) 567-6876 if you have any questions about the content of this letter.

Sincerely,



Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Mr. Norman Alberts, Berkeley Land Company, 1211 Newell Ave., Suite 116, Walnut Creek, CA 94596
Mr. Joel Greger, Geologic Inc., 1140 5th Avenue, Crockett, CA 94525
Chuck Headlee, RWQCB

Attachments: Sample letter 2 and Sample letter 3, which must be filled out by the Responsible Party and mailed to Alameda County.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



Rosby

Stid 1149

June 21, 1999

Patterson Ranch
Messrs. John & Frank Sabatte
3493 Silver Springs Road
Lafayette CA 94549

ENVIRONMENTAL HEALTH SERVICES

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

RE: Workplan for Downtown Toyota, 4145 Broadway, Oakland, CA 94611

Dear Mr. John and Frank Sabatte:

I just received a call from Mr. Joel Greger of Geologic Inc., your consultant, requesting an extension for the submittal of the work plan due regarding the above referenced site. Mr. Greger requested this extension due to the time necessary to review the files regarding the sites surrounding the above referenced property. The extension is granted. Please submit a work plan by July 30th, 1999. Per our previous discussion, the workplan, at a minimum, should address the following issues:

- Indicate how you estimated the downgradient flow direction. This was requested since only grab groundwater samples, usually used as screening tool, were used and that without a water elevation information from permanent monitoring wells a downgradient flow direction can not be verified.
- Take samples southeast of PSO8 and northwest of PSO7 the borings, which represent the areas with highest contaminant concentrations to ensure the plume has not traveled off-site. If the samples reveal the plume to be localized, and has not gone off-site, the site could be considered for closure. This is required due to the high concentration of TPH gasoline, TPH diesel, and TPH Motor Oil at 16,000, 50,000, 36,000 ppb respectively, even though the BTEX concentration was below Tier I levels for both soil and groundwater.
- Perform EPA method 8020 for MTBE, among others, in the laboratory analysis.

Additionally, this office has not received any report and or documentation regarding performance of any work since PSA submittal dated March 11, 1994.

Therefor please submit work plan to address the above issues by July 30th, 1999.

This is a formal request for soil and groundwater investigation pursuant to Section 2725(a) of Title 23 California Code of Regulations. Section 13267(b) of the California Water Code and Regional Water Quality Control Board (RWQCB) can impose up to \$1000.00 per day for each day of this violation.

This is a formal request for technical information and hence any delays should be requested in writing.

If you have any question, please call me at (510) 567-6876.

Sincerely,

Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Mr. Norman Alberts, Berkeley Land Company, 1211 Newell Ave., Suite 116, Walnut Creek,
CA 94596
Mr. Joel Greger, Geologic Inc., 1140 5th Avenue, Crockett, CA 94525
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



PO509

Stid 1149

June 21, 1999

Patterson Ranch
Messrs. John & Frank Sabatte
3493 Silver Springs Road
Lafayette CA 94549

ENVIRONMENTAL HEALTH SERVICES

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

RE: Workplan for Downtown Toyota, 4145 Broadway, Oakland, CA 94611

Dear Mr. John and Frank Sabatte:

I just received a call from Mr. Joel Greger of Geologic Inc., your consultant, requesting an extension for the submittal of the work plan due regarding the above referenced site. Mr. Greger requested this extension due to the time necessary to review the files regarding the sites surrounding the above referenced property. The extension is granted. Please submit a work plan by July 30th, 1999. Per our previous discussion, the workplan, at a minimum, should address the following issues:

- Indicate how you estimated the downgradient flow direction. This was requested since only grab groundwater samples, usually used as screening tool, were used and that without a water elevation information from permanent monitoring wells a downgradient flow direction can not be verified.
- Take samples southeast of PSO8 and northwest of PSO7 the borings, which represent the areas with highest contaminant concentrations to ensure the plume has not traveled off-site. If the samples reveal the plume to be localized, and has not gone off-site, the site could be considered for closure. This is required due to the high concentration of TPH gasoline, TPH diesel, and TPH Motor Oil at 16,000, 50,000, 36,000 ppb respectively, even though the BTEX concentration was below Tier I levels for both soil and groundwater.
- Perform EPA method 8020 for MTBE, among others, in the laboratory analysis.

Additionally, this office has not received any report and or documentation regarding performance of any work since PSA submittal dated March 11, 1994.

Therefor please submit work plan to address the above issues by July 30th, 1999.

This is a formal request for soil and groundwater investigation pursuant to Section 2725(a) of Title 23 California Code of Regulations. Section 13267(b) of the California Water Code and Regional Water Quality Control Board (RWQCB) can impose up to \$1000.00 per day for each day of this violation.

This is a formal request for technical information and hence any delays should be requested in writing.

If you have any question, please call me at (510) 567-6876.

Sincerely,

Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Mr. Norman Alberts, Berkeley Land Company, 1211 Newell Ave., Suite 116, Walnut Creek,
CA 94596
Mr. Joel Greger, Geologic Inc., 1140 5th Avenue, Crockett, CA 94525
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



POSO 9

Stid 1149

June 10, 1999

Patterson Ranch
Messrs. John & Frank Sabatte
3493 Silver Springs Road
Lafayette CA 94549

ENVIRONMENTAL HEALTH SERVICES

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

RE: Workplan for Downtown Toyota, 4145 Broadway, Oakland, CA 94611

Dear Mr. John and Frank Sabatte:

Mr. Joel Greger of Geologic Inc., your consultant, has recently asked me, to extend the submittal of a work plan to June 30th, 1999. The request for the extension is granted. Additionally, we discussed the necessity to review files on the surrounding properties to more accurately plan for the sampling event. Please ensure that the following issues are addressed:

1. Indication of how you estimated the downgradient flow direction. This was requested since only grab groundwater samples, usually used as screening tool, were used and that without a water elevation information from permanent monitoring wells a downgradient flow direction can not be verified.
2. Taking samples southeast of PSO8 and northwest of PSO7 the borings, which represent the areas with highest contaminant concentrations to ensure the plume, has not traveled off-site. If the samples reveal the plume to be localized, and has not gone off-site, the site could be considered for closure. This is required due to the high concentration of TPH gasoline, TPH diesel, and TPH Motor Oil at 16,000, 50,000, 36,000 ppb respectively, even though the BTEX concentration was below Tier I levels for both soil and groundwater.
3. Inclusion of EPA method 8020 for MTBE, among others, in the laboratory analysis.

In addition, and per our discussion previously, this office has not received any report and or documentation regarding performance of any work since PSA submittal dated March 11, 1994.

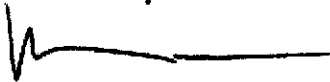
Therefor please submit work plan to address the above issues by June 30th, 1999.

This is a formal request for soil and groundwater investigation pursuant to Section 2725(a) of Title 23 California Code of Regulations. Section 13267(b) of the California Water Code and Regional Water Quality Control Board (RWQCB) can impose up to \$1000.00 per day for each day of this violation.

This is a formal request for technical information and hence any delays should be requested in writing.

Please call me at (510) 567-6876, should you have any questions.

Sincerely,



Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Mr. Norman Alberts, Berkeley Land Company, 1211 Newell Ave., Suite 116, Walnut Creek,
CA 94596
Mr. Joel Greger, Geologic Inc., 1140 5th Avenue, Crockett, CA 94525
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

ROS09

Stid 1149

May 12, 1999

Patterson Ranch
Messrs John & Frank Sabatte
3493 Silver Springs Road
Lafayette CA 94549

ENVIRONMENTAL HEALTH SERVICES

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

RE: Workplan for Downtown Toyota, 4145 Broadway, Oakland, CA 94611

Dear Mr. John and Frank Sabatte:

Mr. Norman Alberts of Patterson Ranch has just informed me that the letters sent to you were not received in time and that he, as your representative, would immediately hire an environmental consultant to submit work plan, which was requested by this office through several previous correspondences. Additionally, Mr. Alberts informed me that Mr. Kyle Flory of Burlington Environmental no longer represents you. Therefore, please disregard the notice of violation dated April 26, 1999 subject to submittal of the requested workplan within 30 days or by June 12th, 1999.

As indicated previously, I requested a work plan to address the following issues regarding the above referenced site:

1. Indicate how you estimated the downgradient flow direction. This was requested since only grab groundwater samples, usually used as screening tool, were used and that without a water elevation information from permanent monitoring wells a downgradient flow direction can not be verified.
2. Take samples southeast of PSO8 and northwest of PSO7 the borings, which represent the areas with highest contaminant concentrations to ensure the plume has not traveled off-site. If the samples reveal the plume to be localized, and has not gone off-site, the site could be considered for closure. This is required due to the high concentration of TPH gasoline, TPH diesel, and TPH Motor Oil at 16,000, 50,000, 36,000 ppb respectively, even though the BTEX concentration was below Tier I levels for both soil and groundwater.
3. Include EPA method 8020 for MTBE, among others, in the laboratory analysis.

Additionally, this office has not received any report and or documentation regarding performance of any work since PSA submittal dated March 11, 1994.

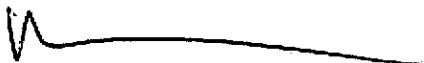
Please Submit work plan to address the above issues within 30 days from receipt of this letter or by June 12th, 1999.

This is a formal request for soil and groundwater investigation pursuant to Section 2725(a) of Title 23 California Code of Regulations. Section 13267(b) of the California Water Code and Regional Water Quality Control Board (RWQCB) can impose up to \$1000.00 per day for each day of this violation.

This is a formal request for technical information and hence any delays should be requested in writing.

If you have any questions, please call me at (510) 567-6876.

Sincerely,



Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Mr. Norman Alberts, Berkeley Land Company, 1211 Newell Ave., Suite 116, Walnut Creek,
CA 94596
Files



Stid 1149

April 26, 1999

Mr. Norman Alberts
Patterson Ranch
4550 San Pablo Ave.
Emeryville, CA 94608

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

Second Notice of Violation

RE: Workplan for Downtown Toyota, 4145 Broadway, Oakland, CA 94611

Dear Mr. Alberts:

I sent you and your consultant, Mr. Kyle Flory of Burlington Environmental, a couple of letters dated February 18th, 1999, and March 25th, 1999. In the letters I requested a work plan to address the following issues regarding the above referenced site:

- Indicate how you estimated the downgradient flow direction. This was requested since only grab groundwater samples, usually used as screening tool, were used and that without a water elevation information from permanent monitoring wells a downgradient flow direction can not be verified.
- Take samples southeast of PSO8 and northwest of PSO7 the borings, which represent the areas with highest contaminant concentrations to ensure the plume has not traveled off-site. If the samples reveal the plume to be localized, and has not gone off-site, the site could be considered for closure. This is required due to the high concentration of TPH gasoline, TPH diesel, and TPH Motor Oil at 16,000, 50,000, 36,000 ppb respectively, even though the BTEX concentration was below Tier I levels for both soil and groundwater.
- Include EPA method 8020 for MTBE, among others, in the laboratory analysis.

Additionally, this office has not received any report and or documentation regarding performance of any work since PSA submittal dated March 11, 1994.

Please Submit work plan to address the above issues within 30 days from receipt of this letter or by May 26th, 1999.

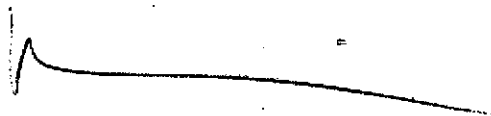
This is a formal request for soil and groundwater investigation pursuant to Section 2725(a) of Title 23 California Code of Regulations. Section 13267(b) of the California Water Code and Regional Water Quality Control Board (RWOCB) can impose up to \$1000.00 per day for each day of this violation.

This is a formal request for technical information and hence any delays should be requested in writing.

Please be advised that failure to respond can result in referral of the case to the Alameda County District Attorney's Office for an enforcement action.

If you have any questions, do not hesitate to call me at (510) 567-6876.

Sincerely,



Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Mr. Kyle Flory, Burlington Environmental, 5901 Christie Ave., Suite 501
Emeryville, CA 94608
Files



Stid 1149

March 25, 1999

Mr. Norman Alberts
Patterson Ranch
4550 San Pablo Ave.
Emeryville, CA 94608

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

Notice of Violation

RE: Workplan for Downtown Toyota, 4145 Broadway, Oakland, CA 94611

Dear Mr. Alberts:

On February 18th, 1999, I sent a letter to you and your consultant, Mr. Kyle Flory of Burlington Environmental. In that letter I requested a work plan to address the following issues regarding the above referenced site:

- You were requested to indicate how you estimated the downgradient flow direction. This was requested since only grab groundwater samples, usually used as screening tool, were used and that without a water elevation information from permanent monitoring wells a downgradient flow direction can not be verified.
- You were requested to sample southeast of PSO8 and northwest of PSO7 the borings, which represent the areas with highest contaminant concentrations to ensure the plume has not traveled off-site. I mentioned that if the samples reveal the plume to be localized, and has not gone off-site, the site could be considered for closure. This was required due to the high concentration of TPH gasoline, TPH diesel, and TPH Motor Oil at 16,000, 50,000, 36,000 ppb respectively, even though the BTEX concentration was below Tier I levels for both soil and groundwater.
- You were also requested to include EPA method 8020 for MTBE, among others, in the laboratory analysis.

Additionally, I communicated to you that this office has not received any report and or documentation regarding performance of any work since PSA submittal dated March 11, 1994.

Please Submit work plan to address the above issues within 30 days from receipt of this letter or by April 25th, 1999.

This is a formal request for soil and groundwater investigation pursuant to Section 2725(a) of Title 23 California Code of Regulations.

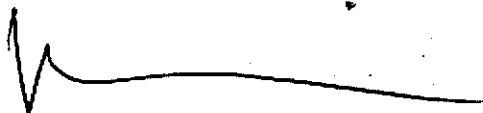
In addition, please be advised that Section 13267(b) of the California Water Code and Regional Water Quality Control Board (RWOCB) can impose up to \$1000.00 per day for each day of this violation.

This is a formal request for technical information and hence any delays should be requested in writing.

Failure to respond can result in referral of the case to the Alameda County District Attorney's Office for an enforcement action.

If you have any questions, please call me at (510) 567-6876.

Sincerely,



**Amir K. Gholami, REHS
Hazardous Materials Specialist**

**C: Mr. Kyle Flory, Burlington Environmental, 5901 Christie Ave., Suite 501
Emeryville, CA 94608
Files**

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO# 509

Stid 1149

February 18, 1999

Mr. Kyle Flory
Burlington Environmental
5901 Christie Ave., Suite 501
Emeryville, CA 94608

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

RE: Workplan for Downtown Toyota, 4145 Broadway, Oakland, CA 94611

Dear Mr. Flory:

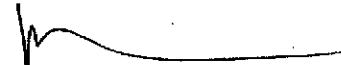
This office has assigned me to review the above referenced site. After reviewing the files and discussing it with other staff the following has come to my attention:

- On December 16, 1993 Eva Chu of our office approved your workplan which was conducted on March 11, 1994. In her letter, Eva Chu indicated that grab groundwater samples can only be used as a screening tool and that without a water elevation information from permanent monitoring wells a downgradient flow direction can not be verified. Please indicate how you estimated the downgradient flow direction.
- The concentration of BTEX is below the levels indicated in the Tier I for soil and ground water. However, the levels of TPH gasoline, TPH diesel, and TPH Motor Oil are at 16,000, 50,000, 36,000 ppb respectively. Therefor, You also need to sample southeast of PSO8 and northwest of PSO7 the borings, which represent the areas with highest contaminant concentrations to ensure the plume has not traveled off-site. If the samples indicate that the plume is localized, and has not gone off-site, the site could be considered for closure.
- Please include EPA method 8020 for MTBE, among others, in the laboratory analysis.
- This office has not received any report and or documentation regarding performance of any work since PSA submittal dated March 11, 1994. **Please Submit work plan to address the above issues within 30 days from receipt of this letter.**

This is a formal request for technical information and hence any delays should be requested in writing.

If you have any questions, please call me at (510) 567-6876.

Sincerely,



Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Norman Alberts, Patterson Ranch, 4550 San Pablo Ave., Emeryville, CA 94608
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0509

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

StID 1149

December 16, 1993

Kyle Flory
Burlington Environmental
5901 Christie Ave., Suite 501
Emeryville, CA 94608

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

**Subject: Workplan Approval for Downtown Toyota, 4145 Broadway,
Oakland, CA 94611**

Dear Mr. Flory:

I have completed review of Burlington's December 1993 Preliminary Site Assessment Workplan prepared for the above referenced site. Burlington proposes to advance several boreholes utilizing a pneumatic sampling system. Soil samples will be collected for analysis from 5 and 10 feet depth in the boreholes immediately surrounding the former underground storage tank (UST) pit. Soil will only be collected from the capillary fringe from boreholes which are further from the UST pit. Groundwater grab samples will be collected from each borehole. All samples will be analyzed for TPH-G, TPH-D, TPH as motor oil, TOG, and BTEX.

The referenced workplan is acceptable for determining the extent of soil contamination on site. Bear in mind, groundwater grab samples will only serve as a screening tool to determine if groundwater has been impacted by the leak from the former UST. Without water elevation data from permanent wells, a downgradient flow direction cannot be verified. For this site, at least one permanent monitoring well (within 10' of the UST pit) will be required in the verified downgradient direction. Permanent well(s) can be installed after this phase of investigation.

If you have any questions, please call me at (510) 271-4530.

Sincerely,

eva chu
Hazardous Materials Specialist

cc: Norman Alberts, Patterson Ranch, 4550 San Pablo Ave.,
Emeryville, CA 94608
files

toyota2

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0509

RAFAT A. SHAHID, Assistant Agency Director

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

October 13, 1993

Downtown Auto Center/Pontiac
4145 Broadway,
Oakland, CA 94611

Re: **FIVE-YEAR PERMITS FOR OPERATION OF FIVE
UNDERGROUND STORAGE TANKS (UST's) AT
4145 Broadway, Oakland, CA 94611**

According to our records the above mentioned facility has not received a five-year permit to operate UST's. Please complete the following items marked below and return them to me within 30 days. The example plans enclosed should be used only as guidelines and may not meet your requirements under Title 23.

- ✓ 1. Complete UST PERMIT FORM A - one per facility. (enclosed)
- ✓ 2. Complete UST PERMIT FORM B - one per tank. (enclosed)
- ✓ 3. Complete UST PERMIT FORM C - one per tank if information is available. (enclosed)
- ✓ 4. A written tank monitoring plan. (enclosed)
- ✓ 5. Results of precision tank test(s) (initial and annual).
- ✓ 6. Results of precision pipeline leak detector tests (initial and annual).
- ✓ 7. An accurate and complete plot plan. (enclosed)
- ✓ 8. A written spill response plan. (enclosed)

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

Sincerely,

Handwritten signature of Brian P. Oliva.

Brian P. Oliva REHS, REA
Hazardous Materials Specialist

cc: Ed Howell/files

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0509

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

StID 1149

September 30, 1993

Mr. Norman Alberts
Patterson Ranch/Berkeley Farms
4550 San Pablo Ave.
Emeryville, CA 94608

Subject: PSA for Downtown Toyota, 4145 Broadway, Oakland 94611

Dear Mr. Alberts:

This office has completed review of the case file for the above referenced site. In February 1992 when a 500 gallon waste oil underground storage tank was removed, native soil collected from beneath the tank (at a depth of 8 feet) exhibited up to 130 parts per million (ppm) total petroleum hydrocarbons as stoddard solvent, 900 ppm motor oil, and 630 ppm oil and grease. Additional excavation occurred in April 1992 and groundwater was encountered at a depth of 10 feet. A grab sample exhibited 180 parts per billion (ppb) TPH as gasoline.

At this time additional investigation is required to determine the extent of soil and groundwater contamination as a result of the petroleum hydrocarbon release from the UST at this site.

Such an investigation shall be in the form of a **Preliminary Site Assessment**, or PSA. The information gathered by the PSA will be used to determine an appropriate course of action to remediate the site, if deemed necessary. The PSA must be conducted in accordance with the RWQCB Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks, and Article 11 of Title 23, California Code of Regulations. The major elements of such an investigation are summarized in the attached Appendix A.

The PSA proposal is due **within 45 days** of the date of this letter. Once the proposal is approved, field work should commence within 60 days. A report must be submitted within 45 days after the completion of this phase of work at the site. Subsequent reports are to be submitted quarterly until this site qualifies for RWQCB "sign off." All reports and proposals must be submitted under seal of a California Registered Geologist, Certified Engineering Geologist, or Registered Civil Engineer.

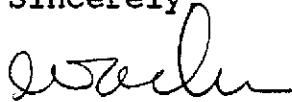
Please be advised that this is a formal request for technical reports pursuant to Title 23, CCR, Section 2722(c). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency.

Mr. Norman Alberts
re: Downtown Toyota, 4145 Broadway
September 30, 1993

Page 2

Should you have any questions about the content of this letter,
please contact me at (510) 271-4530.

Sincerely,



eva chu
Hazardous Materials Specialist

enclosure

cc: files

toyotal

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0509

September 19, 1990

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

W M Bill Pattie
Downtown Auto Center
4145 Broadway
Oakland, CA 94611

Re: Waste Minimization Assessment

Dear W M Bill Pattie:

Your business has been selected to receive a hazardous waste minimization assessment. As you are probably aware, hazardous waste reduction has become a statewide, if not a national, issue. To address this issue at a county level, Alameda County is establishing its own Hazardous Waste Minimization Program and is planning to conduct waste minimization assessments for all hazardous waste generating facilities in the County.

We have chosen businesses in the auto repair industry to receive the first round of waste minimization assessments. It is our hope that these assessments will assist participating businesses in minimizing their hazardous wastes - and will give us further information on the best way to structure our minimization program.

One of our Hazardous Materials Specialists will be contacting you during the week of September 24 to arrange a meeting with you for an assessment of your business. During this meeting and assessment, the Specialist will work with you in examining your business's hazardous waste generating practices. The Specialist will then provide you with materials on waste reduction technology and assist you in setting up appropriate hazardous waste minimization practices.

We look forward to working with you in reducing the amount of hazardous waste your business generates. Of course, your comments and suggestions are encouraged; we need your input in order to best serve you! Please direct any comments and questions to Katherine Chesick at 415/271-4320.

Sincerely,

Edgar B. Howell, Chief,
Alameda County Hazardous Materials Division

EBH:kac

cc: Fire Department
Files