

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



10-12-01

R0839

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

October 11, 2001

Falaschi Brothers
c/o John C. Gibson, Esq., Receiver
Gibson & MacPhee, Attorneys at Law
1534-5th Ave. Suite 4
San Rafael, CA 94901

Dear Mr. Gibson:

Subject: Former Gulf Service Station #0006 460 Grand Avenue, Oakland, California

Your letter of February 23, 2001, requested a reexamination and reevaluation of the Leaking Underground Fuel Storage Tank Program closure conditions dated November 19, 1996 at the aforementioned site. The Case Closure Summary includes a property use restriction, as follows: Residential site development would be acceptable, provided that either 1) the development should include a 15' setback distance from Grand Ave., or 2) soil will be excavated within the 15' setback zone, soil samples collected under the purview of this Agency, and laboratory analysis indicates the samples are either non-detect or within acceptable concentrations (as per additional calculations and another revised Risk Evaluation).

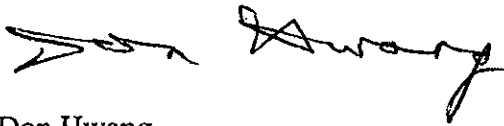
Additional soil sampling was performed on June 29, 2001 to evaluate current conditions in soil at the location where an elevated concentration of benzene was detected in 1992 (13 milligrams per kilogram [mg/kg], 5 feet below ground surface [bgs] at former monitoring well C-2). In June 2001, two soil samples were collected from soil boring B-1 (one at 2.0 feet bgs and one at 4.3 feet bgs) immediately adjacent to former monitoring well C-2. The chemical analytical results for these samples indicated that benzene was not detected in vadose-zone soil above the laboratory reporting limit of 0.0050 mg/kg. In addition, during the final year of monitoring at monitoring well C-2 in 1995, benzene was detected in groundwater at less than the Maximum Contaminant Level (MCL) for one quarter but was not detected for three quarters. Comparison with the 1992 soil data for the former monitoring well C-2 (13 mg/kg at 5 feet bgs) suggests that benzene in soil has biodegraded over time or is very limited in extent as defined by the boundaries of the excavation and the additional samples. The 1992 boring log for monitoring well C-2 indicated sandy silt from 0 to 7 feet bgs, clay from 7 to 11 feet bgs, and groundwater at approximately 6 feet bgs. For these site conditions, the applicable Oakland Tier 2 site-specific target level (SSTL) for benzene in shallow soil (less than 3 feet bgs) is 27 mg/kg and in subsurface soil is 1.4 mg/kg. Both SSTLs are well above the benzene analytical results for site vadose zone soil with the exception of the one 1992 sample at Well C-2. As stated above, the

Mr. Gibson
October 11, 2001
Page 2 of 2

1992 soil sample result (13 mg/kg at 5 feet bgs) is not likely to represent current conditions or an extensive area of soil at that location.

Based on a review of these findings by Roger Brewer, Regional Water Quality Control Board (RWQCB), the property use restrictions of a setback or soil excavation included in the 1996 Case Closure Summary no longer appears to be warranted and that it is now appropriate to allow unrestricted land use. Please feel free to contact me if you have any questions or wish to discuss this matter further 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 long horizontal stroke extending to the right.

Don Hwang
Hazardous Materials Specialist

C: Roger Brewer, RWQCB

Margaret K. (Peggy) Peischl, Ann M. Holbrow, Geomatrix Consultants, Inc.,
2101 Webster St., 12th Floor, Oakland, CA 94612

file

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

RO# 839

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

October 19, 1998

Phil Briggs
Chevron USA
PO Box 5004
San Ramon, CA 94583-0804

Falaschi Brothers
c/o John C. Gibson
The Legal Solutions Group, LLP, Attorneys at Law
1629 - 5th Ave.
San Rafael, CA 94901-1828

Re: Former Gulf Service Station #0006, 460 Grand Ave., Oakland, CA 94610, STID 3615

Dear Mr. Briggs & Messrs. Falaschi,

The groundwater monitoring wells at this site need to be destroyed before our office can issue a "Remedial Action Completion Certificate". Please contact Alameda County Flood Control & Water Conservation Zone 7, (510) 484-2600 for the well destruction permit. After the destruction of the wells, you are requested to provide documentation that this was done and include a copy of the well destruction permit.

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

Sincerely,

Don Hwang
Hazardous Materials Specialist

cc: Jon Robbins, Attorney, Chevron USA, 6001 Bollinger Canyon Rd., San Ramon, CA 94583-0944
Wyman Hong, Alameda County Flood Control & Water Conservation Zone 7, 5997 Parkside Dr., Pleasanton, CA 94588
Tom Peacock - files

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

R0#839

May 5, 1997
STID 3615

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

Attn: Phil Briggs
Chevron USA
PO Box 5004
San Ramon CA
94583-0804

Falaschi Brothers c/o John C. Gibson
The Legal Solutions Group, LLP, attorneys at law
1629 Fifth Ave.
San Rafael CA
94901-1828

RE: Former Gulf Service Station #0006, 460 Grand Ave., Oakland CA 94610

Dear Mr. Briggs and Messrs. Falaschi,

This office is in the process of closing this case. The RWQCB has already signed off on the Case Closure Summary. The groundwater monitoring wells should be destroyed, unless you have a compelling reason to leave them open.

The objective of closing the well is to prevent its use as a possible conduit to the groundwater table. This letter is being cc'd to Zone 7 to inform them of the status of this case. Please contact Zone 7 at 510-484-2600 for the well destruction permit.

Please contact me by telephone at least 2 business days in advance of the well destruction so that I may be present onsite, if my schedule allows. You are also requested to provide a brief letter report (including a copy of the well destruction permit) documenting the well destruction. As soon as that report is received, a Remedial Action Completion Certificate (aka final closure letter) will be written, signed by our Director, and sent to you. If you have any questions, please contact me at 510-567-6761.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Jon Robbins, attorney, Chevron USA, 6001 Bollinger Canyon Rd., San Ramon CA
94583-0944

Attn: Wyman Hong, Alameda County Flood Control District, Zone 7, Water Agency
5997 Parkside Dr., Pleasanton CA 94588

Jennifer Eberle/file

je.3615.zone7

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0839

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH

March 6, 1995
STID 3615

Mark Miller
Chevron USA
PO Box 5004
San Ramon CA 94583-0804

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

RE: Former Service Station
460 Grand Ave.
Oakland CA 94610

Dear Mr. Miller,

I am in receipt of your cover letter dated 2/28/95, and a workplan prepared by Pacific Environmental Group, Inc. (PEG) dated 2/24/95, for the above referenced site.

This workplan is found acceptable. Field work will commence approximately 2 weeks after the encroachment permits are secured. A report will be submitted to this office 6 weeks after initiation of field work, as per the schedule in the workplan.

Please notify me at least 2 business days in advance of field activities so that I may arrange to be onsite. You may contact me directly at 510-567-6761.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Falaschi Brothers, c/o Jack Gibson, Adams, Gibson, &
MacPhee, attorneys, 22 Battery St., 10th Floor,
San Francisco CA 94111
Jon Robbins, attorney, Chevron USA, 6001 Bollinger Canyon
Rd., San Ramon CA 94583-0944
Gil Jensen, Alameda County District Attorney
Steven Krcik, Pacific Environmental Group, 2025 Gateway
Place, suite 440, San Jose CA 95110
Gordon Coleman/file

je.3615-C

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R02467 (SLIC)
✓R0839 (LOP)

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

November 4, 1993

STID 3615

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

Falасchi Brothers
c/o Jack Gibson
Adams, Gibson, & MacPhee, attorneys
22 Battery St., 10th Floor
San Francisco CA 94111

Jon Robbins, attorney
Chevron USA
6001 Bollinger Canyon Rd.
San Ramon CA 94583-0944

RE: Former Service Station
460 Grand Ave.
Oakland CA 94610

Dear Mr. Gibson and Mr. Robbins,

We are in receipt of a cover letter from Mark Miller of Chevron dated 10/27/93, and a workplan prepared by Pacific Environmental Group, Inc. (PEG) dated 10/27/93, for the above referenced site. We are also in receipt of a one-page addendum from Mark Miller, dated 11/2/93.

This workplan and addendum are found acceptable. I understand that Chevron is currently negotiating a contract with a demolition company. After building demolition, field work will take approximately 3 to 4 weeks. A report will be submitted to this office 6 weeks after completion of field work, as per the schedule in the workplan.

Please notify me at least 2 business days in advance of field activities so that I may arrange to be onsite.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Mark Miller, Chevron USA, PO Box 5004, San Ramon CA
94583-0804
Gil Jensen, Alameda County District Attorney
Steven Krcik, Pacific Environmental Group, 2025 Gateway
Place, suite 440, San Jose CA 95110
Ed Howell/file

je

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RO2467

✓ R0839

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

July 29, 1993
STID 3615

Mark Miller
Chevron USA
PO Box 5004
San Ramon CA 94583-0804

RE: Former Service Station
460 Grand Ave.
Oakland CA 94610

Dear Mr. Miller,

I am enclosing copies of the latest groundwater sampling results for the former Texaco station at 500 Grand Ave. This information was requested by Mr. Falaschi during the Pre-Enforcement Review Panel held on 7/27/93. As you can see, the groundwater flow direction is east-southeast, which places the site down- or cross-gradient from 460 Grand Ave. If you have any questions, please contact me at 510-271-4530.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jennifer Eberle'.

Jennifer Eberle
Hazardous Materials Specialist

cc: Falaschi Brothers, c/o Jack Gibson, Adams, Gibson, &
MacPhee, 22 Battery St., 10th Floor, San Francisco CA
94111
Jon Robbins, Chevron USA, 6001 Bollinger Canyon Rd.
San Ramon CA 94583-0944
Ed Howell/file

je

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

In Re The Property Known As :) **Notice of
Pre-Enforcement
Review Panel**

Former Service Station
460 Grand Ave. Oakland, CA 94610)

Notice is hereby given that upon the motion of the Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board a **Review Panel** will convene on July 27, 1993 at 10:00 a.m. in the offices of the Alameda County Hazardous Materials Division located at 80 Swan Way, Room 200, Oakland, CA 94621. This **Review Panel** will convene for the purpose of determining — — responsible parties as well as appropriate closure, site assessment, clean-up and mitigation of contamination at the above location.

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

1. **Jon Robbins, Esq.**
Chevron USA Inc.
6001 Bollinger Canyon Road
San Ramon CA 94583-0944
2. **The Falaschi Brothers**
c/o Jack Gibson, Esq.
Adams, Gibson and MacPhee
100 Pine St., 21st Floor
San Francisco CA 94111
3. **The Falaschi Brothers**
c/o Peter Brewer, Esq.
1960 The Alameda
San Jose CA 95126

Dated: July 13, 1993

Tom Peacock by J. Gherle
(signature)

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

In Re The Property Known As :)

Proof of Service of

Former Service Station)
460 Grand Ave, Oakland 94610)

Notice of
Pre-Enforcement
Review Panel

I Tim Spates, do hereby certify
that I served The Falaschi Brothers c/o Jack Gibson
with a copy of the attached Notice of Pre-Enforcement Review
Panel on July 14, 1993 by certified
mailer # P 418 724 612

Dated: 7/14/93

Timothy Spates
(signature)

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

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Review Panel**

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Chevron USA Inc.
6001 Bollinger Canyon Road
San Ramon CA 94583-0944
2. **The Falaschi Brothers**
c/o Jack Gibson, Esq.
Adams, Gibson and MacPhee
100 Pine St., 21st Floor
San Francisco CA 94111
3. **The Falaschi Brothers**
c/o Peter Brewer, Esq.
1960 The Alameda
San Jose CA 95126

Dated: July 13, 1993

Tom Peacock by J. Gherle
(signature)

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

In Re The Property Known As :)

Proof of Service of

Former Service Station)
460 Grand Ave, Oakland 94610)

Notice of
Pre-Enforcement
Review Panel

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that I served The Falaschi Brothers c/o Peter Brewer
with a copy of the attached Notice of Pre-Enforcement Review
Panel on July 14, 1993 by certified
mailer # P 418 724 611

Dated: 7/14/93

Timothy Spates
(signature)

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

In Re The Property Known As :)
 | Notice of
 | Pre-Enforcement
 | Review Panel

Former Service Station
460 Grand Ave. Oakland, CA 94610)

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1. **Jon Robbins, Esq.**
Chevron USA Inc.
6001 Bollinger Canyon Road
San Ramon CA 94583-0944

2. **The Falaschi Brothers**
c/o Jack Gibson, Esq.
Adams, Gibson and MacPhee
100 Pine St., 21st Floor
San Francisco CA 94111

3. **The Falaschi Brothers**
c/o Peter Brewer, Esq.
1960 The Alameda
San Jose CA 95126

Dated: July 13, 1993

Tom Peacock by J. Berle
(signature)

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

In Re The Property Known As :)


Proof of Service of

Former Service Station)
460 Grand Ave, Oakland 94610)

Notice of
Pre-Enforcement
Review Panel

I Tim Spates, do hereby certify
that I served Jon Robbins
with a copy of the attached Notice of Pre-Enforcement Review
Panel on July 14, 1993 by certified
mailer # P 418 724 613

Dated: 7/14/93


(signature)

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R02467 (SUC)
V R0839 (LOP)

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

March 1, 1993
STID 3615

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

Mark Miller
Chevron USA Inc.
PO Box 5004
San Ramon CA 94583-0804

RE: Former Service Station
460 Grand Ave.
Oakland CA 94607

Dear Mr. Miller,

We are in receipt of your cover letter dated 2/22/93, and the accompanying proposal prepared by Pacific Environmental Group, Inc., dated 2/17/93. As you know, the proposal outlines the installation of an additional downgradient groundwater monitoring well. This proposal is acceptable for implementation with the following understanding: soil samples are to be collected **and analyzed** at a minimum of every five feet in the unsaturated zone and at any changes in lithology. In addition, all work shall follow the Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Tank Sites, 8/10/90 edition.

Lastly, we request that monthly depth to groundwater measurements be conducted, and monthly groundwater gradient maps be submitted to this office. This information can be incorporated into the quarterly reports. This will aid us in understanding the hydrology beneath the site, particularly whether monitoring well C1 is downgradient or crossgradient from the former waste oil tank.

If you have any questions, please contact me at 510-271-4530.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Eberle".

Jennifer Eberle
Hazardous Materials Specialist

cc: Mark Thomson, Alameda County District Attorney Office
Jon N. Robbins, Esq., Chevron U.S.A. Inc., 6001 Bollinger
Canyon Road, San Ramon, CA 94583-0944
John C. Gibson, Esq., Adams, Gibson and MacPhee, 100 Pine
Street, 21st Floor, San Francisco, CA 94111
Rich Hiett, RWQCB
Ed Howell/File

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ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

R02467 (SUC)
V R0839 (LOP)

January 21, 1993

STID 3615

Mark Miller
Chevron USA Inc.
PO Box 5004
San Ramon CA 94583-0804

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 Service Station
460 Grand Ave.
Oakland CA 94607

Dear Mr. Miller,

We are in receipt of the following hard copy documents:

- 1) Letter from yourself to myself, dated 1/15/93
- 2) Letter from yourself to myself, dated 12/16/92
- 3) Letter report from Touchstone Developments to yourself, dated 1/12/93
- 4) Letter report from Pacific Environmental Group, Inc. to yourself, dated 1/15/93

Regarding item #1, please note that there is a typographical error on the first page, third paragraph. The last sentence should read 170 ppb TPH-d instead of 0.170 ppb TPH-d.

This letter also presents a comprehensive outline for corrective action. A timeline of thirty days (or by February 15, 1993) was given for the submittal of a work plan for an additional downgradient well. However, there was no timeline given for the other tasks. Therefore, we are requesting that the following field activities (quoted from this letter) commence within 30 days or by February 21, 1993:

- a) "The fuel tank pit will be drained of water and backfilled with the stockpiled soils from the fuel tank excavation. Additional fill will be brought in to completely fill the former fuel tank pit . . . to grade level."
- b) "Stockpiled soils from the waste oil tank pit excavation will be hauled off in conjunction with overexcavation activities . . . in the former waste oil tank pit area."

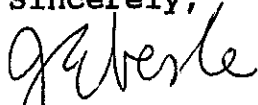
Mark Miller
STID 3615
January 21, 1993
page 2 of 2

Regarding the remedial plan for the soils in the vicinity of the former product islands, the oil-water separator, and hydraulic hoists, our concern is that "some future date" may become a perpetual delay in the distant future. To alleviate this concern, we request that you project a timeline or a specific date for submittal of this remedial plan.

Lastly, we request that documentation be submitted **within 15 days or by February 5, 1993** regarding the disposition of the 55-gallon drum by a contractor for John Gibson and/or the Falaschi brothers.

If you have any questions, please contact me at 510-271-4530.

Sincerely,



Jennifer Eberle
Hazardous Materials Specialist

cc: Mark Thomson, Alameda County District Attorney Office
Jon N. Robbins, Esq., Chevron U.S.A. Inc., 6001 Bollinger
Canyon Road, San Ramon, CA 94583-0944
John C. Gibson, Esq., Adams, Gibson and MacPhee, 100 Pine
Street, 21st Floor, San Francisco, CA 94111
Peter Brewer, Esq., 1960 The Alameda, San Jose, CA 95126
Rich Hiatt, RWQCB
Ed Howell/File

je

~~ALAMEDA COUNTY~~
HEALTH CARE SERVICES
AGENCY



R0839

DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

Certified Mailer # P 996 135 801
October 23, 1992
STID 3615

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

Notice of Hearing to Show Cause Why an Order Pursuant
to Health and Safety Code Section 25299.37(c) concerning
460 Grand Avenue, Oakland, California Should Not Be Issued

Jon N. Robbins, Esq.
Chevron U.S.A. Inc.
6001 Bollinger Canyon Road
San Ramon, CA 94583-0944

John C. Gibson, Esq.
Adams, Gibson and MacPhee
100 Pine Street, 21st Floor
San Francisco, CA 94111

Peter Brewer, Esq.
1960 The Alameda
San Jose, CA 95126

Gentlemen:

It is the intent of this office to issue an order pursuant to Health and Safety Code Section 25299.37(c) requiring responsible parties to take corrective action in response to an unauthorized release at 460 Grand Avenue, Oakland, California.

Prior to issuing our Order, Chevron U.S.A. Inc. and the Falaschi brothers, through their counsel, are invited to show cause why the Order should not be issued. Our hearing will be conducted at 80 Swan Way, Room 200, Oakland CA on November 17, 1992 at 9:00 a.m. The enclosed summary has been prepared to assist you in your preparation for the hearing.

Our order is scheduled to be issued within 30 days of the hearing.

Any questions regarding the proposed Order or hearing should be directed at Alameda County Deputy District Attorney Mark Thomson who can be reached at (510) 569-9281.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Jennifer Eberle', written over a horizontal line.

Jennifer Eberle
Hazardous Materials Specialist

cc: Rich Hiatt, RWQCB
Ed Howell, Chief, Alameda County Haz Mat

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



R0839

DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

Certified Mailer #
October 23, 1992
STID 3615

P 996 135 802

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program

80 Swan Way, Rm 200

Oakland, CA 94621

(510) 271-4530

Notice of Hearing to Show Cause Why an Order Pursuant
to Health and Safety Code Section 25299.37(c) concerning
460 Grand Avenue, Oakland, California Should Not Be Issued

Jon N. Robbins, Esq.
Chevron U.S.A. Inc.
6001 Bollinger Canyon Road
San Ramon, CA 94583-0944

John C. Gibson, Esq.
Adams, Gibson and MacPhee
100 Pine Street, 21st Floor
San Francisco, CA 94111

Peter Brewer, Esq.
1960 The Alameda
San Jose, CA 95126

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Very truly yours,

Handwritten signature of Jennifer Eberle in cursive script.

Jennifer Eberle
Hazardous Materials Specialist

cc: Rich Hiett, RWQCB
Ed Howell, Chief, Alameda County Haz Mat

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

R0839

Certified Mailer # P 996 135 803
October 23, 1992
STID 3615

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

Notice of Hearing to Show Cause Why an Order Pursuant
to Health and Safety Code Section 25299.37(c) concerning
460 Grand Avenue, Oakland, California Should Not Be Issued

Jon N. Robbins, Esq.
Chevron U.S.A. Inc.
6001 Bollinger Canyon Road
San Ramon, CA 94583-0944

John C. Gibson, Esq.
Adams, Gibson and MacPhee
100 Pine Street, 21st Floor
San Francisco, CA 94111

Peter Brewer, Esq.
1960 The Alameda
San Jose, CA 95126

Gentlemen:

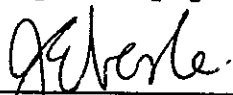
It is the intent of this office to issue an order pursuant to Health and Safety Code Section 25299.37(c) requiring responsible parties to take corrective action in response to an unauthorized release at 460 Grand Avenue, Oakland, California.

Prior to issuing our Order, Chevron U.S.A. Inc. and the Falaschi brothers, through their counsel, are invited to show cause why the Order should not be issued. Our hearing will be conducted at 80 Swan Way, Room 200, Oakland CA on November 17, 1992 at 9:00 a.m. The enclosed summary has been prepared to assist you in your preparation for the hearing.

Our order is scheduled to be issued within 30 days of the hearing.

Any questions regarding the proposed Order or hearing should be directed at Alameda County Deputy District Attorney Mark Thomson who can be reached at (510) 569-9281.

Very truly yours,



Jennifer Eberle
Hazardous Materials Specialist

cc: Rich Hiett, RWQCB
Ed Howell, Chief, Alameda County Haz Mat

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R02467 (SLIC)

V R0839 (LOP)

RAFAT A. SHAHID, Assistant Agency Director

Certified Mailer # P 113 815 249

July 9, 1992

STID 3615

Falasci Brothers P113 815 249
c/o Adams, Sadler & Hovis
100 Pine St., 21st Floor
San Francisco CA 94111
Attn: Charlene P. Mitchell

Chevron USA Inc. P367 604 093
2410 Camino Ramon
San Ramon CA 94583-0804
Attn: Nancy Vukelich

RE: Former Service Station
460 Grand Av.
Oakland CA 94610

Dear Ms. Mitchell,
Dear Ms. Vukelich,

The case file for the above referenced site has been reassigned to Jennifer Eberle, Hazardous Materials Specialist. Please forward future correspondence to her attention.

As you know, four underground storage tanks (USTs) were removed from the site in November 1990. At least three of these USTs had holes and/or areas of deep pitting in them upon removal. Samples of soil and groundwater in the excavation revealed significant concentrations of petroleum hydrocarbons. A preliminary site assessment was required by this office by letter dated 2/25/91. A "Workplan for Subsurface Investigation" prepared by Treadwell & Rollo, Inc., dated 4/30/91, was submitted to this office under cover letter from Adams, Sadler & Hovis, attorneys for Falasci Brothers, dated 4/30/91. We concurred with the workplan under certain conditions specified in a letter dated 5/16/91. A meeting was held on 6/4/91 between Gil Wistar and Paul Smith of this office, John Rosso of Treadwell & Associates, Bob Falasci, and Charlene P. Mitchell of Adams, Sadler & Hovis, where it was agreed that Treadwell & Associates would submit a revised workplan.

A "Revised Workplan for Subsurface Investigation" prepared by Treadwell & Rollo, Inc., dated 6/14/91, was submitted to this office under cover letter from Adams, Sadler & Hovis, attorneys for Falasci Brothers, dated 6/14/91. Subsequent to this time, there was quite a discrepancy regarding who the "responsible party or parties" was. It was determined that Gulf Oil Co. owned

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

Charlene P. Mitchell
Nancy Vukelich
STID 3615
Page 2 of 3
July 9, 1992

the site prior to 1978, when the Falaschi Brothers purchased it. Since Chevron USA Inc. purchased Gulf Oil Co., they were named as a responsible party in addition to the Falaschi Brothers.

Since the tank removal in 1990, the site has been left abandoned. The huge excavation pit sits open, accumulating water, as witnessed by J. Eberle of this office during a site visit on 7/7/92. The fence around the site has become loose. Citizens have complained of homeless people living in the abandoned service station, and the possibility of children gaining access to the site. Therefore, you are required to secure the fence **within 15 days, or by July 26, 1992.**

You are also required to implement the "Revised Workplan for Subsurface Investigation" prepared by Treadwell & Rollo, Inc., dated 6/14/91, **within 30 days** of the date of this letter, or **by August 9, 1992**, with the following conditions:

1. If any or all of the monitoring wells contain hydrocarbons, additional monitoring wells may be required. If there is any contamination, plume limits may need to be defined.
2. Soil samples from boring SB-1 must also be analyzed for BTEX.
3. The soil borings may define the vertical extent of contamination. However, the lateral extent of contamination must still be determined. This is especially important in the area of the former waste oil tank, where 24,000 ppm oil & grease, 7100 ppm TPH-d, and 400 ppm TPH-g were encountered. It is also important in the area of the pipeline, where up to 1,700 ppm TPH-g was encountered.
4. The three proposed groundwater monitoring wells may determine the groundwater flow direction. However, monitoring wells must also be installed within 10 feet of both the former waste oil tank and the three fuel tanks in the verified downgradient direction. Since the map in the "Revised Workplan for Subsurface Investigation" does not indicate scale, the distance between MW-3 and the former fuel tanks is unknown. Please submit a map with the correct scale **within 10 days** of the date of this letter, or **by July 19, 1992.**
5. Stockpiled soil from the waste oil tank excavation must be properly characterized and disposed. Analyses must include waste oil constituents, as per Table 2 of the Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Storage Tank Sites, revised 8/10/90. If you opt to temporarily store the soil in sealed

Charlene P. Mitchell
Nancy Vukelich
STID 3615
Page 3 of 3
July 9, 1992

barrels or a dumpster, the containers must be properly labeled. Please be advised that there is a 90 day storage limit unless you obtain a variance from California-Environmental Protection Agency (Cal-EPA).

6. You are also required to submit a report of on-site environmental activities within 60 days of the close of field activities.
7. You must submit to this office a legible copy of the EBMUD permit required for discharge of water from the excavation pit to the sanitary sewer system.

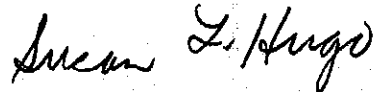
All reports and proposals must be submitted **under seal** of a California-Registered Geologist, -Certified Engineering Geologist, or -Registered Civil Engineer. All proposals, reports, and analytical results pertaining to this investigation and remediation must be sent both to our office and to:

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

This letter constitutes a formal request 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 or the RWQCB.

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

Sincerely,



Susan Hugo
Senior Hazardous Materials Specialist

cc: Donald Treadwell, Treadwell & Assoc., 353 Sacramento St.,
Ste 560, San Francisco CA 94111
Mark Thomson, Alameda County District Attorney's Office
Rich Hiatt, RWQCB
File

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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R02467 (SLIC)
✓ R0839 (LOP)

July 1, 1991

Charlene P. Mitchell, Esq.
Adams, Sadler and Hovis
100 Pine Street, 21st Floor
San Francisco, CA 94111

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

**Re: Site Assessment & Site Remediation at 460 Grand Ave.,
Oakland**

Dear Ms. Mitchell:

I am in receipt of your June 14, 1991 letter with enclosed work plan and am in the process of review of the work plan. I shall be contacting Mr. Falaschi with regard to its contents within the next couple of weeks.

You have argued that other parties may have some responsibility for site assessment and clean up. In that regard, you are requested to provide the following information:

- 1) A copy of the 1978 property sale contract when title passed from Gulf to your client.
- 2) All correspondence between your office and Chevron (or Gulf) and their response. Contrary to denying you "due process" as you asserted in our telephone conversation, such correspondence will undoubtedly contain facts and legal positions useful to me as I consider your argument.
- 3) A copy of any complaint filed by your client against Chevron (or Gulf).

As you know, this office has determined that site assessment and clean up is the responsibility of the current and long time tank and property owner (see Health and Safety Code sections 25298 and 25299). The decision by this office to write Chevron was premature and is being reconsidered. Obviously, nothing this office does should stop your client from pursuing remedies he may have against other parties. Because I do not believe my request for information to be unreasonable, I am hopeful you will promptly supply me the requested materials.

Sincerely,

Paul M. Smith

Paul M. Smith
Hazardous Materials Specialist

cc:

Mark Thomson, Deputy District Attorney, Alameda County District Attorneys Office, Consumer and Environmental Division

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R02467 (SLC)
✓R0839 (LOP)

May 16, 1991

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

Mr. Joseph A. Adams
Adams, Sadler & Hovis
100 Pine St., 21st Fl.
San Francisco, CA 94111

**Re: Work plan for subsurface investigation, 460 Grand Ave.,
Oakland**

Dear Mr. Adams:

The Alameda County Department of Environmental Health, Hazardous Materials Division has reviewed the work plan for the 460 Grand Ave. site. We concur with Treadwell & Rollo's approach for investigating groundwater contamination at the site, with the following conditions:

1. The slotted interval for all monitoring wells should extend at least 5 feet above the groundwater surface, rather than the 1 foot indicated in the work plan. A 5-foot interval is consistent with RWQCB standard protocol.
2. Quarterly sampling of all monitoring wells will be required. This is also standard procedure for the Water Board. The work plan suggests that groundwater sampling would be a one-time event.
3. If any or all of the wells contain hydrocarbons, additional monitoring wells may be required. If there is any contamination, plume limits will need to be defined.

With regard to documented soil contamination still in the ground, there is no mention in the work plan of how it will be characterized and remediated. This is particularly important around the former waste oil tank pit, as well as in the vicinity of piping and dispenser areas. Please refer to the attachment to our letter dated February 25, 1991, which describes the initial assessment requirements for both groundwater and soil.

Finally, the work plan indicates that eight soil samples will be taken from the soil now stockpiled at the site. This is inadequate coverage for the existing volume of soil. According to the closure report prepared by Treadwell, there is approximately 300 cubic yards of soil on the ground. Proper sampling for soil characterization dictates that the pile(s) be divided into 50-yard segments, with four discrete samples being taken from each segment. For each segment, the four discrettes can then be composited for laboratory analysis. Assuming a 300-yard volume, then, 24 discrete samples should be

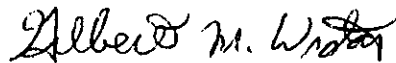
Mr. Joseph Adams
May 16, 1991
Page 2 of 2

collected and six analyses performed. Of course, should the size of the pile(s) increase with additional excavation, this formula will need to be adjusted accordingly.

Based on the discussion in this letter, please submit a revised work plan to this office, by **June 14, 1991**. Copies of the proposal should also be sent to the RWQCB (attention: Lester Feldman). Because we are overseeing this site under the designated authority of the Water Board, this letter constitutes a formal request for technical reports, per Sec. 13267(b) of the California Water Code. Failure to respond in a timely manner could result in civil liabilities under the Water Code of up to \$1,000 per day. Other violations of California law may also be cited.

If you have any questions about this letter, please contact the undersigned at 271-4320.

Sincerely,



Gil Wistar
Hazardous Materials Specialist

cc: Jon Rosso, Treadwell & Rollo (353 Sacramento St., Suite 800, San Francisco, CA 94111)
Howard Hatayama, DOHS
Lester Feldman, San Francisco Bay RWQCB
Gil Jensen, District Attorney, Alameda County Consumer and Environmental Protection Division
Rafat Shahid, Asst. Agency Director, Environmental Health files



ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R02467

R0839

February 25, 1991

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

Mr. Joseph A. Adams
Adams, Sadler & Hovis
100 Pine St., 21st Fl.
San Francisco, CA 94111

**RE: Site investigation and remediation requirements following
underground tank removals, 460 Grand Ave., Oakland**

Dear Mr. Adams:

As you're aware, in November 1990, Bay Area Tank and Marine, accompanied by Treadwell & Associates, Inc., removed four underground storage tanks from the above location. The recent report prepared by Treadwell documents the removal and associated sampling and analytical results. Several of the tanks had holes. In addition, laboratory results indicate that the groundwater grab sample and certain soil samples contained hydrocarbons well above regulatory thresholds. These thresholds establish contaminant levels above which the San Francisco Bay Regional Water Quality Control Board (RWQCB) requires a site-specific preliminary contaminant assessment. Therefore, the Falaschi Brothers, as site owners, must now initiate further investigation and cleanup actions, as outlined in this letter.

This office will be the lead agency overseeing environmental investigation and cleanup activities at the site. The RWQCB is currently unable to manage the large number of fuel leak cases within Alameda County, and has therefore delegated this authority to our office. However, the Falaschi Brothers must keep the Water Board apprised of all actions taken to characterize and remediate contamination at this site, because the Board retains the ultimate responsibility for ensuring protection of waters of the state.

As mentioned above, your client must conduct a preliminary assessment to determine the extent of soil and groundwater contamination that has resulted from past leakage of the tank systems. The information gathered by this investigation will be used to assess the need for additional actions at the site. The preliminary assessment should be designed to provide all of the information in the format shown in the attachment at the end of this letter, which is based on RWQCB guidelines. Your client should be prepared to install one monitoring well within 10 feet and downgradient of each pit, if the local direction of groundwater flow can be proved. Otherwise, at least three monitoring wells are required.

Mr. Joseph A. Adams
February 25, 1991
Page 2 of 2

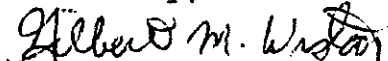
Until cleanup is complete, your client will need to submit reports to this office and to the RWQCB every three months (or at a more frequent interval, if specified at any time by either agency). These reports must include information pertaining to further investigative results; the methods and costs of cleanup actions implemented to date; and the method and location of disposal of any contaminated material.

Soils contaminated at hazardous waste concentrations (defined specifically as above 1,000 ppm hydrocarbons) should be transported by a licensed hazardous waste hauler and disposed of or treated at a facility approved by the California Department of Health Services. Soils contaminated below the hazardous waste threshold may be managed as nonhazardous, but are still subject to the RWQCB's waste discharge requirements. Copies of manifests for such disposal must be sent to this office. Stockpiled soil from either pit may not be used to backfill these holes without authorization from this office.

Please submit your client's work plan to this office no later than April 1, 1991. Copies of the proposal should also be sent to the RWQCB (attention: Lester Feldman). Because we are overseeing this site under the designated authority of the Water Board, this letter constitutes a formal request for technical reports, per Sec. 13267(b) of the California Water Code. Failure to respond in a timely manner could result in civil liabilities under the Water Code of up to \$1,000 per day. Other violations of California law may also be cited.

If you have any questions about this letter or about remediation requirements established by the RWQCB, please contact the undersigned at 271-4320.

Sincerely,



Gil Wistar
Hazardous Materials Specialist

enclosure

cc: Jon Rosso, Treadwell & Associates (353 Sacramento St., Suite 560, San Francisco, CA 94111 - w/enclosure)
Howard Hatayama, DOHS
Lester Feldman, San Francisco Bay RWQCB
Gil Jensen, District Attorney, Alameda County Consumer and Environmental Protection Division
Rafat Shahid, Asst. Agency Director, Environmental Health files



Telephone Number: (415)

Certified Mailer #

January 31, 1990

Mr. Robert Falaschi
Falaschi Brothers
1940 Webster St., #202
Oakland, CA 94612

NOTICE OF VIOLATION

Dear Mr. Falaschi:

It has come to our attention that the property you and your partner James own at the corner of Grand Ave. and Bellevue in Oakland has four abandoned underground storage tanks. In a telephone conversation with the Alameda County Department of Environmental Health, Hazardous Materials Division, you stated that the property had been purchased from the Gulf Oil Co. in 1979, and the tanks have not been used since at least that time. It appears that there are three 10,000-gallon product tanks and one smaller waste oil tank on the property, which you stated had been pumped out sometime over the past 11 years.

The continued presence of these tanks, for which no further operation is intended, violates Sec. 25298(a) and (c) of the California Health and Safety Code. These sections of code state that underground tanks must undergo proper closure as soon as they go out of operation. Abandonment is specifically forbidden. In addition, Sec. 25299(a)(5) authorizes civil penalties of up to \$5,000 per day to be assessed as long as violations of Sec. 25298 continue.

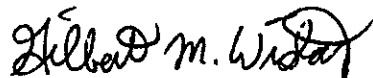
Therefore, all four of the underground tanks must be removed immediately, under closure procedures established by this office. Tank closure includes the cleanup of any soil or groundwater contamination that may have resulted from the tank systems.

Enclosed are forms and information regarding the closure of underground tanks in Alameda County. You will need to hire a contractor and have the closure form filled out and sent in triplicate, along with a deposit of \$831, to this office. This completed closure form and deposit are due in 60 days, i.e., no later than **March 30, 1990**.

Mr. Robert Falaschi
January 31, 1990
Page 2 of 2

If you have any questions about this letter or about underground tank regulations enforced by this office, please contact the undersigned at 271-4320.

Sincerely,



Gil Wistar
Hazardous Materials Specialist

enc.

cc (letter only):

Howard Hatayama, DOHS
Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Division
Rafat A. Shahid, Asst. Agency Director, Environmental Health
files