

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

R0998

February 21, 2006

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

Cary Grayson  
G&G International Holding Company Inc.  
2413 Stirrup Court  
Walnut Creek, California 94596

Subject: 6310 Houston Place, Dublin, CA 94546

Dear Mr. Grayson,

We received your request for information on the history of the subject site related to the operation of underground storage tanks (UST). Your questions are based on issues raised by State Water Resources Control Board in reply to your application to the Clean Up Fund for reimbursement of costs related to the investigation of subsurface contamination.

Your first question: *On October 21, 2004 the subject 12,000 gallon diesel tank was removed. According to the claim application the UST was not replaced. However you have provided a permit to operate the UST date it 2005 - 2006. You please explain why permit was issued and there is no tank in the ground to operate.*

The site was inadvertently left in the computer database after the UST was removed. The permit issued to you was sent in error. That permit was not an operating permit for an underground tank but a consolidated permit that is mailed to all facilities that have at least one CUPA program element.

*2. In 1989, Alameda County issued a six-month permit for (4) USTs. (permit expired in November 15, 1989) In 1989, (4) USTs were removed from subject property. In 1995 Alameda County's closure letter states that the fifth UST was not removed in 1989. But left in place because it was still in use. Since the UST was still been operated the previous UST owner would have been required to maintain the permit compliance of the subject UST. Please provide a copy of the permit dated after the assurance of the six-month permit of the subject 12,000 gallon diesel UST. So I will have to assume that they are looking for permits for the 12,000 gallon tank from 1989 to current so there is a permit paper trail.*

The tank owner at the time of the removals was American City Tire Service. That file was reviewed for the presence of a permit to operate a 12,000-gallon UST. Documents found in the archived files indicate that the USTs were removed and billing rescinded on 7-19-1989. Another document dated 3-24-1992 was found stating that, American City Tire Service, was out of business February 1990.

Fred L. Houston filed an UST permit application on 10-3-1995. After completing the required regulatory compliance inspections a permit to operate was issued on August 15, 1996. **No permit was found for the operation of the 12,000- gallon UST from 1989 until August 15, 1996.**

Please find enclosed the documents referenced in this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert Weston".

Robert Weston  
Sr. Hazardous Materials Specialist

cc: Susan Hugo, Manager, ACDEH

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

June 21, 1999

Jeff Pitcock  
Regulatory Compliance Manager  
Bay Counties Petroleum Incorporated  
3357 Gardella Plaza  
Livermore CA 94550

**NOTICE OF VIOLATION**

**Subject: Failure to Comply with permit conditions for the operation of Bay Counties Cardlock, 6310 Houston Place, Dublin CA 94568**

Dear Mr. Pitcock:

This notice of violation is being issued to Bay Counties Petroleum Incorporated for failure to comply with the conditions of the permit to operate the underground storage tank at the above location. You are in violation of Health and Safety Code section 25299(2).

The conditions of the permit to operate this tank site include requirements for monitoring the tank for leaks using Statistical Inventory Reconciliation (SIR). You are required to obtain daily manual stick readings and forward that data to your contracted SIR provider. In return, you are to have the monthly reports from your SIR provider for your use in confirming that the tank is tight. If the report is other than tight than appropriate action is to be taken by you to determine the problem.

This office has requested copies of the calendar year 1998 reports on several occasions. Additionally the annual summary of all monthly reports has not been submitted as required. The annual report was due in January 1999.

Another condition of the permit to operate is the performance of an annual system equipment certification by a trained technician. That system check includes all components of the electronic monitoring system and piping pressure tests including the automatic line leak detector. The last certification of the system occurred in September 1997. The certification is now 21 months overdue.

Notice of Violation  
Bay Counties Petroleum  
3357 Gardella Plaza  
Livermore CA 94550

This tank system has not been properly managed for the protection of the environment from releases of diesel to the soil and groundwater.

In order to return to compliance the following actions are required of Bay Counties Petroleum:

1. Provide a written report on the results of the SIR data for calendar year 1998 and the first six months of 1999.
2. Confirm the proper operation of the leak detection equipment including a test of the pressurized piping and line leak detector.
3. Submit written reports or results from Corrpro Companies Inc. for the follow-up work detailed in their December 10, 1998 letter. That letter summarizes the new installation test results and makes recommendations consistent with the requirements of Title 23, section 2635(a)(2)(A). **At a minimum, inspections shall be performed every 60 days to confirm the proper operation of the system.**

All of the above required actions shall be performed within 30 days of the date of this notice. Failure to provide the above information will be considered grounds to revoke the certificate of compliance. Without the certificate no fuel deliveries will be allowed to the tank. If you have any questions regarding this Notice of Violation please contact me at (510) 567-6781.

Sincerely,



Robert Weston  
Sr. Hazardous Materials Specialist

c: Fred L. Houston, Tank Owner  
Tom Peacock, Manager, ACDEH  
Bob Chambers, Alameda County District Attorney's Office

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARNEY, Agency Director



R02862

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RAFAT A. SHAHID, Assistant Agency Director

StID 2224

September 6, 1994

Mr. Fred Houston  
Winning Action Investments  
7080 Donlon Way, Suite 208  
Dublin, CA 94568

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

RE: Groundwater Sampling at 6310 Houston Place, Dublin 94568

Dear Mr. Houston:

I have completed review of the file for the above referenced site for possible closure. It is noted that the monitoring wells show a gradual and consistent decline in TPH-D and TOG over time. Before I will recommend site closure, monitoring wells onsite should be sampled one more time. Wells MW-1, 2, 4, and 5 should be analyzed for TPH-D and TOG. In addition, well MW-1 should also be analyzed for poly-nuclear aromatics (PNAs). If analytical results show these constituents are not elevated, I will again review the site for possible closure.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Eva Chu".

eva chu  
Hazardous Materials Specialist

cc: Valentin Constantinescu, Alfa Environmental, P.O.Box 1630,  
Pleasanton, CA 94566  
files

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

20998

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 1361

January 7, 1994

Mr. Hiro Fukishima  
Hiro's Nursery, Inc.  
1630-162nd Avenue  
San Leandro, CA 94578

RE: HIRO'S NURSERY 1630-162ND AVENUE, SAN LEANDRO

Dear Mr. Fukishima:

It has come to our attention that the remaining underground storage tank (UST) at this site has yet to be removed. On April 23, 1993, you were granted a 180 day extension by Chief Jim Ferdinand of Eden Consolidated Fire Protection District (now incorporated into the Alameda County Fire Department) to begin the closure process. This would have required such activities to have begun on or around October 20, 1993.

Please be advised that you are currently in violation of Section 25298 of the California Health and Safety Code, Section 2670(c) of Title 23, California Code of Regulations, and Section 79.114(e) of the Alameda County Fire Code for abandonment of and failure to properly close the subject UST. Please be further advised that violations of this sort carry with them the potential for fines of up to \$5000 per day of violation.

Please contact this office within 15 days of the date of this letter to inform of your intent with regards to the closure of this UST. I may be reached at 510/271-4530.

Sincerely,

  
Scott O. Seery, CHMM  
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director  
Gil Jensen, Alameda County District Attorney's Office  
Edward Laudani, Alameda County Fire Department  
Robert Weston, ACDEH

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY



DAVID J. KEARS, Agency Director

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RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

StID 2224

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

January 14, 1993

Fred Houston  
Winning Action Investments  
7080 Donlon Way, Suite 208  
Dublin, CA 94568

**Subject: Groundwater Sampling at 6310 Houston Pl., Dublin**

Dear Mr. Houston:

After further review upon your request to decrease the ground water sampling frequency at the above referenced site, the following sampling changes can be made:

1. Decrease sampling for TOG from quarterly to annually. This should be performed when groundwater elevation is at the seasonal high.
2. Reinstate quarterly sampling of monitoring well MW-4.
3. Decrease sampling frequency of monitoring well MW-6 from quarterly to annually.
4. Decrease monitoring well MW-3 sampling frequency from quarterly to semi-annually (January and July).
5. BTEX has not been detected in any of the wells since August 1989 and can be dropped from the sampling program at this time.

Be sure all wells are properly purged, and developed, if necessary, to ensure a representative sample. This should be well documented during each sampling episode.

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

Sincerely,

Eva Chu  
Hazardous Materials Specialist

cc: Rich Hiatt, RWQCB  
Valentin Constantinescu, AERS, 1326 Hopyard Rd., Suite 54,  
Pleasanton, 94566  
Edgar Howell/files

houston2

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

RAFAT A. SHAHID, Assistant Agency Director

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

June 1, 1992

Fred L. Houston  
Winning Action Investments, Inc.  
7080 Donlon Way, Suite 208  
Dublin, CA 94568

Re: 6310 Houston Pl., Dublin, CA 94568  
STID # 2224

Dear Mr. Houston:

This office has reviewed the Quarterly Monitoring Report dated 14 Feb. 91. This office concurs with your (Environmental Geosciences Engineering) proposal to analyze only samples from MW1, MW2, MW3, MW5, and MW6 and to do groundwater level measurements on all 6 monitoring wells. There is still too much diesel in the groundwater (3.2 ppm and contamination in all wells except up-gradient and the off-site well) although it has seemed to decline over the last year and a half. A remediation system may be the best way to clean up the contamination now that the plume is defined. You mentioned that you were doing a voluntary quarterly monitoring of your wells although this office has not yet received another report. The last report was in February with sampling done 1/17/92 so you would be overdue for sampling. Please submit your latest quarterly monitoring report and have your consultant attach any recommendations they may have.

If you have any questions please contact this office, at 271-4530.

Sincerely,

Thomas Peacock, Supervising HMS  
Hazardous Material Division

cc: Lester Feldman, RWQCB

SLP



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



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

May 8, 1991

Mr. Fred Houston  
Winning Action Investments  
7080 Donlon Way, Suite 208  
Dublin, CA 94568

Re: Quarterly monitoring at American Cities Truck Stop, 6310 Houston Pl.,  
Dublin

Dear Mr. Houston:

This office has reviewed the April 9 quarterly monitoring report on the above site, submitted by EIRRA Consultants. This report indicates that well MW-6, the furthest downgradient monitoring point, contained no detectable hydrocarbons in the most recent sampling. It therefore appears that the contaminant plume is contained, and that continued quarterly monitoring of all wells is sufficient.

If this situation should change, our office or the Regional Water Quality Control Board could at any time require the installation of additional monitoring wells, or the implementation of a groundwater treatment system.

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

Sincerely,

Gil Wistar  
Hazardous Materials Specialist

cc: Chris French, EIRRA Consultants (11828 Dublin Blvd., Suite C, Dublin,  
CA 94568)  
Lester Feldman, RWQCB  
Tom Hathcox, Dougherty Regional Fire Authority  
Rafat A. Shahid, Asst. Agency Director, Environmental Health  
files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



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

December 27, 1990

Mr. Fred Houston  
Winning Action Investments  
7080 Donlon Way, Suite 208  
Dublin, CA 94568

Dear Mr. Houston:

Thank you for submitting a work plan for additional subsurface investigation at the American Cities Truck Stop facility, 6310 Houston Place, in Dublin. This proposal is acceptable, and work should commence as soon as possible at the site.

Please note that your deposit for this project has nearly been depleted; we require an additional deposit of \$400 to enable staff from this office to continue oversight of your case. Please submit a check to this office in this amount, made out to Alameda County and indicating the site for which it is submitted.

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

Sincerely,

Gil Wistar  
Hazardous Materials Specialist

cc: Tom Hathcox, Dougherty Regional FD  
Lester Feldman, RWQCB  
Rafat A. Shahid, Asst. Agency Director, Environmental Health files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



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October 22, 1990

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

Mr. Fred Houston  
Dougherty Road Associates  
7080 Donlon Way  
Dublin, CA 94568

**RE: Request for site closure, American Cities Truck Stop, 6310  
Houston Pl., Dublin**

Dear Mr. Houston:

The Alameda County Department of Environmental Health, Hazardous Materials Division has looked over the recent report prepared by Environmental Experts, Inc. for the above site. The analytical results reported in this document, along with data previously developed at the site, in no way support your request for case closure. In general, there are too many unanswered questions about the hydrogeology and the extent of contamination at this site for us or the Regional Water Quality Control Board (RWQCB) to recommend site closure.

In order for case closure to even be considered at a site where groundwater contamination has been documented, a responsible party must demonstrate either: 1) that all affected groundwater has been cleaned up to drinking water standards or cleaner; or 2) that contaminant levels in affected groundwater are relatively low and decreasing steadily, that complete hydraulic control of the plume has been established, and that the contamination has not and will not affect beneficial uses. Clearly, the American Cities Truck Stop site meets neither of these two conditions, for the reasons outlined below.

- Levels of diesel and oil & grease contamination in the groundwater have fluctuated wildly at least over the past two sampling episodes, for all four monitoring wells. This has not been explained.
- The latest report did not even contain information on groundwater levels and flow direction, nor has an attempt been made to analyze the hydrogeology beneath the site.
- Thus, all we know is that groundwater is contaminated with diesel and heavier hydrocarbons; we don't know the extent of the plume, or whether it has migrated off-site, nor do we know much about groundwater flow characteristics or why, for example,

Mr. Fred Houston  
October 22, 1990  
Page 2 of 2

downgradient well MW-4 showed 22 ppm diesel on 6/20/90, but only 0.56 ppm on 8/30/90.

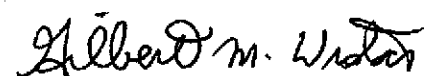
In your September 21 letter that accompanies the consultant's report, you state that I had "previously recommended to leave the low contaminant level of hydrocarbons in the groundwater rather than pumping in the sewer." This misrepresents my position. Whereas I may have suggested to your consultant that groundwater treatment may not be needed at this time, at least before the plume boundaries and fluctuating hydrocarbon levels could be explained, I never stated that hydrocarbons should preferentially be left in the ground. This would be absolutely contrary to county and Water Board policy. Moreover, based on new site information, we or the Water Board could require a groundwater remediation program at any time.

Taking into account the questions raised in this letter, please submit a work plan to this office for further site characterization. This work plan is due in 45 days, i.e., no later than December 6, 1990.

This letter constitutes a formal request for technical reports (according to Sec. 13267 of the California Water Code, as well as Sec. 25299.36 of the California Health and Safety Code). Copies of all documentation sent here should also be sent to the Regional Water Quality Control Board in Oakland (attn: Lester Feldman). In addition, all submitted documents must be signed and sealed by a California-registered geologist or engineer, or we will reject them.

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

Sincerely,



Gil Wistar  
Hazardous Materials Specialist

cc: Tom Hathcox, Dougherty Regional FD  
Lester Feldman, RWQCB  
Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection Division  
Rafat A. Shahid, Asst. Agency Director, Environmental Health  
files

EGP

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



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June 1, 1990

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

Mr. Fred Houston  
Winning Action Investments, Inc.  
7080 Donlon Way, Suite 110  
Dublin, CA 94568

RE: **Scope of work submitted for American City Truck Stop, 6310  
Houston Pl., Dublin**

Dear Mr. Houston:

The Alameda County Department of Environmental Health, Hazardous Materials Division has reviewed the scope of work submitted to address contamination at the above site. Since last August, this office has been attempting to get commitments on a work plan and schedule for groundwater remediation. Now it appears that your intent is to obtain more information to define the nature and extent of contamination, prior to even considering groundwater remediation. If this is your intent, then the scope of work falls short of Regional Water Quality Control Board requirements for plume definition; it is deficient in the following respects:

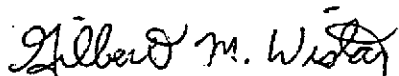
- There is no provision for plume definition. At least four additional monitoring wells must be installed at this site to define the "zero-edge" of groundwater contamination. The intent of this requirement is to allow full definition of the groundwater contaminant plume, in both upgradient and downgradient directions. The work plan vaguely discusses the installation of a monitoring well, but does not indicate its location. The stated purpose of this well is to "verify or confirm the extent" of contamination. This does not make sense, because groundwater contamination has long since been confirmed, verified, and proved, as well as demonstrated fully.
- There are no dates for completing the work outlined in the scope of work. Because of past delays on this project, each work plan submitted to this office must have a binding schedule for completion of specific tasks.
- The scope of work is not signed and stamped by a registered engineer or professional (Sections 6735, 7835, 7835.1 of Business & Professional Code; Rule 415 of Professional and Vocational Regulations).
- No sampling of wells at the site has occurred since December 1989, even though the Water Board requires quarterly monitoring of wells, at a minimum.

Mr Fred Houston  
June 1, 1990  
Page 2 of 2

Please submit a revised work plan within two weeks of the date of this letter, that takes these points into account. This letter constitutes a formal requests for technical reports (according to Sec. 13267 of the California Water Code, as well as Sec. 25299.36 of the California Health and Safety Code).

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

Sincerely,



Gil Wistar  
Hazardous Materials Specialist

cc: Tom Hathcox, Dougherty Regional FD  
Lester Feldman, RWQCB  
Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection Division  
Rafat A. Shahid, Asst. Agency Director, Environmental Health  
files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R02862

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Certified Mailer # P 062 127 856

April 19, 1990

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(415) 271-4320

Mr. Fred Houston  
Winning Action, Dougherty Road Associates  
7080 Donlon Way, Suite 110  
Dublin, CA 94568

FINAL NOTICE OF VIOLATION

Dear Mr. Houston:

In a letter to you dated October 6, 1989, the Alameda County Department of Environmental Health, Hazardous Materials Division, set a deadline of November 10, 1989 for the submittal of a detailed engineering plan to remediate contaminated groundwater at 6310 Houston Pl., Dublin. This letter and associated deadline were in response to contamination being found in soil and groundwater during the tank removal in March 1989; they also resulted from the Safety Specialists, Inc. report of August 1989, which suggested the presence of floating product on the water table and recommended groundwater remediation. No remedial work plan was submitted by November 10, 1989. Subsequently, Safety Specialists asked on two separate occasions for extensions, at first promising a work plan by January 7, 1990, and then by February 2.

As of February 22, we still had received nothing from you or any consultant, and as a result issued a second notice of violation that set a March 23 deadline for the submittal of a remediation plan for groundwater. On February 28, you sent a letter indicating that you had hired a third consultant, Northrup Scientific International, to "finish" the job. On March 21, you stated in a letter that you were "following the plan previously outlined to you pertaining to the water." Finally, in a letter dated April 12 you requested a two-month extension for submittal of a detailed engineering plan for groundwater remediation.

Because there appears to be no technical reason why a groundwater pump-and-treat operation should not be up and running by now, much less a work plan submitted for such an operation, the Hazardous Materials Division will not approve any further deadline extensions.

Therefore, as the owner of the property in question, you remain in violation of Sec. 25298 of the California Health and Safety Code, which prohibits the improper or incomplete closure of underground

Mr. Fred Houston  
April 19, 1990  
Page 2 of 2

storage tanks. You will not have closed these tanks, and thus will remain in violation of this section of code, until the site is cleaned up to this office's satisfaction. Section 25299 of the Health and Safety Code authorizes a penalty of up to \$5,000 per day for incomplete closure of an underground storage tank. In addition, Section 25188 permits penalties of up to \$25,000 per day to be levied for noncompliance of the provisions of Section 25187, which requires facility owners/operators to take action to address contaminated or potentially contaminated sites. Finally, in light of the fact that our 10/6/89 and 2/22/90 letters constituted formal requests for technical reports (according to Sec. 13267 of the California Water Code), your failure to respond is a violation of the Water Code. The Regional Water Quality Control Board can assess fines of \$1,000 per day for such infractions.

You are directed to submit a detailed engineering plan to collect floating product and remove it from the ground, as well as a plan to remediate groundwater with dissolved hydrocarbons; these plans must be submitted to this office as well as to the Regional Water Quality Control Board (attn: Lester Feldman) as soon as possible. As mentioned earlier, they are past due. Because this is the final notice of violation regarding the groundwater cleanup, we are referring this case to the District Attorney's office for enforcement.

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

Sincerely,

*Gilbert M. Wistar*

Gil Wistar  
Hazardous Materials Specialist

cc: Tom Hathcox, Dougherty Regional FD  
Lester Feldman, RWQCB  
Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection Division  
Rafat A. Shahid, Asst. Agency Director, Environmental Health  
files



ALAMEDA COUNTY  
HEALTH CARE SERVICES

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DAVID J. KEARS, Agency Director



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RAFAT A. SHAHID, Assistant Agency Director

Certified Mailer # P 062 127 904

February 22, 1990

DEPT. OF ENVIRONMENTAL HLTH  
HAZARDOUS MATERIALS PROG.  
80 SWAN WAY, SUITE 200  
OAKLAND, CA 94621  
430-4530

Mr. Fred Houston  
Winning Action, Dougherty Road Associates  
7080 Donlon Way, Suite 110  
Dublin, CA 94568

**SECOND NOTICE OF VIOLATION**

Dear Mr. Houston:

In a letter to you dated October 6, 1989, the Alameda County Department of Environmental Health, Hazardous Materials Division, set a deadline of November 10, 1989 for the submittal of a detailed engineering plan to remediate contaminated groundwater at 6310 Houston Pl., Dublin. This letter also required that you segregate and dispose of stockpiled soil according to waste category, and that you submit to this office receipts/manifests for disposal of all soil contaminated above 100 ppm. Not meeting this initial deadline, Safety Specialists, Inc. asked on two separate occasions for extensions, promising both times to send completed remedial work plans by dates that they set. As of the date of this letter, however, we have received nothing from you or your consultant.

As the owner of the property, you are in violation of Sec. 25298 of the California Health and Safety Code, which prohibits the improper or incomplete closure of underground storage tanks. You will not have closed these tanks, and thus will remain in violation of this section of code, until the site is cleaned up to this office's satisfaction. Section 25299 of the Health and Safety Code authorizes a penalty of up to \$5,000 per day for incomplete closure of an underground storage tank. In addition, Section 25188 permits penalties of up to \$25,000 per day to be levied for noncompliance of the provisions of Section 25187, which requires facility owners/operators to take action to address contaminated or potentially contaminated sites. Finally, in light of the fact that our 10/6/89 letter constituted a formal request for technical reports (according to Sec. 13267 of the California Water Code), your failure to respond is a violation of the Water Code. The Regional Water Quality Control Board can assess fines of \$1,000 per day for such infractions.

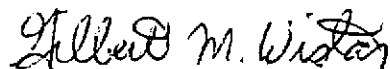
To reiterate, we are requiring that you develop a detailed engineering plan to collect floating product and remove it from the ground, as well as a plan to remediate groundwater with dissolved hydrocarbons; these plans must be submitted to this

Mr. Fred Houston  
February 22, 1990  
Page 2 of 2

office as well as to the Regional Water Quality Control Board (attn: Lester Feldman) as soon as possible, but no later than **March 23, 1990**. The four piles of excavation spoils that are presumed to still be on site must be disposed of immediately. According to the analytical results, small piles "A" and "B" can be disposed of in an ordinary sanitary landfill (contamination below 100 ppm). Pile "S" and portions "a," "b," and "c" of the large pile must go to a Class II landfill (contamination between 100 and 1,000 ppm), while portion "d" of this large pile must be shipped to a Class I hazardous waste facility. You will need to send to this office copies of the receipts/manifests documenting the disposal of all soil contaminated above 100 ppm.

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

Sincerely,



Gil Wistar  
Hazardous Materials Specialist

cc: Kenneth L. Meleen, Safety Specialists, Inc. (P.O. Box 4420,  
Santa Clara, CA 95054)  
Tom Hathcox, Dougherty Regional FD  
Lester Feldman, RWQCB  
Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection Division  
Rafat A. Shahid, Asst. Agency Director, Environmental Health  
files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



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v R0998

October 6, 1989

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

Mr. Fred Houston  
Winning Action Investments  
7080 Donlon Way  
Dublin, CA 94568

**RE: Safety Specialists, Inc. report on soil and groundwater  
sampling at American City Truck Stop, 6310 Houston Ct.,  
Dublin**

Dear Mr. Houston:

The Alameda County Department of Environmental Health, Hazardous Materials Division, has reviewed the report cited above. The report indicates that there is a plume of groundwater contamination in the immediate vicinity of the former tank pits, and Safety Specialists recommends groundwater remediation. This office concurs with this recommendation, especially in view of the fact that there is oil floating on groundwater in this area. We are requiring that you develop a detailed engineering plan to collect this floating product and remove it from the ground, as well as a plan to remediate groundwater with dissolved hydrocarbons; these plans should be developed immediately, and must be submitted to this office as well as to the Regional Water Quality Control Board (attn: Lester Feldman) no later than November 10, 1989.

In addition, the four piles of excavation spoils still on site must be disposed of prior to the onset of the rainy season. According to the analytical results, small piles "A" and "B" can be disposed of in an ordinary sanitary landfill (contamination below 100 ppm). Pile "S" and portions "a," "b," and "c" of the large pile must go to a Class II landfill (contamination between 100 and 1,000 ppm), while portion "d" of this large pile must be shipped to a Class I hazardous waste facility. This work will not require a work plan in advance, but we are requiring that you send copies of the receipts/manifests to this office for disposal of all soil contaminated above 100 ppm.

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

Sincerely,

Gil Wistar  
Hazardous Materials Specialist

R02862  
V R0998

Mr. Fred Houston  
October 6, 1989  
Page 2 of 2

cc: Rasmi El Jurf, Safety Specialists  
Tom Hathcox, Dougherty Regional FD  
Lester Feldman, RWQCB  
Rafat A. Shahid, Director, Env. Hlth.  
files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R02862

✓R0998

June 29, 1989

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

Mr. Fred Houston  
Winning Action Investments, Inc.  
7080, Donlon Way  
Dublin, CA 94568

RE: Work plan for defining and remediating contamination at American  
Cities Truck Lines, 6310 Huston Pl., Dublin

Dear Mr. Houston:

The Alameda County Department of Environmental Health, Hazardous Materials Division, has reviewed Kleinfelder's work plan as well as other materials submitted for the site shown above. We find the plan generally acceptable, and would like to emphasize the points discussed below.

1. The three monitoring wells described in the work plan should be installed within 10 feet of the excavation pit(s), and constructed according to Regional Water Quality Control Board (RWQCB) standards. The two perforated casings installed into the excavation pit are not adequate monitoring wells and can only be used for piezometric measurements.
2. Soil and groundwater should be analyzed for total petroleum hydrocarbons (diesel) and total oil and grease, as specified. Soil analyzes should be performed not only for the soil borings proposed, but also for soil previously removed from the pits. As a result of a recent RWQCB policy clarification, no soil that shows contamination at any level can be backfilled into excavated areas, even after remediation.
3. Stained soil from the waste oil tank pit should be removed, sampled, and disposed of, as outlined in the Kleinfelder work plan. In addition, samples should be taken from the pit following the stained soil's removal, to verify that no contaminated soil remains in this area.

The work described in Kleinfelder's plan should be carried out as soon as possible, to minimize the potential movement of diesel contaminants in groundwater. A report summarizing results of the work performed at the site should be submitted to this office no later than August 4, 1989, with recommendations for further work as appropriate.

Mr. Fred Houston  
June 29, 1989  
Page 2 of 2

Should you have any questions about this letter or about remediation requirements established by the RWQCB, please contact Gil Wistar, Hazardous Materials Specialist, at 271-4320.

Sincerely,

*Rafat A. Shahid*

Rafat A. Shahid, Chief  
Hazardous Materials Division

RAS:GW:gw

cc: Mark Klaver, Kleinfelder  
Howard Hatayama, DOHS  
Dyan Whyte, San Francisco Bay RWQCB

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R02862  
✓ R0998

Certified mailer #: P 833 981 407

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

May 16, 1989

Mr. Fred Huston  
Winning Action Investments  
7080 Donlon Way, Suite 110  
Dublin, CA 94568

Re: Unauthorized releases from underground storage tanks, 6310 Huston  
Place, Dublin

Dear Mr. Huston:

As you're aware, the Alameda County Department of Environmental Health witnessed the removal of four underground storage tanks at the above address on March 31, 1989. Analytical results of water samples taken from the each of the four excavation pits indicate hydrocarbon contamination between 8.5 and 380 ppm in the water. This is evidence of tank leakage and/or overflowing into these pits. Title 23 of the California Code of Regulations requires all such unauthorized releases from underground tanks to be reported. An unauthorized release report must therefore be filed with this office within 5 days of the date of this letter; in addition, you must initiate further investigation and/or cleanup activities at this site.

First, a preliminary assessment should be conducted to determine the extent of soil and groundwater contamination that has resulted from the leaking tanks. 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. This format is based on the Regional Water Quality Control Board (RWQCB's) guidelines. You should be prepared to install monitoring wells, which should be constructed according to RWQCB specifications.

Until cleanup is complete, you 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 should 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.

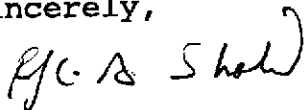
Mr. Fred Huston  
May 16, 1989  
Page 2 of 2

Soils contaminated at hazardous waste concentrations 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.

Your work plan should be submitted to this office by **June 16, 1989**. A report describing the results of the preliminary site assessment should be submitted by **July 21, 1989**. Copies of the proposal and report should also be sent to the RWQCB (attention: Dyan Whyte). You may implement remedial actions before approval of the work plan, but final concurrence by this office will depend on the extent to which the work done meets the requirements described in this letter.

You will need to submit an additional deposit of \$300 to cover costs that the Division of Hazardous Materials incurs during remediation oversight. If you have any questions about this letter or about remediation requirements established by the RWQCB, please contact Gil Wistar, Hazardous Materials Specialist, at 271-4320.

Sincerely,



Rafat A. Shahid, Chief  
Hazardous Materials Division

RAS:GW:gw

enclosure

cc: ~~Howard~~ Howard Hatayama, DOHS (w/o enclosure)  
Dyan Whyte, San Francisco Bay RWQCB (w/o enclosure)  
Gil Jensen, District Attorney, Alameda County Consumer and  
Environmental Protection Agency (w/o enclosure)  
files



## WORK PLAN REQUIREMENTS FOR AN INITIAL SUBSURFACE INVESTIGATION

This outline should be followed by professional engineering or geologic consultants in preparing work plans to be submitted to the RWQCB and local agencies. Work plans should be signed by a California-registered engineer or geologist.

This outline should be referred to in context with the "Regional Board Staff Recommendations for Initial Evaluation and Investigation of Underground Tanks" (June 2, 1988).

### PROPOSAL FORMAT

#### I. Introduction

A. State the scope of work

B. Provide information on site location, background, and history

1. Describe the type of business and associated activities that take place at the site, including the number and capacity of operating tanks.

2. Describe previous businesses at the site.

3. Provide other tank information:

- number of underground tanks, their uses, and construction material;

- filing status and copy of unauthorized release form, if not previously submitted;

- previous tank testing results and dates, including discussion of inventory reconciliation methods and results for the last three years.

4. Other spill, leak, and accident history at the site, including any previously removed tanks.

#### II. Site Description

A. Describe the hydrogeologic setting of the site vicinity

B. Prepare a vicinity map (including wells located on-site or on adjoining lots, as well as any nearby streams)

C. Prepare a site map

D. Summarize known soil contamination and results of excavation

1. Provide results in tabular form and indicate location of all soil samples (and water samples, if appropriate). Sample dates, the identity of the sampler, and signed laboratory data sheets need to be included, if not already in possession of the County.
2. Describe any unusual problems encountered.
3. Describe methods for storing and disposing of all contaminated soil.

### III. Plan for Determining Extent of Soil Contamination

- A. Describe method for determining the extent of contamination within the excavation
- B. Describe sampling methods and procedures to be used
  1. If a soil gas survey is planned, then:
    - identify number of boreholes, locations, sampling depths, etc.;
    - identify subcontractors, if any;
    - identify analytical methods;
    - provide a quality assurance plan for field testing.
  2. If soil borings are to be used to determine the extent of soil contamination, then:
    - identify number, location (mapped), and depth of the proposed borings;
    - describe the soil classification system, soil sampling method, and rationale;
    - describe the drilling method for the borings, including decontamination procedures;
    - explain how borings will be abandoned.
- C. Describe how clean and contaminated soil will be differentiated, and describe how excavated soil will be stored and disposed of. If on-site soil aeration is to be used, then describe:
  1. The volume and rate of aeration/turning;
  2. The method of containment and cover;
  3. Wet-weather contingency plans;

4. Results of consultation with the Bay Area Air Quality Management District.

Other on-site treatments (such as bioremediation) require permits issued by the RWQCB. Off-site storage or treatment also requires RWQCB permits.

- D. Describe security measures planned for the excavated hole and contaminated soil

#### IV. Plan for Characterizing Groundwater Contamination

Construction and placement of wells should adhere to the requirements of the "Regional Board Staff Recommendations for Initial Evaluation and Investigation of Underground Tanks."

- A. Explain the proposed locations of monitoring wells (including construction diagrams), and prepare a map to scale

- B. Describe the method of monitoring well construction and associated decontamination procedures

1. Expected depth and diameter of monitoring wells.
2. Date of expected drilling.
3. Locations of soil borings and sample collection method.
4. Casing type, diameter, screen interval, and pack and slot sizing technique.
5. Depth and type of seal.
6. Development method and criteria for determining adequate development.
7. Plans for disposal of cuttings and development water.
8. Surveying plans for wells (requirements include surveying to established benchmark to 0.01 foot).

- C. Groundwater sampling plans

1. Water level measurement procedure.
2. Well purging procedures and disposal protocol.
3. Sample collection and analysis procedures.
4. Quality assurance plan.
5. Chain-of-custody procedures.

#### V. Prepare a Site Safety Plan