

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO#1157

October 17, 1996  
STID 3743

John Toothman  
California Building  
1736 Frankling St.  
Oakland CA 94612

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

RE: California Building, 1736 Frankling St., Oakland CA 94612

Dear Mr. Toothman,

This office is in the process of closing this case. The RWQCB has already signed off on the Case Closure Summary. Groundwater sampled from the monitoring well contained non-detectable concentrations of the contaminants sought for four quarters; this well will be destroyed. This letter is being sent to inform Zone 7 of the status of this case.

If you have any questions, please contact me at 510-567-6761.

Sincerely,

Jennifer Eberle  
Hazardous Materials Specialist

cc: Vonder Haar Hydrogeology, 1609 Jaynes, Berkeley CA 94703  
Attn: Wyman Hong, Alameda County Flood Control District, Zone 7, Water Agency  
5997 Parkside Dr., Pleasanton CA 94588  
Jennifer Eberle/file

je.3743.zone7

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R01157

RAFAT A. SHAHID, DIRECTOR

August 3, 1995  
STID 3743

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

John Toothman  
California Building  
✓1736 Franklin St.  
Oakland CA 94612

Dear Mr. Toothman,

My last letter to you was dated 10/25/94. In that letter, I accepted the "Proposed Monitoring Well Installation Workplan," prepared by Vonderhaar Hydrogeology, dated 9/6/94. This workplan involved one well located in the vicinity of the former Underground Storage Tank (UST).

Since that time, the well was installed and sampled, as per several telecons with your consultant, Steven Vonderhaar. As per our most recent telecon, 7/7/95, he indicated he sent you the report approximately 3 weeks prior. As of this date, this report has not been received in this office. This represents an extraordinarily long period of time since your workplan was accepted (10/25/94). **Therefore, you are required to submit the well installation and sampling report within 15 days, or by August 18, 1995, to the above address, at my attention. Please submit this report under your own cover letter.** My letters are directed to you, and I would appreciate responses directly from your office. **Please be advised that this is a formal request for technical reports pursuant to 23 CCR, Div 3, Ch 16 (California Underground Storage Tank Regulations).**

The groundwater must be sampled every quarter for 4 consecutive quarters, at which time the case will be evaluated as regards to closure. **"Until investigation and cleanup are complete, the owner or operator shall submit reports to the local agency, . . . every three months or more frequently as specified by the agency," as per Section 2652 (d) of CCR, Title 23, Div. 3, Ch. 16.**

If you have any questions, please contact me at 510-567-6761.

Sincerely,

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

Jennifer Eberle  
Hazardous Materials Specialist

cc: S. Vonderhaar, 1609 Jaynes, Berkeley CA 94703  
Tom Peacock/file

je.3743-B

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

R01157

October 25, 1994  
STID 3743

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

John Toothman  
California Building  
✓ 1736 Franklin St.  
Oakland CA 94612

Dear MR. Toothman,

We are in receipt of the Proposed Monitoring Well Installation Workplan, prepared by Vonderhaar Hydrogeology, dated 9/6/94. This workplan involves one well located within or as near as possible to the former Underground Storage Tank (UST). The well location is shown on Figure 2B to be on the Eastern edge of the excavation.

Preliminary data from another site on the same block, Douglas Parking at 1721 Webster St., indicates that groundwater flows NE to SE, maybe even due East. However, this is based on quantitative groundwater (concentration) data, and is consistent with local topography. Three wells were installed on this site, in and near the Webster St. sidewalk, in early September. As of this date, these 3 wells have not been surveyed. I have been assured that the survey data is forthcoming.

In the meantime, I wanted to get this letter out to you so you know that your workplan has not been forgotten. **The workplan is acceptable on the condition that you add TPH-diesel and TPH-motor oil (by EPA Method 8015) to the sampling matrix for both soil and groundwater.** These constituents were detected during the initial tank removal.

**Please contact me at least 2 business days in advance of field activities.** At that point, we can review the survey data for 1721 Webster St., which will hopefully be gathered by then. If you have any questions, please contact me at 510-567-6761.

Sincerely,

Jennifer Eberle  
Hazardous Materials Specialist

cc: S. Vonderhaar, 1609 Jaynes, Berkeley CA 94703  
Ed Howell/file

je3743-A

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R01157

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

March 15, 1994  
STID 3743

John Toothman  
California Building  
✓ 1736 Franklin St.  
Oakland CA 94612

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

**SECOND NOTICE OF VIOLATION**

Dear Mr. Toothman,

I have been in contact with Steven Vonderhaar of Vonderhaar Geology since January 1994. It was my understanding that Mr. Vonderhaar was going to install a monitoring well, among other things, as per a phone conversation between myself and Teresa Gardner of your office on 12/15/93. I copied and mailed the 12/27/88 Crosby & Overton, Inc. report to your office on 2/7/94, as per a request from Ms. Gardner. However, I was informed that Mr. Vonderhaar did not have a signed contract with you, as per our phone conversations on 1/7/94, 2/7/94 and 3/15/94. Since I have not heard from you, I conclude that you do not intend to comply with our previous formal requests for a technical report (workplan), as outlined in our Notice of Violation, dated 6/29/93, and a previous letter from this office dated 9/11/92. These letters also requested an Unauthorized Leak Report, which also has not been received.

I have been in contact with your office since 12/2/93, when I first spoke w/Ms. Gardner. You have been granted much patience, but we are now at the point of having to issue this Second NOV due to non-cooperation. Therefore, you are hereby required to submit the following items within 30 days, or by April 15, 1994:

- 1) a workplan to delineate the extent of soil and groundwater contamination\*
- 2) an Unauthorized Leak Report
- 3) a response as to what has happened to the stockpiled soil

\* {We have a laboratory report dated 6/6/88 in our file which was done for Kleinfelder & Associates. It documents results for 5 soil borings done in the vicinity of the tank pit. This information may aid a consultant in delineating the extent of contamination. Boring logs are included.}

March 15, 1994  
STID 3743  
John Toothman  
page 2 of 2

Please be advised that "no person shall close an underground tank system unless that person . . . demonstrates to the appropriate agency . . . that the site has been investigated to determine if there are any present, or were past releases, and if so, that appropriate corrective or remedial actions have been taken," as per Section 25298 (c) (4) of the California Health & Safety Code, (CH&SC) Division 20, Chapter 6.7. Further, "any operator of an underground tank system shall be liable for a civil penalty of not less than five hundred dollars (\$500) or more than five thousand dollars (\$5,000) for each underground storage tank for each day of violation for. . . failure to properly close an underground tank system," as per Section 25299 (a) (5) of CH&SC, Division 20, Chapter 6.7.

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

All work should adhere to a) the Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Tank Sites, dated 8/10/90; and b) Article 11 of Title 23, California Code of Regulations. Reports and proposals must be submitted under seal of a California-Registered Geologist, -Certified Engineering Geologist, or -Registered Civil Engineer.

Please note that with the exception of closure reports, routine reports and documents no longer need to be copied to the Regional Water Quality Control Board. Kindly submit a cover letter with your consultant's reports. If you have any questions, please contact me at 510-271-4530.

Sincerely,



Jennifer Eberle  
Hazardous Materials Specialist

cc: Steven Vonderhaar, Vonderhaar HydroGeology, 1609 Jaynes  
St., Berkeley CA 94703  
Ed Howell/file

je

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R01157

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

June 29, 1993  
STID 3743

John C. Toothman  
California Building  
1736 Franklin St.  
Oakland, CA 94612

Re: 1736 Franklin St., Oakland, CA 94612

**NOTICE OF VIOLATION**

Dear John Toothman:

This office has reviewed reports from W. A. Craig of the underground storage tank removals performed at the above site in December, 1988 and subsequent soil analysis. The following comments are to be considered:

1. A December, 1988 letter by Crosby & Overton includes conclusions that TPHd was discovered as high as 1200 ppm, TPHg as high as 3900 ppm, and benzene as high as 12 ppm in soil under the tanks. These levels would require a groundwater investigation.
2. The 5 soil borings were apparently done in June 1988, prior to the tank removals, by Kleinfelder, and would not constitute a groundwater investigation on their own.
3. No Underground Storage Tank Leak Report was filed as required. I have enclosed the proper form, which must be completed and returned to this office.

I have enclosed the document, Workplan for Initial Subsurface Investigation, a guidance document published by the Regional Water Quality Control Board (RWQCB). Please be advised this office is working in conjunction with the RWQCB to oversee the remediation of hydrocarbon contaminated sites such as these. The RWQCB is the agency entrusted to protect the waters of the state.

Please submit a workplan as described in the above document to this office within thirty (30) days of this letter.

You should consider this a formal request for technical reports pursuant to the California Water Code Section 13267 (b). All workplans, analytical results or reports should be sent to our office. Be aware that failure to submit the requested

STID 3743  
June 29, 1993  
1736 Franklin St., Oakland 94612  
Page 2 of 2

**documents may subject you civil liabilities.**

This letter has already been sent to you dated September 11, 1992 and there has been **no response from you.**

If you have any questions please call this office at (510) 271-4530.

Sincerely,



Thomas F. Peacock, Supervising HMS  
Hazardous Material Division

cc: Edgar Howell, Chief - Files  
Gil Jensen, Alameda County District Attorney  
enclosures

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R01157

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

September 11, 1992  
STID 3743

John C. Toothman  
California Building  
1736 Franklin St.  
Oakland, CA 94612

Re: 1736 Franklin St., Oakland, CA 94612

Dear John Toothman:

This office has reviewed reports from W. A. Craig of the underground storage tank removals performed at the above site in December, 1988 and subsequent soil analysis. The following comments are to be considered:

1. A December, 1988 letter by Crosby & Overton includes conclusions that TPHd was discovered as high as 1200 ppm, TPHg as high as 3900 ppm, and benzene as high as 12 ppm in soil under the tanks. These levels would require a groundwater investigation.
2. The 5 soil borings were apparently done in June 1988, prior to the tank removals, by Kleinfelder, and would not constitute a groundwater investigation on their own.
3. No Underground Storage Tank Leak Report was filed as required. I have enclosed the proper form, which must be completed and returned to this office for dispersal.

I have enclosed the document, Workplan for Initial Subsurface Investigation, a guidance document published by the Regional Water Quality Control Board (RWQCB). Please be advised this office is working in conjunction with the RWQCB to oversee the remediation of hydrocarbon contaminated sites such as these. The RWQCB is the agency entrusted to protect the waters of the state.

Please submit a workplan as described in the above document to this office within thirty (30) days of this letter.

**You should consider this a formal request for technical reports pursuant to the California Water Code Section 13267 (b).** All workplans, analytical results or reports should be sent to our office and to that of the RWQCB to the attention of Mr. Rich Hiatt. Their address is 2101 Webster St., Fourth Floor, Oakland CA 94612. **Be aware that failure to submit the requested**

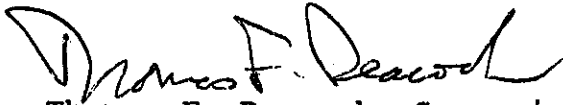


STID 3743  
September 11, 1992  
1736 Franklin St., Oakland 94612  
Page 2 of 2

**documents may subject you civil liabilities.**

If you have any questions please call this office at (510) 271-4530.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas F. Peacock".

Thomas F. Peacock, Supervising HMS  
Hazardous Material Division

cc: R. Hiett, RWQCB  
Edgar Howell, Chief - Files  
enclosures