

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



January 20, 2006

Sunol Andrade Investors LLP  
c/o Mr. Michael T. Parsons  
Cupertino Capitol  
15700 Winchester Blvd  
Los Gatos, CA 95030

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

Dear Mr. Parsons:

Subject: Fuel Leak Case No. RO0002448, Sunol Tree Gas Station, 3004 Andrade Road,  
Sunol, CA

This letter is to follow up on the discussions at the Alameda County Environmental Health (ACEH) meeting you attended at the T-Bear Ranch on January 13, 2006. ACEH has received information from the State Water Resources Control Board and your consultant at Geomatrix indicating that Sunol Andrade Investors LLC and/or Cupertino Capitol are interested in assuming responsibility for corrective actions at this fuel leak site.

If this is accurate, we request that you please submit a written request to this Agency confirming your interest. Please provide your request by February 1, 2006 so that we can review it and a response can be provided.

If you have any questions, please call me at (510) 567-6721.

Sincerely,

Donna L. Drogos, P.E.  
LOP Program Manager

Mr. Michael T. Parsons  
January 17, 2006, 2 of 2

cc: Alyce Sandbach , Esq.  
Alameda County District Attorneys'  
Office  
7677 Oakport Street, Suite 650  
Oakland, CA 94621

Ms. Cheri McCaulou  
Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

Mr. Roy Tovani & Ms. Helyn Hayes  
PO Box 333  
Sunol, CA 94586

Jeffery Lawson, Esq.  
Silicon Valley Law Group  
152 North Third Street, Suite 900  
San Jose, CA 95112

Mr. Matt Katen  
Zone 7 Water Agency  
100 North Canyons Parkway  
Livermore, CA 94551

A. Levi, D. Drogos

Raymond MacKay, Esq.  
Alameda County – County Counsel  
1221 Oak Street  
Oakland, CA 94607

Ms. Judy Reid  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

Mr. Pat Hoban  
Weber, Hayes & Associates  
120 Westgate Drive  
Watsonville, CA 95076

Mr. Scott Haggerty  
Alameda County Board of Supervisors  
1221 Oak Street, Suite 536  
Oakland, CA 94612

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



March 14, 2005

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

Chuck Headlee  
San Francisco Regional Water Quality Control Board  
1515 Clay Street, Ste. 1400  
Oakland, CA 94612

Subject: Request for Nomination for the Emergency, Abandoned, Recalcitrant Account  
Fiscal Year 2005 - 2006

Dear Mr. Headlee:

Alameda County Environmental Health (ACEH) requests nomination of the following high priority case for the Emergency, Abandoned, Recalcitrant (EAR) Account Annual Site List for Fiscal Year 2005-2006.

- LOP Case No. RO0002448, Sunol Tree Gas Station, 3004 Andrade Road  
Sunol, California

This site was nominated by the RWQCB for FY 2004-2005 and accepted into the EAR program by the SWRCB. Corrective action is ongoing at the site. The Site Specific Information sheet and Appendix B Form are attached.

Please call me at (510) 567-6719 if you have any questions.

Sincerely,

Robert W. Schultz, P.G.  
Hazardous Materials Specialist

cc: Betty Graham  
San Francisco Regional Water Quality Control Board  
1515 Clay Street, Ste. 1400  
Oakland, CA 94612

A. Levi, R. Schultz, D. Drogos

**EMERGENCY, ABANDONED, RECALCITRANT (EAR) ACCOUNT  
REQUEST FOR FUNDS FORM**

The Regional Water Quality Control Board (RWQCB) or Local Agency should fill out this portion when requesting EAR Account funding.

Requesting Agency: Alameda County Environmental Health

Site Name: Sunol Tree Gas Station

Site Address: 3004 Andrade Road, Sunol, CA 94586

Check one: Prompt Action Site   
 Abandoned Site   
 Recalcitrant Site

**ATTACH A SUMMARY DESCRIPTION OF PROJECT INCLUDING ALL INFORMATION SPECIFIED IN THE FUNDING CRITERIA SECTION OF THE APM:**

Amount of EAR Account Funds Requested: \$ 200,000.00

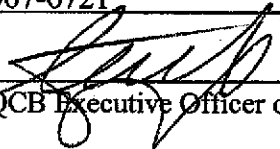
Estimated Project Start Date: July 1, 2005

Estimated Project End Date: June 30, 2006

Contact Person/Title: Donna L. Drogos, P.E.

Supervising Hazardous Materials Specialist

Telephone Number: 510-567-6721

Agency Signoff:   
 (RWQCB Executive Officer or LIA Director [or their designee])

Date: 3/14/05

**State Use Only:**

Amount of EAR Account Funding Approved: \$ \_\_\_\_\_

Invoice Approval Signature: \_\_\_\_\_  
 (EAR Account Contract Manager)

Payment Authorization Signature: \_\_\_\_\_

Date Funding Approved: \_\_\_\_\_

EAR Account Site Number: \_\_\_\_\_

**CALSTARS CODING:**

0550-569.03-304

Region: \_\_\_\_\_

**Alameda County Environmental Health**  
**EAR Account Application (Emergency Action)**  
**for the Sunol Tree Gas Station**  
**SITE SPECIFIC INFORMATION**  
**March 14, 2005**

**1) Site name and address:**

ACEH Case No. RO0002448  
SUNOL TREE GAS STATION  
3004 Andrade Road, Sunol, CA 94586

Groundwater Pollution from the Sunol Tree Gas Station has impacted the domestic supply well of:

T-BEAR RANCH  
3000 Andrade Road, Sunol, CA 94586  
Owners: Ms. Helen Hayes and Mr. Roy Tovani, P.O. Box 333, Sunol, CA 94586

**2) Name and address of all identified potential RPs:**

Mr. Murray Kelsoe, P.O. Box 176, Alamo, CA 94507

Note: The lender has foreclosed on this property; however, ACDEH has been advised by Alameda County Counsel that since the foreclosing lender has not had any control of the management or operation of the now vacant service station facility, the lender is immune from designation as a responsible party. The lender and current property owner is: Cupertino Capital, 1570 Winchester Blvd., Los Gatos, California, 95030.

**3) A copy of the final corrective action order or cleanup and abatement order for each site:**

See attached corrective action directives dated March 20, April 7, June 13, October 31, and November 20, 2003.

**4) The name and address of the oversight agency (the agency requesting the direct site funding), including the name and telephone number of the regulatory contact person:**

Alameda County Environmental Health  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
Robert W. Schultz, P.G., (510) 567-6719

**5) A description of the unauthorized release, petroleum products released, water body affected or threatened, water quality, and the threat to human health, safety and the environment:**

A gasoline release from the Sunol Tree Gas Station's underground storage tank (UST) system has impacted the drinking water resources of the Sunol Subbasin, an active drinking water aquifer, in Alameda County. The specific cause of the release is unknown. The Site lies within the Alameda Creek watershed and approximately 1900-foot upgradient of Sheridan a tributary to Alameda Creek. The site is also 1300-foot cross-gradient of San Antonio Creek. Drinking water supplies are predominantly derived from groundwater resources in this rural part of Alameda County.

Five domestic and irrigation water supply wells have been identified downgradient of the Sunol Tree Gas Station. To date, one domestic (04S01E20G002) and one irrigation (04S01E20A002) water supply well have been contaminated with MTBE and associated petroleum fuel compounds. Up to 130 ppb MTBE and 62 ppb TPHG has been detected in the domestic water supply well. This well supplies water to four residences on the T-Bear Ranch property and to numerous horses boarded at the facility. Up to 0.5 ppb MTBE was detected in the irrigation well on Country Drives Golf Center driving range (3200 Andrade Road).

Samples analyzed from three domestic and irrigation wells downgradient of the site did not contain detectable concentrations of MTBE. However, the responsible party sampled these wells only once in April 2003. The extent of the MTBE plume and impacts to the groundwater basin to date are undefined. It is unknown if the contaminant plumes are being completely captured by the T-Bear Ranch domestic well and/or if a portion of the plume is continuing to migrate further downgradient toward nearby streams and/or the capture zones of other water supply wells.

Additionally, other water supply wells exist in the vicinity of the subject site. At least four domestic and/or irrigation wells are located south of the subject site on the west side of Andrade Road.

**6) Documentation of why recalcitrant or abandoned funds are being requested for the site:**

The conditions supporting ACEH's original request for emergency funds (dated March 17, 2004) generally remain unchanged. In addition, the RP has declared bankruptcy, and the lender has foreclosed on the property. The lender has not assumed management of the operations and consequently may not be named as an RP. We are requesting funds because 1) the water well at downgradient T-Bear Ranch continues to be contaminated with MTBE, 2) the nature and extent of subsurface MTBE contamination has not yet been suitably defined, 3) a corrective action plan needs to be prepared, and 4) once a corrective action is selected, it will need to be implemented. Further specifics of the necessary actions include:

- 1) The T-Bear well is approximately 550 ft northeast of the Sunol Tree Gas Station UST system. ACEH collected depth-discrete groundwater samples from locations adjacent to the well: we detected 280 ppb MTBE at 24 ft bgs, 150 ppb MTBE at 44 ft bgs, 99 ppb MTBE at 65 ft bgs, 1.4 ppb MTBE at 80 ft bgs, and 2.5 ppb MTBE at 101 ft bgs. The replacement well is screened in three zones: 80 to 96 ft bgs, 100 to 106 ft bgs, and 110 to 126 ft bgs ACEH needs to evaluate the feasibility of using water from the replacement well as domestic supply and determine whether or not ongoing treatment is necessary.
- 2) The well head treatment system installed by the RP appears to be successfully reducing MTBE concentrations in water pumped from the older T-Bear well; however, ongoing sampling and carbon replacement is required. ACEH's consultant recommends monthly sampling and anticipates carbon replacement (first set in canister series) every 6 weeks. ACEH has installed a replacement well which will need to be hooked up to the existing distribution system and tested for MTBE. MTBE has been detected at depth, so the replacement well will need to be sampled routinely following installation, until we have confidence that the MTBE plume is not being drawn into the deeper aquifers. Prior to shutdown of the existing well, MTBE containment provided by this extraction point will need to be determined. At this time, it is unknown whether or not the existing well will need to be operated as an extraction point to contain the MTBE plume after the replacement supply well is put in to use.
- 3) An auxiliary pump is necessary to operate the wellhead treatment system. The addition of this pump (approx. 38 Amp draw) has overloaded the T-Bear Ranch electrical system. At ACEH request, electrical contractors have visited the site and diagnosed the system and prepared competing cost estimates. Both contractors recommended electrical improvements as the current installation is not to code.

**7) A description of why the RP cannot or will not clean up the contamination or abate its effects:**

The RP has not complied with the directives for investigation and cleanup of soil and groundwater contamination at his site issued by ACEH. The RP has claimed an inability to fund corrective action. The RP has filed bankruptcy and is no longer at the site. In 1994, the Alameda County District Attorney's Office successfully filed and settled an enforcement action against the RP for failure to comply with UST permit requirements at this and two other retail fuel UST facilities he formerly owned in Alameda County. The RP has subsequently been denied reimbursement by the USTCF.

**8) Documentation of any disputes between the regulatory agency and the RP;**

- 8/14/02 - NOV issued to Kelsoe by ACEH – Failure to submit construction details of on-site domestic well. Request information within 10 days.
- 3/4/03 - ACEH informs Clearwater (B.Pierskalla) that the subject site is now “highest priority” due to confirmed MTBE impacts to water supply wells. ACEH reminds Pierskalla that PSA report was to be submitted by 11/5/02; he informs ACEH that report not yet begun – too busy with other projects. Requests PSA report ASAP - by following week.
- 6/13/03 ACEH letter to Kelsoe – Rejects the 5/8/03 Clearwater Group SWI work plan, citing several examples of substantial deficiencies contained therein. Also, provides critical comments regarding the quality of well sampling report, outlining a few of its deficiencies. Letter indicates referral of the case to DA if soil pile not disposed by 7/13/03. Further, indicates that the due date for (an acceptable) work plan was not extended, and to submit the (acceptable) work plan without delay. Rejects, as potentially disastrous, Clearwater's proposal to plumb Kelsoe's on-site domestic supply well to T-Bear Ranch residents to satisfy ACEH's request for a replacement water supply.
- 7/13/03 ACEH letter to District Attorney – Refers case to DA for consideration of enforcement action for Kelsoe's failure to comply with numerous directives to assess extent of MTBE release.
- 8/9/03 Meeting at Alameda Co DA – Present: S. Torrence (DA), D. Drogos (ACEH), M. Kelsoe, J. Lawson. DA orders Kelsoe to provide T-Bear Ranch with an alternative water supply no later than 9/1/03 citing the fact that residents of T-Bear Ranch continue to bathe in MTBE contaminated water.
- 10/31/03 – ACEH letter to RP addressing issues related to the proposed temporary water treatment system for the impacted supply well at T-Bear Ranch; informs the RP that the system installation/startup is currently 2 months behind schedule and that he is not in compliance with ACEH directives.



- 11/20/03 – ACEH e-mail to J. Lawson noting that treatment system appears to be operational, ACEH has yet to receive System Installation/Startup Notification from Kelsoe. Requested expedited turn around time for treatment system samples to be collected every 3 weeks. Requests answers to a number of questions relating to system design, operation, scheduling, data logging, data interpretation responsibility, and notifications.
- 11/25/03 – ACEH call to SVLG (J. Lawson). Left message for him to call. Inquired about answers to previous treatment system questions posed in 11/20/03 e-mail, updates on system status, schedule, sampling, start up, etc.
- 11/26/03 – ACEH call to SVLG (J. Lawson). He indicates that he does not know answers to any of the questions; does not know if Kelsoe arranged for a sampler to collect water from T-Bear Ranch well. Blames ACEH for current predicament and DA action. Reminded Lawson that multiple extensions for compliance have been granted, yet still not in compliance, and is 2 months behind on DA directive to provide replacement water supply at T-Bear Ranch
- 12/04/03 – E-mail from T-Bear Ranch (H. Hayes) indicating CERCO Labs arrived to sample the treatment system and did not know where the samples were to be collected. She expressed a sense of frustration that the sampler did not know what to do. No notification was given to ACEH in advance of this sample event.

**9) Any actions which have been previously taken to cleanup or abate the effects of the unauthorized release:**

Under order of the Alameda County District Attorney's office, the RP installed a temporary, non-industry standard carbon treatment system on the T-Bear Ranch domestic supply well as a stopgap measure pending installation of a replacement supply well. This system is currently in operation. However, the RP was not in compliance with ACEH directives regarding the appropriate testing, monitoring, reporting, and analysis of the non-standard treatment system for system breakthrough to ensure that drinking water free of MTBE is supplied to T-Bear Ranch. Breakthrough appears to have occurred in the system in January 2004 and the RP did not replaced the carbon canisters nor re-evaluate system operation.

The treatment system previously experienced operational failures requiring the vendor to repair the system. The vendor submitted an invoice to T-Bear Ranch when the RP did not pay for the repairs. The vendor was unwilling to provide system maintenance unless the RP pays upfront with cash. This situation previously required ACEH to constantly work with the residents of T-Bear Ranch and the RP's attorney to attempt to ensure that the treatment system remains operational. It also created an intolerable situation for the owners of T-Bear Ranch who are both senior

citizens who had to constantly attempt to monitor a treatment system which they do not understand.

Using EAR account funds, ACEH has continued operation of the wellhead treatment system. The well is capturing an undefined portion of the MTBE plume.

**10) A description of the proposed cleanup or abatement is given below.**

The goals of the proposed actions are to provide an ongoing source of water to T-Bear Ranch, evaluation and, if necessary, operation of the affected T-Bear water well as an extraction point to contain the dissolved MTBE plume, complete delineation of the MTBE plume, including ongoing sampling of monitoring wells, and develop a corrective action plan.

The additional proposed actions are presented below:

- Conduct additional subsurface investigation to evaluate the extent of MTBE contamination. MTBE has been detected at up to 99 ppb at a depth of 65 ft bgs and in widely-spaced monitoring points. Consequently the plume appears to have affected multiple water bearing zones and be dispersed across a wide area. At this time, downgradient investigation appears to be the most significant need. ACEH has already completed detailed horizontal and vertical sampling onsite and between the site and the affected water well. The existing hydrogeologic and contaminant data will need to be taken into account in developing future sampling plans. The collected investigation data needs to be summarized and evaluated. Multiple-depth sampling points in locations downgradient of the affected water well will likely be recommended to complete site investigation.
- As part of the investigation effort and as post-remedial confirmation sampling, ongoing monitoring of existing wells will be necessary. Currently, ACEH has 48 sampling points in 18 wells/well clusters, and all ports are being sampled routinely. The sampling plan needs to be evaluated, modified and implemented to determine MTBE concentration trends and evaluate cleanup needs.
- Once site investigation is complete, a corrective action plan will need to be prepared for the site. The plan will be based on evaluation of MTBE mass flux trends. Mass flux from the site will be evaluated through 1) a transect of multi-level wells installed immediately downgradient of the site, and 2) mass recovered through the T-Bear domestic well's treatment system. The plan will need to consider the results of the aquifer test evaluations performed to date as well as the hydraulic effects of the T-Bear well. The T-Bear well may have acted as either an extraction point for MTBE recovery or as a vertical conduit for MTBE migration. Limited pilot testing from existing extraction points may also be necessary. In addition the plan will need to be reviewed by the affected downgradient property owners. Though the plume appears to be dilute, the

presence of domestic wells downgradient of the site requires additional scrutiny of response options.

- Once hooked up to the existing distribution system, the replacement well at T-Bear Ranch will need to be sampled routinely until we are suitably confident that MTBE concentrations are below MCLs and that contamination is not being drawn deeper by use of the new well. This task may also include vertical profiling of concentrations entering the well. Sampling frequency is expected to be initially high and to decrease over the course of the year.
- Currently, ACEH is sampling water produced from the impacted domestic well every month. Sampling includes influent and effluent sample analysis. The carbon needs to be checked for breakthrough and carbon replacement has occurred roughly every 6 weeks.
- Due to the high priority of this site and concern from the affected downgradient residents, ACEH requires that field work be performed following an expedited site assessment model with regulatory involvement in all field work and data processing. Draft reports following field efforts and bi-weekly status updates are necessary.

**11) The amount of annual funding requested and an estimated total required funding for each nominated site; and**

Funding of \$200,000 is requested. This funding is estimated to be used as follows, for the phases identified in item 10, above:

A) Additional Offsite Investigation and Data Processing	\$75,000
B) Additional Investigation - Well Sampling - and Data Evaluation	\$50,000
C) Corrective Action Plan Preparation	\$25,000
D) Sampling of Replacement Water Well	\$15,000
E) Wellhead Treatment System O&M	\$25,000
F) Misc. Reporting and Project Mgmt.	\$10,000

**12) A description of the results if funding should be denied.**

The RP has not complied with ACEH directives for corrective actions due to a claimed limitation of necessary resources to fund this work. The RP has a history of non-compliance with ACEH directives for UST system permitting and for corrective actions for soil and groundwater contamination. There are no other named RPs. Any delay in assessment and cleanup of the MTBE impacts may result in a larger portion of the Sunol groundwater subbasin becoming contaminated with MTBE and additional sole-source supply wells may become contaminated by the dissolved MTBE plume.

The wellhead treatment system currently protects the sole source of water to T-Bear Ranch. The owners of T-Bear Ranch are both senior citizens who reside at the ranch along with the ranch caretakers. The horse boarding operations at the ranch require a

reliable source of water. The treatment system is a continued monthly expense. Failure to fund this project would likely to result in contamination of the sole source of water for T-Bear Ranch.

In addition to potential contamination of additional domestic wells and to contamination of the sole source of water to T-Bear Ranch, failure to fund this project would leave restoration of the drinking water aquifer unevaluated.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



February 26, 2004

Mr. Chuck Headlee, R.G.  
San Francisco Regional Water Quality Control Board  
1515 Clay Street, Ste. 1400  
Oakland, CA 94612

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

Subject: Request for Nomination for the Emergency, Abandoned, Recalcitrant Account  
Fiscal Year 2004 - 2005

Dear Mr. Headlee:

Alameda County Environmental Health (ACEH) requests nomination of the following highest priority case for listing onto the Emergency, Abandoned, Recalcitrant (EAR) Account Annual Site List for Fiscal Year 2004-2005:

- LOP Case No. RO0002448, Sunol Tree Gas Station, 3004 Andrade Road  
Sunol, CA

The Site Specific Information sheet will follow this request under separate cover.

Please call me at (510) 567-6721 if you have any questions.

Sincerely,

Donna L. Drogos, P.E.  
LOP Program Manager

cc: Betty Graham  
San Francisco Regional Water Quality Control Board  
1515 Clay Street, Ste. 1400  
Oakland, CA 94612

A. Levi, S. Seery, D. Drogos

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



October 31, 2003

Mr. Murray Kelsoe  
PO Box 176  
Alamo, CA 94507

ENVIRONMENTAL HEALTH SERVICES

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

Dear Mr. Kelsoe:

Subject: Fuel Leak Case No. RO0002448, Sunol Tree Gas Station, 3004 Andrade Road,  
Sunol, CA

Alameda County Environmental Health (ACEH) staff have reviewed your proposal dated September 19, 2003, for installation of the temporary water treatment system (system) consisting of a carbon filtration system. We generally concur with your proposal and present the following technical comments and requirements. Please address the following technical comments regarding treatment system operation and complete the system installation and operation without delay. ACEH gave verbal approval for system installation on September 26, 2003. You are reminded that the Alameda County District Attorney's office directed you to have a water supply system for T-Bear Ranch operational by September 1, 2003. **Your system is currently 2-months late and your site is not in compliance with ACEH directives.**

**TECHNICAL COMMENTS**

- 1. System Design** - ACEH notes that the temporary treatment system proposed is not a standardized and tested system designed by an environmental consultant. Rather it is a custom system in which the vendor, Culligan, utilized rough estimates from standardized systems to design its custom system. Based on the estimates made for system design, the initial sampling schedule to check for carbon breakthrough has been proposed to occur after three weeks of operation based on loading rates provided by Culligan and their carbon vendor.
- 2. System Breakthrough** - If breakthrough occurs you are required to immediately replace the carbon/tank(s) and rotate the tanks so the vessel with the fresh carbon is in the back (discharge) end of the series so users are not exposed to a contaminated water supply. If breakthrough occurs the system and sampling schedule shall be re-evaluated and a report of the evaluation submitted by the date specified below.
- 3. Initial Wellhead Sampling and Analyses** - ACEH previously requested that you analyze a water sample at the T-Bear Ranch well before system installation. We have recently received the analytical results from the sample collected on October 1, 2003. We understand that an additional sample was collected on October 24, 2003, please submit those results to our office by the date specified below.
- 4. System Sampling and Analyses** - We request that you collect water samples from the influent to vessel #1, between the vessels, and the final discharge point every three weeks. Samples from the influent to vessel #1 and from between the vessels shall be submitted for analysis and the effluent sample held by the lab. If analytical results indicate breakthrough between the vessels has occurred then the effluent sample shall be immediately analyzed. Water samples collected every three weeks shall be analyzed by EPA Method 8260 for BTEX, MTBE, TAME, ETBE, DIPE, TBA, and EtOH. Additionally, analysis for TPHG shall also be performed during the first sampling event, then every 6-weeks thereafter. Analytical results (containing

Mr. Murray Kelsoe  
October 31, 2003, 2 of 3

cumulative data tables) shall be submitted to ACEH within 1-week of sample collection in the System Operation and Sampling Reports according to the schedule below.

**5. Data Logging Flowmeter** – Data on water usage at the T-Bear well is needed at this site to quantify the rate of MTBE mass removal from the well. We request that you replace the totalizing flowmeter currently installed on the T-Bear well with a data logging flowmeter as part of your system installation. You are required to order and install the data logging flowmeter as soon as possible, without delaying system startup. Summaries and graphs of instantaneous and cumulative flow from the well shall be submitted in the System Operation and Sampling Reports according to the schedule below. An example of this type of meter is enclosed.

**6. System Responsibility** - You are responsible for all costs and for the performance of all work related to the system, including but not limited to, system evaluation and reporting, installation, operation, and dismantling.

#### **TECHNICAL REPORTS**

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

**Immediately -** System Installation Completion & Startup Notification

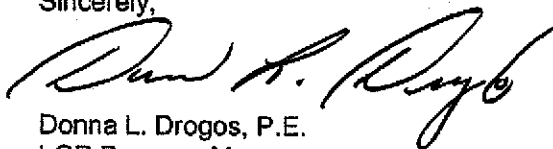
**November 7, 2003 -** Analytical results from T-Bear Ranch water sample collected on October 24, 2003

**4 weeks after System Startup and every 4 weeks thereafter -**  
System Operation and Sampling Report

**1 week after system breakthrough -** System Re-evaluation Report

These reports are being requested pursuant to the Health and Safety Code Section 2725. We request that all required work be performed in a prompt and timely manner. Revisions to the schedule above shall be requested in writing with appropriate justification for anticipated delays.

Sincerely,



Donna L. Drogos, P.E.  
LOP Program Manager

Enclosure

Mr. Murray Kelsoe  
October 31, 2003, 3 of 3

cc: Alyce Sandbach, Esq.  
Alameda County District Attorneys'  
Office  
7677 Oakport Street, Suite 650  
Oakland, CA 94621

Mr. Pat Hoban  
Weber, Hayes & Associates  
120 Westgate Drive  
Watsonville, CA 95076

Jeffery Lawson, Esq.  
Silicon Valley Law Group  
152 North Third Street, Suite 900  
San Jose, CA 95112

Mr. Roy Tovani  
PO Box 333  
Sunol, CA 94586

Mr. Matt Katen  
Zone 7 Water Agency  
5997 Parkside Drive  
Pleasanton, CA 94588-5217

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Ms. Betty Graham  
Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

Mr. Murray Einarson  
Einarson & Associates  
2271 Old Middlefield Way  
Mountain View, CA 94043

Finley Boag, Esq.  
4558 Second Street  
Pleasanton, CA 94566

Mr. Scott Haggerty  
Alameda County Board of Supervisors  
1221 Oak Street, Suite 536  
Oakland, CA 94612



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



6-13-03

June 13, 2003

Mr. Murray Kelsoe  
P.O. Box 176  
Alamo, CA 94507

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

Subject: RO0002448, Sunol Tree Gas Station, 3004 Andrade Road, Sunol, CA

Dear Mr. Kelsoe:

Alameda County Environmental Health (ACEH) staff has received the "Work Plan for Soil and Water Investigation," dated May 8, 2003, prepared by Clearwater Group (Clearwater). We have examined the work plan and determined it to be unacceptable for submittal to ACEH. For reasons stated below, ACEH is unable to review the work plan. This notifies you that your due date for the completed work plan is not extended. Please submit the work plan without delay.

Additionally, this letter provides comments on the "Well Sampling Report," dated May 6, 2003, prepared by Clearwater.

#### WELL SAMPLING REPORT COMMENTS

Clearwater recommends shutting down impacted domestic/irrigation water supply well 04S01E20G2 located on the adjacent private property and plumbing the service connection at that property to Mr. Kelsoe's water supply well located on the Sunol Tree Gas Station site. They recommend this as a "solution" to the MTBE contamination of the private well.

The potential consequences of Clearwater's proposed solution are serious and potentially disastrous. Clearwater's proposed action would significantly increase the extraction rate from Mr. Kelsoe's supply well, a well located on the gas station property. The increased pumping rate could draw contaminants deeper into the aquifer and into the screens of Mr. Kelsoe's supply well - a well that has up until now been free of detectable MTBE contamination. In addition to potentially causing Mr. Kelsoe's well to become contaminated, such an action has the potential to cause deeper migration of the contaminant plume and further degradation of a regional drinking water aquifer. Clearwater's recommendation is thus deemed unacceptable.

We further note that Clearwater describes this solution as providing "...protection for human health and the environment, with the least cost..." however; it does not appear that other options for a water source were considered and no formal analysis of the cost of various alternatives was presented. Clearwater's proposal to make a private property that has had its own water source dependant upon a water supply from an adjacent gas station is unacceptable.

Finally, the report incorrectly depicts the location of well 04S01E20B1, which appears to be mapped as 115' east of well 04S01E20A1 rather than 50' as stated by Clearwater in the text. Also, the well described in the report as 4S01E20H2 does not appear to be the well that Clearwater sampled. The DWR well log for 4S01E20H2 describes its location as approximately 2000 feet south of I-680, and 1000 feet east of Andrade Road. This is not the well identified by Clearwater in their report.

## EXAMPLES OF WORK PLAN DEFICIENCIES

Following are several examples of why Clearwater's "Work Plan for Soil and Water Investigation," dated May 8, 2003, is unacceptable. These comments are provided to the responsible party in order to highlight some of the major deficiencies of the work plan. These deficiencies are substantial enough to cause ACEH to reject the work plan.

**1) Site Conceptual Model** – The initial site conceptual model prepared for this site is not adequate. Although substantial information is readily available in DWR well logs for the immediate vicinity of the site and DWR bulletins and other published reports for this specific groundwater basin, it appears that Clearwater limited their review of regional geological/hydrogeological references to a cursory survey of general geologic and topographic maps in addition to the limited data obtained from their shallow investigation at the subject site. This level of work is not sufficient to develop the initial SCM as previously requested of you. Also, Clearwater proposes several alternative hypotheses for various release scenarios but the scope of work proposed in the workplan is inadequate to confirm or refute them. Lastly, the rationale and details for piezometer installation and the supplemental geologic assessment need to be based on the initial SCM, which, as discussed above, is inadequately described in Clearwater's work plan.

**2) Transect of Monitoring Wells** – The work plan proposes to place a transect of wells in the same location as the temporary piezometers. These locations do not correspond to a transect oriented perpendicular to the expected axis of the contaminant plume as was requested. The temporary piezometers are intended to determine groundwater flow direction so that the transect can be oriented appropriately. Clearwater's proposal appears to ignore that intent.

**3) Nested Wells** – Clearwater proposes to install nested wells at this site. Nested wells are not acceptable at contaminated sites due to difficulties ensuring reliable seals between sampling zones. Poor seals can result in leakage between zones and are therefore not allowed. Additionally, the proposed well construction diagram appears to combine elements of several different well types, none of which are shown correctly. Among many of the discrepancies, the diagram shows the filter pack extending from 4' below ground surface to the total depth for each sampling interval without any seals between the monitored zones. Moreover, the screen lengths are shown as being 10-feet-long. This screened interval is too long for depth-discrete groundwater monitoring. In summary, aside from providing monitoring data that would likely be unreliable, Clearwater's proposed multi-level well construction has the potential to cause cross contamination of the aquifer.

**4) UST Excavation Spoils Pile** – The soil stockpile characterization and disposal activities previously requested of you have not been performed. Your proposal to continue to leave the waste soil generated during your UST removal and replacement activities in stockpiles at this site is not acceptable. If you do not dispose of this soil pile by July 13, 2003, we will refer your case to the County District Attorney for nuisance abatement. You could then be facing civil and criminal prosecution.

## CONCLUSION

In summary, the work plan is poorly written and confusing, has numerous errors, and lacks logical presentation of essential background information and technical details of the proposed scope of work. The poor quality and content of the work plan suggests that Clearwater is not familiar with current MTBE investigation practices or the appropriate standard of care at high-risk groundwater contamination sites. In particular, the nested well 'transect' work as proposed in the work plan causes ACEH to question the consultant's understanding of dissolved plume characterization techniques and their ability to install a groundwater monitoring network protective of groundwater resources. Further, Clearwater's proposal to increase pumping of a supply well at a

Mr. Murray Kelsoe  
June 13, 2003, Page 3

contaminated site has the potential to further jeopardize groundwater resources and is unacceptable.

#### AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will refer your case to the County District Attorney, for enforcement follow up. Enforcement follow up may include administrative action or monetary penalties of up to \$10,000 per day for each day of violation of the California Health and Safety Code, Division 20, Chapter 6.75.

If you have any questions please call Mr. Scott Seery at (510) 567-6783.

Sincerely,



Scott O. Seery, CHMM  
Hazardous Materials Specialist



Donna L. Drogos, P.E.  
LOP Program Manager

cc: Mr. Barney Popkin  
Clearwater Group  
229 Tewksbury Ave  
Point Richmond, CA 94801

Mr. Matt Katen  
Zone 7 Water Agency  
5997 Parkside Drive  
Pleasanton, CA 94588-5217

Mr. Roy Tovani  
PO Box 333  
Sunol, CA 94586

Jeffery Lawson, Esq.  
Silicon Valley Law Group  
152 North Third Street, Suite 900  
San Jose, CA 95112

Mr. Murray Einarson  
Einarson & Associates  
2271 Old Middlefield Way  
Mountain View, CA 94043

A. Levi, D. Drogos, S. Seery

Ms. Betty Graham  
Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

Susan Torrence, Esq.  
Alameda County District Attorneys' Office  
7677 Oakport Street, Suite 650  
Oakland, CA 94621

Mr. Scott Haggerty  
Alameda County Board of Supervisors  
1221 Oak Street, Suite 536  
Oakland, CA 94612

Finley Boag, Esq.  
4558 Second Street  
Pleasanton, CA 94566

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



08-03

April 7, 2003

Mr. Murray Kelsoe  
P.O. Box 176  
Alamo, CA 94507

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

Re: Fuel Leak Case No. RO 2448, Sunol Tree Gas, 3004 Andrade Road, Sunol

Dear Mr. Kelsoe:

This letter is in response to our receipt of a facsimile transmittal from your attorney, Jeff Lawson. Mr. Lawson's transmittal was in regards to the submittal of a Soil and Water Investigation (SWI) workplan, and sampling from the several water supply wells in proximity to the subject site.

We were informed on April 4, 2003, by Clearwater Group's John Reardon that the nearby water supply wells will be sampled the week of April 6, 2003. This office expects the report of this sampling effort to be received by this office by Friday, April 11, 2003.

The due date for submittal of the SWI workplan and associated elements (e.g., Site Conceptual Model, etc.) has been extended to April 25, 2003.

Please call the undersigned at (510) 567-6783 should you have any questions.

Sincerely,



Scott O. Seery, CHMM  
Hazardous materials Specialist

cc: Betty Graham, RWQCB  
Shari Knieriem, SWRCB UST Fund  
Matt Katen, Zone 7 Water Agency  
Scott Haggerty, Alameda Co. Board of Supervisors  
Susan Torrance, Alameda Co. District Attorney's Office  
Barney Popkin, Clearwater Group, 229 Tewksbury Ave., Pt. Richmond, CA 94801  
Roy Tovani, P.O. Box 333, Sunol, CA 94566  
A. Levi, D. Drogos

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

March 20, 2003

Mr. Murray Kelsoe  
PO Box 176  
Alamo, CA 94507

Dear Mr. Kelsoe:

Subject: Fuel Leak Case No. RO2448, Sunol Tree Gas Station, 3004 Andrade Road, Sunol, CA

Alameda County Environmental Health (ACEH) staff has reviewed the "Preliminary Site Assessment Report," dated March 14, 2003, prepared by the Clearwater Group for the subject site. Additionally, analytical data from the domestic wells on properties immediately adjacent to your site have been reviewed.

Methyl tert-Butyl Ether (MTBE) up to 130 ppb has been detected in the domestic well located approximately 750' in the apparent downgradient direction from your site. MTBE at 0.5 ppb has also been detected in a well on the golf course adjacent to your property. Limited investigation activities at your site have confirmed the presence of MTBE at up to 43 ppb in groundwater and 5.7 ppm in soil. Up to 17,000 ppb TPHG has also been confirmed in groundwater. We are very concerned with the impacts of MTBE to drinking water wells, the detections of petroleum hydrocarbons and MTBE at your site, the proximity of your site to other water supply wells in the vicinity, and the site's location within a groundwater basin used for drinking water.

This letter presents a request for three-dimensional characterization and monitoring of soil and groundwater contamination (MTBE, petroleum products, and associated blending compounds and additives) from the unauthorized releases from your site. Due to the impacts of MTBE to a drinking water well and to groundwater resources, apparently from your site, your case has been classified as a highest risk MTBE site.

#### TECHNICAL COMMENTS

1) **Water Supply Well Sampling** – Five domestic/irrigation supply wells have been identified in the apparent downgradient direction of your site. Well 04S01E20G2 detected 130 ppb MTBE, well 04S01E20A2 detected 0.5 ppb MTBE, and wells 04S01E20A1, 04S01E20B1, and 04S01E20H2 have not been sampled. We request that you collect groundwater samples from these five wells and analyze by EPA Method 8260 for TPHG, BTEX, MTBE, TAME, ETBE, DIPE, TBA, and EtOH. Please submit the results of your sampling in the Water Supply Well Sampling Report requested below.

2) **UST Excavation Spoils Pile** - Soil excavated during UST removal and replacement activities in April 2002 remains in stockpiles at your site. TPHG, BTEX, and MTBE have been detected in your stockpiled soil. Although the October 10, 2002, Preliminary Site Assessment Status Report stated that stockpile soil was to be characterized with removal activities commencing on October 30, 2002, to date this work has not been performed.

Due to its location the stockpiled soil will impede performance of the site investigation activities requested below. Additionally, runoff from the pile or water infiltrating the soil pile could have (and could still be) contributed petroleum hydrocarbons to the underlying soil and shallow

groundwater. In addition to this being a potential ongoing source of groundwater contamination, the introduction of contaminants from the soil stockpile may 'confuse the signal' of groundwater contamination due to subsurface releases when interpreting results during the next phases of investigation at your site. Therefore, it is imperative that you properly remove and dispose of this soil. We request that you complete your disposal activities by **April 4, 2003**. Document the results of your soil stockpile sampling and removal in the Soil and Water Investigation (SWI) Report requested below.

**3) Site Conceptual Model** - Appropriate plans for characterization and remediation and considerable cost savings can be realized if your consultant focuses on developing and refining a viable Site Conceptual Model (SCM) for the project. A SCM is a set of working hypotheses pertaining to all aspects of the contaminant release, including site geology, hydrogeology, release history, residual and dissolved contamination, attenuation mechanisms, pathways to nearby receptors, and likely magnitude of potential impacts to receptors. The SCM is used to identify data gaps that are subsequently filled as the investigation proceeds. As the data gaps are filled, the working hypotheses are modified, and the overall SCM is refined and strengthened. Subsurface investigations continue until the SCM no longer changes as new data are collected. At this point, the SCM is said to be "validated." The validated SCM then forms the foundation for developing the most cost-effective corrective action plan to protect existing and potential receptors.

When performed properly, the process of developing, refining and ultimately validating the SCM effectively guides the scope of the entire site investigation. We have identified in this letter, based on our review of existing data, some initial key data gaps and have described several tasks that we believe will provide important new data to refine the SCM. Starting with a review of the data available for this site we request that your consultant develop the initial SCM of site conditions and present it in the work plan requested below. We request that your consultant incorporate the results of the new work requested in this letter into their SCM, identify new and/or remaining data gaps, and propose supplemental tasks for future investigations. There may need to be additional phases of investigations, each building on the results of the prior work, to validate the SCM. Characterizing the site in this way will improve the efficiency of the work and limit its overall cost.

The SCM approach is endorsed by both industry and the regulatory community. Technical guidance for developing SCMs is presented in Strategies for Characterizing Subsurface Releases of Gasoline Containing MTBE, American Petroleum Institute Publication No. 4699, dated February 2000; "Expedited Site Assessment Tools for Underground Storage Tank Sites: A Guide for Regulators" (EPA 510-B-97-001), prepared by the U.S. Environmental Protection Agency (EPA), dated March 1997; and "Guidelines for Investigation and Cleanup of MTBE and Other Ether-Based Oxygenates, Appendix C," prepared by the State Water Resources Control Board, dated March 27, 2000.

**4) Site Characterization and Monitoring** - A review of supply well logs in the immediate vicinity of your site indicates that a productive groundwater basin is likely present beneath your site at depths of approximately 25' to 80' bgs. Calculations from supply well log data estimate a hydraulic conductivity of approximately 90 feet/day within this aquifer.

A review of the data from your site indicates that the upper 20' of the site are comprised of silts and clays. Although boring logs indicate that the formation becomes increasingly sandy at the 20' to 24' depth, your consultant completed the borings to those depths, thereby performing only a shallow investigation that did not penetrate the underlying productive aquifer, which is tapped by nearby water supply wells. Therefore, additional site investigation activities are needed to appropriately characterize your site.

a) **Define Groundwater Gradient** - We request that you establish groundwater gradient within the productive aquifer beneath and downgradient of your site. We recommend that you install temporary piezometers and monitor them over several days to establish gradient. We recommend that you explore to depths of at least 60' bgs during this work and collect and analyze soil and depth discrete groundwater samples from appropriate borings for TPHG, TPHD, BTEX, MTBE, TAME, ETBE, DIPE, TBA, and EtOH. We recommend expedited turnaround time for the analytical results. Describe your proposal to establish groundwater gradient in the Work Plan requested below.

b) **Transect of Monitoring Wells** - Once gradient has been established we request that you install a transect of monitoring devices such as well clusters, multi-level wells, etc., capable of monitoring groundwater at multiple depths. The monitoring transect should be oriented perpendicular to the plume axis and should extend far and deep enough to fully encompass the contaminant plume. We anticipate that the spacing between the wells will be approximately 25 feet however the actual spacing should be based on the site conceptual model. Due to the impacted water supply well and your site's status as a highest risk MTBE site we strongly encourage you to perform your work using expedited site assessment (ESA) techniques (see API Publication No. 4699, referenced above). You may want to consider performing an initial investigation to quickly define the depth and width of the suspected contaminant plume downgradient from the release site prior to installing the permanent monitoring transect. That will allow you to optimize the location and depth of the permanent wells, thereby reducing the cost of the monitoring work. Collection of groundwater samples at multiple depths using a one-time direct push water sampling tool would be appropriate for this initial investigation. Using ESA methodology we foresee beginning the initial direct-push sampling investigation one week after establishing groundwater gradient and installation of the permanent monitoring transect within two weeks of the direct-push sampling investigation.

Please submit your proposal for the direct-push sampling investigation, sampling transect location, and design of your depth discrete monitoring network based upon your initial SCM in the work plan requested below. If revisions to transect location and well construction are needed based upon results from monitoring your piezometric network or supplemental direct-push groundwater sampling please contact us and submit proposed changes (sketches are acceptable) by fax (510-337-9335) for expedited regulatory review and concurrence.

Please refer to API Publication No. 4699 (referenced above) when proposing wells to monitor multiple groundwater zones. Additionally, expedited site assessment tools and methods are a scientifically valid and cost-effective approach to define the three-dimensional extent of the plume. Technical protocol for expedited site assessments are provided in the EPA's ESA document (EPA 510-B-97-001), referenced above.

5) **Preferential Pathway Study** - We request that you perform a preferential pathway study that details the potential migration pathways and potential conduits (wells, utilities, pipelines, etc.) for horizontal and vertical migration that may be present in the vicinity of the site. The purpose of the preferential pathway study is to locate potential migration pathways and conduits and determine the probability of the plume encountering preferential pathways and conduits that could spread contamination. Of particular concern is the identification of abandoned wells and improperly-destroyed wells that can act as vertical conduits to deeper water bearing zones, pumping wells in the vicinity of your site, and manmade conduits for shallow migration.

Discuss your analysis and interpretation of the results of the preferential pathway study (including the detailed well survey and utility survey requested below) and report your results in the SWI Report requested below. Include an evaluation of the probability of the dissolved phase plumes

for all constituents of concern encountering preferential pathways and conduits that could spread the contamination, particularly in the vertical direction to deeper drinking water aquifers. **As part of your analysis we request that you identify other water supply wells in the area that may need to be sampled.** The results of your study shall contain all information required by 23 CCR, Section 2654(b).

a) **Utility Survey** - An evaluation of all utility lines and trenches (including sewers, storm drains, pipelines, trench backfill, etc.) within and near the site and plume area(s) is required as part of your study. Submittal of map(s) and cross-sections showing the location and depth of all utility lines and trenches within and near the site and plume area(s) is required as part of your study.

b) **Well Survey** - The preferential pathway study shall include a **detailed well survey** of all wells (monitoring and production wells: active, inactive, standby, destroyed (sealed with concrete), abandoned (improperly destroyed); and dewatering, drainage, and cathodic protection wells) within a 1/2-mile radius of the subject site. **We specifically request that you review well log records at the Department of Water Resources (DWR) offices in addition to well information available at Zone 7 Water Agency or other sources.**

As part of your detailed well survey, please perform a background study of the historical land uses of the site and properties in the vicinity of the site. Use the results of your background study to determine the existence of unrecorded/unknown (abandoned) wells, which can act as pathways for migration of contamination at and/or from your site. Please review historical maps such as Sanborn maps, aerial photos, etc., when performing the background study. Submittal of map(s) showing the location of all wells identified in your study, and the use of tables to report the data collected as part of your survey are required. Include appropriate photographic prints, in stereo pairs, of historic aerial photos used as part of your study. We also request that you list by date all aerial photographs available for the site from the aerial survey company or library you use during your study. Please refer to the Regional Board's guidance for identification, location, and evaluation of potential deep well conduits (see Attachment) when conducting your preferential pathway study.

6) **Video Survey of Impacted Water Supply Well 04S01E20G2** - The well located at 3000 Andrade Road on the property immediately adjacent to your site has known MTBE impacts. Information on the construction of this well is not available from the well owner or from Zone 7 Water Agency. We request that you obtain drillers report records for this well from DWR or other sources and submit to this office by **April 4, 2003**. If you are unable to locate a drillers log for this well we request that you perform a video survey of the well to identify its construction. Include your proposal for this work in the work plan requested below.

#### **REQUEST FOR INFORMATION**

1) **Video Survey of Sunol Tree Gas Station Well** - Your consultant performed a video survey on the water supply well located on the Sunol Tree Gas Station site on December 12, 2002. We request that you submit a copy of the video to this office for viewing by the date specified below.

#### **TECHNICAL REPORT REQUEST**

Please submit technical reports to Alameda County Environmental Health (Attention: Scott O. Seery), according to the following schedule:

**March 28, 2003** - Video of Sunol Tree Gas Station water supply well.



**April 4, 2003 - Water Supply Well Sampling Report**

**April 4, 2003 - Completion of disposal of UST excavation spoils pile**

**April 4, 2003 - Work Plan with SCM**

**60 days after Work Plan Approval - Soil and Water Investigation Report**

These reports are being requested pursuant to the Regional Board's authority under Section 13267 of the California Water Code. **Each report shall include conclusions and recommendations for the next phases of work required at the site.** We request that all required work be performed in a prompt and timely manner. Revisions to the schedule above shall be requested in writing with appropriate justification for anticipated delays.

**AGENCY OVERSIGHT**

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement follow up. Enforcement follow up may include administrative action or monetary penalties of up to \$10,000 per day for each day of violation of the California Health and Safety Code, Division 20, Chapter 6.75.

If you have any questions, please call Mr. Scott Seery at (510) 567-6783.

Sincerely,



Donna L. Drogos, P.E.  
LOP Program Manager

Enclosures

cc:

Mr. Barney Popkin (w/enc)  
Clearwater Group  
229 Tewksbury Ave  
Point Richmond, CA 94801

Ms. Betty Graham  
Regional Water Quality Control Board  
San Francisco Bay Region  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

Mr. Matt Katen  
Zone 7 Water Agency  
5997 Parkside Drive  
Pleasanton, CA 94588-5217

Susan Torrence, Esq.  
Alameda County District Attorneys' Office  
7677 Oakport Suite 650  
Oakland, CA 94621

Mr. Roy Tovani  
PO Box 333  
Sunol, CA 94586

Mr. Scott Haggerty  
Alameda County Board of Supervisors  
1221 Oak Street, Suite 536  
Oakland, CA 94612

S. Seery (w/orig enc), A. Levi, D. Drogos

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



8-30-02

August 29, 2002

RO 2448

Mr. Murray Kelsoe  
P.O. Box 176  
Alamo, CA 94507

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

RE: Sunol Tree Gas, 3004 Andrade Road, Sunol - Preliminary Site Assessment Work Plan

Dear Mr. Kelsoe:

The August 23, 2002 Clearwater Group *Workplan for Preliminary Site Assessment* has been received by this office and reviewed to determine whether the proposed scope satisfies project objectives for the initial investigation of the subject site. Three tasks are proposed as a part of the cited workplan, but only one task, Task 3, will be addressed in this correspondence.

Task 3 of the cited workplan proposes the advance of five (5) push-tool soil probes in the vicinity of the underground storage tank (UST) complex, and within the dispenser area drive slab. Both soil and groundwater samples will be collected for analyses. Samples will be analyzed for the presence of a range of petroleum hydrocarbons, plus methyl tert-butyl ether (MtBE).

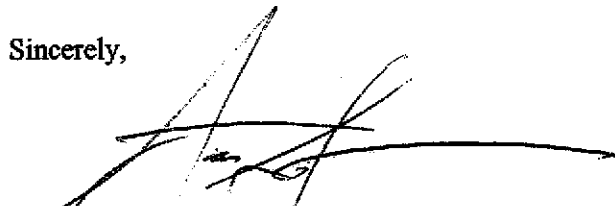
Task 3 of the cited workplan is accepted, with the following changes:

- Target compounds sought in soil and water samples analyzed by EPA Method 8260 (624) shall also include TAME, ETBE, DIPE, TBA, EDB, and EDC, in addition to those compounds already proposed.

This workplan shall be implemented with 45 days of the date of this letter.

Please call me at (510) 567-6783 to inform me when field work has been scheduled.

Sincerely,



Scott O. Seery, CHMM  
Hazardous Materials Specialist

cc: Chuck Headlee, RWQCB  
Shari Knieriem, SWRCB UST Fund  
Robert Weston, ACDEH  
Brian Pierskalla, Clearwater Group, 229 Tewksbury Ave., Pt. Richmond, CA 94801



8-15-02

August 14, 2002

RO 2448

Mr. Murray Kelsoe  
Sunol Tree Gas  
3004 Andrade Road  
Sunol, CA 94586

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

**NOTICE OF VIOLATION**

RE: Sunol Tree Gas, 3004 Andrade Road, Sunol – Well construction details

Dear Mr. Kelsoe:

In correspondence from this office dated June 27, 2002, you were requested to submit, in addition to a work plan for the initial assessment of the underground storage tank (UST) release at this site, the construction details for the on-site domestic well. This information was supposed to be submitted within 30 days of the date of that letter.

To date, the requested well information has not been received. You are currently in violation of this request. This information is to be submitted within 10 days.

Please be advised that you are jeopardizing your eligibility in the UST Fund by failing to remain in compliance with directives from this office. In addition, continued failure to comply with this or other requests will result in your case being referred to the Alameda County District Attorney for enforcement action.

Please call me at (510) 567-6783 should you have any questions.

Sincerely,



Scott O. Seery, CHMM  
Hazardous Materials Specialist

cc: Chuck Headlee, RWQCB  
Shari Knieriem, SWRCB UST Fund  
Robert Weston, ACDEH

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



06-28-02

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

June 27, 2002

RO 2448

Mr. Murray Kelsoe  
Sunol Tree Gas  
3004 Andrade Road  
Sunol, CA 94586

RE: Sunol Tree Gas, 3004 Andrade Road, Sunol – Request for Preliminary Site Assessment Work Plan

Dear Mr. Kelsoe:

Five 15,000-gallon underground storage tanks (UST) were removed from this site on April 2, 2002, along with their appurtenant vent and product piping and dispensers. A sixth 15,000 gallon UST was retained intact for storage of fire suppression water.

It has been reported that some evidence of an unauthorized release was identified during tank removals in the form of stained soil/backfill that also exhibited hydrocarbon odor. This apparent unauthorized release was substantiated through analyses of water samples collected from the base of the resultant UST excavation and from the contents of several, large-capacity, above-ground holding tanks into which groundwater was pumped to facilitate both UST removals and their subsequent replacement. Up to 190 micrograms per liter (ug/l) methyl tert-butyl ether (MtBE) was identified in water sampled from the above-ground holding tanks, while 84 ug/l was identified in a water sample collected from within the UST excavation. Soil samples collected from the base of the excavation were unremarkable; however, up to 1300 parts per million (ppm) of total petroleum hydrocarbons as diesel (TPH-d) was identified in sample DSP7-3', collected near one of the removed dispensers. Few aromatics were identified in any soil or groundwater samples collected during the course of the confirmatory sampling activities. Benzene was not at all detected.

A reported 3500 cubic yards of soil/backfill was removed from around the USTS and stockpiled on Visqueen behind the facility during the course of the removal project. A reported 210,000 gallons of extracted groundwater was stored in 10 above-ground tanks. Stockpiled soil and stored water are still located on-site at the time of this correspondence.

In addition, it has been reported that a private supply well is located on the subject property. Review of Zone 7 well permit records failed to turn up evidence of a permitted well at this location. It is possible that the noted well was installed sans permit. Details of its construction are unknown at this time. Nonetheless, we have been informed that water from this well is not

Mr. Kelsoe  
Re: 3004 Andrade Rd., Sunol  
June 27, 2002  
Page 2 of 3

used for drinking water purposes, but only for other supply needs as they arise (e.g., toilet flushing, etc.). We have also been informed that all current drinking water is derived from bottled water sources.

Consistent with provisions of Article 11, *Corrective Action Requirements*, Section 2720 et seq., Title 23, California Code of Regulations (CCR), a Preliminary Site Assessment (PSA) must be conducted to initially assess the extent of the release at the site. The PSA typically involves the installation of several soil borings and construction of an array of monitoring wells strategically located to track contaminant location. However, in this case it will be acceptable to begin the project with a series of push-tool (i.e., GeoProbe) sampling points.

In order to facilitate this task, you are required to hire a California-registered engineer or geologist with the appropriate experience conducting such environmental projects to draft and submit a PSA workplan. Such licensing and registration is by provision of the California Business and Professions Code. The PSA work plan will present the anticipated scope of work necessary to complete this phase of the site assessment. Attached to this letter please find "Appendix A", a guide you may give to your chosen consultant to assist them in the submittal of an appropriate PSA work plan.

**The PSA work plan is due within 60 days of the date of this letter.**

We are aware that the soil stockpiles and water generated during the April UST excavation activities are still located at the site. I understand that you are currently in contact with the State UST Fund in an attempt to seek monies to assist with their lawful disposal. Please be advised that even absent assistance from the Fund, these waste materials will need to be properly handled and disposed.

Further, within 30 days of the date of this letter, you are requested to determine the specific construction characteristics of the noted private well located at this site, and submit this information to this office. Such requested information would include drillers logs, depth and length of screened interval(s), and sanitary seal interval, among other relevant facts. Please be advised that you may be required by this agency and/or Zone 7 to destroy this well under permit issued by Zone 7 at some point in the near future.

Please call me at (510) 567-6783 should you have any questions.

Sincerely,



Scott O. Seery, CHMM  
Hazardous Materials Specialist

Mr. Kelsoe  
Re: 3004 Andrade Rd., Sunol  
June 27, 2002  
Page 3 of 3

Attachment (addressee, only)

cc: Chuck Headlee, RWQCB  
Shari Knieriem, SWRCB UST Fund  
Robert Weston, ACDEH

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



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

February 26, 2002

John Sutfin  
Superior Underground Tank Service  
P.O. Box 1487  
San Ramon, California 94583-1487

Re: Reuse of previous diesel containing underground storage tank at 3004 Andrade Road, Sunol, California

Dear Mr. Sutfin:

This office has reviewed your proposal for reuse of an underground storage tank which previously contained diesel fuel at 3004 Andrade Road, Sunol, California. Your submittal includes a form for hazardous waste tank closure certification.

The plan has been found acceptable to this office with the following conditions:

1. A site safety plan shall be submitted prior to commencement of the work as detailed in your proposal. Work performed by others under this plan shall be documented in a safety plan. It is expected that at least three plans for the three different phases of work will be submitted.
2. The soil sampling data will be submitted prior to the excavation and removal of the other underground storage tanks (USTs).
3. One water sample from the final rinsate will be submitted for laboratory testing. That sample will be analyzed for TPH-Diesel and BTEX. The results of that testing will confirm whether the UST is acceptable for reuse as a storage vessel for fire fighting water.

Please contact me at (510) 567-6781 should you have any questions about the completion of these important documents.

Sincerely,

Robert Weston  
Sr. Hazardous Materials Specialist

C: Susan Hugo, ACDEH

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

P02448

May 5, 1999

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

Murray Kelsoe  
Owner/Operator  
Sunol Tree Gas  
3004 Andrade Road  
Sunol California 94586

**Subject: Monitoring and operation of six underground storage tanks at Sunol Tree Gas, 3004 Andrade Road, Sunol CA 94586**

Dear Mr. Kelsoe:

The purpose of this letter is to formally request documents that demonstrate your compliance with the conditions of your temporary closure permit. You requested and were granted a temporary closure on December 21, 1998. The temporary closure was granted because your tanks failed to meet the required upgrades and you needed more time to perform work to modify the tanks.

The following items are required to be submitted to this office by May 17, 1999:

1. Printout from the monitoring system which includes the current inventory of each of the six tanks.
2. Copy of the 1998 annual certification of the monitoring system. Monitoring system certification is required annually and must be performed by a qualified technician.
3. Copy of the monthly tank integrity tests for the period including July, August, September, October, November and December 1998. Include a report for each of the six tanks for each month.
4. Provide a written description of the work schedule anticipated for the modification/upgrade of the six tanks. The permit for temporary closure expires July 1, 1999. A modification permit application is enclosed.
5. Tanks not upgraded by the permit expiration date, July 1, 1999, shall be removed within 30 days of expiration. A permit application to remove the tanks is enclosed.



May 5, 1999  
Murray Kelsoe  
Sunol Tree Gas  
Page 2 of 2

Please be aware that you must submit to this office, by May 17, 1999, either an application for tank upgrade/modification or an application for tank removal. Failure to do so will be considered grounds for enforcement action including fines of up to \$5000 per day per violation for each tank.

If you have questions related to this matter please contact me at (510) 567-6781.

Sincerely,



Robert Weston  
Sr. Hazardous Materials Specialist

enclosures

c: Tom Peacock, ACDEP-files  
Bob Chambers, Alameda County District Attorney's Office  
Jim Ferdinand, Fire Marshall, Alameda County Fire Department

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



RO# 2448

October 31, 1996

Katy S. Meador  
Chapter 11 Trustee for  
Murray Kelsoe Estate  
740 14th Street, Suite 250  
San Francisco, California 94114

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

Notice of Violation

**Subject: Failure to properly monitor and operate underground storage tanks at Sunol Tree Gasoline, 3004 Andrade Road, Sunol, CA 94586**

Dear Ms. Meador:

The six underground storage tanks (USTs) at the above site are required by Title 23 California Code of Regulations (CCR) and the California Health and Safety Code to be monitored for leaks or releases of petroleum hydrocarbons. In two separate letters from this department dated December 4, 1995 and December 20, 1995 the procedures required for monitoring were explained in detail. As a result of those communications the site operator, Murray Kelsoe, elected to install an entirely new monitoring system. That system was installed in April 1996 and relies on electro-mechanical sensors and a central processor, Veeder-Root TLS 350, to determine if the USTs are leaking.

However, this leak detection method is not being used in a manner that complies with the laws and regulations requiring it's use. Each UST is required to be tested monthly using the sensors and TLS-350. A hardcopy is required to be printed and retained by the tank operator for proof of compliance. Those printed records are to maintained for three years. In the seven months since the monitoring system was installed at Sunol Tree Gasoline, this department has received six calendar months of reports.

The reports document failure to adequately monitor the USTs at the site. During the months of May, July and August 1996 not all tanks were successfully tested as required. This failure constitutes a violation of section 2643(b)(1) Title 23 CCR. Each UST shall be tested at least monthly to determine if it passes a leak test of 0.20 gallon per hour. A copy of the regulation is enclosed.

Sunol Tree Gasoline  
October 31, 1996  
Page 2 of 2

At this time the permit for the operation of the USTs has not been amended to allow the use of electro-mechanical sensors as a monitoring method. In order to receive an amended permit you are required to demonstrate compliance by submitting a copy of the printout showing a passing result for each of the six USTs at the station. The printouts are to be submitted no later than 10 days after the end of the previous month. The first report will be due in this office on November 10, 1996.

Failure to comply with this request may result in enforcement action related to the operation of the site.

If you have questions related to this matter please contact me at (510) 567-6781.

Sincerely,



Robert Weston  
Sr. Hazardous Materials Specialist

enclosure

c: Murray Kelsoe, tank owner, POB 527, Alamo, CA 94507  
Bill Reynolds, East Area Manager, ACDEH  
Larry Blazer, Alameda County District Attorney's Office  
Jim Ferdinand, Fire Marshall, Alameda County Fire Department  
Kevin Tinsley, Hazardous Materials Specialist, ACDEH

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R02448

ARNOLD PERKINS, DIRECTOR  
RAFAT A. SHAHID, DEPUTY DIRECTOR

December 20, 1995

DEPARTMENT OF PUBLIC HEALTH  
499 Fifth Street  
Oakland, California 94607  
(510)

Katy S. Meador  
Chapter 11 Trustee for  
Murray Kelsoe Estate  
740 14th Street, Suite 250  
San Francisco, CA 94114

**Subject: Sunol Tree Gas, 3004 Andrade Rd., Sunol, 94586**

Dear Ms. Meador:

The intent of this letter is to clarify the requirements of the underground storage tank (UST) regulations regarding leak detection monitoring. The five-year operating permit conditions for the Sunol site specify manual inventory reconciliation and annual tank integrity testing.

However, recent information, regarding the depth to groundwater at the subject site has brought the validity of that monitoring method into question. The regulations, in Title 23 CCR, specify that when groundwater is **within 20 feet from the bottom of the USTs** that statistical inventory reconciliation is required unless another equivalent leak detection method is selected. A letter dated December 4, 1995 was sent to you addressing this matter.

Any change in leak detection monitoring requires the specific written approval of this Department. The method currently being proposed by Mr. Kelsoe, would include an electromechanical automatic tank gauge and corresponding monitoring panel display.

The proposed monitoring method shall be documented on the enclosed Forms A and B being sent to Mr. Kelsoe. Manufacturer's specifications and cut sheets are to be included for consideration of the modification. A check to establish your deposit of \$603.00 made payable to "Treasurer, Alameda County", will be required to fund the review of the project. Any monies remaining in your account at the end of the project will be refunded.

If you have any questions regarding this matter please contact me at (510) 567-6781.

Sincerely,

Robert Weston  
Senior Hazardous Materials Specialist

c: Murray Kelsoe, POB 427, Alamo, CA  
w/o attachments  
Bill Reynolds, East Area Manager, ACDEH

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R02448

RAFAT A. SHAHID, DIRECTOR

December 4, 1995

DEPARTMENT OF ENVIRONMENTAL HEALTH

1131 Harbor Bay Parkway

Alameda, CA 94502-6577

(510) 567-6777

Katy S. Meador  
Chapter 11 Trustee for  
Murray Kelsoe Estate  
740 14th Street, Suite 250  
San Francisco, California 94114

**Subject: Modification of Leak Detection Method and Inventory Reconciliation  
at Sunol Tree Gasoline, 3004 Andrade Road, Sunol, CA 94586**


Dear Ms. Meador:

The six tanks at the above site are currently being monitored for leaks using manual inventory reconciliation (MIR) and annual tank integrity testing. In order to operate in compliance with the conditions of your permit a different monitoring method is now required. The new method is required due to the high ground water level that is suspected to be less than 20 feet below the bottom of the motor vehicle fuel tanks. Statistical inventory reconciliation (SIR) has been a requirement for sites like Sunol Tree since January 1993. SIR utilizes the manual reconciliation data you are collecting daily along with a computerized analysis of the data to detect leaks at the rate of 0.2 gallon per hour.

The SIR monitoring method for your tanks is to begin no later than **January 1, 1996**. Enclosed is a information packet on service providers and the SIR method. Forward a copy of your approved contract with the third party provider to this office in order to confirm the fact of your relationship. Also provide the first month's results as soon as they become available. The annual tank integrity testing is required in 1996 and then biennially until the tanks are upgraded for the December 22, 1998 deadline.

If you have questions related to this issue please contact me at (510) 567-6781.

Sincerely,

  
Robert Weston  
Sr. Hazardous Materials Specialist

enclosures

w/o enclosures

c: Bill Reynolds, East Area Manager, ACDEH  
Murray Kelsoe, tank owner, POB 527, Alamo, CA 94507  
Larry Blazer, Alameda County District Attorney's Office

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R02448

RAFAT A. SHAHID, Assistant Agency Director

December 23, 1994  
STID # 3366

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

Ms. Katy Meador,  
Chapter 11 Trustee (Alameda County Superior Court)  
740-A 14th Street, suite 250  
San Francisco, California 94114

**RE: SUNOL TREE GASOLINE STATION LOCATED AT, 3004 ANDRADE ROAD,  
SUNOL, CALIFORNIA 94586**

Ms. Meador:

Please find enclosed a copy of the Notice of Violation issued to Mr. Kelsoe regarding his financial responsibility requirements. Since that date he requested additional forms, which was sent to him on December 13, 1994. I have included a copy of all the Financial Responsibility forms given to Mr. Kelsoe.

If you have any questions or concerns regarding this matter, do not hesitate to call me at, (510) 567-6731, between 9:30 a.m till 5:00 p.m. monday through friday.

Sincerely,

Kevin Tinsley  
Hazardous Materials Specialist

c, Michael O'Conner, Alameda County District Attorney's Office,  
Consumer Affairs section  
Robert Weston, Senior Hazardous Materials Specialist

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R02448

RAFAT A. SHAHID, Assistant Agency Director

December 13, 1994  
STID # 3366

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

Mr. Murray Kelsoe  
Owner/ Operator  
Sunol Tree Gasoline Station  
P.O. Box 527  
Alamo, California 94507

Re: **SUNOL TREE GASOLINE STATION LOCATED AT, 3004  
ANDRADE ROAD, SUNOL, CA**

Dear Mr. Kelsoe:

In reference to our conversation last Friday, enclosed are additional copies of the Financial Responsibility reporting forms. Instructions to assist you in completing the two forms are attached. Keep in mind you need to meet your Financial Responsibility reporting requirements on or before the deadline indicated on your Notice of Violation.

If you have any questions regarding this letter, please call me at (510) 567-6731 between 9:00 am to 5:00 pm, Monday through Friday.

Sincerely,

  
Kevin Tinsley  
Hazardous Materials Specialist

c, Michael O'Conner, Alameda County District Attorney's Office,  
Consumer Affairs Section  
Robert Weston, Senior Hazardous Materials Specialist



Marked  
11/30/94  
R02448

STID # 3366  
November 30, 1994

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

Mr. Murray Kelsoe  
Owner/ Operator  
Sunol Tree Gasoline Station  
P.O. Box 527  
Alamo, California 94507

RE: SUNOL TREE GASOLINE STATION LOCATED AT, 3004 ANDRADE  
ROAD, SUNOL, CALIFORNIA

NOTICE OF VIOLATION

Dear Mr. Kelsoe:

On November 1, 1994 a letter requesting verification of your financial responsibility mechanisms was hand delivered to you by Robert Weston, a representative of this Agency. As of today no documents related to your proof of financial responsibility have been received by this Department. Your failure to provide the required documentation is in violation of of Title 23 of the California Code of Regulation, section 2711 (a)-(11) and the California Health and Safety Code (CHSC), section 25299.3. In order to correct this violation, you must submit documents which show financial responsibility in the amounts required by state and federal acts.

You are hereby notified that the above noted violation must be corrected within 30 days. Failure to respond, by December 30, 1994 may result in suspension or revocation of your permit to operate the underground tanks, at this site (Chapter 6.7 of the California Health and Safety Code, section 25285.1).

Be advised that Chapter 6.7 of the Health and Safety Code, section 25299 specifies any operator 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 being operated each day in violation.



Page 2 of 2

November 30, 1994  
Murray Kelsoe  
Notice of Violation Con't

This Notice of Violation is issued to you under the authority of the California Health and Safety code, Chapter 6.7, section 25288 and 25289. Copies of the Code sections referred to herein may be reviewed at most public libraries or at this Agency.

If you have any questions regarding this Notice, please call me at, (510) 567-6731 between 10:00 a.m. and 3:00 p.m. Monday through Friday.

Sincerely,



Kevin Tinsley  
Hazardous Materials Specialist  
Underground Tank Program

c, Bill Reynolds, Area Manager-East County, Alameda County  
Environmental Protection  
Gil Jensen, Alameda County District Attorney's Office,  
Consumer Affairs Section  
Katy Meador, Chapter 11 Trustee (Alameda County Superior  
Court), 740-A 14 th. Street, suite 250, San Francisco,  
California 94114  
Robert Weston, Senior Hazardous Materials Specialist-East  
County

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R02448

RAFAT A. SHAHID, Assistant Agency Director

December 14, 1993

Murray Kelsoe  
P O Box 527  
Alamo CA 94507

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

Re: FIVE-YEAR PERMIT FOR OPERATION OF SIX UNDERGROUND STORAGE  
TANKS (UST'S) AT 3004 ANDRADE RD SUNOL

Dear Mr Kelsoe:

According to our records your facility referenced above has not received a five-year permit to operate UST's. In order to obtain a permit you must complete the following items marked below and return them within 30 DAYS. The necessary forms are enclosed. You may complete a "Consolidated Underground Tank Management Plan" which will assist you in preparing a monitoring plan, site plot plan and spill response plan for your tank(s). If supplemental information or forms are required, please submit it to this office with the completed questionnaire and application forms:

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

Be advised that Title 23 of the California Code of Regulation prohibits the operation of ANY UST without a permit. If our records are in error, you must contact this office immediately to avoid possible enforcement action. Please feel free to contact me at (510) 271-4320; to answer any questions which may arise in completing the mandatory five-year permit process.

Sincerely,

Kevin Tinsley  
Hazardous Materials Specialist

c: Edgar Howell, Chief, Hazardous Materials Division (KT-files)

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R02448

RAFAT A. SHAHID, Assistant Agency Director

October 2, 1992

Murray Kelsoe  
Sunol Chevron Service  
3004 Andrade Rd.  
Sunol, CA 94586

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

**Re: FIVE-YEAR PERMITS FOR OPERATION OF UNDERGROUND STORAGE  
TANK(S) [USTs] AT 3004 Andrade Rd., Sunol**

This is in regard to a letter which was sent to you in the past. In that letter you were asked to submit to this office all pertinent information regarding your underground storage tank(s). This information is necessary for permitting of your tanks. To this date this office has not received any response from you. Please complete the following items and return them to me within 30 days:

1. Complete UST PERMIT FORM A-one per facility.
2. Complete UST PERMIT FORM B-one per tank.
3. Complete UST PERMIT FORM C-one per tank if information is available.
4. A written tank monitoring plan.
5. Results of precision tank test(s) (initial and annual).
6. Results of precision pipeline leak detector tests (initial and annual).
7. An accurate and complete plot plan.
8. A written spill response plan.
9. A copy of your inventory reconciliation statement for this year which indicates that all of your inventory reconciliation data are within "allowable variations" or which indicates a list of the periods of times and the corresponding variations when the allowable variation is exceeded. Allowable variation is 1% of the monthly deliveries plus 130 Gallons. Item 9 is necessary only if inventory reconciliation is used to monitor your tank(s).

Forms A, B, and C as well as examples of items 4, 7, and 8 indicated above were provided to you in the first letter.

Please be advised that Title 23 of the California Code of Regulation prohibits the operation of ANY UST without a permit. Please feel free to contact me at (510) 271-4320, if you have any questions regarding the mandatory five-year permit process.

Sincerely,

Amir K. Gholami, REHS  
Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R02448

Certified Mailer # P 062 127 784

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

June 5, 1991

Mr. Murray Kelsoe  
P.O. Box 392  
Alamo, CA 94507

RE: SUNOL VALLEY CHEVRON, 3004 ANDRADE ROAD, SUNOL, ALAMEDA COUNTY

**SECOND NOTICE OF VIOLATION**

Dear Mr. Kelsoe:

This **Second Notice of Violation** is in response to your failure to submit a **Plan of Correction** as required by this Department for violations of Chapters 6.7 and 6.95 of the State Health and Safety Code (HSC), and Title 23 of the California Code of Regulations (CCR), noted during an inspection of this facility on April 19, 1991. Enclosed is a copy of the original Notice of Violation sent under Certified Mailer # P 367 604 311 dated April 24, 1991 in which your Plan of Correction was first requested.

At this time, you are directed to respond to this Notice within 15 days, or by June 20, 1991, by the submittal of a Plan of Correction which incorporates all the elements outlined in the original violation letter.

Your attention is again directed to Sections 25299 and 25540 of the HSC which authorize civil penalties of up to \$25,000 per day per violation, and jail sentences of up to one year. Please be advised that the Alameda County District Attorney's Office is being notified of the these facts by way of copy of this letter.

Please contact me at 415/271-4320 should you have any questions.

Sincerely,

  
Scott O. Seery, CHMM  
Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director, Environmental Health  
Edgar Howell, Chief, Hazardous Materials Division  
Gil Jensen, Alameda County District Attorney's Office  
Howard Hatayama, DHS  
files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R02448

Certified Mailer # P 367 604 311

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

April 24, 1991

Mr. Murray Kelsoe  
P.O. Box 392  
Alamo, CA 94507

RE: SUNOL VALLEY CHEVRON, 3004 ANDRADE ROAD, SUNOL, ALAMEDA COUNTY

NOTICE OF VIOLATION

Dear Mr. Kelsoe:

On April 19, 1991, the referenced Chevron fuel station was inspected by the Alameda County Department of Environmental Health, Hazardous Materials Division, for compliance with Chapters 6.7 and 6.95 of the California Health and Safety Code (HSC), and Title 23 of the California Code of Regulations (CCR).

During the April 19 inspection, the following observations were made:

- 1) The assistant manager indicated that, to his knowledge, there are at least six (6) fuel underground storage tanks (UST) at this site. According to information you have shared with him in the past, as many as three (3) other USTs are currently in place at this site (behind the retail shop) for use at a future truck fueling facility, contiguous with the current facility. Hence, there may be a total of 9 USTs at this site. He indicated that, to his knowledge, the USTs were installed 5 or 6 years ago. He did not know whether the tanks are single- or double-walled in construction. He was not aware whether the USTs had ever had integrity tests performed upon them.
- 2) A GILBARCO tank monitoring (inventory control) system was in place. REDJACKET pipeline leak detectors were in use.
- 3) Tank reconciliation was performed "now and again".
- 4) No UST reconciliation, integrity test, or other monitoring records were available for review, or even known to exist.
- 5) The USTs are not registered with this Department. No interim or 5-year "Permit-to-Operate" has been issued by this Department for the USTs.

Mr. Murray Kelsoe  
Sunol Valley Chevron, 3004 Andrade Road, Sunol  
April 24, 1991  
Page 2 of 4

- 6) No Hazardous Materials Management Plan (HMMP) has been submitted to this Department, nor was such a document available for review or known to exist.
- 7) No written emergency response plans and procedures were available for review or known to exist.
- 8) No training program for new employees, or annual training for current employees, in emergency response plans and procedures was known to exist.

As a result of the observations noted above and other indicators (i.e., Dept. file review, data base records, etc.), several violations of state law and regulations were identified. Following is a list of the violations of Title 23 CCR, and Chapters 6.7 and 6.95 HSC, which were noted following the April 19 inspection:

Section 25284(a), HSC - No person shall own or operate an underground storage tank unless a permit to operate has been issued to the owner by the local implementing agency.

Section 25286(a), HSC - An application to operate an underground storage tank shall be made, by the owner, on a standardized form and provided to the local agency, accompanied by the appropriate fee.

Section 25293, HSC - The operator/owner of the underground storage facility shall monitor the facility using the method specified in the permit for the facility. Records are to be kept in sufficient detail to enable the local agency to determine that the operator has undertaken all monitoring activities required by the permit to operate.

Section 2634(d)(2), 23CCR - Monitoring standards for new motor vehicle fuel underground storage tanks incorporate a requisite written routine monitoring procedure, which must include: the frequency of performing the monitoring method; the methods and equipment to be used; the location(s) from which the monitoring shall be performed; the name(s) and title(s) of the person(s) responsible for performing the monitoring and/or maintaining the equipment; and, the reporting format.

Section 2635(c)(8), 23CCR - Copies of "as-built" drawings of the facility, as well as copies of all other photographs and plans (documenting tank installation), shall be submitted to the local agency.

Section 2643(e), 23CCR - Reports documenting the results of underground storage tank integrity testing shall be submitted to the local agency within 30 days of the completion of said test.

Mr. Murray Kelsoe  
RE: Sunol Valley Chevron, 3004 Andrade Road, Sunol  
April 24, 1991  
Page 3 of 4

Section 2644(e), 23CCR - The owner/operator shall, on a quarterly basis, submit a statement to the local agency, under penalty of perjury, that either: the (reconciliation) data is within allowable variations, or, listing the dates and variations that exceed the allowable variations [Note: applicable only for single-wall USTs.]

Section 2712(c), 23CCR - Written records of all monitoring performed shall be maintained on-site by the operator for a period of 3 years from the date monitoring was performed. The written monitoring records shall be shown to the local agency upon demand during any site inspection.

Section 25503.5(a), HSC - Any business which handles a hazardous material or a mixture over threshold quantities shall establish and implement a Hazardous Materials Management Plan (HMMP).

Section 25504, HSC - HMMPs shall include the following elements, among others: inventory of hazardous materials and their quantities (maximum); emergency response plans and procedures; and, employee training.

Section 25505, HSC - Each handler (of hazardous materials) shall submit an HMMP to the local agency. An updated inventory shall be submitted annually.

To resolve the violations noted above, a Plan of Correction must be submitted to this Department within 30 days of the date of this letter, or by May 24, 1991. This Plan should specify the actions to be taken to address each of the violations.

Your Plan of Correction must include, among other elements, the submittal of the following documents:

- o Underground Storage Tank Registration/Permit Application Forms (Forms 'A' and 'B'); only a single Form 'A' is to be completed for the site, but a Form 'B' must be completed for each UST at this site
- o Hazardous Materials Management Plan (HMMP)
- o "As-built" drawings depicting the construction and locations of all the USTs
- o Copies of the last two (2) UST integrity tests; these results are also to include pipeline and leak detector test results
- o A written UST monitoring plan and procedure

Mr. Murray Kelseo  
RE: Sunol; Valley Chevron, 3004 Andrade Road, Sunol  
April 24, 1991  
Page 4 of 4

Your attention is directed to Sections 25299 and 25540 of the HSC which authorize civil penalties of up to \$25,000 per day per violation, and jail sentences of up to one year. Please be advised that the Alameda County District Attorney's Office is being advised of these violations by way of copy of this letter.

Should you have any questions, please contact the undersigned at 415/271-4320.

Sincerely,



Scott O. Seery, CHMM  
Hazardous Materials Specialist

cc: Rafat A Shahid, Assistant Agency Director, Environmental Health  
Edgar Howell, Chief, Hazardous Materials Division  
Gil Jensen, Alameda County District Attorney's Office  
Howard Hatayama, DHS  
files