



SENT
4-29-05 ✓

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

April 28, 2005

Mr. Dinesh Maniar
Diversified Investment Management
400 Oyster Point Blvd., Suite 415
South San Francisco, CA 94080

Re: Fuel Leak Case No. RO0000226 Environmental Investigation at 625 Hegenberger St., Oakland CA 94624

Dear Mr. Maniar:

It has come to our attention that you and/or your consultant have requested the review of the above subject site for closure. Please be advised that the following State Water Board "low risk" criteria must be met prior to your case being considered for closure. If you feel that your site meets the following state requirements for a "low risk" site, then submit a stand-alone document specified below for our office review.

LOW RISK requirements:

1. Leak stopped, on-going source, including free product removed
2. Site adequately characterized
3. Plume not migrating
4. No sensitive receptors impacted
5. No significant risk to human health
6. No significant risk to environment
7. Water quality objectives to be achieved within a reasonable time frame

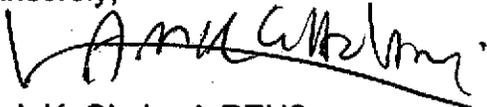
Please be advised that a stand-alone document must include a site conceptual model (SCM), which incorporates the following items:

- Summary Figures
 - Site vicinity map showing the site location and identification of any nearby sensitive receptors.
 - Plot plan showing all historical sampling locations. Differentiation between sample types (i.e. excavation soil samples, soil boring locations, monitoring wells, soil vapor sampling points, etc.) is required. This figure also needs to include any former and existing UST system components, delineation of excavation areas, areas targeted by active remediation, building locations, potential preferential pathways such as utilities, property boundaries and public right-of-way locations.

- Depth-specific contaminant isoconcentration maps for soil and groundwater. If active remediation was performed, separate pre-remediation and post-remediation isoconcentration maps are required.
- Summary Tables
 - Table of all historical soil data. Sample ID, date, depth, and results for all analytes are required. Please refer to the Tri-Regional Guidelines to confirm that chemical analysis was performed for all relevant contaminants of concern (CoCs). Pre- and post-remediation concentrations should be clearly identified or presented in separate tables.
 - Table of all historical groundwater data. Chemical concentrations in monitoring well(s) concentrations along with depth to water should be tabulated.
 - The tables need to compare the detected CoC concentrations with the Regional Board's ESLs or other appropriate cleanup levels and to the water quality objectives identified in the Regional Board's Basin Plan.
- Complete set of all boring logs generated during site investigation.
- Geologic cross-sections showing soil borings, monitoring wells with screened intervals, UST locations, any preferential pathways, excavation boundaries, water table elevations (historical and current) and extent of residual contamination.

The above stand-alone document will help to expedite the review of your case. Please contact Amir K. Gholami at 510-567-6876 or amir.gholami@acgov.org to receive document samples to help you prepare the stand-alone document, if you are requesting a closure review.

Sincerely,



Amir K. Gholami, REHS

Hazardous Materials Specialist

C: D. Drogos, A. Gholami

Mr. P. McIntyre, AEI Consultants, 3210 Old Tunnel Rd., Suite B, Lafayette, CA 94549-4157

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



06-03-02

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

May 31, 2002

Mr. Dinesh Maniar
Diversified Investment Management
400 Oyster Point Blvd., Suite 415
South San Francisco, CA 94080

Dear Mr. Maniar:

Subject: Fuel Leak Case No. RO0000226, 625 Hegenberger Rd., Oakland, CA 94621

Alameda County Environmental Health, Local Oversight Program (LOP), has received and reviewed the May 3, 2002 Groundwater Treatment and Site Closure Summary Report for the referenced property as prepared by AEI Consultants. As you are aware, the report details the results of the enhanced bio-treatment, which occurred from 6/01 to 2/02, and recommends case closure. Our office has the following technical comments below.

Technical Comments

1. It appears that not all wells have been analyzed for MTBE using EPA Method 8260. In addition, those wells detecting MTBE should also be tested for TAME, ETBE, TBA, EDB and EDC. EPA Method 8260 was used once on a sample from MW-8. This sample reported 62 ppb MTBE by this method versus <1000 ppb by EPA Method 8020. MW-11 reported 300 ppb MTBE by EPA 8020 but this concentration may not be an accurate number. Confirmation sampling would determine if MTBE concentrations are defined or not in this area.
2. The concentrations of TPHg and BTEX remain elevated in MW-8 even after the months of treatment immediately next to this well. Wouldn't you expect some affect from the bio-treatment even though this well is not within the former tank-pit? The aeration pump was intended to force injection to points outside the backfill according to the report. Our office recommends treatment of this well by introduction of reagents or oxygen et al. Shallow TPHg concentrations at the current levels could create a nuisance odor condition to indoor occupants.
3. Our office finds that the report on the enhanced bio-treatment of groundwater at this site lacking. We request a more detailed report of these activities including the dates of extraction and application, the amounts of groundwater treated and re-injected, the wells which were treated and those which were sparged and the times of each treatment.
4. Only one sampling event, 4/8/02, was performed after the bio-treatment was concluded. Additional monitoring is necessary to see if there is any rebound in groundwater concentrations or if the concentrations have stabilized. We recommend an additional sampling event be performed after treatment in MW-8 and that the additional analysis mentioned be done.

Technical Report Request

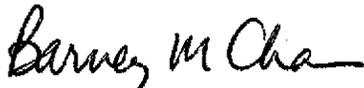
Please submit the following technical reports to our office according to the following schedule:

- July 1, 2002- detailed bio-treatment report
- August 30, 2002- Groundwater Monitoring Report

Mr. Dinesh Maniar
RO0000226
625 Hegenberger Rd., Oakland, CA 94621
May 31, 2002
Page 2

You may contact me at 510-567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. P. McIntyre, AEI Consultants, 3210 Old Tunnel Rd., Suite B, Lafayette, CA 94549-4157

Addrq625HegenbergerRd.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



SENT 3-24-2000
mald-cals

00226

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

March 24, 2000
StID # 568

Mr. Dinesh Maniar
400 Oyster Point Blvd., Suite 415
South San Francisco, CA 94080

Re: Subsurface Investigation at 625 Hegenberger Rd., Oakland CA 94621

Dear Mr. Maniar:

Our office has received and reviewed the March 21, 2000 Quarterly Groundwater Monitoring Report for the above site as prepared by AEI Consultants. It appears that this report was intended to provide the most recent monitoring results and respond to my December 15, 1999 letter. As you may recall, my letter commented on your revised work plan for this site. As an alternative to the previously approved enhanced bio-remediation approach, your consultant recommended the installation of two additional down-gradient wells plus the advancement of one deep boring within the former tank pit. This decision was based upon the assumed lack of natural degradation expected on MTBE by the proposed enhanced bio-remediation.

My letter also requested that you provide information required in your Site Conceptual Model (SCM) as it pertains to the MTBE contamination, along with some additional information. Our office finds that this report does not adequately address the requested items. Our office has the following observations and requirements:

- A well survey of deep and other sensitive receptors was requested. The information provided is incomplete. Three locations with deep wells are identified, the Oakland Coliseum Complex, 7825 San Leandro St. and 550 85th Ave.. These wells should be clearly marked on a map and the slot interval of the wells noted. In addition, the report failed to identify the Fitchburg Well Field, a former active water production field, located on the east side of the Oakland Coliseum, northeast of this site. The closure of this well field has not been documented and may still pose a conduit to the deeper groundwater.
- You were requested to provide a more "complete" report for the August 19 and September 9, 1999 samplings. This should include, at a minimum, copies of the sampler's report and copies of the laboratory analytical reports.
- As long as bio-indicator compounds and measurements are being taken, please have your consultant evaluate the likelihood of natural attenuation occurring.
- You were requested to confirm the presence of MTBE in your water samples using EPA Method 8260 or another GC/MS method. They have found a significant difference in the reported results for MTBE depending upon the analytical method used for quantification. Please include this additional analysis in future monitoring reports.

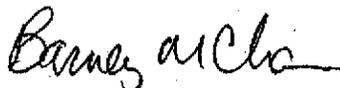
Mr. D. Maniar
StID # 568
625 Hegenberger Rd.
March 24, 2000
Page 2.

It is commonly believed and field tests support the idea that MTBE is naturally biodegraded by microbes in an oxygen rich environment, in the absence of other petroleum concentrations. It is also apparent that the dissolved oxygen levels at this site are much lower than that which is necessary for aerobic (the most efficient type) bio-degradation. Often, the limiting factor in bio-degradation is the presence of oxygen, not the presence of microbes or nutrients. Therefore, our office requests that you, at a minimum, attempt to oxygenate groundwater within the permeable fill material of the former tank pit. This will undoubtedly increase bio-degradation and could also reduce MTBE along with gasoline concentrations. The oxygen can be introduced chemically or physically and will need to be added in several locations. You are reminded that source removal is required before considering site closure as "low risk". **Please provide a viable work plan for this, within 30 days or by April 25, 2000.**

In addition, our office formally approves the previous work plan for the installation of two additional monitoring wells and the advancement of a deep boring within the tank pit. Keep in mind, your objective in advancing the deep boring is to determine the vertical extent of MTBE contamination. This may be done by sampling groundwater beneath that first encountered, or verifying the existence of a significant impermeable layer beneath the initial groundwater, which would likely prevent vertical migration. Please schedule this work as soon as possible and notify our office prior.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. P. McIntyre, AEI Consultants, 3210 Old Tunnel Rd., Suite B, Lafayette, CA 94549-415

2wp625Heg

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



Sent 12/15/99
Including cc's

20226

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

December 15, 1999
StID # 568

Mr. Dinesh Maniar
400 Oyster Point Blvd., Suite 415
South San Francisco, CA 94080

Re: Subsurface Investigation at 625 Hegenberger Rd., Oakland CA 94621

Dear Mr. Maniar:

Our office has received a fax copy of the December 1, 1999 Work Plan for the above site prepared by AEI Consultants (AEI). This work plan provides your response to my October 5, 1999 letter, which requested a work plan for the lateral and vertical extent of the methyl tertiary butyl ether (MTBE) contamination. As you may recall, it was determined that the petroleum contamination ie TPH as gasoline and BTEX has the tendency to bio-remediate over time, whereas MTBE is more resistant to natural degradation. Therefore, to best meet site closure requirements, the MTBE in groundwater should be defined and a plan provided for its management and remediation, if necessary.

The requirements for MTBE impacted sites is an ever developing situation. In absence of a formal Water Board recommendation, our office has been requesting items which have been provided in Water Board seminars and which appear in State Water Board Draft Guidelines. One element that will likely be a final guideline is the requirement for a Site Conceptual Model (SCM). Before the SCM can be developed, the extent of the MTBE contamination should be determined. Included in the SCM are, minimally, the following:

- Prioritization of the site based on potential or actual impact to a sensitive receptor
- Obtain information such as the location of sources, receptors, extent of contamination and direction of groundwater gradient.
- Obtain geologic maps with subsurface geologic features including well and boring logs.
- Conduct a well survey including deep wells.
- If necessary, develop a corrective action plan.

Before our office approves the mentioned work plan, you should perform the following:

- Please provide a complete groundwater monitoring report for the groundwater sampling performed on August 19 and September 9, 1999.
- Please provide an interpretation of the likelihood of the occurrence of natural bio-degradation. This should include a review of historical dissolved oxygen, oxidation-reduction potential, nitrate, sulfate and iron +2 (ferrous iron).

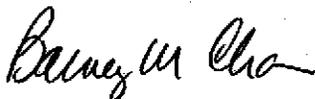
Mr. Dinesh Mariar
StID # 568
625 Hegenberger Rd.
December 15, 1999
Page 2.

- Please provide a rose diagram indicating the predominant groundwater gradient.
- Please determine the presence of any deep wells. The Water Board states that there are deep wells just to the east of the Coliseum. Please provide well log indicating the soil types from surface to the deep aquifer. You should also use this information to justify how many deep soil and groundwater samples are necessary to determine the vertical extent of contamination.
- Please provide commitment for your future monitoring of existing and any new wells. Your future monitoring should include confirmation analysis for MTBE using EPA Method 8260 or an equivalent.
- You may also provide any recommendation for enhancing aerobic degradation conditions.

Please prepare a report responding to the above items within 45 days or no later than February 4, 2000. In this report, please indicate whether the number, location and type of construction of the previously proposed wells is still recommended.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. M. Escobar, AEI Consultants, 2309 Pacific Coast Hwy, Suite 206, Hermosa Beach,
CA 90254-2753

MTBEwp625

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



Sent 11-10-99
Including cc's

P0226

November 11, 1999
StID # 568

Mr. Dinesh Maniar
400 Oyster Point Blvd., Suite 415
South San Francisco, CA 94080

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

Re: Site Investigation at 625 Hegenberger Rd., Oakland CA 94621

Dear Mr. Maniar:

Our office is in receipt of the November 11, 1999 fax from AEI Consultants, which responds to my October 5, 1999 letter. This letter requested a work plan be submitted to our office by November 8, 1999 to address the lateral and vertical extent of MTBE contamination in groundwater at the above site. As you will recall, the original enhanced bio-remediation work plan for the site was discarded in favor of additional investigation of MTBE, since this would be the best way to obtain site closure.

AEI's letter request a 90 day extension for the submittal of the MTBE investigation work plan because they believe the MTBE found at the site may be coming from an off-site source. Although our office does not believe this is the case, we will require the following types of evidence to support this claim:

- Historical proof of proper closure of the underground tanks prior to the use of MTBE in gasoline.
- Analytical data verifying the existence of off-site sources, including groundwater gradient and MTBE concentration gradient maps towards this site, from the assumed source. If this data does not exist, you must provide a work plan or show reason why another party should provide a work plan, to obtain this information.
- Please provide historical ownership and use of the former underground tanks at this site.

Our office will grant the requested extension for your work plan on the condition that you restart groundwater monitoring. Historical groundwater data is necessary to illustrate stable or declining groundwater concentrations, a requirement for site closure. **Please perform quarterly groundwater monitoring and provide us your monitoring report and your off-site investigation report by December 20, 1999. Your MTBE work plan, if required, is due by February 8, 2000.** Please contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. M. Escobar, AEI Consultants, 2309 Pacific Coast Hwy, Suite 206, Hermosa Beach, CA
90254-2753 MTBEwpext625

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



SENT 10-8-99
PO226

October 5, 1999
StID # 568

ENVIRONMENTAL HEALTH SERVICES

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

Mr. Dinesh Maniar
400 Oyster Point Blvd., Suite 415
South San Francisco, CA 94080

Re: Site Investigation at 625 Hegenberger Road, Oakland CA 94621

Dear Mr. Maniar:

This letter is to advise you of current regulatory conditions as they affect the investigation and remediation of the above site. As you are aware, All Environmental Inc. (AEI) is initiating the previously approved, August 26, 1997 work plan to install a bio-remediation system within the former underground tank pit. This work plan was approved in January 1998 when the policy requirements for MTBE were more liberal than today. Recent developments where MTBE has contaminated drinking water wells and surface water has led to a much more conservative view on MTBE. The Water Board currently requires a much more complete investigation of MTBE including the following:

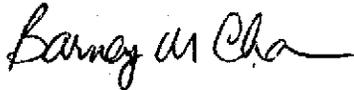
- Adequate site characterization
- Removal of the primary source
- Demonstration of a stable plume
- Examination of any public health or ecological health risk
- Examination of threat to future water resources
- Risk management plan

The proposed work plan would likely reduce the gasoline and BTEX concentrations within the heart of the release, however, it may have a limited affect on the MTBE concentrations. This is due to the food source preference of the microbes to BTEX and TPH as gasoline and the faster migration of MTBE in groundwater. It is therefore likely that MTBE will be the most critical chemical of concern at this site. Much more is known on the bio-degradation of gasoline and BTEX, therefore, residual concentrations of these compounds are more acceptable than for MTBE. It is therefore our office's belief that in order to obtain site closure, this site would be better off meeting the MTBE requirements than continuing on the enhanced bio-remediation work plan. To do this, you will be required to further determine the lateral and vertical extent of MTBE, continue monitoring this site to verify plume stability, determine if there are any public or ecological risks or risks to future water resources and determine if a risk management plan is necessary. Please submit a work plan to address these issues to our office **within 30 days or no later than November 8, 1999**. This work plan should include at a minimum, a monitoring program, the installation of additional monitoring wells, the examination of the vertical extent of contamination, a well survey for deep wells and a discussion of clean-up levels for MTBE.

Mr. D. Maniar
STID # 568
625 Hegenberger Rd., Oakland CA 94621
October 5, 1999
Page 2.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Messrs. J. Derhake and M. Escobar, AEI Consultants, 2309 Pacific Coast Hwy., Suite 206,
Hermosa Beach, CA 90254-2753

Mr. J. Graeb, 400 Oyster Point Blvd., Suite 415, South San Francisco, CA 94080

MTBEwp625Heg



R0226

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

September 15, 1999
StID # 568

Mr. Dinesh Maniar
Diversified Investment Management Group
400 Oyster Point Blvd., Suite 415
South San Francisco, CA 94080

NOTICE OF VIOLATION

Re: Request for Technical Reports for 625 Hegenberger Rd., Oakland CA 94621

Dear Mr. Maniar:

My last letter, dated March 2, 1999, requested that you send all groundwater monitoring reports for the above site since Fourth Quarter 1997 to our office by April 19, 1999. Our office has not received any of the requested reports. The last monitoring event for this site occurred in January of 1998, well over 1 1/2 years ago. Even longer than that has your work plan for enhanced bio-remediation been approved by our office. The March 2, 1999 letter also requested that you initiate this project by applying for all necessary permits.

A September 7, 1999 letter from All Environmental, Inc. (AEI) states that they have been contracted to go forward on the bio-remediation project and that they will be providing periodic updates to their progress. Please initiate groundwater monitoring on the existing wells at this site immediately and continue on a quarterly schedule thereafter. Your monitoring report should include an update on your progress installing the bio-remediation system.

Please submit your monitoring report to our office **within 45 days or no later than November 1, 1999**. You are reminded this is a formal request for technical reports and the failure to submit the requested report may subject you to civil liability.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files
Mr. M. Escobar, AEI, 901 Moraga Rd., Suite J, Lafayette, CA 94549
Ms. J. Duerig, Alameda County District Attorney Office

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO# 226

March 2, 1999
StID # 568

Mr. Dinesh Maniar
Diversified Investment Management Group
400 Oyster Point Blvd., Suite 415
South San Francisco, CA 94080

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

**Re: Request for Technical Reports and Implementation of Approved Remedial Action Plan
For 625 Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

The last quarterly groundwater monitoring report for the above site received by our office was the Fourth Quarter, 1997 report from All Environmental, Inc., AEI. The actual sampling event occurred on January 28, 1998. This report indicated, as expected, continual elevated dissolved gasoline, diesel and BTEX (benzene, toluene, ethylbenzene and xylenes) in groundwater. This is the result of residual petroleum contamination in the saturated soils, ie those soils below the highest groundwater level. In addition, the compound, MTBE, was also detected in water samples from MW-8, MW-11 and MW-16.

It is expected that groundwater concentrations would remain elevated without some type of remediation. Therefore, your consultant proposed enhanced bio-remediation as the best available technology. His proposal was included in the August 26, 1997 Remedial Action Plan. With a few conditions, our office approved this work plan in my August 29, 1997 letter. To date, our office has not been kept aware of the status of this bio-remediation project. Please initiate the permitting process to install the bio-remediation system. The implementation of this remediation would be expected to greatly reduce petroleum concentration in soil and groundwater to allow for closure after confirmatory monitoring is complete.

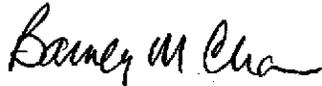
Please submit all groundwater monitoring reports since the Fourth Quarter 1997 report. In future reports, please confirm the presence of MTBE by running the highest MTBE sample using EPA Method 8240 or 8260. Based upon the past monitoring results, our office approves discontinuing the sampling and analysis for MW-10 and MW-12 for petroleum constituents. You should, however, continue to take groundwater elevation, dissolved oxygen and oxidation-reduction potential readings from these wells. Please submit your monitoring reports to our office **within 45 days or by April 19, 1999**. You are reminded that only through regular submittal of groundwater monitoring reports can you illustrate a stable condition required for consideration for site closure.

This is a formal request for technical reports pursuant to the Health and Safety Code and the Water Code. Failure to submit the requested reports may subject you to civil liability. Alameda County District Attorney Office is being informed of this request due to the past pre-enforcement hearing for this site.

Mr. D. Maniar
StID # 568
625 Hegenberger Rd.
March 2, 1999
Page 2.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. J. Derhake, All Environmental, Inc., 111 Sepulveda Blvd., Suite 250
Manhattan Beach, CA 90266

Ms. J. Duerig, Alameda County District Attorney Office

Reps-625Hegenberger Rd.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS; Agency Director



R0# 226

March 2, 1999
StID # 568

Mr. Dinesh Maniar
Diversified Investment Management Group
400 Oyster Point Blvd., Suite 415
South San Francisco, CA 94080

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

**Re: Request for Technical Reports and Implementation of Approved Remedial Action Plan
For 625 Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

The last quarterly groundwater monitoring report for the above site received by our office was the Fourth Quarter, 1997 report from All Environmental, Inc., AEI. The actual sampling event occurred on January 28, 1998. This report indicated, as expected, continual elevated dissolved gasoline, diesel and BTEX (benzene, toluene, ethylbenzene and xylenes) in groundwater. This is the result of residual petroleum contamination in the saturated soils, ie those soils below the highest groundwater level. In addition, the compound, MTBE, was also detected in water samples from MW-8, MW-11 and MW-16.

It is expected that groundwater concentrations would remain elevated without some type of remediation. Therefore, your consultant proposed enhanced bio-remediation as the best available technology. His proposal was included in the August 26, 1997 Remedial Action Plan. With a few conditions, our office approved this work plan in my August 29, 1997 letter. To date, our office has not been kept aware of the status of this bio-remediation project. Please initiate the permitting process to install the bio-remediation system. The implementation of this remediation would be expected to greatly reduce petroleum concentration in soil and groundwater to allow for closure after confirmatory monitoring is complete.

Please submit all groundwater monitoring reports since the Fourth Quarter 1997 report. In future reports, please confirm the presence of MTBE by running the highest MTBE sample using EPA Method 8240 or 8260. Based upon the past monitoring results, our office approves discontinuing the sampling and analysis for MW-10 and MW-12 for petroleum constituents. You should, however, continue to take groundwater elevation, dissolved oxygen and oxidation-reduction potential readings from these wells. Please submit your monitoring reports to our office within 45 days or by April 19, 1999. You are reminded that only through regular submittal of groundwater monitoring reports can you illustrate a stable condition required for consideration for site closure.

This is a formal request for technical reports pursuant to the Health and Safety Code and the Water Code. Failure to submit the requested reports may subject you to civil liability. Alameda County District Attorney Office is being informed of this request due to the past pre-enforcement hearing for this site.

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

RO# 226

March 12, 1998
StID # 568

Mr. Dinesh Maniar
Diversified Investment Management Group
400 Oyster Point Blvd., Suite 415
South San Francisco, CA 94080

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

RE: Groundwater Investigation and Remediation at 625 Hegenberger Rd., Oakland CA 94621

Dear Mr. Maniar:

Our office has received and reviewed the February 13, 1998 All Environmental, Inc. **Quarterly Groundwater Monitoring Report** for the above site. As concluded in this report, site conditions and petroleum concentrations in water remain consistent with prior monitoring events. This means that there continues to be very high levels of gasoline and benzene in groundwater near the former underground tank pit. These levels potentially pose a human health risk depending on future site use. In addition, the low dissolved oxygen levels and the negative redox potential in the groundwater are conditions not conducive to natural biodegradation.

Our office approved the All Environmental Remedial Action Plan for enhanced bioremediation of groundwater in August of 1997. Please provide your time table for the permitting and installation of the proposed remediation system in your next quarterly monitoring report.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

c: B. Chan, files
Mr. J. Derhake, All Environmental, Inc., 111 N. Sepulveda
Blvd., Suite 250, Manhattan Beach, CA 90266

2rap625

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO#226

January 13, 1998
StID # 568

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

Mr. Dinesh Maniar
Diversified Investment Management Group
400 Oyster Point Blvd., Suite 415
South San Francisco, CA

**Re: Remedial Action Plan for 625 Hegenberger Rd., Oakland CA
94621**

Dear Mr. Maniar:

Our office has received and reviewed the December 31, 1997 Quarterly Groundwater Monitoring Report prepared by All Environmental. The quarterly report continues to indicate a localized area of gasoline contamination in groundwater in addition to an apparent faster moving plume of methyl tert-butyl ether (MTBE). As stated by your consultant, current contaminant levels in groundwater are consistent with the past levels. This fact is not surprising since previous sampling results indicated a lack of oxygen and a reducing environment which would not encourage natural aerobic biodegradation.

As you are aware, our office reviewed and approved the All Environmental 8/26/97 Remedial Action Plan. This plan proposed the installation of a well and piping system for the addition of nutrients, microbes, oxygen and other chemicals. In addition, a monitoring schedule was proposed which would chart the progress of the bioremediation.

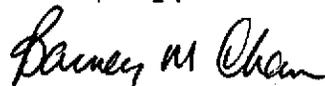
Please provide a written update on the progress made in obtaining the necessary permits for the installation and operation of the proposed remediation system. At a minimum, until this system is in operation, please continue to monitor the wells for dissolved oxygen and oxidation-reduction potential in addition to the chemical analytes. If you do not plan to have the system in operation within the next quarter (3/98), please consider installing oxygen releasing compounds into those wells within the contaminant plume.

The existence of MTBE at this site complicates the proposed plan since this compound migrates faster than the petroleum plume and is less amenable to natural bioremediation. This is illustrated in the results of sampling from MW-16, the furthest downgradient well. This well exhibited 2.1 ppm MTBE, the highest concentration identified at this site. As has been requested by the Water Board, please confirm the presence of MTBE in this well during your next monitoring event by running the water sample by EPA Method 8260.

Mr. D. Maniar
625 Hegenberger Rd.
StID # 568
January 13, 1998
Page 2

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

c: B. Chan, files

Mr. J. Derhake, All Environmental, Inc., 2200 Pacific Coast
Highway, Suite 217, Hermosa Beach, CA 90254

2bio625

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0#226

August 29, 1997
StID # 568

Mr. Dinesh Maniar
Diversified Investment Management Group
400 Oyster Point Blvd., Suite 415
South San Francisco, CA

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

Re: Remedial Action Plan for 625 Hegenberger Rd., Oakland CA
94621

Dear Mr. Maniar:

Our office has received and reviewed the 8/26/97 Quarterly Groundwater Monitoring Report and the 8/26/26/97 Remedial Action Plan for the above site as prepared by All Environmental. The Quarterly report continues to indicate a localized area of gasoline contamination in groundwater. Additional analysis of dissolved oxygen, oxidation-reduction potential and nutrients indicate that conditions at this site are not suitable for natural bioremediation.

As a way to achieve site closure as expeditiously as possible, the Remedial Action Plan proposes to add microbes, oxygen, nutrients and chemicals to the groundwater to enhance natural bioremediation. Additional wells will be installed within and around the former underground tank pit where additions can be made and from which progress may be followed by regular sampling.

Further, cleanup levels for specific hydrocarbons are proposed. When these levels are reached, the additions will be stopped and site closure proposed.

Our office agrees with this remedial action approach for this site. You may start obtaining the appropriate permits from the City of Oakland and Alameda County Public Works.

Please be aware, however, of the following additional requirements:

* Site closure must include an evaluation of risk to human health and the environment. As such, the proposed cleanup level of 100 ppb benzene in groundwater must be verified to be adequately protective. To do this, either a Tier 1 or Tier 2 risk assessment must be done.

* In response to the monitoring schedule proposed in Table 1, please include analysis for BTEX (EPA Method 8020) on a quarterly basis for the inoculating wells.

Mr. D. Maniar
625 Hegenberger Rd.
StID # 568
August 29, 1997
Page 2

* Please include in your baseline data, an assay for either hydrocarbon utilizing or heterotrophic microbe. In addition, on a quarterly basis, a count of the "broad spectrum" microbes should be done.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

c: B. Chan, files
Mr. J. Derhake, All Environmental, Inc., 111 N. Sepulveda
Blvd., Suite 250 Manhattan Beach, CA 90266

biowp625

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

RO# 226

June 9, 1997
StID # 568

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION (LOP)
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-8577
(510) 567-6700
FAX (510) 337-9335

Mr. Dinesh Maniar
Diversified Investment and Management Group
400 Oyster Point Blvd., Suite 415
South San Francisco, CA 94080

**Re: Request for Technical Reports for 625 Hegenberger Rd.,
Oakland, CA 94621**

Dear Mr. Maniar:

Our office has received and reviewed the May 27, 1997 **Quarterly Groundwater Monitoring Report** for the above referenced site as prepared by All Environmental. During this monitoring event, intrinsic bioremediation parameters were measured along with the usual chemical parameters. An interesting condition was discovered. Both results for dissolved oxygen concentration and oxygen-reduction potential in groundwater indicated a condition not conducive to natural bioremediation. Therefore, your consultant has recommended the introduction of oxygen to the site. Our office agrees with this recommendation.

We further agree that additional parameters indicative of bioremediation should be analyzed including; nitrate, sulfate, ferrous iron and the nutrients nitrogen (TKN) and phosphates.

Because there are several methods for the introduction of oxygen, please provide a work plan to introduce oxygen and any other deficient chemicals. Please provide your work plan within 30 days or by July 11, 1997.

Please keep in mind that this site must continue to exhibit signs of natural bioremediation to further the site to closure.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

c: Mr. J. Derhake, All Environmental, 111 North Sepulveda Blvd.,
Suite 250, Manhattan Beach, CA 90266

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RO# 226

RAFAT A. SHAHID, DIRECTOR

April 5, 1996

Mr. Dinesh Maniar
400 Oyster Point Blvd., Suite 415
South San Francisco, CA 94080

Alameda County Environmental Health Div.
Environmental Protection Services
1131 Harbor Bay Parkway, Room 250
Alameda CA 94502-6577
(510)567-6700 fax: (510)337-9335

Re: Soil Excavation at 625 Hegenberger Rd., Oakland CA 94621

Dear Mr. Maniar:

Our office has received and reviewed the March 20, 1996 Soil Remediation work plan as prepared by All Environmental. This work plan replaces a similar work plan previously prepared by Levine Fricke. Based on the recent findings of the LLNL report and the recommendations of the State Water Resource Control Board (SWRCB), the All Environmental's proposed cleanup levels for benzene, BTEX, TPHg,d and mo are acceptable. In addition, the soil reuse levels of one order of magnitude less than the soil cleanup levels are also acceptable.

The work plan for soil excavation, soil remediation and soil reuse is accepted with the following conditions:

1. One soil sample will be collected every 20 linear feet along the excavation sidewalls and one soil sample will be collected every 400 square feet of the excavation floor. These samples will be analyzed discretely in a California certified lab.
2. The field screening, PetroFLAG test kit, may be used to determine the limits of necessary excavation, however, once the limits of excavation have been determined, discrete sampling as referenced in #1 must be done. Because of the PetroFLAG test cannot quantify BTEX, even soils with no detectable concentration of gas, diesel or motor oil must be run for BTEX, Method 8020, to verify BTEX cleanup levels have been attained.
3. The sampling and analysis of soils at a frequency of one discrete sample per every 50 cubic yards for reuse will be shown to be statistically appropriate per verification sampling guidelines presented in SW846.
4. Those monitoring wells which need to be closed due to the excavation must be closed under permit from the Alameda County Water District, Zone 7, phone # (510) 484-2600. Note additional replacement wells may be required in the future.
5. Runoff from the remediation cell must be avoided. No contamination to surface waters is allowed, regardless of threat to human or environmental health.

Mr. Dinesh Maniar
StID #568
625 Hegenberger Rd.
April 5, 1996
Page 2.

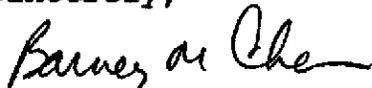
6. Please contact our office at least 48 hours prior to your final discrete soil sampling so someone from this office may have the opportunity to witness the sampling.

Keep in mind this work plan deals only with soil contamination. It was noticed that the benzene concentration in groundwater poses a potential human health threat when compared to the Tier 1 Risk Based Screening Levels (RBSLs). This will need to be addressed in the future.

In response to your consultant's request, you may eliminate TPH_{mo} as an analyte in your future monitoring events.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

c: G. Jensen, Alameda County DA Office
J. Derhake, All Environmental, 2641 Crow Canyon Rd., San Ramon
CA 94583
Mr. J. Graeb, Diversified Investment Management Group,
(address same as Mr. Maniar)
G. Coleman, files

wpap625

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO# 226

RAFAT A. SHAHID, Assistant Agency Director

February 1, 1996
StID # 568

Alameda County CC4580
Environmental Health Services
1131 Harbor Bay Pkwy., #250
Alameda CA 94502-6577
(510)567-6700 FAX(510)337-9335

Mr. Dinesh Maniar
400 Oyster Point Blvd., Suite 415
S. San Francisco, CA 94080

**Re: 625 Hegenberger Rd., Oakland CA 94621, Referral for
Enforcement to the District Attorney Office**

Dear Mr. Maniar:

Our last communication with you was subsequent to the 1994 Pre-enforcement hearing for the above site. The items requested in the Water Board's 9/16/94 Request for Technical Reports became delinquent. I, therefore, requested an update and schedule for each item's implementation. Levine-Fricke, your consultant at that time, prepared a response letter dated July 20, 1995. As time proceeded closer to the proposed excavation date, I was contacted by Mr. James Graeb, your attorney. He requested an extension to the previously proposed dates stating that you were soliciting bids for the excavation and that negotiations would require additional time. Professional Service Industries, Inc. (PSI) was identified as the potential new contractor/consultant. I verbally agreed to an extension and later received a statement of qualifications from PSI. All this was occurring around November of 1995. Recent conversation with PSI indicates that they have not been contracted to perform any work.

Meanwhile, groundwater monitoring was performed on January 10, 1995 on the existing six wells at this site. Our office has not received any additional monitoring reports since the January 1995 monitoring event. You must continue to monitor all wells at this site on a quarterly basis. Recall, this is specifically requested in item 1 of the Water Board's Request for Technical Reports.

I have been advised by the District Attorney's Office to allow you thirty (30) days or until March 4, 1996 to come into compliance otherwise they will seek enforcement.

I would like to inform you of recent changes in acceptable remedial approach. In response to the changing regulations resulting from Senate Bill 1764 (and the SB1764 Scientific Advisory Committee), the October 16, 1995-Lawrence Livermore National Laboratory (LLNL) Study entitled "Recommendations To Improve the Cleanup Process for California's Leaking Underground Fuel Tanks" was published. The State Water Resource Control Board

Mr. Dinesh Maniar
StID # 568
625 Hegenberger Rd.
February 1, 1996
Page 2.

(SWRCB) issued its December 8, 1995 "Interim Guidance on Required Cleanup at Low Risk Fuel Sites". This document was further modified by the January 5, 1996 RWQCB's "Supplemental Instructions" a guidance document recommended for use in regulating low-risk sites. These documents concur with the findings and conclusions of the LLNL Study, which recommended that fuel sites be treated differently and less stringently than solvent sites. The study also concluded that most fuel sites fall into the low-risk category, for which source removal and passive remediation are adequate.

In order for your site to fall into the "Low Risk Groundwater Case" the following conditions must apply:

- 1) The leak has been stopped and ongoing sources, including free product, have been removed or remediated.
- 2) The site has been adequately characterized.
- 3) The dissolved hydrocarbon plume is not migrating.
- 4) No water well, deeper drinking water aquifers, surface water, or other sensitive receptors are likely to be impacted.
- 5) The site presents no significant risk to human health.
- 6) The site presents no significant risk to the environment.

Prior to initiating the previously proposed overexcavation, you are encouraged to review whether the above conditions are met. Note that these conditions are consistent with the Water Board's "Containment Policy". The SWRCB's Cleanup Fund is judiciously reviewing all work submitted for reimbursement to insure that it is consistent with these new policies prior to approving funding. Without quarterly monitoring, it is not possible to verify the above conditions. At a minimum, a Risk Assessment should be performed for this site to determine the potential threat to human health.

Please provide your quarterly monitoring report and your work plan to determine if this site is of "low risk" to our office within 30 days.

Mr. Dinesh Maniar
StID # 568
625 Hegenberger Rd.
February 1, 1996
Page 2.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

c: G. Jensen, Alameda County District Attorney Office
Mr. J. Graeb, Diversified Investment, 400 Oyster Point Blvd.,
Suite 415, S. San Francisco, CA 94080
G. Coleman, files

ENF625

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0226

January 7, 1996
StID # 568

Mr. Dinesh Maniar
Diversified Investment and Management Group
400 Oyster Point Blvd., Suite 415
South San Francisco, CA 94080

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

**Re: Request for Technical Reports for 625 Hegenberger Rd.,
Oakland, CA 94621**

Dear Mr. Maniar:

Our office has received the December 19, 1996 letter from Mr. Joseph Derhake of All Environmental which recommends reducing the groundwater monitoring frequency for the above site from quarterly to semi-annually.

Our office cannot at this time agree with this change in monitoring frequency. This decision is based on the lack of monitoring data at the site, the non-existence of a trend in groundwater concentration and the need to delineate the extent of groundwater contamination.

It would appear that the best remedial approach for this site is to verify that the site is a "low risk groundwater case". This definition requires the removal of the source, adequate characterization of the site, verification that the plume is not migrating and showing there is no risk to human health and the environment. These requirements are from the **Supplemental Instructions to State Water Board December 8, 1995 Interim Guidance on Required Cleanup at Low Risk Fuel Sites.**

In order to meet these requirements, you must:

1. Continue to quarterly monitor the existing wells which have shown elevated gasoline and BTEX concentrations ie MW-8 and MW-11. You may perform semi-annual monitoring and chemical analysis on MW-10, MW-12 and MW-16. Please continue to take quarterly groundwater elevation readings for contouring. The last monitoring event our office has is the second quarter 1996 event. Please re-initiate monitoring immediately.
2. The extent of groundwater contamination has not been determined downgradient of the former UST location, particularly between MW-10 and MW-16 and downgradient of MW-11. Minimally, groundwater quality must be determined in these two areas. Please provide a work plan within 30 days or by February 10, 1997 to perform an additional site assessment.

Mr. Dinesh Maniar
StID # 568
625 Hegenberger Rd.
January 7, 1996
Page 2.

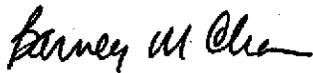
3. Based upon cumulative soil and groundwater data (currently insufficient), a Tier 1 risk assessment consistent with ASTM RBCA methodology should be performed for residual soil and groundwater contamination.

4. Please provide a copy of the soils remediation report for remaining 1000 cubic yards of remediated reused soil at the site. I understand this report is being completed by All Environmental.

Please keep in mind that future development of this site may be jeopardized if the site investigation is not completed as recommended above.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

c: Mr. J. Derhake, All Environmental, 111 North Sepulveda Blvd.,
Suite 250, Manhattan Beach, CA 90266

rep-625

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0226

RAFAT A. SHAHID, Assistant Agency Director

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

April 19, 1995
StID # 568

Mr. Dinesh Maniar
400 Oyster Point Blvd., Suite 415
S. San Francisco, CA 94080

**Re: Comment on April 5, 1995 Supplemental Site Investigation and
Conceptual Remediation Plan for 625 Hegenberger Rd., Oakland
CA 94621**

Dear Mr. Maniar:

This letter serves to comment on the above referenced report prepared by your consultant, Levine & Fricke, and to redirect the investigation of the above site to achieve the goals initially set out in the Water Board's prior request for technical reports. As you are aware, the Water Board's September 1994 technical report letter requested certain reports and the completion of the appropriate field work by specific dates. If you look at these anticipated dates, you will see that all dates for items 2-4 have been exceeded and item 4, the submission of a work plan for remediation, was approximately 3 months late. In fact, the actual implementation of the remediation work plan was requested by March 15, 1995.

I trust that a number of unforeseen actions have contributed to the delays in meeting the above deadlines, therefore, instead of recommending this site for enforcement to the District Attorney Office, I will provide a course to meet new realistic deadlines and use referral to the District Attorney Office as the last alternative.

Certain actions previously considered are being reconsidered, therefore, the numbered items of the Water Board request are dependent on the choices you make for soil disposal and those decisions based on your recent supplemental investigation and the actual results of your next excavation.

After review of the April 5, 1995 report, our office has the following comments/requirements:

1. Based on your consultant's evaluation of remediation options for this site, our office agrees with the proposal to excavate the affected vadose zone soils. The proposed "clean-up levels" used for the Malibu Grand Prix site are acceptable for the Non-Attainment Area approach for site management. Our office would encourage limited groundwater removal if it is encountered during your excavation activities.

Mr. D. Maniar
StID # 568
625 Hegenberger Rd.
April 19, 1995
Page 2.

2. Our office has no comment on the treatment/disposal of the excavated soils as long as it is done with appropriate regulatory notification/permitting and satisfactory soil disposal documentation is provided to our office. Although, the initial soil "clean-up levels" are also consistent for soil reuse, our office would recommend soil treatment to as low levels of petroleum contamination as possible prior to reuse.

3. Groundwater monitoring should remain as previously stated by our office, ie quarterly, with your monitoring reports provided to our office **within 45 days of each monitoring event.** Your next monitoring should occur this month if it has already.

4. Please provide a map showing the areal extent of your proposed excavation. The cubic yardage has been estimated but we would like to see the areal estimate. Is Figure 3 the proposed extent of excavation? Will excavation be the approach to address the free product found in boring LF-26? If not, how will it be addressed?

5. Please clarify your sampling frequency for confirmatory soil sampling after excavation. Our office will require at a minimum, 1 discrete soil sample for every 20 linear feet of excavation. Our office should also be notified **48 working hours prior to any sampling** so we may arrange to be present if possible.

6. Please keep in mind that the mentioned "clean-up levels" apply only to soil. Some type of risk assessment will be required for any residual petroleum groundwater contamination. Note this is a requirement of the Non-Attainment Area policy.

7. Our office agrees with the point made by L&F in the April 5, 1995 report ie the extent of groundwater contamination has not been determined in the south-southwesterly direction. An additional monitoring well(s) will be required in the future.

In order to redirect the site investigation, your work plan taking into account the above items, should be initiated **within 60 days or by July 20, 1995.** Failure to initiate work by that time will cause this case to be referred to the District Attorney Office.

Mr. D. Maniar
StID # 568
625 Hegenberger Rd.
April 19, 1995
Page 3.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office
S. Morse, SFRWQCB
Mr. N. Tsui, OITC, 1714 Franklin St., Oakland CA 94612
Mr. J. Graeb, Diversified Investment, 400 Oyster Point Blvd.,
Suite 415, S. San Francisco, CA 94080
Ms. S. Fletcher, Levine & Fricke, 1900 Powell St., 12th
Floor, Emeryville, CA 94608

RAP625

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0226

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

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

February 22, 1995
StID # 568

Mr. Dinesh Maniar
400 Oyster Point Blvd., Suite 415
S. San Francisco, CA 94080

**Re: Update on Status of Subsurface Investigation at 625
Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

This letter serves to recount the recent conversation I had with Ms. Shelly Fletcher of Levine Fricke (LF), who has replaced Ms. Sue Henry as Project Lead. Due to this change in individual lead, the report detailing the most recent supplemental investigation performed in December 1994 would be delayed. With the understanding that all other subsequent actions would therefore also be delayed, you should note that the deadlines previously outlined in the **Request for Technical Reports** should be changed to reflect this. The new request dates should read:

1. The report detailing the results of the supplemental investigation will be provided by **March 21, 1995**.
2. A work plan for the remediation of the site should be provided by **May 21, 1995**, approximately 8 weeks after submission of the report. Initiation of the above work plan will proceed **within 60 days** of submission of the work plan **ie by July 21, 1995**. It is understood that quarterly groundwater monitoring should continue until directed otherwise by the Regional Water Quality Control Board (RWQCB) or this office.

In response to a request in the February 6, 1995 quarterly monitoring report, our office approves the discontinuance of analysis for TPH as oil in future monitoring events, however, you should continue to analyze for TPH as diesel, as gasoline and BTEX.

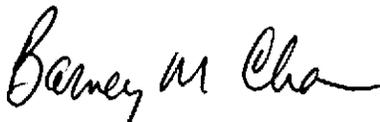
Additionally in our conversation, we discussed the potential reuse of the stockpiled soils in the rear of the property. Our office will require a sampling plan which appropriately characterizes this soil. Total Oil and Grease would also need to be shown to have originated from fill material rather than from a release to the surface or the subsurface.

Mr. D. Maniar
StID # 568
625 Hegenberger Rd.
February 22, 1995
Page 2.

We also discussed potential cleanup standards for both soil and groundwater. I recommended as an initial step using the "Look-Up Table" as presented in ASTM's ES 38 document.

You should contact me at (510) if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office
J. Graeb, Diversified Investment and Management Corp.,
400 Oyster Point Blvd., Suite 415, S. San
Francisco, CA 94080
Ms. Shelley Fletcher, Levine Fricke, 1900 Powell St., 12th
Floor, Emeryville, CA 94608
E. Howell, files

updt625

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0226

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR
DEPARTMENT OF ENVIRONMENTAL HEALTH

September 30, 1994
StID # 568

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
DEPARTMENT OF ENVIRONMENTAL HEALTH
1131 HARBOR BAY PARKWAY, 2ND FLOOR
ALAMEDA, CA 94502-6577

Mr. Dinesh Maniar
400 Oyster Point Blvd., Suite 415
S. San Francisco, CA 94080

**Re: Comment on September 26, 1994 Supplemental Site Investigation
Work Plan for 625 Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

Our office has received and reviewed the above referenced work plan prepared by Levine Fricke (L&F). I have also discussed its contents with Ms. Sue Henry of L&F. In general our office approves of the work plan with the following comments and requirements:

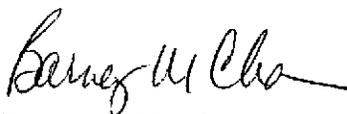
1. A minimum of one and up to three soil samples from each boring will be run by the laboratory, however, all samples will be screened using the PID field instrument.
2. A grab groundwater sample will be taken from the proposed boring between former borings 4 and 5.
3. An additional grab groundwater sample will be taken west of MW11 in order to determine the extent of groundwater contamination.
4. Following the current groundwater monitoring event, if total lead is again non-detectable in all wells, it may be dropped from the required target analytes. Please contact me at least **48 working hours** prior to any field work so I may arrange to be present if possible.

Please be aware of the time schedule stated in the RWQCB letter. It appears that you will not be able to perform this work by October 3, 1994 as required, however, you should make every attempt to perform it ASAP and provide a report of this work by November 15, 1994.

You may contact me at (510) 567-6765 if you have any questions. Our new address is 1131 Harbor Bay Parkway, Room 250, Alameda CA 94502.

Mr. Dinesh Maniar
StID # 568, 625 Hegenberger Rd.
September 30, 1994
Page 2.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office
J. Graeb, Diversified Investment and Management Corporation,
400 Oyster Point Blvd., Suite 415, S. San
Francisco, Ca 94080
Mr. N. Tsui, OITC, 1714 Franklin St., Oakland CA 94a612
Ms. S. Henry, Levine Fricke, 1900 Powell St., 12th Floor,
Emeryville, CA 94608
E. Howell, files

3wp625

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

In Re The Property Known As :)
Oakland International Trade Center)
625 Hegenberger Road)
Oakland CA 94621)

Notice of Official Action
By the San Francisco Bay
Regional Water Quality
Control Board

Dear Mr. Maniar and Mr. Tsui:

The attached Official Notice of Request for Technical Reports pursuant to Water Code Section 13267(b) has been forwarded to this office for legal service, and oversight. As the Agency responsible for enforcing the terms of this Official Action, all communication should continue to be directed to this office. Please make arrangements to comply by calling me at (510) 567-6765 to coordinate all future activities.

Failure to comply could result in liability for civil or administrative penalties of up to \$1000 per day of delinquency.

I Barney M. Chan, do hereby certify

that I served Mr. Dinesh Maniar and Mr. Nelson Tsui with a copy of the attached Notice of Official Action by the Regional Board by certified mailer

P 386 338 384

Dated: 9/16/94

Barney M. Chan

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

In Re The Property Known As :)
Oakland International Trade Center)
625 Hegenberger Road)
Oakland CA 94621)

Notice of Official Action
By the San Francisco Bay
Regional Water Quality
Control Board

Dear Mr. Maniar and Mr. Tsui:

The attached Official Notice of Request for Technical Reports pursuant to Water Code Section 13267(b) has been forwarded to this office for legal service, and oversight. As the Agency responsible for enforcing the terms of this Official Action, all communication should continue to be directed to this office. Please make arrangements to comply by calling me at (510) 567-6765 to coordinate all future activities.

Failure to comply could result in liability for civil or administrative penalties of up to \$1000 per day of delinquency.

I Barney M. Chan, do hereby certify

that I served Mr. Dinesh Maniar and Mr. Nelson Tsui with a copy of the attached Notice of Official Action by the Regional Board by certified mailer

P 386 338 385

Dated: 9/16/94

Barney M. Chan

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

In Re The Property Known As :
Oakland Int'l Trade Center
625 Hegenberger Rd.
Oakland CA 94621

Proof of Service of
Notice of
Pre-Enforcement
Review Panel

I Barney Chan, do hereby certify
that I served Mr. Dinesh Maniar, 400 Oyster Point Blvd.,
Suite 415, South San Francisco, CA 94080
with a copy of the attached Notice of Pre-Enforcement Review
Panel on June 7, 1994 by certified
mailer # P 029 244 656

Dated: 06/07/94

Barney Chan
(signature)

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

In Re The Property Known As :)
Oakland Int'l Trade Center)
625 Hegenberger Rd.)
Oakland CA 94621)

Notice of Reset of
Pre-Enforcement
Review Panel

(insert address of property)

Notice is hereby given that upon the motion of the Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board a **Review Panel** will convene on June 21, 1994 at 11:00 am in the offices of the Alameda County Hazardous Materials Division located at 80 Swan Way, Room 200, Oakland, CA 94621. This **Review Panel** will convene for the purpose of determining responsible parties as well as appropriate closure, site assessment, clean-up and mitigation of contamination at the above location.

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

1. Mr. Dinesh Maniar, Diversified Investments

(name)

400 Oyster Point Blvd., Suite 415, S. San Francisco, CA 94080

(address)

2. Mr. Nelson Tsui, OITC

1714 Franklin St., Oakland CA 94612

Dated: 6/07/94



(signature)

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

In Re The Property Known As :
Oakland Int'l Trade Center
625 Hegenberger Rd.
Oakland CA 94621

Proof of Service of
Notice of
Pre-Enforcement
Review Panel

I Barney Chan, do hereby certify

that I served Mr. Nelson Tsui, OITC , 1714 Franklin St.,
Oakland CA 94612

with a copy of the attached Notice of Pre-Enforcement Review

Panel on June 7, 1994 by certified

mailer # P 029 244 655

Dated: 06/07/94

Barney Chan
(signature)

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0226

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

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

April 20, 1994
StID #568

Mr. Dinesh Maniar
400 Oyster Point Blvd., Suite 415
South San Francisco, CA 94080

FINAL NOTICE OF VIOLATION

**Re: Request for Technical Reports for Subsurface Investigation
at 625 Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

Our last correspondence with you occurred on February 4, 1994 in a **Notice of Violation**. Prior to that letter, our office wrote to you in a November 10, 1993 letter. In these letters, we requested a complete tank closure report, a work plan for future investigation and remediation of this site and a copy of the most recent quarterly groundwater monitoring event. To this date, our office has received only the January 27, 1994 report documenting the December 1993 monitoring event.

My November 1993 letter specifically stated that **you are required to monitor all wells associated with this site on a quarterly basis**. Be aware that Section 2652 (c) (11d) Chapter 16 of Title 23 of the California Code of Regulations requires that until the investigation and cleanup are complete, the owner or operator shall submit reports to the local agency or regional board every three months or at more frequent intervals as specified by the implementing agency.

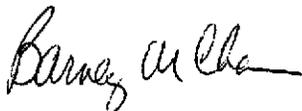
The actual remediation and investigation of this site was granted an extension in December given the potential of extended rainfall. This extension did not apply to the submittal of the closure report, monitoring report and work plan addendum report.

Please submit the previously requested reports to our office **within 30 days or by May 20, 1994**. This is a formal request for technical reports pursuant to the California Water Code Section 13267 (b). Because of the previous conditions, failure to submit the requested reports our office will cause the referral of this case to the District Attorney Office and the Water Board for enforcement.

Mr. Dinesh Maniar
StID # 568
625 Hegenberger Rd.
April 20, 1994
Page 2.

You may contact me at (510) 271-4530 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office
J. Graeb, 400 Oyster Point Blvd., Suite 415, South San
Francisco, CA 94080
N. Tsui, OITC, 1714 Franklin St., Oakland Ca 94612
S. Henry, Levine-Fricke, 1900 Powell St., 12th Floor,
Emeryville, CA 94608
E. Howell, files

FNOV625

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0226

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

February 4, 1994
StID #568

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

Mr. Dinesh Maniar
400 Oyster Point Blvd., Suite 415
South San Francisco, CA 94080

NOTICE OF VIOLATION

**Re: Request for Technical Reports for Subsurface Investigation at
625 Hegenberger Rd., Oakland CA 94621.**

Dear Mr. Maniar:

Our office has received the January 27, 1994 Levine and Fricke report for the December 1993 monitoring of the existing wells at the above site. These results confirm the presence of dissolved gasoline and diesel in the groundwater downgradient to the former underground tanks and piping. As you may be aware, significant petroleum contamination was uncovered during the removal of the three underground fuel tanks on October 21, 1993. Our office has received faxed analytical results for the samples taken from the tank removal and they indicate severe contamination remains at this site.

If you refer to my November 10, 1993 letter, you will notice that I requested several reports by December 21, 1993 which, to this date, our office has not received. You are reminded that these items include:

1. A complete tank closure report which should include copies of the original analytical results from the tank pull, a description of the tank removal activities, a description of any remedial measures taken at the time of the removal, copies of manifests for all hazardous waste hauled from the site and a plan for the disposition of all stockpiled soils generated from the tank removal. The copy of analytical results which we currently have is not sufficient;
2. A work plan addendum which describes your future plans to determine the extent of soil and groundwater contamination. The plan should also propose a remediation method and time schedule for its implementation. In comment to the recommendations provided in the Levine and Fricke report, all their suggestions are consistent with your requirement to further characterize this site. You are also reminded that quarterly groundwater monitoring is required on all wells at this site until our office agrees with any changes.

Mr. Dinesh Maniar
StID # 568
625 Hegenberger Rd.
February 4, 1994
Page 2.

Please provide the requested reports to our office within 30 days or by March 7, 1994. You are reminded that this is a formal request for technical reports pursuant to the California Water Code Section 13267(b). Failure to submit the requested documents may subject you to civil liability and case referral to the Water Board or the District Attorney Office for enforcement.

You may contact me at (510) 271-4530 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office
J. Graeb, 400 Oyster Point Blvd., Suite 415, South San Francisco, CA 94080
N. Tsui, OITC, 1714 Franklin St., Oakland CA 94612
S. Henry, Levine-Fricke, 1900 Powell St., 12th Floor, Emeryville, CA 94608
E. Howell, files

NOV625

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0226

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

November 10, 1993
StID #568

Mr. Dinesh Maniar
400 Oyster Point Blvd., Suite 415
South San Francisco, CA 94080

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

**Re: Status of Subsurface Investigation at 625 Hegenberger Rd.,
Oakland CA 94621**

Dear Mr. Maniar:

As you are aware, three gasoline underground tanks were removed from this site on October 21, 1993. Mr. John McVay of your office was there to witness the removal activities. Initial analytical results from soil samples taken that day have been transmitted to our office by Ms. Susan Henry of Levine-Fricke. These results verify that significant release of petroleum products has occurred within the former tank pit, along the piping run and near the dispenser islands. It was also visibly obvious that considerable soil contamination was left in place, which need to be addressed in the future.

I have received the November 8, 1993 letter from Mr. James Graeb which inquired about your groundwater monitoring requirements. Please be aware that you are required to continue monitoring all wells associated with this property on a quarterly basis. At a minimum, you should analyze the water samples for gasoline, diesel, BTEX (benzene, toluene, ethylbenzene and xylenes), motor oil and soluble lead. Depending on the results of the soil sample run for the waste oil parameters, you may need to add additional analytical parameters. Since your last monitoring occurred on May 28, 1993, you are well overdue for your next quarterly monitoring.

Our office would like to clarify your next steps following the tank removals. We have granted an extension for further subsurface investigation due to threat of rainfall this winter. Please be aware that a number of items should still be done prior to initiating additional work. Specifically, you must:

1. Submit a complete tank closure report to our office **within 60 days** of the tank removal or by **December 21, 1993**. In this report, you should describe what will be done with the stockpiled soils generated from the tank removal.

Mr. Dinesh Maniar
StID # 568
625 Hegenberger Rd.
November 10, 1993
Page 2.

2. You should provide a work plan for your future investigation of this site. A remediation plan for determining the extent of soil and groundwater contamination must be provided along with an examination of all appropriate remedial techniques. A time schedule must be included to describe activities to be performed after regulatory approval. This work plan should also be provided by **December 21, 1993**. Because of the significant release experienced at this site, work should begin as soon as possible, but no later than 90 days after obtaining regulatory approval for your work plan.

3. A copy of your most recent groundwater sampling event should be sent to our office, again, by **December 21, 1993**.

You should consider this a formal request for technical reports pursuant to the California Water Code Section 13267(b). Failure to submit the requested documents may subject you to civil liabilities.

You may contact me at (510) 271-4530 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office
J. Graeb, 400 Oyster Point Blvd., Suite 415, South San Francisco, CA 94080
N. Tsui, OITC, 1714 Franklin St., Oakland CA 94612
S. Henry, Levine-Fricke, 1900 Powell St., 12th Floor, Emeryville, CA 94608
E. Howell, files

4-625Heg

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0226

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

April 20, 1993
StID# 568

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

Mr. D. Maniar
400 Oyster Point Blvd., Suite 415
South San Francisco, CA 94080

**Re: Extension of Deadline for the Submittal of Underground Tank
Closure Forms and Work Plan for Subsurface Investigation at
625 Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

Our office has been made aware of the settlement conference set for April 22, 1993 which we hope will resolve some of the issues regarding the responsibility for the removal and investigation of the extent of contamination from the underground tanks at the above site. We agree that it would be in everyone's best interest to seek a tank removal contract and remedial investigation contract after this hearing. You are therefore given an extension of 30 days on each request ie you should submit an underground tank closure application by May 23, 1993 and submit a work plan for the assessment and remediation of the site by June 8, 1993.

Our office would like to clarify the above request by stating what actions we would like to see occur at this site. By May 23, 1993 our office should receive a tank closure application. As soon as this application has been approved by this office, and as soon as it can be arranged, the tanks and sump should be removed. Certainly, it would be advantageous to remove the sump and tanks prior to developing a work plan for further assessment and remediation, however this is not necessary. The groundwater wells currently at this site should be examined for their viability and monitoring and reporting should resume on a quarterly basis.

You may contact me at (510) 271-4530 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office
R. Hiatt, RWQCB
N. Tsui, OITC, 1714 Franklin St., Oakland CA 94612
E. Howell, files 3-625Heg

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0226

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

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

March 18, 1993
StID # 568

Mr. Dinesh Maniar
400 Oyster Pt. Blvd, #415
So. San Francisco, CA 94080

**Re: Submission of Tank Closure Application Forms and Work Plan
for Subsurface Investigation at 625 Hegenberger Rd.,
Oakland CA 94621**

Dear Mr. Maniar:

I have just spoke with Mr. James Graeb, your attorney, regarding my March 10, 1993 letter addressed to you. He was concerned that the deadline for tank removal application and for work plan submission could not be met ie within 30 days and 45 days of February 23, 1993 respectively. It appears that you have just recently received this letter. The tank closure forms were sent to Mr. Tsui since our office assumed he was the sole responsible party. Because of the circumstances of this site, our office will grant you an additional **30 days and 45 days** from the above date to submit a tank closure application and work plan for subsurface investigation. Your new deadlines are April 19, 1993 and May 3, 1993.

Enclosed please find the Underground Tank Closure Plan plus forms A and B. Note there should be one A form completed for the site and one B form completed for each tank to be removed.

You may contact me at (510) 271-4530 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Barney M. Chan".

Barney M. Chan
Hazardous Materials Specialist

enclosures

cc: G. Jensen, Alameda County District Attorney Office
R. Hiatt, RWQCB
N. Tsui, OITC, 1714 Franklin St., Oakland CA 94612
E. Howell, files
3-625Heg

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0226

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

March 10, 1993
StID# 568

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

Mr. Dinesh Maniar
400 Oyster Pt. Bl. #415
So. San Francisco, CA 94080

**Re: Reissuance of Notice of Requirement to Reimburse for
625 Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

This letter is to notify you that a new Notice of Requirement to Reimburse letter was made to reflect you as the new property owner of the above referenced site. I would also like to clarify the County's position regarding the status of the underground tanks and subsurface investigation at this site. I understand that a part of the proceeds of the sales of the property was designated for the removal of the underground tanks and the investigation and remediation of the petroleum contamination. I also understand that you're in the midst of settling this issue through legal means.

Our office feels that adequate time and notification has been given regarding your requirements to address the underground tanks and contamination at this site. The last deadline according to my Second Notice of Violation are **within 30 days of February 23, 1993**, you are to have initiated the removal of the three underground tanks and the sump and **within 45 days of February 23, 1993** you are to have provided a work plan for the the assessment and remediation of the this site. Failure to perform the requested items will cause the scheduling of an Adminstrative Hearing with the District Attorney's Office

You may contact me at (510) 271-4530 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Barney M. Chan".

Barney M. Chan
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office
R. Hiatt, RWQCB
N. Tsui, OITC, 1714 Franklin St., Oakland CA 94612
E. Howell, files
2-625NRR

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0226

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

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

March 10, 1993
StID# 568

Mr. Dinesh Maniar
400 Oyster Pt. Bl. #415
So. San Francisco, CA 94080

**Re: Reissuance of Notice of Requirement to Reimburse for
625 Hegenberger Rd., Oakland CA 94621**

Dear Mr. Maniar:

This letter is to notify you that a new Notice of Requirement to Reimburse letter was made to reflect you as the new property owner of the above referenced site. I would also like to clarify the County's position regarding the status of the underground tanks and subsurface investigation at this site. I understand that a part of the proceeds of the sales of the property was designated for the removal of the underground tanks and the investigation and remediation of the petroleum contamination. I also understand that you're in the midst of settling this issue through legal means.

Our office feels that adequate time and notification has been given regarding your requirements to address the underground tanks and contamination at this site. The last deadline according to my Second Notice of Violation are **within 30 days of February 23, 1993**, you are to have initiated the removal of the three underground tanks and the sump and **within 45 days of February 23, 1993** you are to have provided a work plan for the the assessment and remediation of the this site. Failure to perform the requested items will cause the scheduling of an Adminstrative Hearing with the District Attorney's Office

You may contact me at (510) 271-4530 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Barney M. Chan".

Barney M. Chan
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office
R. Hiatt, RWQCB
N. Tsui, OITC, 1714 Franklin St., Oakland CA 94612
E. Howell, files
2-625NRR

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

Certified Mailer # P113 815 376

February 23, 1993
StID # 568

Mr. Nelson Tsui
Oakland International Trade Center
1714 Franklin St.
Oakland CA 94612

R0226

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

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

Re: Tank Removal and Request for Work Plan for Subsurface
Investigation at 625 Hegenberger Rd., Oakland CA 94621

SECOND NOTICE OF VIOLATION

Dear Mr. Tsui:

Please be aware that the oversight of the subsurface investigation for the above site has been transferred to the Local Oversight Program (LOP) section of Alameda County Environmental Health, Hazardous Materials Division. The undersigned Hazardous Materials Specialist remains your case handler.

Recall, you were last notified of the requirement for further subsurface investigation at the above site in my August 27, 1992 letter. You were requested to provide a workplan for the assessment of hydrocarbon contamination within 45 days. This would address the soil and groundwater contamination documented in the April 27, 1988 report by Subsurface Consultants. The remediation was to also include the closure (removal) of the underground tanks at the referenced site. An underground tank closure plan was provided to our office and approved on January 13, 1992. To this date our office is not aware of any work plan submittal or tank removals.

You are again advised that the failure to remove the abandoned underground tanks and submit a work plan for further subsurface investigation is considered the improper closure of an underground tank. The California Health and Safety Code, Division 20, Chapter 6.7 Section 25298 (c) 4 may authorize a penalty of not less than \$500 or more than \$5000 for each tank, for each day the underground tank owner fails to properly close the underground tank. Failure to perform the required tank removals and submit a corrective work plan will cause this case to be referred to the District Attorney's Office for enforcement.

Mr. Nelson Tsui
625 Hegenberger Rd.
StID # 568
February 23, 1993
Page 2.

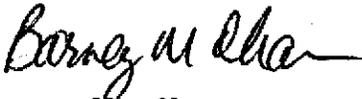
I understand that this property is no longer owned by the Oakland International Trade Center (OITC) but that OITC remains the responsible party for the investigation and remediation of the site. The new property owner is being copied with this letter since the legal definition of responsible party also includes the current property owner.

Be aware that since the submission of the underground tank closure form in January 1992, requirements have changed and a new tank closure plan must be completed and approved by this office prior to the removal of the underground tanks. Enclosed please find the newest update of the County's tank closure form along with State forms A and B.

Within 30 days, please proceed with the proper closure of the underground tanks or provide a work plan for further subsurface investigation and remediation.

You may contact me at (510) 271-4530 should you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

enclosures (Mr. Tsui)

cc: G. Jensen, Alameda County District Attorney Office
R. Hiatt, RWQCB
D. Maniar, 400 Oyster Pt. Blvd., #415, So. San Francisco,
CA 94080
E. Howell, files

2NOV-625Heg

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0226

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

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

August 27, 1992
STID #568

Mr. Nelson Tsui
Oakland International Trade Center
633 Hegenberger Rd.
Oakland CA 94621

NOTICE OF VIOLATION
Improper Closure of Underground Tanks at
625 Hegenberger Rd., Oakland CA 94621

Dear Mr. Tsui:

You are aware that the April 27, 1988 report by Subsurface Consultants, Inc. indicated considerable petroleum hydrocarbon contamination in the soil and groundwater samples taken from borings and monitoring wells on this site. In addition, our office has received and approved the tank closure application for the removal of the three gasoline tanks and sump. This application has been approved since 1/13/92 yet no work has been performed to this date. From the results of soil borings around the underground tanks, it is clear that at least part of the contamination has originated from these tanks. Part of the remediation of this site will be the removal of the underground tanks and sump, however, in addition further excavation and/or soil and groundwater remediation will be needed.

You are therefore requested to submit a work plan which assesses the extent of and addresses the remediation of the soil and groundwater contamination within forty-five (45) days of receipt of this letter.

You should consider this a formal request for technical reports pursuant to the California Water Code Section 13267 (b). All workplans, analytical results or reports should be sent to our office and to that of the RWQCB to the attention of Mr. Rich Hiett. Their address is 2102 Webster St., Fourth Floor, Oakland CA 94612. Failure to submit the requested documents may subject the Oakland International Trade Center (OITC) to civil liabilities.

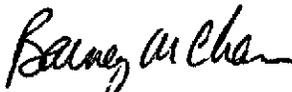
Our office has a Memorandum of Understanding (MOU) with the Department of Health Services Toxics Substance Division. As such, we are empowered to enforce the regulations of the California Health and Safety Code (CH&SC), Division 20, Chapter 6.7. Section 25298 (c) 4 of the CH&SC states that no person

Mr. Nelson Tsui
625 Hegenberger Rd.
STID #568
August 27, 1992
Page 2.

shall close an underground tank unless that person has taken steps to demonstrate to the appropriate agency that the site has been investigated to determine if there are any present, or were past releases, and if so that appropriate corrective actions are taken. Section 25299 (5) allows for the penalty of not less than \$500 or more than \$5000 for each underground tank for each day which the operator or owner fails to properly close an underground tank as required by Section 25298. The failure to remove the underground tanks or the failure to provide an adequate workplan shall be considered the improper closure of an underground tank and may cause this case to be referred to the District Attorney Office for enforcement.

Please contact me at (510) 271-4320 should you have any questions or comments.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

cc: M. Thomson, Alameda County District Attorney Office
R. Hiett, RWQCB
E. Howell III, files

NOV-625Heg

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0226

May 7, 1991

Mr. Nelson Tsui
Oakland International Trade Center
P.O. Box 23824
Oakland CA 94623

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

Re: Request for Preliminary Investigation Report on 625 Hegenberger
Road, Oakland 94621

Dear Mr. Tsui:

Following conversations with you in March of this year you stated that SCS Engineers had performed a preliminary subsurface investigation at the above referenced site. You were told that the contamination was "minor and localized". I understand that you are currently seeking funding to remove the tanks. Before our agency can appraise the nature of the unauthorized release (as evidenced by the submitted Unauthorized Release Report) you are requested to submit the prementioned report performed by SCS Engineers. Your prompt attention to this matter will expedite the proper handling of this site.

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

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

cc: files

625Heg

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0226

February 1, 1991

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

Mr. Nelson Tsui and Mr. Clyde Baugh
Oakland International Trade Center
633 Hegenberger Rd.
Oakland CA 94621

Re: 625 Hegenberger Road, Oakland CA 94621

NOTICE OF VIOLATION

Dear Mr. Tsui and Mr. Baugh:

On January 10, 1991 Barney Chan, Hazardous Materials Specialist, from this office performed an inspection at the above referenced location for the purposes of clarifying the County's records regarding the businesses at this site. During the inspection, a number of violations were noted of the California Code of Regulations, Title 22, Division 4 (22CCR) and of the California Health and Safety Code, Division 20 (CH&SC). The violations of 22CCR are:

1. Section 66508- Many containers at the facility were not properly labeled. This included approximately 20 plus 55 gallon drums which are believed to contain waste oil and possibly soil generated from a subsurface investigation. These drums are on the east side of the building doing business as Quality Tune-Up. Thirteen drums are in one area and twelve drums are immediately east of the building in an open retaining area. All waste containers must be labeled for contents, hazard class, name and address of generator and a start accumulation date. Hazardous waste must not be stored for more than 90 days.
2. Section 67243- Containers holding hazardous material must be closed unless adding or removing waste. Several of the 55 gallon drums stored in the area immediately east of the building did not have their bungs in place and another drum containing waste oil and oil filters did not have a cover on it at all.
3. Section 67241- If a container is not in good condition, or it begins to leak, the owner operator shall transfer the hazardous waste to a container in good condition. Several of the drums in question were rusted, bent and in general poor condition.

Mr. Tsui and Mr. Baugh
625 Hegenberger Rd.
February 1, 1991
Page 2.

Violations of the California Health and Safety Code :

1. Section 25189.5- The disposal of any hazardous waste at an unpermitted facility is subject to civil fines. Because of the poor maintenance of the area where these drums are being stored there is apparent spillage of oil to the ground.

2. Section 25124(4) defines a "waste" as material mislabeled or not adequately labeled, unless the material is labeled adequately within ten days. Section 66471 of Title 22 CCR requires the generator to determine whether or not the waste he generates is hazardous. Most of the drums located on the eastside of the building, are not adequately labeled to determine whether they contain product, waste or hazardous waste.

As a general practice containers storing hazardous waste should be kept in a secure area and be checked routinely for any change in physical condition. The current location of these drums is open to the public and therefore there is significant risk for tampering.

In accordance with Section 66328 of CCR, T22 a plan of correction must be submitted to our office within 30 days. The plan should specify the actions you or Quality Tune-Up will take to address the above violations.

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Division
Edgar Howell, Chief Hazardous Materials Division
Howard Hatayama, DOHS
Aj Singh, Quality Tune-Up, 625 Hegenberger Rd., Oakland 94621

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0226

September 19, 1990

Herman Rice
Quality Tune-Up Shops
625 Hegenberger Rd.
Oakland, CA 94621

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

Re: Waste Minimization Assessment

Dear Herman Rice:

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

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

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

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

Sincerely,

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

EBH:kac

cc: Fire Department
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0226

September 19, 1990

Charles E. Rosen
Rosen Mercedes Service, Inc.
625 Hegenberger Rd.
Oakland, CA 94621

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

Re: Waste Minimization Assessment

Dear Charles E. Rosen:

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

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

Sincerely,

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

EBH:kac

cc: Fire Department
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

DAVE KEARS

AGENCY
Agency Director



R0226

470-27th Street, Third Floor
Oakland, California 94612
(415)874-7237

July 24, 1986

Mr. Charles Rosen
Rosen Mercedes Service
625 Hegenberger Road
Oakland, CA 94621

NOTICE OF VIOLATION

Dear Mr. Rosen:

On July 17, 1986 an inspection was conducted of your premises at 625 Hegenberger Rd. The following violations of the California Administrative Code, Title 22, Division 4, Chapter 30, were discovered:

1. Sec. 66471 - All the wastes generated by your facility were not properly identified.
2. Sec. 66480 - manifests or disposal receipts were not prepared for transporting the waste.
3. Sec. 66492 - manifests or biennial reports were not kept; test results, waste analyses, or other hazardous waste determinations were not made.
4. Sec. 66493 - biennial reports were not properly filed with the Department of Health Services by March 1, 1986.
5. 49CFR 172.304 and CAC Sec. 66504 - hazardous waste containers were not properly marked.
6. H & SC 25189.5 - Waste coolant and oil were disposed on the ground and was observed leaking from the storage area onto neighboring property.
7. Sec. 66508 - Waste oil and water were stored in an unused hot tank for more than 90 days without a permit.

In accordance with Sec. 66328, a Plan of Correction must be submitted to this office within 30 days of the receipt of this letter. The plan should specify the actions to be taken to address the above violations and the expected dates of completion.

Your attention is directed to sections 25184, 25189, and

25191 of the California Health and Safety Code which provides for civil and criminal penalties of up to \$50,000 per day per violation for violation of its regulations.

If you have any questions concerning this matter, please contact Lowell Miller at 874-7237.

Sincerely,

Rafat A. Shahid

Rafat A. Shahid, Manager
Hazardous Materials Program

cc: Dwight Hoenig, DOHS
Gil Jensen, Alameda County District Attorney,
Consumer and Environmental Protection