



SENT
11-1-05

RO0002447

October 31, 2005

Mr. Gary Lyons
50 Hegenberger Loop
Oakland, CA 94621

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

Re: Fuel Case RO0002447, Underground Tank Closure at 50 Hegenberger Loop, Oakland 94621

Dear Mr. Lyons:

Alameda County Environmental Health has reviewed the files regarding the above referenced site. We have received and reviewed the workplan dated August 10th, 2005 by Jeanine C. Lovejoy of The Consulting Group. The workplan proposes to install three borings at the above referenced site. This office concurs with the proposed workplan in general. However, we request that you address the following technical comments and submit the technical report requested below.

TECHNICAL COMMENTS

- **Soil Borings-** Please ensure that your borings are installed to the depth of 25 feet, rather than what has been proposed in the workplan.
- **Cross Sections-** Please provide detail geological cross section per our discussion.
- **Summary Tables-** Please provide separate cumulative data tables that include soil and groundwater analytical results for all compounds that were analyzed at this site. For clarity please tabulate your cumulative soil and groundwater data per monitoring point then sorted by date. Include these tables in the report requested below.
- **Site map, ESL-** Please provide a scaled site map with all samples and their historical and current concentrations of the constituents. The concentrations should be compared with relevant ESL numbers.

TECHNICAL REPORT REQUEST

Please submit the following technical reports to Alameda County Department of Environmental Health (Attention: Amir K. Gholami):

December 31, 2005 workplan result

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) now request submission of reports in electronic form. The electronic copy is intended to replace the need for a paper copy and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). Please visit the State Water Resources Control Board for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an

appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at 510-567-6876.

Sincerely,



Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Mr. Jeanine C. Lovejoy of The Consulting Group, 394 Cecilia Way, Tiburon,
CA 94920
D.Drogos, A.Gholami



SENT
4-14-05

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

RO0002447

April 12, 2005

Mr. Gary Lyons
50 Hegenberger Loop
Oakland, CA 94621

Re: Fuel Case RO0002447, Underground Tank Closure at 50 Hegenberger Loop, Oakland 94621

Dear Mr. Lyons:

Alameda County Environmental Health has reviewed the files regarding the above referenced site. However, We need additional information from you in order to complete our evaluation. We request that you address the following technical comments and submit the technical report requested below.

TECHNICAL COMMENTS

- 1. MTBE in soil and groundwater-** Please collect a soil and groundwater sample and analyze for MTBE. The sample must be taken downgradient and in the proximity of the former USTs. You may establish groundwater gradient by studying of the available neighboring sites.
- 2. Site map-** Please provide a scaled site map with all samples and their historical and current concentrations of the constituents.
- 3. Summary Tables-** Please provide separate cumulative data tables that include soil and groundwater analytical results for all compounds that were analyzed at this site. For clarity please tabulate your cumulative soil and groundwater data per monitoring point then sorted by date. Include these tables in the report requested below.
- 4. Benzene concentration-** Please collect and analyze an additional soil/groundwater sample in WL4 area where Benzene has been detected at up to 8.5 PPM in soil.

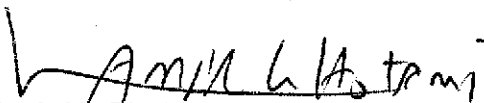
TECHNICAL REPORT REQUEST

Please submit the following technical reports to Alameda County Department of Environmental Health (Attention: Amir K. Gholami):

May 12, 2005 workplan

If you have any questions, please do not hesitate to call me at 510-567-6876.

Sincerely,

A handwritten signature in black ink that reads "Amir K. Gholami". The signature is written in a cursive style with a large initial "A".

Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Mr. David E Cottle Sr., DC Engineering, 135 Cottage Ave, Manteca, CA
95336
D.Drogos, A.Gholami

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



92-27-2

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

December 26, 2002

Mr. Gary Lyons
50 Hegenberger Loop
Oakland, CA 94621

Re: Fuel Case RO0002447, Underground Tank Closure at 50 Hegenberger Loop, Oakland 94621

Dear Mr. Lyons:

Alameda County Environmental Health, Local Oversight Program (LOP), has begun our review of the referenced site for formal closure recommendation. Our recent concern regarding the analysis of MTBE was satisfied with the additional analytical results submitted. However, it appears that there is still an outstanding issue. A soil pile(s) was generated during the tank removal (WL1) and during the over-excavation of tank pit #2, whose disposition is still unaccounted. You were given the option to dispose of this soil or resample after aeration for possible reuse. Which option did you choose? Please submit a copy of either the soil disposal receipt or a copy of the analysis of the soil after re-sampling?

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

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

Soil disp50HegLoop

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



05-02 02

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

May 1, 2002
StID 3997/RO00002447

Mr. Gary Lyons
50 Hegenberger Loop
Oakland, CA 94621

Re: Fuel Leak Case RO00002447, 50 Hegenberger Loop, Oakland, CA 94621

Alameda County Environmental Health, Local Oversight Program (LOP), has recently reviewed the case file for the subject site and determined that additional information is necessary to progress your site towards case closure. This request is based upon the following new legislative requirements since our last correspondence of March 13, 1997:

- 1997 addition to Chapter 6.75, Division 20 of the Health and Safety Code, requiring the testing for MTBE at underground tank sites before the Regional Board or the local agency can issue a closure letter.
- Clarification letter dated January 15, 1999 to Mr. Walt Pettit of the State Water Resources Control Board (SWRCB) from William Attwater, Chief Counsel confirming the need to test all sites for MTBE before closure.
- March 26, 1999 Governor Gray Davis signed Executive Order D-5-99 requiring the SWRCB to prioritize MTBE impacted sites to maximize the effort to protect and cleanup groundwater.

Therefore, your site has been transferred to the LOP in accordance with the Notice of Responsibility (NOR) letter sent to you. We request that you address the following technical comments when performing the requested work at your site.

Technical Comments

1. As previously requested, please document the proper disposal of the impacted soil that was not approved for site re-use.
2. A minimum of one groundwater sample should be collected within or down-gradient of the two former underground tanks. The samples should be analyzed for TPHg, and by EPA Method 8260 for BTEX, MTBE, TAME, ETBE, DIPE, TBA, EDB and EDC.

Please submit a work plan to perform this investigation within 30 days or no later than June 3, 2002. This request is pursuant to the Water Board authority under Section 13267 of the California Water Code. You may contact me at (510) 567-6765 with comments or questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Wprq50HegLoop

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

RG# 2447

March 13, 1997
StID # 3997

W. E. Lyons Construction Co.
Mr. Gary Lyons
50 Hegenberger Loop
Oakland CA 94621

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

**Re: Subsurface Investigation at 50 Hegenberger Loop, Oakland
CA, 94621**

Dear Mr. Lyons:

As you may recall, after the initial removal of the two underground tanks at the above referenced site, contamination in soil was found in the north end of the southernmost tank and within the small stockpiled soil designated WL1. These results were documented in the November, 1995 Cottle Engineering report.

On September 6, 1996, Mr. Dave Cottle performed additional soil excavation down to groundwater in the north end of the southernmost tank. The stockpiled soil generated, assumed impacted with gasoline, was combined with the soils designated WL1 and were spread in a thin layer so the contamination could aerate. One grab groundwater sample, designated LW-1, was taken after overexcavation. Low concentrations of Total Petroleum Hydrocarbons as gasoline, (TPHg) and TEX (toluene, ethylbenzene and xylenes) was detected in the this water sample. Based upon this result, our office will not require any further work, however, in order for our office to close this site, you are requested to document the proper disposition of the stockpiled soils at your site. They may be either resampled for TPHg and BTEX for possible reuse, or disposed at an appropriate landfill.

Please provide proper soil disposal documentation to our office within 30 days or by April 14, 1997.

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. D. Cottle, P.O. Box 163, Antioch, CA 94509-0016
sp50Heg

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R02447

March 13, 1997

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

ATTN: Mr Gary Lyons

W.E. Lyons Construction
50 Hegenberger Loop
Oakland CA 94621

RE: Project # 3762A - Type R
at 50 Hegenberger Loop in Oakland 94621

Dear Property Owner/Designee:

Our records indicate the deposit/refund account for the above project has fallen below the minimum deposit amount. To replenish the account, please submit an additional deposit of \$100.00, payable to Alameda County, Environmental Health Services.

It is expected that the amount requested will allow the project to be completed with a zero balance. Otherwise, more money will be requested or any unused monies will be refunded to you or your designee.

The deposit refund mechanism is authorized in Section 3-140.5 of the Alameda County Ordinance Code. Work on this project will be debited at the Ordinance specified rate, currently \$94 per hour.

Please be sure to write the following identifying information on your check:

- project #
- type of project and
- site address

(see RE: line above).

If you have any questions, please contact Barney Chan
at (510) 567-6765.

Sincerely,

Tom Peacock, Area Manager
Environmental Protection

c: files/inspector

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



Alameda County CC#300
Environmental Health Services
1131 Harbor Bay Pkwy., #250
Alameda CA 94502-6577
(510)567-6700 FAX(510)337-9335

RO#2447

April 25, 1996
StID # 3997

W. E. Lyons Construction Co.
Mr. Gary Lyons
50 Hegenberger Loop
Oakland CA 94621

**Re: Request for Work Plan for Subsurface Investigation at 50
Hegenberger Loop, Oakland CA 94621**

Dear Mr. Lyons:

I last spoke with you on November 30, 1995 after the removal of the two underground tanks at the above site. After review of the analytical data from the removals a number of items were discussed and agreed upon. Among these were:

1. Most of the stockpiled soils from Tank 1 and Tank 2 were not contaminated and could be reused to backfill the pit from Tank #1. Also, there was only minor petroleum contamination observed in soil samples from Tank pit 1 and no further work would be required in this area.
2. A small amount of stockpiled soil from Tank 1 was contaminated with gasoline and would need to be aerated and resampled prior to reuse.
3. The north end of Tank 2 detected elevated levels of gasoline and BTEX (benzene, toluene, ethylbenzene, xylenes) which should be overexcavated and resampled. Also, based on the shallow groundwater at this site, should groundwater be encountered during overexcavation and water sample should be taken for chemical analysis.

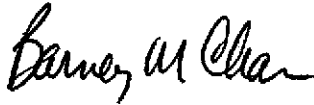
Based on our conversation, I anticipated that this work was being scheduled. To date, our office has not received a work plan nor have we been informed of any further action at this site. Therefore, you are requested to send a work plan to address the above items (#2&3). Please submit your work plan to our office within 30 days or by May 28, 1996.

This is a formal request for technical reports pursuant to the California Water Code and the Health and Safety Code. Failure to submit the requested reports may subject W. E. Lyons Construction to appropriate civil liability.

Mr. Gary Lyons
50 Hegenberger Loop
StID # 3997
April 25, 1996
Page 2.

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

c: Mr. Dave Cottle, Sr., Cottle Engineering, P.O. Box 163,
Antioch, CA 94509

G. Coleman, files

wpre50Heg

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R02447

December 28, 1993

CERTIFIED MAILER #: P 422 218 201

W.E. Lyons Construction Co.
50 Hegenberger Loop
Oakland, 94621

UGTID:3997

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
50 Swan Way, Rm. 500
Oakland, CA 94621
(510) 271-4320

**Re: FIVE-YEAR PERMITS FOR OPERATION OF UNDERGROUND STORAGE TANK(S)
50 Hegenberger Loop Oakland, 94621**

Dear Owner/Operator:

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

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

Be advised that Title 23 of the California Code of Regulation prohibits the operation of "ANY" UST without a permit. If our records are in error, you must contact this office immediately TO AVOID POSSIBLE ENFORCEMENT ACTION. Please feel free to contact this office at (510) 271-4320; to answer any questions which may arise in completing the mandatory five-year permit process. Be prepared to provide your zip code to speak with the Hazmat Specialist handling your case.

Sincerely,

PAUL SMITH
HazMat Specialist

c: Edgar Howell, Chief, Hazardous Materials Div. (files)