

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



SENT
9-26-06

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

September 25, 2006

Mr. Carl and Donna Graffenstatte
Graffenstatte Corporation
PO Box 1295
Eatonville, WA 98328

Subject: Fuel Leak Case No. RO0000013, New Performance, 186 E Lewelling Blvd., San Lorenzo, CA

Dear Mr. Graffenstatte:

Alameda County Environmental Health Department (ACEH) staff have reviewed the case file and report entitled, "Fourth Quarter 2001 Groundwater Monitoring Report", dated June 15, 2002 and prepared on your behalf by Sierra Environmental Inc. Groundwater sampling conducted during December 2001 confirmed the presence of dissolved petroleum hydrocarbon contamination in onsite monitoring wells MW-2 and MW-3 at concentrations up to 24,000 µg/L TPHg, 8.1 µg/L benzene, 1,600 µg/L ethylbenzene and 4,000 µg/L xylenes, which all exceed -with the exception of benzene- the Environmental Screening Levels for sites with soil and groundwater contamination.

In May 1999 and again in February 2001, ACEH requested an additional soil and groundwater investigation to determine the extent of petroleum hydrocarbons contamination downgradient of the source area. ACEH does not agree with the conclusion that the site be considered as a low risk groundwater case. According to the California Regional Water Quality Control Board, San Francisco Bay Region; to consider a site a low risk groundwater case the following conditions must be satisfied:

1. The leak has been stopped and ongoing sources, including free product, removed or mitigated.
2. The site has been adequately characterized.
3. The dissolved hydrocarbon plume is not migrating.
4. No water wells, deeper drinking water aquifers, surface water or other sensitive receptor 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

ACEH agrees that condition 1 has been satisfied. However, it is our opinion that conditions 2, 3, 4, 5, and 6 have not been adequately satisfied. In particular, because no investigation has been conducted immediately downgradient of the source areas, combined with extremely variable groundwater flow direction and inconsistent and incomplete groundwater analytical data, ACEH does not believe the subject site has been adequately characterized or the dissolved hydrocarbon plume has been accurately delineated.

Therefore, in the interest of moving your case through the regulatory process, ACEH request that an additional soil and groundwater investigation be completed to define the extent of soil and groundwater contamination downgradient of the source area. ACEH suggests the use of expedited site assessment techniques to delineate the vertical and horizontal extent of soil and groundwater contamination immediately downgradient of the source area. Furthermore, ACEH

considers the use of expedited site assessment an integral component in the site characterization process.

Based on ACEH staff review of the case file, we request that you address the following technical comments and prepare a work plan detailing work to be performed, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to steven.plunkett@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

1. **Soil and Groundwater Investigation.** Results of previous investigative work performed at the site to date have been insufficient to adequately characterize the extent of soil and groundwater contamination. Additionally, the horizontal and vertical extent of soil and groundwater contamination has not been delineated for the site. Based on the concentrations of TPH and TPH constituents detected in the soil and groundwater, an additional investigation immediately downgradient of the source area is required to assess the extent of soil and groundwater contamination beneath your site.

ACEH recommend that your investigation incorporate expedited site assessment techniques to collect soil samples and depth-discrete groundwater samples prior to the installation of groundwater monitoring wells. Expedited site assessment tools and methods are a scientifically valid and cost-effective approach to fully define the three-dimensional extent of groundwater contamination. Technical protocol for expedited site assessments are provided in the U.S. Environmental Protection Agency's "Expedited Site Assessment tools for Underground Storage Tanks: A Guide for Regulators," (EPA 510-B-97-001), dated March 1997. Other options for additional investigation or remediation may also be appropriate at your site. The Work Plan requested below is to include a detailed plan to characterize petroleum hydrocarbon contamination in soil and groundwater within the shallow soil and water bearing zones and possible deeper water-bearing zones immediately downgradient of the source area.

2. **Contamination Plume Delineation and Groundwater Flow Conditions.** The three dimensional extent of the dissolved petroleum hydrocarbon contamination has not been determined at the site. Results from the most recent groundwater monitoring conducted in December 2001 indicate that residual TPH and TPH constituents remains in groundwater beneath your site. There has been no data collected downgradient of the source area to determine the aerial extent of dissolved hydrocarbon contamination. ACEH believes the monitoring well network -in its current design- is insufficient to adequately define the extent of contamination downgradient of MW-3. To determine the extent of dissolved petroleum hydrocarbon contamination an additional soil and groundwater investigation is required downgradient of MW-3.

Considering the variability of groundwater flow conditions that have been documented at the site. It is essential to evaluate the local geologic and hydrogeologic conditions that are present at the site, and thus determine the actual groundwater flow conditions. Review of groundwater elevations data in the vicinity of the subject site suggest the flow direction is toward the southwest, confirming that additional subsurface investigation is needed immediately downgradient to MW-3. We request that you use groundwater elevation data that

is available at other sites in the vicinity and detailed hydrogeologic cross sections to evaluate the groundwater gradient and groundwater flow conditions on site and immediately downgradient of the site. Each cross section should include the following:

- a. Surface topography. The cross sections should be extended off-site where necessary to show significant breaks in slope.
- b. Soil descriptions for all borings and wells along the line of section.
- c. Screen and filter pack intervals for each monitoring well.
- d. Sampling locations and results for soil and grab groundwater samples.
- e. Site features such as the tank pit, dispensers, etc.
- f. Where appropriate, monitoring well location and soil boring locations should be projected back to the strike of the cross section line.

Please discuss in detail your proposal to perform this work in the Work Plan requested below.

3. **Soil and Groundwater Sample Analysis.** All soil and groundwater samples to be collected during the investigation are to be analyzed for TPHg and TPHd by EPA Method 8015M or 8260, BTEX, EDB, EDC, MtBE, TAME, ETBE, DIPE, TBA and EtOH by EPA Method 8260 and total lead. Please present the results from the soil and groundwater sampling in the Soil and Groundwater Investigation Report requested below.
4. **Geotracker EDF Submittals** - A review of the case file and the State Water Resources Control Board's (SWRCB) Geotracker website indicate that electronic copies of analytical data have not been submitted for your site. Pursuant to CCR Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the LUFT program, must be transmitted electronically to the SWRCB Geotracker website via the internet. Additionally, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude accurate to within 1-meter accuracy, using NAD 83, and transmitted electronically to the SWRCB Geotracker website. Beginning July 1, 2005, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). In order to remain in regulatory compliance, please upload all analytical data (collected on or after September 1, 2001), to the SWRCB's Geotracker database website in accordance with the above-cited regulation. Please perform the electronic submittals for applicable data and submit verification to this Agency by **October 30, 2006.**

TECHNICAL REPORT REQUEST

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

- **November 1, 2006** – Work Plan for Soil and Groundwater Investigation.
- **120 Days After Completion of Work Plan** – Soil and Groundwater Investigation Report

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will 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 (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

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. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. 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 monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website 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

Mr. Carl Graffenstatte
September 22, 2006
Page 5

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.

Should you have any questions, do not hesitate to call me at (510) 383-1767.

Sincerely,



Steven Plunkett
Hazardous Materials Specialist

cc: Joel Greger
Geo-logic Consulting Services
1140 5th Avenue
Crockett, CA 94525

Donna Drogos, ACEH
Steven Plunkett, ACEH
File

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director



10-10-01

RO13

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway
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(510) 567-6700
Fax (510) 337-9335

STID 1709

October 8, 2001

Mr. & Mrs. Graffenstatte
P.O. Box 97397
Tacoma, Washington 98497-300

Re: Property at 186 Lewelling Blvd. San Lorenzo, CA 94577

Dear Mr. and Mrs. Graffenstatte:

I am in receipt of "Third Quarter 2001 Groundwater Monitoring" dated October 1, 2001, submitted by Mitch Hajigahai of Sierra Environmental Inc., regarding the above referenced site.

I would like to make the following comments regarding this report:

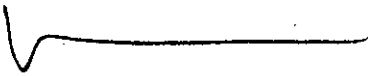
Per this report natural attenuation has reduced concentrations of the constituents within plume. Table II, reflecting chemical analysis of the samples clearly reveals such indication. However, there is inconsistency regarding the groundwater flow gradient. The latest analysis indicates that the flow gradient is to the northwest, while it had been calculated to be NE, SE, W-SW in the past. Beside inconsistency in groundwater flow gradient, there is sudden reduction in concentrations of some of the constituents such as Ethylbenzene from 2,100ppb to 1.5 ppb in MW3 and 2,100ppb Xylene to 2ppb in MW2 within three months. This might, in fact, suggest that the plume may not have been defined properly. Therefore, you may provide proper information and or a workplan to further investigate this site.

In fact, my previous correspondence had also pointed out the change in groundwater flow gradient and the need for further delineation of the plume as well as installment of of a monitoring well off site. This was required due to the presence of contaminants downgradient (southwest) toward San Lorenzo Creek, about 300 feet from the site and possibly below residences across the street. In fact, Juliet Shin, formerly of our office, had requested a workplan submittal in her letter dated May 18, 1999 as well.

I concur with the work proposed within this report by Mr. Mitch Hajiaghai of Sierra Environmental Inc. for continuation of monitoring program. However, additionally, **please submit a workplan regarding the required groundwater plume investigation as specified in the past.**

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

Sincerely,



Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Mr. Mitch Hajiaghai, Sierra Environmental, Inc. 2084 Alameda Way, Suite 201, San Jose, CA 95126
Files



8-28-01

2013

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

Stid 1709

August 27, 2001

Mr. & Mrs. Graffenstatte
P.O. Box 97397
Tacoma, Washington 98497-300

Re: Property at 186 Lewelling Blvd. San Lorenzo, CA 94577

Dear Mr. and Mrs. Graffenstatte:

This office is in receipt of the "Second Quarter 2001 Groundwater Monitoring" dated July 2, 2001, submitted by Mitch Hajigahai of Sierra Environmental Inc., regarding the above referenced site.

Per this report natural attenuation has reduced concentrations of the constituents within plume. However, Table II, reflecting chemical analysis of the samples and as discussed within this report, is missing. Please provide a copy of Table II to this office.

According to figure 3 within this report, groundwater flow was calculated to be moving Northeast at 0.02 ft/ft. This reflects some change in flow direction from previous times.

Please recall that this office had requested further delineation of the plume and installment of a monitoring well off site due to the presence of contaminants downgradient (southwest) toward San Lorenzo Creek, about 300 feet from the site and possibly below residences across the street. This work had been requested by my former colleague, Juliet Shin, in her letter dated May 18, 1999 as well. Therefor, **please submit a workplan regarding the required groundwater plume investigation as directed in the past.**

I concur with the work proposed within this report by Mr. Mitch Hajigahai of Sierra Environmental Inc. as far as continuation of monitoring program along with submittal of a workplan as specified above.

Should you have any questions and or concerns, please call me at (510) 567-6876.

Sincerely,

A handwritten signature in black ink, consisting of a sharp upward stroke followed by a long, horizontal line that tapers slightly to the right.

Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Mr. Mitch Hajiaghai, Sierra Environmental, Inc. 2084 Alameda Way, Suite 201, San
Jose, CA 95126
Files



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(510) 567-6700
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Stid 1709

April 17, 2001

Mr. & Mrs. Graffenstatte
P.O. Box 97397
Tacoma, Washington 98497300

Re: Property at 186 Lewelling Blvd. San Lorenzo, CA 94577

Dear Mr. and Mrs. Graffenstatte:

I am in receipt of the "First Quarter 2001 Groundwater Monitoring" dated April 2, 2001 submitted by Mitch Hajigahai of Sierra Environmental Inc., regarding the above referenced site.

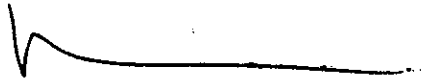
According to this report, The MW-2 well revealed 22ppb, ND, 52ppb, 1,300ppb, 3700ppb, and ND for TPHg, Benzene, Toluene, Ethylbenzene, Xylene, and MTBE respectively. The MW-3 well, on the other hand indicated 12ppb, ND, 28ppb, 2,000ppb, ND, and ND for TPHg, Benzene, Toluene, Ethylbenzene, Xylene, and MTBE respectively. The MW-1 well revealed ND for all the constituents indicated above.

Groundwater flow was calculated to be moving Southwesterly at 0.001ft/ft.

I concur with the work proposed within this report by Mr. Mitch Hajigahai of Sierra Environmental Inc. However, additionally, **please submit a workplan regarding the required groundwater plume investigation as directed previously.** If you recall this office had requested further delineation of the plume and installment of a monitoring well off site due to the presence of contaminants downgradient (southwest) toward San Lorenzo Creek, about 300 feet from the site and possibly below residences across the street. This work had been requested by my former colleague, Juliet Shin, in her letter dated May 18, 1999 as well.

If you have any questions and or concerns, please call me at (510) 567-6876.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amir K. Gholami', with a long horizontal stroke extending to the right.

Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Mr. Mitch Hajiaghai, Sierra Environmental, Inc. 2084 Alameda Way, Suite 201, San
Jose, CA 95126
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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



02-27-01

2013

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(510) 567-6700
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Stid 1709

February 23, 2001

Mr. & Mrs. Graffenstatte
P.O. Box 97397
Tacoma, Washington 98497300

Re: Property at 186 Lewelling Blvd. San Lorenzo, CA 94577

Dear Mr. and Mrs. Graffenstatte:

I have been recently assigned to oversee the clean up process at the above referenced site. I have discussed the case with Sierra Environmental Inc., your present consultant.

Based on the information available, I have noticed that you have not performed the required quarterly groundwater monitoring since April 16th, 1999 by Sierra Environmental Inc. I understand that prior to and after the April monitoring there was a dispute between the present landlord and Ms. Young, the former landlord and that this may have contributed to your inability to receive necessary cost reimbursement through State clean up fund office. However, I have been informed that this issue has been recently resolved and the parties are cooperating in order to be eligible for the state clean up fund office to provide the necessary fund to continue the clean up process at the above referenced site.

In a letter dated May 18, 1999, Juliet Shin, my former colleague, had requested further delineation of the plume due to the presence of contaminants downgradient (southwest) toward San Lorenzo Creek, about 300 feet from the site and possibly below residences across the street.

You had also been directed to install an additional monitoring well be placed off site and continue monitoring.

Please submit a workplan for this work and perform the required groundwater monitoring as directed previously.

Should you have any questions, please call me at (510) 567-6876.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amir K. Gholami', with a long horizontal stroke extending to the right.

Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Mr. Mitch Hajiaghahi, Sierra Environmental, Inc. 2084 Alameda Way, Suite 201, San
Jose, CA 95126
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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



2013

ENVIRONMENTAL HEALTH SERVICES

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

May 18, 1999

Mr. & Mrs. Graffenstatte
P.O. Box 97397
Tacoma, Washington 98497

Claim No.: 008240
STID: 1709

Re: Investigations at the site located at 186 E. Lewelling Blvd., San Lorenzo, CA

Dear Mr. & Mrs. Graffenstatte,

This office has reviewed Sierra Environmental, Inc.'s (Sierra) Groundwater Monitoring Report, dated April 29, 1999, for the above site. Although Sierra has proposed closure for the above site, this office is requiring that two additional quarters of consecutive groundwater monitoring be conducted to identify any seasonal fluctuations of contaminant concentrations and confirm the attenuation of this plume.

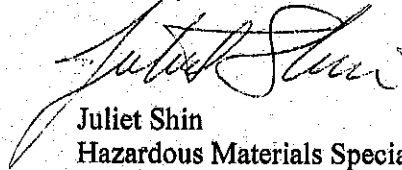
Additionally, this office received a copy of the sampling results for off-site groundwater monitoring on May 14, 1999 that was conducted at the site by CET Environmental (CET) in 1995 (please refer to the attached site plan showing the "grab" groundwater sample locations and the corresponding concentrations of Total Petroleum Hydrocarbons as gasoline (TPHg) and benzene in parts per billion). The site plan was crudely drawn allegedly because CET was not paid to prepare a report. The results of this investigation indicate that elevated contaminant concentrations appear to be migrating downgradient (southwest) towards San Lorenzo Creek, located approximately 300 feet from the site, and possibly below the residences across the street at concentrations that may be posing a health hazard. "Grab" groundwater sampling is not very accurate and is generally used only for a preliminary assessment to determine where a permanent well should be placed. Based on the results of CET's investigation, and the location of sensitive receptors downgradient of the site, this office is requiring that the plume be further delineated to the southwest and that one additional permanent monitoring well be placed off site downgradient.

The next quarterly groundwater monitoring event should take place in July 1999. Please submit a proposal for the above work with the next groundwater monitoring report.

Mr. & Mrs. Graffenstatte
Re: 186 E. Lewelling Blvd.
May 18, 1999
Page 2 of 2

Thank you for your cooperation. If you have any questions or comments, please contact me at
(510) 567-6763.

Sincerely,



Juliet Shin
Hazardous Materials Specialist

ATTACHMENTS

Cc: Craig S. Ellis, Attorney At Law
3382 Warm Springs Road
Glen Ellen, California 95442

Mitch Hajiaghai
Sierra Environmental, Inc.
2084 Alameda Way, Ste 201
San Jose, CA 95126

Ms. Anna Torres
State Water Resources Control Board
Underground Storage Tank Cleanup Fund
P.O. Box 944212
Sacramento, CA 94244-2120

Ms. Wai Yee Young
C/o Ms. Eva Young
4230 Harbor View Avenue
Oakland, CA 94619

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0# 13

March 01, 1999

Mr. & Mrs. Graffenstatte
P.O. Box 97397
Tacoma, Washington 98497

Claim No.: 008240

STID: 1709

Re: Request to State Water Resources Control Board (SWRCB) to add
Mr. & Mrs. Graffenstatte to the existing State Trust Fund Reimbursement account for the
site located at 186 E. Lewelling Blvd., San Lorenzo

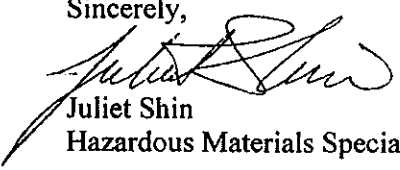
ENVIRONMENTAL HEALTH SERVICES
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1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700

Dear Mr. & Mrs. Graffenstatte,

This office has received the February 23, 1999 letter from your attorney, Craig S. Ellis, explaining that you have requested Ms. Anna Torres at SWRCB to add you to the existing Trust Fund Reimbursement account for the above site. Per your request, this office will grant you an extension for the due date to resume groundwater monitoring until you receive a response from Ms. Anna Torres. Please notify us immediately after hearing from Ms. Torres. If we do not hear from you by the end of March 1999, we will contact you or your attorney for an update on the status of your request.

Thank you for your cooperation. If you have any questions or need any assistance, please contact me at (510) 567-6763.

Sincerely,


Juliet Shin
Hazardous Materials Specialist

Cc: Craig S. Ellis, Attorney At Law
3382 Warm Springs Road
Glen Ellen, California 95442

Ms. Anna Torres
State Water Resources Control Board
Payment Reimbursement Section
Underground Storage Tank Cleanup Fund
P.O. Box 944212
Sacramento, CA 94244-2120

Ms. Wai Yee Young
C/o Ms. Eva Young
4230 Harbor View Avenue
Oakland, CA 94619

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RO# 13

February 02, 1999

Craig S. Ellis
Attorney At Law
3382 Warm Springs Road
Glen Ellen, California 95442

STID: 1709

Re: Extension of due date for required groundwater monitoring at 186 E. Lewelling Blvd.,
San Lorenzo, California

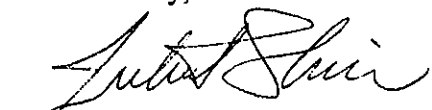
Dear Mr. Ellis,

In response to your request outlined in your January 25, 1999 letter, Mr. & Mrs. Graffenstatte will be granted an extension to the deadline for groundwater monitoring requirements at the above site. It is our understanding that groundwater monitoring will be initiated at the site by February 28, 1999.

Based on your phone message to me on January 25, 1999, you have contacted Ms. Wai Yee Young to request her involvement in the required investigations. Ms. Wai Yee Young is a Responsible Party, in addition to Mr. & Mrs. Graffenstatte, and is required to participate in the investigations.

If you have any questions or comments, please contact me at (510) 567-6763.

Sincerely,


Juliet Shin
Hazardous Materials Specialist

Cc: Ms. Wai Yee Young
C/o Ms. Eva Young
4230 Harbor View Avenue
Oakland, CA 94619

Mr. & Mrs. Graffenstatte
P.O. Box 97397
Tacoma, Washington 98497

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RO# 13

ENVIRONMENTAL HEALTH SERVICES

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

January 4, 1999

Ms. Wai Yee Young
C/o Ms. Eva Young
4230 Harbor View Avenue
Oakland, CA 94619

STID: 1709

Claim #: 008240

Re: Required investigations at 186 E. Lewelling Blvd., San Lorenzo, CA

Dear Ms. Young,

I, Juliet Shin, am a Hazardous Materials Specialist with Alameda County Health Department and have recently been reassigned as the lead case worker for the above site. If you may recall, I was the case worker for the site until 1994 when the case was transferred to Amy Leech in our office.

On September 5, 1990, two 4,000-gallon gasoline underground storage tanks (USTs) and one 350-gallon waste oil UST were removed from the above site. Soil samples collected from below the USTs identified up to 4,000 parts per million (ppm) Total Petroleum Hydrocarbons as gasoline (TPHG), 1.3ppm benzene, and lower levels of other petroleum constituents.

In response to this observed contamination, the release was reported to the State. This office, the San Francisco Bay Regional Water Quality Control Board (RWQCB), and the State Water Resources Control Board (SWRCB) identified Wai Yee Wong Young and Mr. & Mrs. Graffenstatte as the Responsible Parties for investigating and mitigating the observed contamination after an extensive number of meetings, panel reviews, and correspondences with SWRCB and the attorneys for both parties.

After establishing the Responsible Parties, groundwater investigations were initiated at the site through the installation of three groundwater monitoring wells, MW-1 through MW-3, in 1994. These wells were sampled for four consecutive quarters between June 1994 and August 1995, identifying elevated levels of benzene in Wells MW-2 and MW-3. Monitoring of these wells abruptly ceased in 1995 due to unresolved payment issues between CET and Wai Yee Wong Young. Per RWQCB's guidelines, groundwater monitoring must resume at the site until sufficient information can be gathered to conclude that the plume is fully characterized, the plume has stabilized (i.e., is no longer migrating), and the site presents no significant risk to human health or the environment. According to vicinity maps, the site is located immediately upgradient of a residential area. Benzene concentrations identified in Wells MW-2 and MW-3 have consistently exceeded the residential human-health protective threshold value of 240 parts per billion (ppb), which is listed in the Tier 1 table of the American Society for Testing and Materials' Risk-Based Corrective Action Guidelines (E 1739-95). Therefore, due to the potential risk to adjacent properties, and to ascertain whether the plume has stabilized, the plume must continue to be monitored.

Ms. Young
Re: 186 E. Lewelling Blvd.
January 4, 1999
Page 2 of 3

Quarterly groundwater monitoring must resume by January 31, 1999. Groundwater samples shall be analyzed for TPHG, and benzene, toluene, ethylbenzene, and total xylenes. Additionally, per Senate Bill 521 (Mountjoy, Ch 816, 1997), you are required to include the analysis for Methyl Tertiary Butyl Ether (MTBE) using Method 8240 or 8260.

Per my recent conversation with you, Eva Young, it is my understanding that the above property was returned to Mr. & Mrs. Graffenstatte through foreclosure. As I stated to you during our conversation, this does not affect the State's listing of Wai Yee Wong Young and Mr. & Mrs. Graffenstatte as Responsible Parties. However, if a new party has recently purchased the above property, then that party will also be listed as a Responsible Party. Please submit the name, address, and phone number of the new property owner, if any, to this office.

In October 1994, SWRCB granted Wai Yee Wong Young a Letter of Commitment to reimburse her for investigation and cleanup costs. Per my conversation with Cheryl Gordon, State Trust Fund, her claim number at the SWRCB Trust Fund is still active and may be used for future investigation costs. I strongly suggest that Wai Yee Wong Young and Mr. & Mrs. Graffenstatte work together to complete investigations in a manner that will assure full reimbursement by SWRCB for all costs. Please be reminded that the State Trust Fund recommends their review and approval of all workplans prior to implementing work to insure full reimbursement for costs. Additionally, the State Trust Fund requires a minimum of three bids for each workplan, with the work going to the lowest bidder or another bidder if it can be justified based on greater knowledge, experience, etc. If you have any specific questions regarding the Trust Fund, please contact Cheryl Gordon at (916) 227-4539.

Per a letter from CET Environmental Services, Inc. (CET), dated February 11, 1997, it appears that CET drilled additional exploratory borings both on and off site in 1995 to delineate the extent of the plume. The details of this investigation and the analytical results were never submitted to this office based on unresolved payment issues between CET and Wai Yee Wong Young. This information would be valuable in assisting this office to determine the extent of the plume and whether it is posing a threat to adjacent properties. In order to prevent redundant work, this office is requesting that you work with CET to submit all details of this investigation to this office.

As stated above, quarterly groundwater monitoring must resume at the site by January 31, 1999. A quarterly groundwater monitoring report must be submitted within 45 days after completing sampling activities. The quarterly groundwater monitoring report must include, among others, the following elements:

- Details and results of all work performed during the designated period of time: records of field observations and data, boring and well construction logs, water level data, chain-of-custody forms, laboratory results for all samples collected and analyzed, tabulations of free product thicknesses and dissolved fractions, etc.
- Status of groundwater contamination characterization

Ms. Young
Re: 186 E. Lewelling Blvd.
January 4, 1999
Page 3 of 3

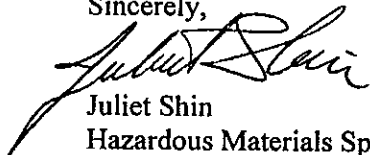
- Interpretations of results: water level contour maps showing gradients, free and dissolved product, plume definition maps for each target component, geologic cross sections, etc.
- Recommendations or plans for additional investigative work or remediation

Please be advised that this is a formal request for a work plan pursuant to Section 2722(c)(d) of Title 23 California Code of Regulations. Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or RWQCB.

Your cooperation is essential in expediting investigations and ultimate closure of the site, which will benefit all parties involved, in that they can move on and put this burden behind them.

If you have any questions or comments, please contact me at (510) 567-6763.

Sincerely,



Juliet Shin
Hazardous Materials Specialist

Cc: Mr. & Mrs. Graffenstatte
P.O. Box 97397
Tacoma, Washington 98497

Cheryl Gordon
State Water Resources Control Board
Division of Clean Water Programs
Underground Storage Tank Cleanup Fund
P.O. Box 944212
Sacramento, CA 94244-2120

Dan McLane
CET Environmental Services, Inc.
3033 Richmond Parkway, Ste 300
Richmond, CA 94806

Files-JMS

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0#13

ENVIRONMENTAL HEALTH SERVICES

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

January 4, 1999

Mr. & Mrs. Graffenstatte
P.O. Box 97397
Tacoma, Washington 98497

STID: 1709

Claim #: 008240

Re: Required investigations at 186 E. Lewelling Blvd., San Lorenzo, CA

Dear Mr. & Mrs. Graffenstatte,

I, Juliet Shin, am a Hazardous Materials Specialist with Alameda County Health Department and have recently been reassigned as the lead case worker for the above site. If you may recall, I was the case worker for the site until 1994 when the case was transferred to Amy Leech in our office. Several attempts were made to contact you by phone at (253) 584-2600 to no avail. Please notify this office of any changes in you phone number.

On September 5, 1990, two 4,000-gallon gasoline underground storage tanks (USTs) and one 350-gallon waste oil UST were removed from the above site. Soil samples collected from below the USTs identified up to 4,000 parts per million (ppm) Total Petroleum Hydrocarbons as gasoline (TPHG), 1.3ppm benzene, and lower levels of other petroleum constituents.

In response to this observed contamination, the release was reported to the State. This office, the San Francisco Bay Regional Water Quality Control Board (RWQCB), and the State Water Resources Control Board (SWRCB) identified you and Ms. Wai Yee Wong Young as the Responsible Parties for investigating and mitigating the observed contamination after an extensive number of meetings, panel reviews, and correspondences with SWRCB and the attorneys for both parties.

After establishing the Responsible Parties, groundwater investigations were initiated at the site through the installation of three groundwater monitoring wells, MW-1 through MW-3, in 1994. These wells were sampled for four consecutive quarters between June 1994 and August 1995, identifying elevated levels of benzene in Wells MW-2 and MW-3. Monitoring of these wells abruptly ceased in 1995 due to unresolved payment issues between CET and Wai Yee Wong Young. Per RWQCB's guidelines, groundwater monitoring must resume at the site until sufficient information can be gathered to conclude that the plume is fully characterized, the plume has stabilized (i.e., is no longer migrating), and the site presents no significant risk to human health or the environment. According to vicinity maps, the site is located immediately upgradient of a residential area. Benzene concentrations identified in Wells MW-2 and MW-3 have consistently exceeded the residential human-health protective threshold value of 240 parts per billion (ppb), which is listed in the Tier 1 table of the American Society for Testing and Materials' Risk-Based Corrective Action Guidelines (E 1739-95). Therefore, due to the potential risk to adjacent properties, and to ascertain whether the plume has stabilized, the plume must continue to be monitored.

Mr. & Mrs. Graffenstatter
Re: 186 E. Lewelling Blvd.
January 4, 1999
Page 2 of 3

Quarterly groundwater monitoring must resume by January 31, 1999. Groundwater samples shall be analyzed for TPHG, and benzene, toluene, ethylbenzene, and total xylenes. Additionally, per Senate Bill 521 (Mountjoy, Ch 816, 1997), you are required to include the analysis for Methyl Tertiary Butyl Ether (MTBE) using Method 8240 or 8260.

Per my recent conversation with Eva Young, Wai Yee Wong Young's daughter, it is my understanding that the above property was returned to your ownership through foreclosure. As I stated to Eva Young, this does not affect the State's listing of you and Wai Yee Wong Young as Responsible Parties. However, if a new party has recently purchased the above property, then that party will also be listed as a Responsible Party. Please submit the name, address, and phone number of the new property owner, if any, to this office.

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Mr. & Mrs. Graffenstatte
Re: 186 E. Lewelling Blvd.
January 4, 1999
Page 3 of 3

- Interpretations of results: water level contour maps showing gradients, free and dissolved product, plume definition maps for each target component, geologic cross sections, etc.
- Recommendations or plans for additional investigative work or remediation

Please be advised that this is a formal request for a work plan pursuant to Section 2722(c)(d) of Title 23 California Code of Regulations. Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or RWQCB.

Your cooperation is essential in expediting investigations and ultimate closure of the site, which will benefit you by increasing the value of your property, and benefit all parties involved, in that they can move on and put this burden behind them.

If you have any questions or comments, please contact me at (510) 567-6763.

Sincerely,



Juliet Shin
Hazardous Materials Specialist

Cc: Ms. Wai Yee Young
C/o Ms. Eva Young
4230 Harbor View Avenue
Oakland, CA 94619

Cheryl Gordon
State Water Resources Control Board
Division of Clean Water Programs
Underground Storage Tank Cleanup Fund
P.O. Box 944212
Sacramento, CA 94244-2120

Dan McLane
CET Environmental Services, Inc.
3033 Richmond Parkway, Ste 300
Richmond, CA 94806

Files-JMS

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RO#13

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

Std 1709

May 29, 1996

c/o Eva Young
Ms. Wai Yee Wong Young
4230 Harbor View Ave
Oakland CA 94619

Subject: Meeting regarding investigations at 186 E Lewelling Blvd., San Lorenzo, CA

Dear Ms. Young:

Per our conversation this morning, this letter is to confirm a meeting date to discuss the status of past investigations and the direction of future investigations at the subject site. Topics to discuss during the meeting should include items discussed in our letter (see attached) to you, dated January 30, 1996.

The meeting will be held at the Alameda County Department of Environmental Health on June 10, 1996 at 2:00 P.M.. We are located at 1131 Harbor Bay Parkway, Alameda, CA. Please see the attached map for directions. Please enter the building through the front door and check in at the reception desk downstairs.

If you have questions or comments, please call me at (510)567-6755.

Sincerely,

Amy Leech
Hazardous Materials Specialist

ATTACHMENTS

c: CET Environmental Services, Inc., 5845 Doyle St., Suite 104, Emeryville CA 94608
w/attachments
Gordon Coleman - File (ALL)

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



Ro#13

ARNOLD PERKINS, DIRECTOR
RAFAT A. SHAHID, DEPUTY DIRECTOR

StId 1709

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

January 30, 1996

c/o Eva Young
Ms. Wai Yee Wong Young
4230 Harbor View Ave
Oakland CA 94619

Subject: Investigations at 186 E Lewelling Blvd., San Lorenzo, CA

Dear Ms. Young:

As you know, your consultant CET Environmental completed a soil and groundwater investigation at the subject site on October 17, 1995 to further delineate the extent of soil and groundwater contamination. Although we have not received the results of this investigation in final report format, CET has forwarded to this office preliminary analytical results of soil and groundwater samples collected from five boring locations advanced in October 1995, and have asked us to review their proposal for determining the proper location for installing three additional monitoring wells.

The purpose of installing the additional monitoring wells is to define the extent of groundwater contamination emanating from this site. Because this office has no records that removal of contaminated soil ever occurred at this site, another purpose of the October 1995 investigation was to verify the extent of soil contamination to assist in determining if source removal is an appropriate corrective action proposal.

CET has proposed to install additional monitoring wells to the north of your property at 16663 Ashland Avenue, to the west at 144 East Lewelling Blvd., and directly south across East Lewelling Blvd.. This office concurs with the proposed locations to the west and to the south; analytical results of "grab" groundwater samples to the west collected from boring PS1 were 720 ppb TPHg and non-detect for benzene, and to the south 21 ppb TPHg and 88 ppb benzene was identified in boring PS2. In addition, the west and south locations are in the assumed downgradient direction of monitoring well MW-3 which has historically had elevated levels of TPHg and benzene.

At this time, we do not believe there is a need for a monitoring well north of the site at 16663 Ashland Avenue because "grab" groundwater samples collected from PS6 detected relatively low levels (TPHg at 80 ppb and benzene was non-detect) and there is currently a permanent monitoring well MW-1 located approximately 30 feet southeast of PS6. However based on my conversation with Christopher Stevens with the State Cleanup Fund, it would be worthwhile to have a monitoring well located upgradient, east of the site, in order to establish site-specific background biodegradation parameters.

Our records indicate that a well survey within the vicinity of your site has *not* yet been completed. It has recently come to my attention that a domestic well may be located at 16643 Ashland Avenue. This information should be verified and the well should be sampled and analyzed for TPHg, MTBE, and BTEX. In addition, a well survey should be completed that encompasses at least a one-quarter

Young

Re: 186 E Lewelling Blvd

January 30, 1996

Page 2 of 2

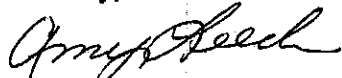
and BTEX. In addition, a well survey should be completed that encompasses at least a one-quarter (1/4) mile radius around this site. Of particular concern, is the potential that domestic wells downgradient from your site may be impacted. It is your responsibility to identify any domestic wells that may be impacted from the release of petroleum hydrocarbons emanating from your site even if the wells are not on record with Alameda County Zone 7 or Alameda County Public Works.

Please submit a report documenting the most recent soil and groundwater investigations, including the installation and sampling of the monitoring wells, no later than March 13, 1995. Groundwater samples should be analyzed for TPHg, BTEX, and Methyl Tertiary Butyl Ether (MTBE). (See attached letter regarding MTBE reporting requirements.) In addition, continue quarterly monitoring of all monitoring wells and report the results of those monitoring events to this office. Please submit the most recent quarterly report, for the 4th quarter 1995, to this office by February 2, 1996.

Based on the information obtained from soil and groundwater investigations (including soil results obtained during the UST removals) completed at this site, cleanup goals for soil and groundwater should be established by evaluating the health and safety risks/environmental impact to potential receptors (e.g. residential exposure to humans, impact to surface waters, etc.). An initial risk evaluation can be completed using the 3-Tier approach of the *ASTM Emergency Standard Guide for Risk-Based Corrective Action (RBCA) Applied at Petroleum Release Sites*. The most cost-effective Corrective Action Plan should then be developed and recommended to this office based on the established cleanup goals. In order to be considered for reimbursement, we recommend that you obtain pre-approval from the State Cleanup Fund *prior to* completing a risk evaluation and developing a Corrective Action Plan.

If you have questions or comments, please call me at (510)567-6755.

Sincerely,



Amy Leech

Hazardous Materials Specialist

ATTACHMENT

- c: CET Environmental Services, Inc., 5845 Doyle St., Suite 104, Emeryville CA 94608
w/attachment
Mr. & Mrs. Graffenstatte, PO Box 97397, Tacoma, WA 98497
Christopher Stevens, State Water Resources Control Board Division of Clean Water Programs
PO Box 944212, Sacramento CA 94244-2120
Walid Saba, Alameda County Planning Dept., 399 Elmhurst St., Hayward, CA 94544
Gordon Coleman - File (ALL)

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R013

RAFAT A. SHAHID, DIRECTOR

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

Std 1709

September 6, 1995

Attn: Walid Saba
Alameda County Planning Department
399 Elmhurst St
Hayward CA 94544

Subject: 186 East Lewelling Blvd., San Lorenzo, CA 94580

Dear Mr. Saba:

This letter is in reference to your August 30, 1995 inquiry regarding this Department's comments on an application for a conditional use permit to operate an automotive repair facility for the subject site. This office is the oversight agency for soil and groundwater investigations and cleanup at this site.

Investigations of soil and groundwater, subsequent to the removal of three (3) underground storage tanks (USTs) in September 1990 and the installation of three groundwater monitoring wells in 1994, have identified that an unauthorized release(s) of gasoline has impacted soil and groundwater at this site. Per Article 11, Title 23 California Code of Regulations, the responsible parties for this release, Wai Yee Wong Young and Mr. & Mrs. Graffenstatter, are required to conduct investigations. These investigations are to include the assessment of the vertical and lateral extent of contamination to soil and groundwater and the submittal of a Corrective Action Plan.

The extent of gasoline contamination to soil and groundwater has *not* yet been determined at this site. A workplan has been submitted by Ms. Young's consultant which proposes to continue to investigate the extent of soil and groundwater contamination within the property boundaries, as well as, adjoining properties located at 16663 Ashland Avenue, 144 East Lewelling Blvd., and East Lewelling Blvd. located south of the subject property. According to the consultant, this workplan is to be implemented as soon as off-site access is granted.

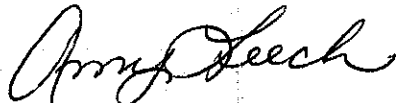
Hence based on the information submitted to us to date, this Department cannot determine if contamination at this site poses a risk to public health and safety. Should there be any plans for construction at this site please notify our office.

This Department, also, oversees the permitting of businesses that use, store, and dispose of hazardous materials. I am forwarding your inquiry to Don Atkinson-Adams with this Department who is the Hazardous Materials Field Inspector for the business currently

ALCO Planning Dept./Saba
Re: 186 E. Lewelling Blvd.
September 6, 1995
Page 2 of 2

operating at the subject site. Please contact me at (510)576-6755/X36755 or Don Atkinson-Adams at (510)567-6734/X36734 if you have questions or need additional information.

Sincerely,



Amy Leech
Hazardous Materials Specialist

c: Ms. Wai Yee Wong Young
4230 Harbor View Ave
Oakland CA 94619

Don Atkinson-Adams, Sr. Registered Environmental Health Specialist

Acting Chief of Environmental Protection - Files(ALL)

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R013

RÁFAT A. SHAHID, DIRECTOR

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

June 22, 1995

Mr. & Mrs. Graffenstatte
PO Box 97397
Tacoma WA 98497

Ms. Wai Yee Wong Young
4230 Harbor View Ave
Oakland CA 94619

StId 1709

Subject: Addendum to Workplan for investigations at 186 E.
Lewelling Blvd., San Lorenzo, CA

This office has reviewed CET Environmental Services, Inc.'s Addendum to their Workplan, dated June 7, 1995. The Addendum and proposed schedule are acceptable to this office with the following comments:

- o This office lacks quantitative soil data for areas along the pipe trench(es) and pump island. However, we have soil data, dated September 1990, on file representing four sampling points within the former gasoline tank pit.
- o This office agrees that the current monitoring wells MW1-MW3 are accurately screened to intercept the free surface of groundwater. Further, we agree that the future installation of monitoring wells should not extend through laterally extensive impermeable zones that are below the water table and that are at least five feet thick. In these situations, the well should be terminated one to two feet into the impermeable zone to prevent potential cross contamination.

The guideline we use for screen placement of five feet above and ten feet below the water table is meant only as a guideline for within the first encountered water bearing layer.

Please notify me at least 72 hours before work begins. If you have questions or comments, please call me at (510)567-6755.

Sincerely,

Amy Leech

Hazardous Materials Specialist

Graffenstatte/Young
186 E. Lewelling Blvd.
June 22, 1995
Page 2 of 2

c: Benjamin Berman and Aaron Stessman
CET Environmental
5848 Doyle St., Suite 104
Emeryville CA 94608

Cheryl Gordon
State Water Resources Control Board
Division of Clean Water Programs
UST Cleanup Fund Program
PO Box 944212
Sacramento CA 94244-2120

Acting Chief of Environmental Protection - File(ALL)

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RO13

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

March 14, 1995

Mr. & Mrs. Graffenstatte
PO Box 97397
Tacoma, WA 98497

Ms. Wai Yee Wong Young
4230 Harbor View Ave.
Oakland, CA 94619

StId 1709

Subject: Work plan for investigations at 186 E. Lewelling Blvd.,
San Lorenzo, CA

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program

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

This office has reviewed CET Environmental Services, Inc.'s (CET) work plan, dated February 27, 1995. This work plan is acceptable to this office provided that the following items are addressed and/or included:

- o Please be reminded that in order to qualify for reimbursement from the State Trust Fund, you must obtain three bids for the work proposed in the approved work plan.
- o Prior to submitting an addendum to the work plan as requested below, please submit a report of the recent quarterly ground water monitoring event. The quarterly report is due to this office by March 17, 1995.
- o Per my conversations with Karel Detterman of CET on March 6 and 10, 1995, this office is not clear on the rationale for collecting soil and groundwater samples in close proximity to monitoring wells MW2 and MW3 and within the former tank pit, since soil and groundwater samples were previously collected from these areas. Please submit justification for these data points and/or a revision of Plate 2.
- o Soil samples were not collected from the pipe trench location(s), and our records indicate that the product piping between the tank pit and the pump island was never removed. If the product piping is, in fact, still in place, the work plan should propose the removal of the product piping and the sampling of soil along the pipe trench. If the product piping was removed, submit documentation/manifests for disposal of the product piping and soil sampling results of the pipe trench.
- o The work plan indicated that if off-site access was not possible, then the proposed downgradient investigations would remain within the property boundaries of the subject site. Per Article 11 Title 23 California Code of Regulations, you are required to define the extent and severity of the ground water contaminant plume emanating from this site. Since ground water samples collected in July 1994 from monitoring well MW-1, located adjacent to the

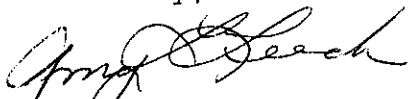
Graffenstatte/Young
Re: 186 E. Lewelling Blvd.
March 14, 1995
Page 2 of 2

northern property boundary, revealed elevated concentrations of TPHg and BTEX, investigations downgradient of that well, i.e. 16663 Ashland Avenue, must be pursued. Should your attempts fail to gain access to adjoining properties, then this office will assist you in your efforts.

- o Screen placement for the monitoring wells should range from 10 feet below to 5 feet above the water table.
- o Per Title 23, Article 4, Section 2649d(8) of the California Code of Regulations, "72 or more hours following well construction, all ground water monitoring wells shall be adequately developed and equilibrium shall be established prior to any water sampling." Additionally, please be reminded to wait a minimum of 24 hours after development of the wells before sampling.
- o Subsequent to the installation of monitoring wells, these wells must be surveyed to an established benchmark, with an accuracy of 0.01 foot. Quarterly ground water monitoring, and reporting will be required until this site qualifies for closure.
- o Submit a proposed time schedule for implementing this project. A report documenting the work must be submitted within 45 days after the completion of field activities at the site.

Please submit an addendum to the work plan addressing the above concerns. If you have any questions or comments, please contact me at (510)567-6755.

Sincerely,



Amy E. Leech
Hazardous Materials Specialist

cc: Benjamin Berman and Karel Detterman
CET Environmental Services, Inc.
5845 Doyle St., Ste 104
Emeryville, CA 94608

Cheryl Gordon
State Water Resources Control Board
Division of Clean Water Programs
UST Cleanup Fund Program
PO Box 944212
Sacramento, CA 94244-2120

Gordon Coleman - Files(ALL)

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

R013

RAFAT A. SHAHID, Assistant Agency Director

August 16, 1994

Mr. & Mrs. Graffenstatte
P.O. Box 97397
Tacoma, Washington 98497

Alameda County CC 4580
Health Care Services Agency
Dept. Of Environmental Health
1131 Harbor Bay Pkwy 2nd Flr.
Alameda, CA 94502-6577

STID 1709

Re: Investigations at 186 E. Lewelling Blvd., San Lorenzo, CA

Dear Mr. & Mrs. Graffenstatte,

This office has reviewed CET Environmental's Ground Water Monitoring Well Installation Report, dated July 26, 1994. Ground water samples collected from the newly installed wells identified elevated levels of Total Petroleum Hydrocarbons as gasoline (TPHg), as high as 93,000 parts per billion (ppb), and benzene, toluene, ethylbenzene, and xylenes (BTEX). Benzene concentrations were noted to be as high as 550 ppb. Benzene is a known carcinogen and the Maximum Contaminant Level for benzene is 1 ppb.

Based on the elevated levels of contaminants identified in all three monitoring wells, it appears that the extent of the ground water contaminant plume has not yet been delineated. Per Article 11 Title 23 California Code of Regulations, you are required to define the extent and severity of the ground water contaminant plume at the site. Per the Regional Water Quality Control Board's guidelines, the installation of permanent monitoring wells is required for delineation purposes. A work plan addressing the delineation of the contaminant plume is due to this office **within 90 days of the date of this letter.**

Quarterly ground water monitoring reports, including water level measurements and corresponding elevation contours, shall continue to be submitted.

If you have any questions or comments, please contact me at (510) 567-6763.

Sincerely,

Juliet Shin
Hazardous Materials Specialist

Mr. & Mrs. Graffenstatte
Re: 186 E. Lewelling Blvd.
August 16, 1994
Page 2 of 2

cc: Benjamin Berman
CET Environmental Services, Inc.
5845 Doyle St., Ste 104
Emeryville, CA 94608

Ms. Wai Yee Wong Young
4230 Harbor View Ave.
Oakland, CA 94619

Edgar Howell

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R013

RAFAT A. SHAHID, Assistant Agency Director

August 16, 1994

Ms. Wai Yee Wong Young
4230 Harbor View Avenue
Oakland, CA 94619

Alameda County CC 4580
Health Care Services Agency
Dept. Of Environmental Health
1131 Harbor Bay Pkwy 2nd Flr.
Alameda, CA 94502-6577

STID 1709

Re: Investigations at 186 E. Lewelling Blvd., San Lorenzo, CA

Dear Ms. Young,

This office has reviewed CET Environmental's Ground Water Monitoring Well Installation Report, dated July 26, 1994. Ground water samples collected from the newly installed wells identified elevated levels of Total Petroleum Hydrocarbons as gasoline (TPHg), as high as 93,000 parts per billion (ppb), and benzene, toluene, ethylbenzene, and xylenes (BTEX). Benzene concentrations were noted to be as high as 550 ppb. Benzene is a known carcinogen and the Maximum Contaminant Level for benzene is 1 ppb.

Based on the elevated levels of contaminants identified in all three monitoring wells, it appears that the extent of the ground water contaminant plume has not yet been delineated. Per Article 11 Title 23 California Code of Regulations, you are required to define the extent and severity of the ground water contaminant plume at the site. Per the Regional Water Quality Control Board's guidelines, the installation of permanent monitoring wells is required for delineation purposes. A work plan addressing the delineation of the contaminant plume is due to this office **within 90 days of the date of this letter.**

Quarterly ground water monitoring reports, including water level measurements and corresponding elevation contours, shall continue to be submitted.

If you have any questions or comments, please contact me at (510) 567-6763.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Juliet Shin'.

Juliet Shin
Hazardous Materials Specialist

Ms. Wai Yee Wong Young
Re: 186 E. Lewelling Blvd.
August 16, 1994
Page 2 of 2

cc: Benjamin Berman
CET Environmental Services, Inc.
5845 Doyle St., Ste 104
Emeryville, CA 94608

Mr. & Mrs. Graffenstatte
P.O. Box 97397
Tacoma, Washington 98497

Edgar Howell

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

In Re The Property Known As :

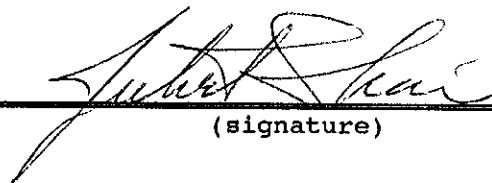
E-Z Serve)
525 West "A" Street)
Hayward, CA 94541)

Proof of Service of
Notice of
Pre-Enforcement
Review Panel

I JULIET SHIN, do hereby certify
that I served L.A. & Margaret Thompsen
with a copy of the attached Notice of Pre-Enforcement Review
Panel on June 7, 1994 by certified
mailer # P 029 244 654

Dated:

6/7/94


(signature)

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

In Re The Property Known As :)
E-Z Serve)
525 West "A" Street)
Hayward, CA 94541)

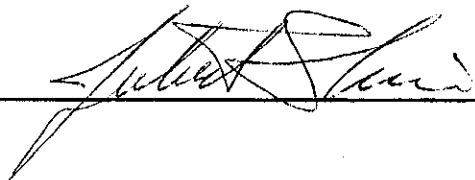
Notice of
Pre-Enforcement
Review Panel

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. E-Z Serve Mgmt. Co. (Contact: Brian Cobb)
P.O. Box 922021, Houston, Texas 77292-2021
2. L.A. & Margaret Thompson
P.O. Box 16290, Houston, Texas 77222
3. Powerine Oil Company, Inc. (Contact: Henry Del Castillo)
12354 Lakeland Road, Santa Fe Springs, CA 90670-3816

Dated: June 7, 1994



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

In Re The Property Known As :

E-Z Serve)

525 West "A" Street)

Hayward, CA 94541)

Proof of Service of
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Pre-Enforcement
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Panel on June 7, 1994 by certified
mailer # P 029 244 653

Dated: 6/7/94

Juliet Shin
(signature)

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

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E-Z Serve)
525 West "A" Street)
Hayward, CA 94541)


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P.O. Box 16290, Houston, Texas 77222
3. Powerine Oil Company, Inc. (Contact: Henry Del Castillo)
12354 Lakeland Road, Santa Fe Springs, CA 90670-3816

Dated: June 7, 1994



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

In Re The Property Known As :

E-2 Serve)
525 West "A" Street)
Hayward, CA 94541)

Proof of Service of
Notice of
Pre-Enforcement
Review Panel

I JULIET SHIN, do hereby certify
that I served Powerine Oil Co. (Contact: Henry Del Castillo)
with a copy of the attached Notice of Pre-Enforcement Review
Panel on June 7, 1994 by certified
mailer # P 029 244 652

Dated: 6/7/94

Juliet Shin
(signature)

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

In Re The Property Known As :)
E-Z Serve)
525 West "A" Street)
Hayward, CA 94541)
_____)

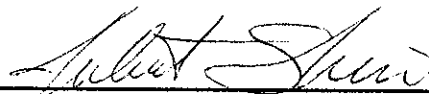
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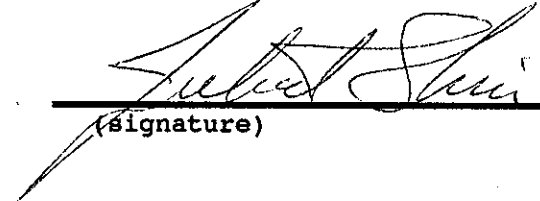
Dated: June 7, 1994



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

In Re The Property Known As :)	Proof of Service
)	
186 E. Lewelling Blvd.)	
San Lorenzo, California)	
_____)	

I Juliet Shin, do hereby certify that I served Ms. Wai Yee Wong Young with a copy of the attached SWRCB letter on May 3, 1994 by certified mailer # P 029 244 574.

Dated: 5/3/94 
(signature)

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

In Re The Property Known As :)
)
186 E. Lewelling Blvd.)
San Lorenzo, California)
_____)

Proof of Service

I Juliet Shin, do hereby certify that I served Mr. & Mrs.
Graffenstatte with a copy of the attached SWRCB letter on
May 3, 1994 by certified mailer # P 029 244 573.

Dated: 5/3/94


(signature)

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
P.O. BOX 100
SACRAMENTO, CALIFORNIA 95812-0100



(916) 657-0941
FAX: 657-0935

CERTIFIED MAIL

APR 25 1994

Mr. R. Allan Payne
Jaffe, Trutanich, Scatena & Blum
250 Montgomery Street, Suite 900
San Francisco, CA 94104

Dear Mr. Payne:

IN THE MATTER OF THE PETITION OF MR. AND MRS. CARL GRAFFENSTATTE
FOR REVIEW AND STAY OF REQUEST FOR SUBMITTAL OF A TECHNICAL
REPORT TO THE ALAMEDA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH
BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,
SAN FRANCISCO BAY REGION; OUR FILE NO. A-860

The State Water Resources Control Board (SWRCB) will not review
this petition. The petition fails to raise significant issues
which merit the SWRCB's review. (See People v. Barry,
194 Cal.App.3d 158, 239 Cal.Rptr. 349.)

If you have any questions about this decision, please call
Philip Wyels at (916) 657-2424.

Sincerely,


Walt Pettit
Executive Director

Enclosure

cc: Interested Persons
Mailing List

INTERESTED PERSONS LIST
PETITION OF MR. AND MRS. CARL GRAFFENSTATTE
OUR FILE NO. A-860

R. Allen Payne
Jaffe, Trutanich, Scatena
and Blum
250 Montgomery Street, Suite 900
San Francisco, CA 94104

Gil Jensen
Alameda County District
Attorney's Office
7677 Oakport St, Ste 400
Oakland, CA 94621

Mr. and Mrs. Carl Graffenstatte
P.O. Box 97397
Tacoma, Washington 98497

Wai Yee Wong Young
4230 Harbor View Avenue
Oakland, CA 94619

Mobil Oil Corporation
1450 Enea Circle, Suite A-100
Concord, CA 94520

Juliet Shin
Alameda County Health Agency
Division of Hazardous Materials
80 Swan Way
Oakland, CA 94621

Steven R. Ritchie
Executive Officer
San Francisco Bay
Regional Water Board
Suite 500
2101 Webster Street
Oakland, CA 94612

Gil Jensen
Alameda County District
Attorney's Office
7677 Oakport Street, Suite 400
Oakland, CA 94621

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
P.O. BOX 100
SACRAMENTO, CALIFORNIA 95812-0100



(916) 657-0941
FAX: 657-0935

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APR 25 1994

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Jaffe, Trutanich, Scatena & Blum
250 Montgomery Street, Suite 900
San Francisco, CA 94104

Dear Mr. Payne:

IN THE MATTER OF THE PETITION OF MR. AND MRS. CARL GRAFFENSTATTE FOR REVIEW AND STAY OF REQUEST FOR SUBMITTAL OF A TECHNICAL REPORT TO THE ALAMEDA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION; OUR FILE NO. A-860

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If you have any questions about this decision, please call Philip Wyels at (916) 657-2424.

Sincerely,

Walt Pettit
Executive Director

Enclosure

cc: Interested Persons
Mailing List

INTERESTED PERSONS LIST
PETITION OF MR. AND MRS. CARL GRAFFENSTATTE
OUR FILE NO. A-860

R. Allen Payne
Jaffe, Trutanich, Scatena
and Blum
250 Montgomery Street, Suite 900
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Gil Jensen
Alameda County District
Attorney's Office
7677 Oakport St, Ste 400
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Alameda County District
Attorney's Office
7677 Oakport Street, Suite 400
Oakland, CA 94621

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R013

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 1, 1994

Mr. & Mrs. Graffenstatte
P.O. Box 97397
Tacoma, Washington

STID 1709

Re: Work plan for 186 E. Lewelling Blvd., San Lorenzo, California

Dear Mr. & Mrs. Graffenstatte,

This office received and reviewed CET Environmental Services, Inc.'s (CET) work plan, dated February 28, 1994. This work plan is acceptable to this office with the following requirements/reminders:

- o Although you proposed to collect a soil sample from the former waste oil tank pit, please be aware that further work related to the former waste oil tank is not required at this time. This is due to the fact that the soil sample collected from the waste oil tank pit in September 1990, which was analyzed for TPHg, BTEX, TPHd, Total Oil & Grease (TOG), and lead, only identified 3 ppb toluene, 6 ppb xylenes, 38 ppm TOG, and 20 ppm lead, which were determined to be acceptable levels. However, if you still wish to collect a sample from the former waste oil tank, you should probably analyze for the waste oil constituents that were not analyzed for in the past, such as chlorinated hydrocarbons, heavy metals, PCB, PCP, creosote, and PNAs.
- o Please be reminded that the monitoring wells should be screened from 5 feet above and 10 feet below the water table.
- o Lastly, per Article 11, Title 23 California Code of Regulations, please be reminded that further work will need to be conducted to delineate the extent of soil contamination, found predominantly on the west side of the former gasoline tank pit.

If you have any questions or comments, please contact me at (510) 271-4530.

Mr. & Mrs. Graffenstatte
Re: 186 E. Lewelling Blvd.
March 1, 1994
Page 2 of 2

Sincerely,



Juliet Shin
Hazardous Materials Specialist

cc: Ms. Wai Yee Wong Young
4230 Harbor View Avenue
Oakland, CA 94619

Benjamin Berman
CET Environmental Services, Inc.
5845 Doyle St., Ste 104
Emeryville, CA 94608

Edgar Howell-File(JS)



DAVID J. NEUBERGER, Assistant Agency Director

RAFAT A. SHAHID, Assistant Agency Director

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

M E M O R A N D U M

TO: Ronald Gee, Planning Department
FROM: *RE* Pam Evans, Hazardous Materials Division
SUBJECT: 186 East Lewelling Blvd., San Lorenzo 94580
DATE: February 2, 1994

I am responding to your request for comments prior to the February 22 public hearing regarding the above site. This department has no objection to the requested change. However, as of my last inspection at the business in September of 1992, there was a storm drain within 15 feet of a hazardous waste storage area. As there was no form of secondary containment for the storage containers, I suggest that the operator either close the drain, provide adequate secondary containment, or move the storage containers to a more ideal location.

Also, a sewer inlet exists in the shop floor. While this arrangement may not be prohibited by Oro Loma Sanitary District, the potential exists for spilled waste oil and other auto fluids to be discharged to the sewer. Such a discharge would violate hazardous waste control requirements. I suggest that the operator close this sewer drain.

You may contact me with any questions at extension 34320.

c: Ariu Levi

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R013

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

January 20, 1994

Mr. & Mrs. Graffenstatte
P.O. Box 97397
Tacoma, Washington 98497

STID 1709

NOTICE OF VIOLATION

Re: Investigations at 186 E. Lewelling Blvd., San Lorenzo,
California

Dear Mr. & Mrs. Graffenstatte,

Based on information and documents presented at the pre-enforcement Review Panel meeting held on July 27, 1993, at the Offices of Alameda County Health Department, you and Ms. Wai Yee Wong Young were designated as "Responsible Parties" for investigations and cleanup at the above site. Subsequently, the San Francisco Bay Region- Water Quality Control Board (RWQCB) issued you and Ms. Young a cleanup order on August 17, 1993, requiring the submittal of a work plan addressing soil and ground water investigations at the site by September 17, 1993, per the authority granted in Section 13267(b) of the Porter-Cologne Water Quality Control Act.

On September 13, 1993, your attorney Allan Payne, with Jaffe, Trutanich, Scatena, & Blum, contacted this office and requested a one month extension of the due date to October 17, 1993, to accomodate your solicitation of bids from consulting firms. This extension was granted, however, to this date, this work plan has not been submitted, and this office has received no communication as to the status of this plan since September 13, 1993.

On September 14, 1993, you filed a petition to the California State Water Quality Control Board for review of RWQCB's cleanup order. However, there is currently no stay in effect for the petition, so the site is still required to comply with RWQCB's order.

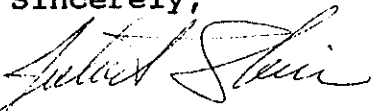
Pursuant to Section 13267(b) of the Porter-Cologne Water Quality Control Act, and Article 11 of Title 23 California Code of Regulations, you are required to submit a work plan, within 30 days of the date of this letter, addressing investigations to determine the nature and severity, and the vertical and lateral extent of soil and ground water contamination at the site.

Mr. & Mrs. Graffenstatte
Re: 186 E. Lewelling Blvd.
January 20, 1994
Page 2 of 2

Failure to furnish this technical report can result in fines of up to \$1,000 per day, pursuant to Section 13268(b) of the California Water Code.

If you have any questions or comments, please contact me at (510) 271-4530.

Sincerely,



Juliet Shin
Hazardous Materials Specialist

cc: Lester Feldman, RWQCB

Gil Jensen, Alameda County District Attorney's Office

R. Allan Payne
Jaffe, Trutanich, Scatena, & Blum
250 Montgomery St., Ste 900
San Francisco, CA 94104

Ms. Wai Yee Wong Young
4230 Harbor View Avenue
Oakland, CA 94619

Edgar Howell-File(JS)

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R013

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
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(510) 271-4530

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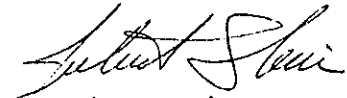
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Ms. Wai Yee Wong Young
Re: 186 E. Lewelling Blvd.
January 20, 1994
Page 2 of 2

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If you have any questions or comments, please contact me at (510) 271-4530.

Sincerely,



Juliet Shin
Hazardous Materials Specialist

cc: Lester Feldman, RWQCB

Gil Jensen, Alameda County District Attorney's Office

R. Allan Payne
Jaffe, Trutanich, Scatena, & Blum
250 Montgomery St., Ste 900
San Francisco, CA 94104

Mr. & Mrs. Graffenstatte
P.O. Box 97397
Tacoma, Washington 98497

Edgar Howell-File(JS)

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

R013

M E M O R A N D U M

Date: November 9, 1993

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

To: Philip Wyels, Staff Counsel
State Water Resources Control Board

From: Juliet Shin, Hazardous Materials Specialist
Alameda County Health Department
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621

Subject: Statement of Facts in Response to the Petition For
Review-File No A-860

Alameda County Health Department cited Mr. and Mrs. Graffenstatte, along with Ms. Wai Yee Wong Young, as Responsible Parties for the above site, based on the State's Underground Storage Tank regulations, more specifically, section 2720, Article 11, Title 23 California Code of Regulations, which defines a "Responsible Party" as "any person who owned or operated the underground storage tank immediately before the **"discontinuation of its use"**."

Subsequently, a pre-enforcement Review Panel meeting was held on July 27, 1993 at the Offices of Alameda County Health Department attended by Mr. Richard Hiett from RWQCB, Mr. James Jaffe and Mr. Allan Payne representing Mr. and Mrs. Graffenstatte, and Ms. Young and Mr. Francis Lan. Based on extensive presentations by the parties, documents, and legal arguments received on behalf of Mr. and Mrs. Graffenstatte during the Panel meeting, Ms. Young and Mr. and Mrs. Graffenstatte have been designated as a "Responsible Party".

The panel found that Mr. & Mrs. Graffenstatte were the last owners of the two gasoline underground storage tanks (USTs) from which the observed release has occurred, and prior to selling the property at 186 E. Lewelling Blvd. in 1986, Mr. & Mrs. Graffenstatte had the tanks pumped "bone dry". The property was subsequently purchased by Ms. Young who stated, along with her tenants who used the site for an Automobile Repair store, that they never used the gasoline tanks and never had any reason to use these tanks. Additionally, Ms. Young stated that the dispensers connected to the gas tanks were rendered unuseable when the property was sold to her. The panel found that the above activities are consistent with the definition of **"discontinuation of use"** as established in the federal court case law G.J. Leasing et al v. Union Electric, 825 F. Supp. 1363, which includes the following as the definition of **"discontinuation of use"**:

"...b) if there is reason to believe that [the tank] will not be used in the future (e.g., the owner abandoned the tank,

intakes and vents are paved over, access piping is disconnected or removed, or the tank was sold to a person who had no use for the tank such as a residential real estate developer)."

The evidence established that the two gasoline USTs were removed from the site in September 1990, at the direction of Alameda County Health Department, with a representative from the County, Ravi Arulanantham, out at the site observing the removals. These tanks were removed properly in compliance with the guidelines. Photos in the Alameda County files indicate that a number of large holes, along with extensive corrosion, were noted on both the gas USTs, which is consistent with operating tanks. Additionally, elevated levels of petroleum contamination were identified in the soils beneath these two tanks. Evidence presented on behalf of Mr. & Mrs. Graffenstatte established that these tanks were pumped "bone dry" prior to the sale of the property to Ms. Young. The panel found that the observed contamination was released from these tanks prior to Ms. Young's ownership of the property.

The findings of the panel were that it is common knowledge that current technology for tank tightness tests cannot achieve an accuracy of 100 percent. Even Title 23 California Code of Regulations only requires a 95 percent probability of detection from its test requirements. The panel additionally considered as common knowledge the overfilling of tanks as a common occurrence at tank sites and a potential source of soil contamination. Therefore, it is possible for releases to be discovered from tanks that have passed tank tightness tests.

Alameda County Health Department has no evidence presently, nor has the panel received any evidence to indicate that a leak occurred from the gas USTs when Mobil operated at the site. Therefore, the County could not designate Mobil as a Responsible Party for the site.

If you have any questions or comments, please contact me at (510) 271-4530.

cc: Rich Hiett, RWQCB

Gil Jensen, Alameda County District Attorney's Office

Mr. R. Allen Payne
Jaffe, Trutanich, Scatena
and Blum
250 Montgomery St., Ste 900
San Francisco, CA 94104

Ms. Wai Yee Wong Young
4230 Harbor View Ave.
Oakland, CA 94619

Edgar Howell-File(JS)

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R013

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

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

September 15, 1993

Ms. Wai Yee Wong Young
4230 Harbor View Avenue
Oakland, CA 94619

STID 1709

Re: Required investigations at 186 E. Lewelling Blvd., San
Lorenzo, California

Dear Ms. Young,

Per my conversation with Allan Payne, an attorney with Jaffe, Trutanich, Scatena, & Blum, on September 13, 1993, it is the understanding of this office that Mr. & Mrs. Graffenstatte have begun soliciting estimates from consultants to prepare a work plan for further investigations at the site. Per the above conversation, this office is granting a one month extension for the submittal of the required work plan to **October 17, 1993**. Additionally, this office is requesting that **monthly status reports** or summaries be submitted outlining the progress being made towards meeting the investigation/cleanup requirements at the site.

If you have any questions or comments, please contact me at (510) 271-4530.

Sincerely,

Juliet Shin
Hazardous Materials Specialist

cc: Mr. & Mrs. Graffenstatte
P.O. Box 97397
Tacoma, Washington 98497

James L. Jaffe
Jaffe, Trutanich,
Scatena, & Blum
250 Montgomery St., Ste 900
San Francisco, CA 94104

Edgar Howell-File(JS)

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R013

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

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

September 15, 1993

Mr. & Mrs. Graffenstatte
P.O. Box 97397
Tacoma, Washington 98497

STID 1709

Re: Required investigations at 186 E. Lewelling Blvd., San
Lorenzo, California

Dear Mr. & Mrs. Graffenstatte,

Per my conversation with Allan Payne, an attorney with Jaffe, Trutanich, Scatena, & Blum, on September 13, 1993, it is the understanding of this office that you have begun soliciting estimates from consultants to prepare a work plan for further investigations at the site. Per the above conversation, this office is granting a one month extension for the submittal of the required work plan to **October 17, 1993**. Additionally, this office is requesting that **monthly status reports** or summaries be submitted outlining the progress being made towards meeting the investigation/cleanup requirements at the site.

If you have any questions or comments, please contact me at (510) 271-4530.

Sincerely,

Juliet Shin
Hazardous Materials Specialist

cc: Ms. Wai Yee Wong Young
4230 Harbor View Avenue
Oakland, CA 94619

James L. Jaffe
Jaffe, Trutanich,
Scatena, & Blum
250 Montgomery St., Ste 900
San Francisco, CA 94104

Edgar Howell-File(JS)

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

In Re The Property Known As :)
)
186 E. Lewelling Blvd.)
San Lorenzo, CA 94580)
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)
)
)
)
)

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

Dear Sirs:

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) 271-4530 to coordinate all future activities.

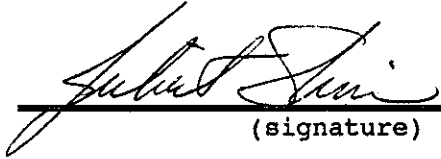
Failure to comply could result in liability for civil or administrative penalties of up to \$1000 per day of delinquency.

I Juliet Shin, do hereby certify

that I served Mrs. Graffenstatte with a copy of the attached Notice of Official Action by the Regional Board by certified mailer

P 386 338 110

Dated: 9/2/93



(signature)

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

In Re The Property Known As :
186 E. Lewelling Blvd.
San Lorenzo, CA 94580

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

Dear Sirs:

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) 271-4530 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 Juliet Shin, do hereby certify
that I served Ms. Wai Yee Wong Young
with a copy of the attached Notice of Official Action by the
Regional Board by certified mailer
P 386 338 109

Dated: 9/2/93


(signature)

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

In Re The Property Known As : 186 E. Lewelling Blvd. San Lorenzo, CA 94580)))))))))	Notice of Official Action By the San Francisco Bay Regional Water Quality Control Board
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Failure to comply could result in liability for civil or administrative penalties of up to \$1000 per day of delinquency.

I Juliet Shin, do hereby certify
 that I served Mr. Carl Graffenstatte
 with a copy of the attached **Notice of Official Action by the
 Regional Board** by certified mailer
 # P 386 338 111

Dated: 9/2/93 
 (signature)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION

2101 WEBSTER STREET, SUITE 500

OAKLAND, CA 94612

(510) 286-1255



93 AUG 18 PM 3:36

Ms. Wai Yee Wong Young
4230 Harbor View Avenue
Oakland, CA 94619

August 17, 1993
File 2198.17 (UST)
RB File No.: 01-1041

Mr. & Mrs. Graffenstatte
P. O. Box 97397
Tacoma, Washington 98497

Re: Official designation of Responsible Parties, and request for
submittal of a technical report resulting from the Alameda
County Department of Environmental Health's Enforcement Panel
meeting of July 27, 1993.

Dear Ms. Young, Mr. & Mrs. Graffenstatte:

A condition of soil and groundwater pollution exists from
Underground Storage Tank releases on the property located at 186
E. Lewelling Blvd., San Lorenzo, California. A pre-enforcement
Review Panel meeting was held on July 27, 1993 at the Offices of
Alameda County Health Department (ACHD) attended by Mr. Richard
Hiatt from my Staff, Mr. James Jaffe and Mr. Allan Payne
representing Mr. and Mrs. Graffenstatte, and Ms. young and Mr.
Francis Lan.

Based on extensive presentations by the parties, documents, and
legal arguments received on behalf of Mr. and Mrs. Graffenstatte
during the Panel meeting, Ms. Young, Mr. and Mrs. Graffenstatte
have been designated as a "Responsible Party" under section 2720,
Article 11, Chapter 16, Division 3, Title 23 of the California Code
of Regulations. The Section states that a "Responsible Party" is
"any person who owned or operated the Underground Storage Tank
immediately before the discontinuation of its use", and "any owner
of property where an unauthorized release of a hazardous substance
from an Underground Storage Tank has occurred".

Pursuant to the Regional Board's authority under section 13267 (b)
of the California Water Code, you are both hereby, as "Responsible
Parties", required to cooperate and conduct soil and groundwater
investigations at the above site within 30 days of the date of this
letter. You shall jointly either submit a Work Plan to the ACHD
addressing the required soil and groundwater investigations at the
site, or implement the Work Plan prepared by Ms. Young's
consultants in March 1991, and approved in a June 6, 1991 letter
from the County with the condition that a total of three monitoring
wells be installed at the site.

I am hereby transmitting this request for a technical report to
ACHD for service and continued case handling. Please be aware that
failure to submit or late submittal may result in fines of up to
\$1000 per day of delinquency. Response to this technical report

Page 2 of 2

request should be sent to the attention of Ms. Juliet Shin at the ACHD. Please inform Ms. Shin at least four working days in advance of all field activities so that she may arrange to be on site.

If you have any questions or comments regarding the contents of this letter please contact Juliet Shin from ACHD at (510) 271 - 4530.

Sincerely,



Steven R. Ritchie,
Executive Officer.

CC: Gil Jensen, ACDA, 7677 Oakport Street, Suite 400, Oakland 94621.

Julie Shin, ACHD, 80 Swan Way, Suite 200, Oakland 94621

Mr. James L. Jaffe, Jaffe, Truitanich, Scatena & Blum, 250 Montgomery st., Suite 900, San Francisco 94104.

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

In Re The Property Known As : **Request for, and Notice of Meeting of Review Panel**

186 E. Lewelling Blvd.,
San Lorenzo, CA 94580

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 **July 27, 1993** at **11:00 a.m.** 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. and Mrs. Graffenstatte

P.O. Box 97397
Tacoma, Washington 98497

2.Ms. Wai Yee Wong Young

4230 Harbor View Avenue
Oakland, California 94619

3. Mr. James L. Jaffe

c/o Jaffe, Trutanich, Scatena & Blum
250 Montgomery St., Ste 900
San Francisco, CA 94104

Alameda County has served a copy of this document on each of the above listed persons or entities, and attached hereto a separate **Proof of Service** for each of said persons or entities.

Dated: July 13, 1993

Tom Peacock by [Signature]

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

In Re The Property Known As :)

Proof of Service of

186 E. Lewelling Blvd.)
San Lorenzo, CA 94580)

Notice of
Review Panel

I Juliet Shin, do hereby certify
that I served James L. Jaffe
with a copy of the attached Notice of Pre-Enforcement Review
Panel on July 14, 1993 by certified
mailer # P418 724 616

Dated: July 14, 1993

Juliet Shin
(signature)

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

In Re The Property Known As :) Request for, and Notice of
) Meeting of Review Panel
)

186 E. Lewelling Blvd.,
San Lorenzo, CA 94580

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P.O. Box 97397
Tacoma, Washington 98497

2. Ms. Wai Yee Wong Young

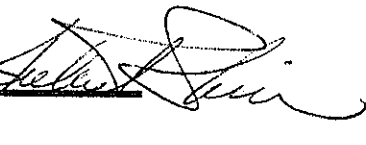
4230 Harbor View Avenue
Oakland, California 94619

3. Mr. James L. Jaffe

c/o Jaffe, Trutanich, Scatena & Blum
250 Montgomery St., Ste 900
San Francisco, CA 94104

Alameda County has served a copy of this document on each of the above listed persons or entities, and attached hereto a separate **Proof of Service** for each of said persons or entities.

Dated: July 13, 1993

Tom Peaseck by 

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

In Re The Property Known As :)

Proof of Service of

186 E. Lewelling Blvd.)
San Lorenzo, CA 94580)

Notice of
Review Panel

I Tim Spates, do hereby certify
that I served Ms. Wai Yee Wong Young
with a copy of the attached Notice of Pre-Enforcement Review
Panel on July 14, 1993 by certified
mailer # D 418 724 614

Dated: July 14, 1993

Timothy Spates
(signature)

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

In Re The Property Known As :) Request for, and Notice of
) Meeting of Review Panel
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186 E. Lewelling Blvd.,
San Lorenzo, CA 94580

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P.O. Box 97397
Tacoma, Washington 98497

2. Ms. Wai Yee Wong Young

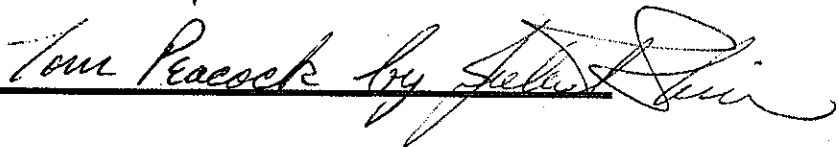
4230 Harbor View Avenue
Oakland, California 94619

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c/o Jaffe, Trutanich, Scatena & Blum
250 Montgomery St., Ste 900
San Francisco, CA 94104

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Dated: July 13, 1993

Tom Peacock by 

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

In Re The Property Known As :)

Proof of Service of

186 E. Lewelling Blvd.)
San Lorenzo, CA 94580)
_____)

Notice of
Review Panel

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that I served Mr. & Mrs. Graffenstatte
with a copy of the attached Notice of Pre-Enforcement Review
Panel on July 14, 1993 by certified
mailer # P 418 724 615

Dated: July 14, 1993

Juliet Shin
(signature)

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R013

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 11, 1993

Mr. and Mrs. Graffenstatte
P.O. Box 97397
Tacoma, Washington 98497

STID 1709

Re: 186 E. Lewelling Blvd., San Lorenzo, California

NOTICE OF VIOLATION

Dear Mr. and Mrs. Graffenstatte,

On January 28, 1993, the Alameda County Department of Environmental Health, Hazardous Materials Division, sent you a letter requiring that you either submit a Preliminary Site Assessment work plan to determine the vertical and lateral extent of soil and ground water contamination from past releases from the former underground storage tanks (USTs) at the above site, or that you begin implementing the already approved work plan, completed by consultants retained by Ms. Wai Yee Wong Young, by the first week of March 1993. To this date, we have not received any communication from you on this matter. Therefore, this letter constitutes a Notice that you are in violation of specific laws to investigate and remediate the site.

According to Section 25298, Chapter 6.75, Division 20, of the California Health and Safety Code, any operator of an underground tank system shall be liable for a civil penalty of not less than \$500 or more than \$5,000 for failure to properly close an underground tank system for each day of violation. Also, failure to furnish technical reports regarding documented or potential ground water contamination violates Section 13267 (b) of the California Water Code. The Regional Water Quality Control Board (RWQCB) can impose civil penalties of up to \$1,000 per day that such a violation continues.

You are required to submit a Preliminary Site Assessment work plan, or implement the already approved work plan, within 30 days of the date of this letter. Failure to respond will result in referral of this case to the RWQCB or Alameda County District Attorney's Office to consider for enforcement action. Modifications of required tasks or extensions of stated deadlines must be confirmed in writing by either this agency or RWQCB.

Mr. & Mrs. Graffenstatte
Re: 186 E. Lewelling Blvd.
March 10, 1993
Page 2 of 2

If you have any questions or comments, please contact me at (510)
271-4530.

Sincerely



Juliet Shin
Hazardous Materials Specialist

cc: Richard Hiett, RWQCB

Wai Yee Wong Young
4230 Harbor View Avenue
Oakland, CA 94619

Gil Jensen, Alameda County District Attorney's Office

Edgar Howell-File(JS)

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



Ro13

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

January 28, 1993

Mr. & Mrs. Graffenstatte
P.O. Box 97397
Tacoma, Washington 98497

STID 1709

RE: Required investigations at 186 E. Lewelling Blvd., San Lorenzo, California

Dear Mr. and Mrs. Graffenstatte,

This office has been notified that, prior to Ms. Wai Yee Wong Young's purchase of the above site, Hunter Environmental Services, Inc. assessed the condition of the underground storage tanks (USTs) and piping at the site in June 1986, and notified you of their conclusion that both the on-site USTs and piping were leaking. **Per Section 2720, Article 11, Title 23 California Code of Regulations**, this office is citing you as a Responsible Party for the investigations and remediation of the above site.

On September 5, 1990, Ms. Young's consultants removed two 4,000-gallon gasoline USTs and one 350-gallon waste oil UST from the site, under the direction of the Alameda County Health Department. Analysis of soil samples collected from beneath these USTs identified up to 4,000 parts per million (ppm) Total Petroleum Hydrocarbons as gasoline (TPHg) and trace concentrations of benzene, toluene, xylenes, ethylbenzene, oil and grease, and lead.

Guidelines established by the California Regional Water Quality Control Board (RWQCB) requires that a soil and ground water investigation be conducted when there is evidence to indicate that a release has occurred from an UST. Consequently, Ms. Young retained consultants to prepare a Preliminary Site Assessment (PSA) work plan. This work plan was completed and submitted to this office in March 1991. This work plan proposed that one monitoring well be installed, however, three monitoring wells are required to determine ground water gradient at the site.

As a Responsible Party, you are required to share the burden with Ms. Young in conducting a PSA to determine the lateral and vertical extent and severity of latent soil and ground water contamination which may have resulted from the release at the site. The information gathered by the PSA will be used to determine an appropriate course of action to remediate the site, if deemed necessary. The PSA must be conducted in accordance with the RWQCB's Staff Recommendations for the Initial Evaluation

Mr. & Mrs. Graffenstatte
RE: 186 E. Lewelling Blvd.
Page 2 of 3
January 28, 1993

and Investigation of Underground Tanks, the State Water Board's LUFT Manual, and be consistent with requirements set forth in Article 11 of Title 23, California Code of Regulations. The major elements of such an investigation are summarized in the attached **Appendix A**. The major elements of the guidelines include, but are not limited to, the following:

- o One ground water monitoring well must be installed within 10 feet of the observed soil contamination, oriented in the confirmed downgradient direction relative to ground water flow. Two additional wells need to be installed at the site in order to determine the ground water gradient direction. During the installation of these wells, soil samples are to be collected at five-foot-depth intervals and any significant changes in lithology.
- o Subsequent to the installation of the monitoring wells, these wells must be surveyed to an established benchmark, with an accuracy of 0.01 foot. Ground water samples are to be collected and analyzed quarterly, along with water level measurements. If the initial quarterly reports indicate that ground water flow directions vary greatly than you will be required to begin monthly water level measurements until the ground water gradient behavior is known. Both soil and ground water samples must be analyzed for the appropriate fuel contaminants listed in Table 2 of the RWQCB's Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks.

The PSA proposal is due **within 45 days** of the date of this letter. Once the proposal is approved, field work should commence within 60 days. A report must be submitted within 45 days after the completion of this phase of work at the site. Subsequent reports are to be submitted quarterly until this site qualifies for final RWQCB "sign-off". Such quarterly reports are due the first day of the second month of each subsequent quarter.

The referenced initial and quarterly reports must describe the status of the investigation and must include, among others, the following elements:

- o Details and results of all work performed during the designated period of time: records of field observations and data, boring and well construction logs, water level data, chain-of-custody forms, laboratory results for all samples collected and analyzed, tabulations of free product thicknesses and dissolved fractions, etc.

Mr. & Mrs. Graffenstatte
RE: 186 E. Lewelling Blvd.
Page 3 of 3
January 28, 1993

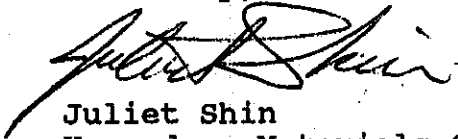
- o Status of ground water contamination characterization
- o Interpretations of results: water level contour maps showing gradients, free and dissolved product, plume definition maps for each target component, geologic cross sections, etc.
- o Recommendations or plans for additional investigative work or remediation.

Please be advised that this is a formal request for a work plan pursuant to **Section 2722, Article 11, Title 23 California Code of Regulations**. Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or RWQCB.

Please be reminded to copy Richard Hiatt, at the San Francisco Bay Region-Water Quality Control Board, on all correspondence and reports regarding this site.

If you have any questions or comments, please contact me at (510) 271-4530.

Sincerely,



Juliet Shin
Hazardous Materials Specialist

cc: Richard Hiatt, RWQCB

Wai Yee Wong Young
4230 Harbor View Avenue
Oakland, CA 94619

Gil Jensen, Alameda County District Attorney's Office

Edgar Howell-File(JS)



December 11, 1992

Joseph Carroll
New Performance Auto
186 E. Lewelling Blvd
San Lorenzo CA 94580

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

NOTICE OF VIOLATION

Dear Mr. Carroll:

On September 23, 1992 I inspected your premises for compliance with hazardous waste and hazardous materials requirements. I noted the following violations of the Health and Safety Code of California and the California Code of Regulations:

1. Sections 66262.34 66261.173, CCR: **Improper storage of hazardous waste:** At the time of my inspection, used oil and antifreeze were being stored in unlabelled, open containers. In addition, the waste antifreeze had been stored on site in excess of one year.
2. Sections 25503.5 and 25505, HSC: **No Hazardous Materials Management Plan:** No HMMP had been prepared or submitted to this office. You were instructed to complete and submit an HMMP to my office by October 23, 1992. No HMMP has been received by this office to date. Enclosed is a blank HMMP form.

Corrective Action: You must complete the following compliance actions by **December 24, 1992:**

1. Properly dispose of waste antifreeze and submit copies of any antifreeze disposal receipts you have accumulated since my inspection.
2. Submit a completed Hazardous Materials Management Plan to this office.

You may contact me with any questions at 271-4320.

Sincerely,

A handwritten signature in cursive script that reads "Pamela J. Evans".

Pamela J. Evans
Senior Hazardous Materials Specialist

c: Gil Jensen, Alameda County District Attorney's Office

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R013

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

December 4, 1992

Wai Yee Wong Young
4230 Harbor View Avenue
Oakland, CA 94619

STID 1709

RE: The site located at 186 E. Lewelling Blvd., San Lorenzo,
California

Dear Ms. Wai Yee Wong Young,

This letter is to acknowledge that this Department received your letter, submitted to this office in June 1992. According to the letter, you have applied for the State's Petroleum Underground Storage Tank Trust Fund and, due to your financial situation, you are waiting to conduct additional investigations at the above site when you can be reimbursed by the State for the cost of investigations. This office grants you an extension for the required investigations at the above site until it is determined whether or not you qualify for this fund. It is the understanding of this office that you will begin investigations at the site if and when you do qualify for the Trust Fund. This office will also be contacting the State directly to be updated on the progress of the review of your application, however, we would appreciate it if you also contacted us when you hear from the State.

If, for some reason, you do not qualify for the Trust Fund, this office will work with you in developing a schedule for the required investigations at the site.

If you have any questions or comments, please contact me at (510) 271-4530.

Sincerely,

Juliet Shin
Hazardous Materials Specialist

cc: Richard Hiett, RWQCB

Edgar Howell-File(JS)



March 6, 1991

Wai Yee Wong Young
4230 Harbor View Av.
Oakland CA 94619

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

RE: Contamination from Former Underground Storage Tanks at
186 E. Lewelling Blvd., San Lorenzo

NOTICE OF VIOLATION

Dear Ms. Young:

On September 5, 1990 three underground storage tanks were removed from your property. The sampling results showed that petroleum fuel and constituents in native soils beneath the former gasoline tanks exceeded Regional Water Quality Control Board (RWQCB) action limits. You were instructed in writing by this office to submit a workplan for investigation and remediation of this contamination by January 31, 1991. No workplan has been received by this office to date.

California Health and Safety Code Section 25298 (c) requires that you demonstrate to this agency that any releases from your underground tanks have been investigated and that corrective or remedial action has been taken. You are required to investigate the full depth and lateral and extent of petroleum contamination affecting soil and groundwater at and beyond your site. **We require that you submit a workplan to this office by March 27, 1991.** This workplan must, at a minimum, address the following items:

1. **Site History:** Site use, any known hazardous materials spills, leaks, or accidents
2. **Site Description:** Hydrogeologic setting, including soil type(s), depth to groundwater, direction of groundwater flow, and characteristics of the aquifer(s)
3. **Investigation Method:** Method by which full lateral and vertical extent of contamination will be determined
 - a. A minimum of three groundwater monitoring wells is required in order to determine groundwater flow direction.
 - b. Groundwater samples from monitoring wells must be collected by a qualified person familiar with EPA and DHS sampling protocol. Samples must be analyzed by a state certified laboratory for TPH and BTEX constituents.
4. **Planned Remediation or Disposal of Excavated Soil**
5. **Site Safety Plan**

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R013

June 6, 1991

Wai Yee Wong Young
4230 Harbor View Av.
Oakland CA 94619

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

RE: Work Plan for Fuel Contamination at
186 E. Lewelling Blvd., San Lorenzo

Dear Ms. Young:

I have reviewed the Work Plan submitted by WHF Environmental Consultants, Inc. for your site. As discussed with William H. Fox of WHF, I have the following concerns and comments regarding the plan:

1. WHF has proposed only one monitoring well for the site for the time being. They plan to carry out a soil vapor survey in conjunction with this well installation in order to gather information about the distribution of petroleum constituents in the soil. Be aware that least two additional monitoring wells are likely to be required in the future.
2. No groundwater monitoring frequency or duration is mentioned in the Work Plan. At a minimum, groundwater must be sampled monthly for the first three months following the installation of the well, and afterward on a quarterly basis for one year.
3. During site inspections over the past year, I have noted two sumps on your site that are collecting oily run-off water from inside the shop and from the waste oil storage area outside the west wall of the building. The outside sump appears to be a clogged storm drain, and the inside sump may be connected to the sanitary sewer. The status of these sumps must be determined, and steps must be taken to prevent waste oil and other hazardous wastes from being disposed of into them. Please specify the manner in which improper hazardous waste disposal into these sumps will be corrected.

You may submit changes and additions to the Work Plan in the form of an addendum. Please also submit a timeline for project initiation and completion. The addendum and timeline must be submitted to this office by July 10, 1991. You may contact me with any questions at (415)271-4320.

I have completed and distributed an Unauthorized Release Report for your site. A copy is enclosed.

Also, your original deposit for this agency's oversight of the tank removal will soon be depleted. Please submit a payment of \$300.00 to this office, payable to County of Alameda, for continued oversight costs. A copy of the project accounting sheet is enclosed.

Sincerely,



Pamela J. Evans
Hazardous Materials Specialist

Enclosures

c: Gil Jensen, Alameda County District Attorney's Office
Richard Hiett, RWQCB
Michael Abbott, Normoyle & Newman
William H. Fox, WHF Environmental Consultants, Inc.



Certified Mailer #P 367 604 445

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

September 11, 1991

Steve Liem
New Performance
186 E. Lewelling Blvd.
San Lorenzo CA 94580

SECOND NOTICE OF VIOLATION

Dear Mr. Liem:

On May 22, 1991 I inspected your premises and noted violations of the Health and Safety Code of California and the California Code of Regulations. Since my inspection, you have addressed the hazardous waste handling violations noted in previous correspondence. However, to date, you have not submitted a Hazardous Materials Management Plan. Sections 25503.5 and 25505 of the Health and Safety Code of California require that you prepare and submit an HMMP.

You must submit a Hazardous Materials Management Plan to this office by September 25, 1991. Please note that Section 25514 (a) of the Health and Safety Code of California provides for civil penalties of up to \$2,000 per day for failure to submit a Hazardous Materials Management Plan.

You may contact me with any questions at 271-4320.

Sincerely,

Pamela J. Evans
Hazardous Materials Specialist

c: Gil Jensen, Alameda County District Attorney's Office

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R013

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

July 16, 1991

Steve Liem
New Performance
186 E. Lewelling Blvd.
San Lorenzo CA 94580

NOTICE OF VIOLATION

Dear Mr. Liem:

On May 22, 1991 I inspected your premises and noted the following violations of the Health and Safety Code of California and the California Code of Regulations:

1. Section 25189.5, HSC, and 66508 and 67243(a), CCR: Hazardous wastes were being stored improperly. Waste oil and waste antifreeze were being kept in open, unlabelled containers. Waste oil had been spilled onto the shop floor and onto the concrete area outside the west side of the building. Waste oil is being allowed to drain into two sumps. One of these appears to be a storm drain and the other appears to be a sewer inlet.
2. Section 66492, CCR: No records of hazardous waste disposal were being kept at the site. You were instructed to provide copies of hazardous waste disposal receipts for waste oil, waste parts cleaning solvent, and waste batteries to my office by June 10, 1991. No disposal records have been received by this office to date.
3. Section 66472, CCR: No EPA Identification Number had been obtained for your business. Due to your status as a generator of hazardous waste, you must obtain a Number. You may obtain an EPA Identification Number by contacting the California Department of Health Services.

Hazardous Materials Management Plan:

Sections 25503.5 and 25505 of the Health and Safety Code of California require that you prepare and submit a Hazardous Materials Management Plan. You were instructed to complete and submit an HMMP to my office by June 22, 1991. No HMMP has been submitted to this office to date.

Steve Liem
New Performance
July 16, 1991
Page 2 of 2

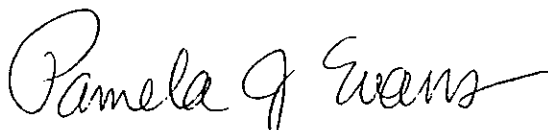
Corrective Action:

You must submit the following information and documents to my office by July 26, 1991:

1. A Plan of Correction describing the manner in which you will clean up spilled waste oil and prevent any future, accidental spills from flowing into storm drains or sewer inlets.
2. Copies of all hazardous waste disposal records since the date that your business opened.
3. An update of your progress in obtaining an EPA ID number.
4. A completed Hazardous Materials Management Plan.

You may contact me with any questions at 271-4320.

Sincerely,



Pamela J. Evans
Hazardous Materials Specialist

c: Gil Jensen, Alameda County District Attorney's Office
Susan Keach, Oro Loma Sanitary District
Hosein Kazemi, Regional Water Quality Control Board



Certified Mailer # P 062 127 918

March 19, 1990

Eva Young
4230 Harbor View Av.
Oakland CA 94619

Re: Tech Performance
186 E. Lewelling Blvd.
San Lorenzo CA 94580

NOTICE OF VIOLATION

Dear Ms. Young:

On February 21, 1990, Pamela Evans of the Alameda County Department of Environmental Health, Hazardous Materials Division, inspected your premises. During this inspection, Ms. Evans noted the following violations of the California Health and Safety Code and California Code of Regulations, Title 23:

1. Section 25189.5 (a) (H&SC) - Two oil contaminated areas exist at the facility. One is outside the west end of the building in the vicinity of the sump. This apparently clogged drain appears to be the source of the contamination. The second area is behind the north wall of the building. It surrounds an opening to the waste oil tank and extends from the tank opening toward the east side of the property on an asphalt surface. These findings indicate significant spillage of hazardous materials. Contamination must be removed and disposed of properly.
2. Section 2640 (a), CCR - No monitoring of the underground waste oil tank is being carried out. Underground tanks storing hazardous materials must be monitored in order to detect unauthorized releases.
3. Section 25298, (H&SC) - Two unused underground tanks are in place on the property. According to representatives of Tech Performance, these tanks have not been in use since 1987, when Tech Performance began operating at this address. Apparently these tanks were used for fuel storage by the previous business owner. Unused underground storage tanks must be removed or monitored.

March 19, 1990

Eva Young

Re: Tech Performance
186 E. Lewelling Blvd.
San Lorenzo CA 94580

Page 2 of 2

In accordance with Section 66328 of Title 22, a Plan of Correction must be submitted to this office within 30 days, or by April 18, 1990. The plan must specify the actions to be taken to address each of the above violations and their expected dates of completion.

Sincerely,



Edgar B. Howell, Chief
Hazardous Materials Division

EBH:PJE

c: Rafat Shahid, Assistant Agency Director, Environmental Health
Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Division
James Ferdinand, Battalion Chief, Eden Consolidated Fire
Protection District

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R013

July 9, 1990

Wai Yee Wong Young
4230 Harbor View Av.
Oakland CA 94619

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

Re: Tech Performance, 186 E. Lewelling Blvd. San Lorenzo

Dear Ms. Young:

I have reviewed your workplan and proposed timetable for correction of violations noted by my staff. These included failure to monitor and properly close underground hazardous materials storage tanks.

You stated in your letter of April 15 that the underground waste oil tank would be precision tested by July 31, 1990. A copy of the test results must be forwarded to this agency within 30 days of test completion. We will expect them no later than August 31, 1990. Depending upon the results of the precision test, you may be required to remove the waste oil tank.

Also, two unused underground fuel tanks are in place on the property and have not been used since 1987. Your proposal to wait until December 31, 1990 to monitor the tanks is not acceptable. Underground storage tanks that have been out of use for over two years must be either removed or closed in place. Underground tank removal requires you to obtain and complete an underground tank closure plan and submit it, with a deposit, to this office for review. You may also have the option, contingent upon local fire department approval, to close the underground tanks in place. However, Eden Consolidated Fire Protection District does not normally approve closures in place unless the removal operation would entail significant damage to a structure.

You are required to submit to this office by September 15, 1990, a completed underground tank closure plan for either removal or closure in place for the tanks. I am enclosing a closure plan form and instructions. You may contact Hazardous Materials Specialist Pamela Evans with any questions at 271-4320.

Sincerely,

Edgar B. Howell, Chief
Hazardous Materials Division

EBH:PJE

enclosure

c: Gil Jensen, Alameda County District Attorney's Office
James Ferdinand, Eden Consolidated Fire Protection District

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R013

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

December 20, 1990

Wai Yee Wong Young
4230 Harbor View Av.
Oakland CA 94619

RE: Contamination from Former Underground Storage Tanks at
186 E. Lewelling Blvd., San Lorenzo

Dear Ms. Young:

On September 5, 1990 three underground storage tanks were removed from your property. The sampling results were received by this office on December 14, 1990. They showed that petroleum fuel and constituents in native soils beneath the former gasoline tanks exceeded Regional Water Quality Control Board (RWQCB) action limits. Fuel constituents of concern included total petroleum hydrocarbons (TPH), benzene (B), toluene (T), ethyl benzene (E), and xylene (X).

You are required to investigate the full horizontal and lateral extent of petroleum contamination affecting soil and groundwater at and beyond your site. We require that you submit a work plan to this office by January 31, 1991. This work plan must, at a minimum, address the following items:

1. Site History: Site use, any known hazardous materials spills, leaks, or accidents
2. Site Description: Hydrogeologic setting, including soil type(s), depth to groundwater, direction of groundwater flow, and characteristics of the aquifer(s)
3. Investigation Method: Method by which full lateral and vertical extent of contamination will be determined
 - a. A minimum of three groundwater monitoring wells is required in order to determine groundwater flow direction.
 - b. Groundwater samples from monitoring wells must be collected by a qualified person familiar with EPA and DHS sampling protocol. Samples must be analyzed by a state certified laboratory for TPH and BTEX constituents.
4. Planned Remediation or Disposal of Stockpiled Soil
5. Site Safety Plan

This is a formal request for technical reports pursuant to California Water Code Section 13267 (b). This office is working in conjunction with the RWQCB. All proposals, reports, and analytical results pertaining to this investigation and remediation must be sent to this office and to:

Richard Hiett
Regional Water Quality Control Board
1800 Harrison Street, Suite 700
Oakland CA 94612

Wai Yee Wong Young
RE: 186 E. Lewelling, San Lorenzo
December 20, 1990
Page 2 of 2

In addition, you are required to submit the following:

1. A copy of the hazardous waste manifest(s) for the removed storage tanks signed by a representative of the facility which they were shipped
2. Copies of receipts or manifests for any soil disposal
3. An Unauthorized Release Report (blank form enclosed)

These documents are due in this office no later than January 1, 1991.

Any deadline extensions for investigation and remediation activities as well as for required reports or other documents must be agreed upon in advance and confirmed in writing. You may contact me with any questions at 271-4320.

Sincerely,



Pamela J. Evans
Hazardous Materials Specialist

Enclosure

c: Richard Hiett, RWQCB
Howard Hatayama, Department of Health Services
Chuck Kiper, SEMCO
Gregg S. Garrison, Normoyle & Newman

Wai Yee Wong Young
RE: 186 E. Lewelling, San Lorenzo
December 20, 1990
Page 2 of 2

This is a formal request for technical reports pursuant to California Water Code Section 13267 (b). This office is working in conjunction with the RWQCB. All proposals, reports, and analytical results pertaining to this investigation and remediation must be sent to this office and to:

Richard Hiatt
Regional Water Quality Control Board
1800 Harrison Street, Suite 700
Oakland CA 94612

In addition, you are required to submit the following documents:

1. A copy of the hazardous waste manifest(s) for the removed storage tanks signed by a representative of the facility to which they were shipped
2. Copies of receipts or manifests for any soil disposal
3. An Unauthorized Release Report (blank form enclosed)

These documents are due in this office no later than March 16, 1991.

Any deadline extensions for investigation and remediation activities as well as for required reports or other documents must be agreed upon in advance and confirmed in writing. You may contact me with any questions at 271-4320.

Sincerely,



Pamela J. Evans
Hazardous Materials Specialist

Enclosure

c: Gil Jensen, Alameda County District Attorney's Office
Richard Hiatt, RWQCB
Howard Hatayama, Department of Health Services
Michael Abbott, Normoyle & Newman
Craig S. Ellis, Esq.