



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

NOTICE TO COMPLY

September 26, 2008

Jack Ceccarelli
Restructure Petroleum Marketing Service
205 S. Hoover Blvd., Suite 101
Tampa, FL 33609-905

Brian Cobb
EZ Serve Petroleum Marketing
100700 North I45, Suite 500
Houston, TX 77037-1187

Vinod & Janak Bansal
1777 Beach Park Blvd.
Foster City, CA 94404-1403

Margaret S. Thompson
Harker Marketing of California
1675 Manzanita Avenue
Chico, CA 95926-1633

Azizolah Kandahari
Himalaya Trading Company, Inc.
5196 Grayhawk Lane
Dublin, CA 94568-7764

Subject: Fuel Leak Case No. RO0000023 and Geotracker Global ID T0600100483, EZ Serve #100877, 525 West A Street, Hayward, CA 94541

Dear Responsible Parties:

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the above-referenced site and determined that the site is currently not in compliance with our October 24, 2002 and December 5, 2007 directive letters (enclosed). Our October 24, 2002 directive letter approved monitoring well abandonment for the proposed soil excavation remedial alternative to clean up the site. Our December 5, 2007 directive letter identified that the site is not in compliance and required that the decommissioned monitoring well MW-2 be replaced and the subsequent Soil and Groundwater Investigation Report be submitted by January 15, 2008. Over eight months have lapsed since the due date and the required report has not been received.

More importantly, ACEH understands that an excavation to facilitate UST installation at the site began in December 2007. Therefore, it appears that only a portion of the approved remedial action has been conducted. ACEH is perplexed that the remedial excavation was not conducted contemporaneously with site redevelopment as it would appear to be the most cost-effective remedial solution for the site. Since the partial remedial excavation now appears to be an interim remedial action (IRA), a report summarizing the remediation is required.

In order to re-gain compliance status, please install the required replacement monitoring well, as detailed in our October 24, 2002 and December 5, 2007 directive letters, and submit the IRA report (documenting excavation activities, sample results, disposal manifests, bill of lading, etc.) due by the dates specified below. Failure to perform the required work and submit reports by the due dates specified below will result in an issuance of a Notice of Violation and possible referral

to the District Attorney for enforcement action and/or ineligibility for reimbursement of corrective action costs incurred at the site from the Underground Storage Tank Clean-up Fund. Pursuant to Chapter 6.7, California Health and Safety code, civil penalties up to \$10,000 for each UST for each day of violation may be imposed. Once removed from the Clean-up Fund, the costs associated with the subsurface investigation work that is required will not be reimbursed. Please note that civil penalties for non-compliance are assessed from the original due date (January 15, 2008).

ACEH requests that you address the technical comments below as well as the comments presented in our October 24, 2002 and December 5, 2007 directive letters and send us the technical reports described below.

TECHNICAL COMMENTS

1. **Joint Groundwater Contaminant Plume Monitoring** – Groundwater monitoring is required at this site as well as 580 West A Street located across the street and down-gradient of the subject site. At this time, please conduct joint groundwater monitoring at both sites to gain a better understating of site hydrogeology. Please coordinate the groundwater sampling activities with Gary Aguilar with Hydro Analysis, Inc. Mr. Aguilar can be contacted at (510) 620-0891 or by e-mail at gary@hydroanalysis.com. It is recommended that all the groundwater monitoring wells are surveyed by the same surveyor and that depth to water measuring instruments are calibrated to one another.

Once the groundwater monitoring wells are all restored and/or replace and the site is adequately characterized, the need to complete the approved remedial excavation may be evaluated.

TECHNICAL REPORT REQUEST

Please submit technical reports to ACEH (Attention: Paresh Khatri), according to the following schedule:

- **October 27, 2008** – IRA Report
- **October 30, 2008** – Quarterly Monitoring Report (3rd Quarter 2008)
- **December 24, 2008** – Monitoring Well Installation Report
- **January 30, 2009** – Quarterly Monitoring Report (4th Quarter 2008)
- **April 30, 2009** – Quarterly Monitoring Report (1st Quarter 2009)
- **July 30, 2009** – Quarterly Monitoring Report (2nd Quarter 2009)

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

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

PERJURY STATEMENT

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

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

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

AGENCY OVERSIGHT

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

If you have any questions, please call me at (510) 777-2478 or send me an electronic mail message at paresh.khatri@acgov.org.

Sincerely,



Paresh C. Khatri
Hazardous Materials Specialist



Donna L. Drogos, PE
Supervising Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions
December 5, 2007 ACEH Directive Letter
October 24, 2002 ACEH Directive Letter

cc: Joseph Schaaf, Geoenviron Services, Inc., 5529 Kailas Street, Ventura, CA 93003
Hugh Murphy, City of Hayward Fire Dept., 777 B Street, Hayward, CA 94541
Gary Aguilar, Hydro Analysis, Inc., 11100 San Pablo Ave., Suite 200-A, El Cerrito, CA 94530
Donna Drogos, ACEH
Paresh Khatri, ACEH
File

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July 5, 2005
	REVISION DATE: December 16, 2005
	PREVIOUS REVISIONS: October 31, 2005
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

Effective **January 31, 2006**, 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.

REQUIREMENTS

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- Signature pages and perjury statements **must** be included and have either original or electronic signature.
- **Do not password protect the document**. Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:
RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

Submission Instructions

- 1) Obtain User Name and Password:
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to dehloptoxic@acgov.org
or
 - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of Alicia Lam-Finneke.
 - b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses, and the Case Numbers (RO# available in Geotracker) you will be posting for.**

- 2) Upload Files to the ftp Site
 - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape and Firefox browsers will not open the FTP site.
 - b) Click on File, then on Login As.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
 - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.

- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to dehloptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name at acgov.org. (e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload)

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
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(510) 567-6700
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December 5, 2007

Mr. Jack Ceccarelli
Restructure Petroleum Marketing Service
205 S. Hoover Blvd., Suite 101
Tampa, FL 33609-905

Mr. Brain Cobb
EZ Serve Petroleum Marketing
100700 North I45, Suite 500
Houston, TX 77037-1187

Vinod & Janak Bansal
1777 Beach Park Blvd.
Foster City, Ca 944041-1403

Levonard and Margret Thomsen
PO Box 16290
Houston, TX 77222

Mr. Aziz Kandahari
Himalaya Trading Company Inc
32785 Olympiad Court
Union City, CA 94587-1905

Subject: Fuel Leak Case No. RO000023 (Global ID # T0600100483), EZ Serve #100877, 525 West A Street, Hayward, CA

Dear Mr. Ceccarelli and Mr. Cobb:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site and the documents entitled, "Work Plan for the Replacement and Installation of Monitoring Wells," "Well Destruction Report," and "Quarterly Groundwater Monitoring Report - First Quarter 2007" dated March 17, 2006, April 28, 2006 and May 10, 2007. Currently, the site is undergoing redevelopment as a gasoline service station.

Historically, dissolved phase petroleum hydrocarbon contamination was detected in groundwater collected from monitoring well MW-2 at concentrations of up to 60,000 ppb TPHg and 23,000 ppb benzene. MW-2 is an important component in the monitoring well network and must be replaced. This is not an extension of the due date for the monitoring well installation and reports for you site are late.

We request that you perform the proposed work, 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. **Monitoring Well MW-2 Replacement.** MW-2 was decommissioned on April 6, 2006 with the concurrence of ACEH. However, our approval of the well decommissioning was contingent on a timely replacement of MW-2. In a correspondence dated March 22, 2006 ACEH approved the installation of replacement well MW-2A. To date, ACEH has not received a monitoring

well installation report or any other indication the replacement well has been installed. Consequently, your site is out of compliance with directive from this office. ACEH requires that monitoring well MW-2 must be replaced. The proposed location of MW-2A is sited on an adjacent property that will require an access agreement with the property owner prior to the installation of the replacement well. ACEH requests that you immediately pursue any offsite access agreements that may be necessary to expedite the well installation process. Furthermore, coincidence with the replacement of MW-2, ACEH approved the installation of two additional monitoring wells downgradient of the site. The purpose of the additional off site monitoring wells is to evaluate if dissolved plume is impacting the downgradient site located at 580 West A Street.

ACEH does not agree with the proposed monitoring well construction with a screened interval of 20 feet. We recommend the installation of monitoring wells designed with filter pack intervals of 5 feet or less, as these wells will be representative of depth discrete groundwater conditions. Upon completion of the monitoring well installation ACEH request that you submit all well construction design details, technical specifications and well logs in the report requested below. In addition, we request that a licensed professional surveyor survey all the new monitoring well locations. ACEH requests that a site map be prepared showing the location of the former UST, all onsite buildings, new monitoring locations and any other site feature that may be pertinent. Please present the results from the monitoring well installation in the report requested below.

2. **Soil Sampling and Analysis.** ACEH requests soil samples be collected from soil borings at changes in lithology, areas of obvious hydrocarbon contamination or when elevated PID readings occurs. If no changes in lithology, obvious contamination or elevated PID reading occurs, soil samples shall be collected at the capillary fringe and approximately 5 feet interval until the total depth of the boring is reached. All soil samples are to be submitted for the following laboratory analysis; TPHg, TPHd, BTEX and MiBE. Please present results from Monitoring Well Installation report requested below.
3. **Groundwater Sampling and Analysis.** The water samples are to be analyzed for TPHg and TPHd by EPA Method 8015M or 8260, BTEX, EDB, EDC, MiBE, TAME, ETBE, DIPE, TBA and EtOH by EPA Method 8260. Please present the results from groundwater monitoring and sampling in the report requested below.
4. **Hydrogeologic Cross Sections.** Please incorporate historical soil boring and monitoring well data including soil and groundwater analytical data, static water level and first water encountered, well screen interval, distinct geologic contacts and the location of former UST tank pit and appurtenance into a minimum of two cross sections that are parallel and perpendicular to groundwater flow. Please present the cross sections in the Monitoring Well Installation Report requested below.
5. **Geotracker EDF Submittals** 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 collected 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.

TECHNICAL REPORT REQUEST

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

- **January 15, 2008** – 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

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

PERJURY STATEMENT

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

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

Mr. Jack Ceccarelli and Mr. Brain Cobb
December 2, 2007
Page 4

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

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

AGENCY OVERSIGHT

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

If you have any questions, please feel free to call me at (510) 383-1767.

Sincerely,



Steven Plunkett
Hazardous Materials Specialist

cc: Thomas B. Lawrence
Delta Consultants
3164 Gold Camp Drive
Rancho Cordova, CA 95670

Donna Drogos, ACEH, Steven Plunkett, ACEH, File

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



2023

STID 3580

October 24, 2002

Mr. Andrew Long
Restructure Petroleum Marketing Services, RPMS
205 South Hoover Blvd. Suite 101
Tampa Florida 33609

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
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RE: Former EZ Serve Site at 525 West A Street, Hayward, CA

Dear Mr. Long:

I have received and reviewed the "Risk Based Corrective Action Report" dated September 5, 2002, "Remediation Well Installation Report" dated August 14, 2002, and "Corrective Action Plan" dated September 4, 2002 by Mr. Bryan Hill of ATC Associate Inc. concerning the above referenced site. As you are aware the "Risk Assessment" was performed to evaluate risk and establish clean up level for the contaminants, "Remediation Well Installation" was performed during feasibility studies, and the "Corrective Action Plan" was submitted to address the contamination based on the result of the studies.

Per my discussion with Mr. Hill of ATC Associate Inc., I generally concur with this workplan proposal and the excavation and use of ORC as a way to further reduce the source and promote degradation of the plume at the above referenced site. Additionally you may replace the MW-1, MW-3 thorough MW-6, and VEAS-1 wells with MW-15 thorough MW-19 due to loss of the aforementioned wells during the excavation activities. However, you should locate MW-15 about 10 feet down gradient of the source area around MW-3 outside of back fill area. Additionally grab soil and groundwater must be collected in order to further define the plume once the excavation activities are completed.

Furthermore, you should continue with the quarterly monitoring as specified within above reports.

Please be advised that this office will respond to the clean up level calculations and risk assessment after consultation with Regional Water Quality Control Board staff.

Please give me advance notice regarding your sampling schedule, so that I could be present during the sampling event.

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", written over a horizontal line.

Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Mr. Bryan Hill, ATC Associates Inc. 9620 Chesapeake Drive, Suite 203, San Diego,
CA 92123
Files