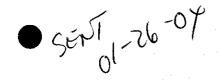
ALAMEDA COUNTY HEALTH CARE SERVICES

AGENCY





DAVID J. KEARS, Agency Director

January 26, 2004

Elliot Family Trust Mr. and Mrs. Elliot 1744 Skyview Drive San Leandro, CA 94577 **ENVIRONMENTAL HEALTH SERVICES**

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

Dear Mr. and Mrs. Elliot:

Subject: Fuel Leak Case No. RO0000040, 2526 Wood St., Oakland, CA 94607

Alameda County Environmental Health, Local Oversight Program (LOP) staff has reviewed the case file for the referenced site including the following Stellar Environmental Solutions reports: November 19, 2003, Preliminary Site Assessment Report and January 8, 2004, Workplan for Groundwater Characterization. These reports provide soil and groundwater results from the October 2003 subsurface investigation. They also propose the installation of three (3) monitoring wells to monitor and determine the extent of groundwater contamination. We have discussed the work plan with your consultant and it is approved with the condition that the following technical comments be addressed.

TECHNICAL COMMENTS

- The location of the well proposed outside the former tank pits should be moved slightly to the east as indicated on the enclosed Figure 3 to reflect a suspected southerly gradient component.
- The screen interval on the proposed wells shall be changed to ~5-20' bgs to include the shallow perched groundwater encountered in some of the investigative borings. Care will be taken to determine if groundwater appears and is impacted in the shallow zone. Groundwater is believed to be present more laterally-extensive at ~ 16-18' bgs.

Please notify our office when this work is scheduled. You may contact me at (510) 57-6765 if you have any questions.

Sincerely,

Barney M. Chan

Hazardous Materials Specialist

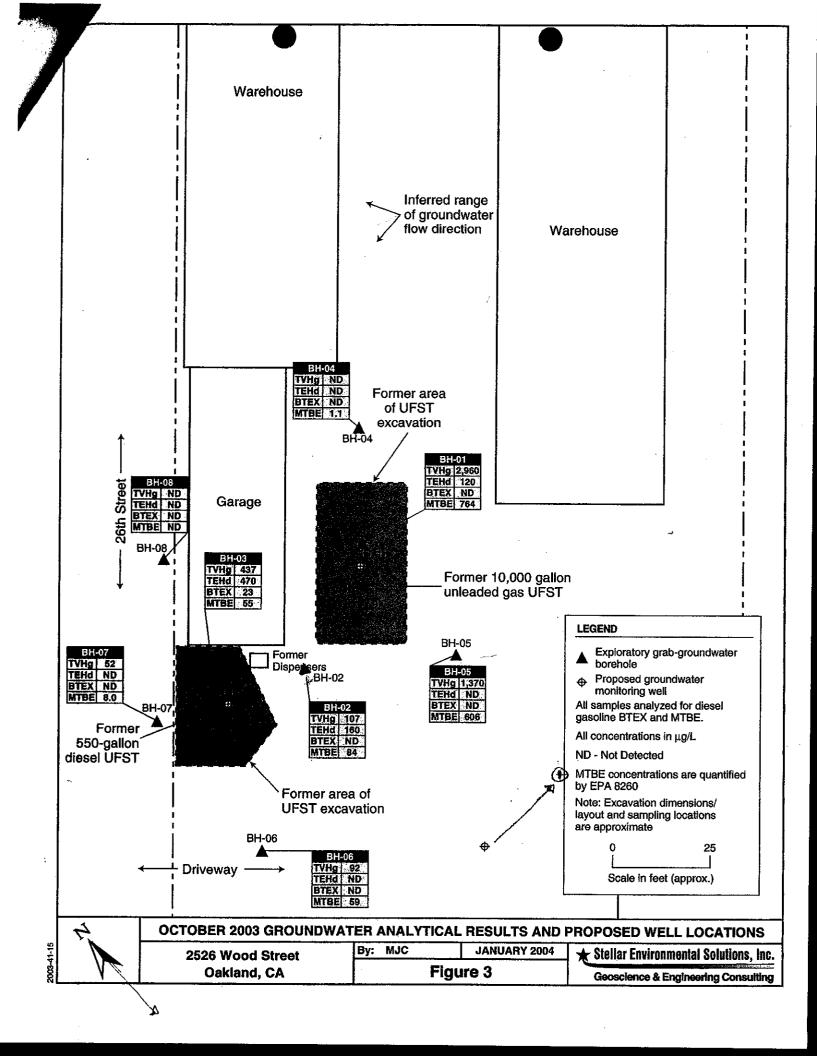
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enclosure

C: B. Chan, D. Drogos

Mr. Bruce Rucker, Stellar Environmental Solutions, 2198 Sixth St., Suite 201, Berkeley, CA 94710

Wpap2526WoodSt1_26_04



ALAMEDA COUNTY **HEALTH CARE SERVICES**







ENVIRONMENTAL HEALTH SERVICES

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

September 29, 2003

Elliot Family Trust Mr. and Mrs. Elliot 1744 Skyview Drive San Leandro, CA 94577

Dear Mr. and Mrs. Elliot:

Subject: Fuel Leak Case No. RO0000040, 2526 Wood St., Oakland, CA 94607

Alameda County Environmental Health, Local Oversight Program (LOP) staff has reviewed the case file for the referenced site including the following Stellar Environmental Solutions reports: Underground Fuel Storage Tanks Closure Documentation and Assessment Report August 2003 and Workplan for Preliminary Site Assessment Russ Elliot, Inc., Facility- 2526 Wood Street, Oakland, California August 20,2003. These reports provide historical information regarding the former diesel and gasoline tanks removed from this site in 1995 and 2002, respectively and provides a work plan to determine the extent of the fuel release in soil and groundwater. Eight (8) temporary boreholes are proposed at strategic locations for the collection of soil and groundwater samples. Two soil samples and one groundwater sample will be taken from each boring for chemical analysis.

Our office approves this work plan with the condition that the following technical comments be addressed.

TECHNICAL COMMENTS

- Please verify the location of sample D-1, reportedly taken from beneath the dispenser during the gasoline tank removal. If its location cannot be verified, we request that the sample proposed near the dispenser be taken within the area of the former dispenser island.
- In addition to MTBE, please run the other ether oxygenates, TAME, ETBE, DIPE, TBA and the lead scavengers, EDB and EDC by EPA Method 8260 on the soil and grab groundwater samples. As an option, it would be acceptable to run at least the borings from within the former tank pits and from beneath the dispensers for all these additional parameters. The other samples may be run for the proposed parameters, TPHd, TPHg and BTEX and MTBE by EPA Method 8020. However, if MTBE is detected in any sample it must be reanalyzed by EPA Method 8260 as requested above. Caution, this option will require the collection of additional samples.
- Please verify the disposition of the soil excavated during the removal of the 10,000 gallon gasoline tank. The Stellar Environmental report states the tank pit was backfilled with clean fill the same day of the tank removal and it is assumed that the excavated soil was disposed offsite.

You may contact me at (510) 57-6765 if you have any questions.

Sincerely,

Barney M. Chan

Hazardous Materials Specialist

Barre, M Cha

C: B. Chan, D. Drogos

Mr. Bruce Rucker, Stellar Environmental Solutions, 2198 Sixth St., Suite 201, Berkeley, CA 94710 Wpap2526WoodSt

AGENCY DAVID J. KEARS, Agency Director



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

April 17, 2001 StID # 4073

Mr. Thomas Seidman c/o Russ Elliot, Inc. 2526 Wood St. Oakland CA 94607

Re: Request for MTBE Analysis in Groundwater at 2526 Wood St., Oakland CA 94607

Dear Mr. Seidman:

Please be advised that prior to closure of the above referenced site's investigation of the former 500 gallon underground tank, you will be required to analyze a groundwater sample for the analyte, methyl tertiary butyl ether (MTBE) per State Water Resources Control Board guidelines. This sample should be taken in a location within the former tank pit or down-gradient of the former diesel/gasoline tank. Alternatively, should existing analytical data exist where the analytical laboratory can determine the presence of MTBE (ie a MTBE standard was run during the BTEX analysis even though MTBE was not reported), this can be done in lieu of additional analysis. Please provide a work plan or analytical lab interpretation for MTBE quantification as soon as possible.

You are also advised that I am the new contact for the oversight of this project. You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan

Hazardous Materials Specialist

Barrey M. Cha-

C: B. Chan, files

MTBErq2526Wood

AGENCY



DAVID J. KEARS, Agency Director

R0#40

ENVIRONMENTAL HEALTH SERVICES

ENVIRONMENTAL PROTECTION (LOP)

1131 Harbor Bay Parkway, Suite 250

Alameda, CA 94502-6577

(510) 567-6700 FAX (510) 337-9335

February 3, 1997 **STID 4073** page 1 of 2

Attn: Tom Seidman Russ Elliott Inc. 2526 Wood St. Oakland CA 94607

RE: Russ Elliott Inc., 2526 Wood St., Oakland CA 94607

Dear Mr. Seidman.

Since my last letter to you, dated 1/3/96, the underground storage tank (UST) pit was overexcavated on 6/6/96, in my presence. Verification soil samples were collected. On 7/11/96, the laboratory report was faxed to me. Results indicate non-detectable (ND) concentrations of the contaminants sought (TPH-diesel, TPH-gasoline, and BTEX) for all 5 verification soil samples. An additional soil sample was collected from the stockpiled soil (four point composite). Results included ND TPHd, 340 ppm TPHg, and 0.80 ppm benzene.

A final report of these activities has not been received in this office. The "Underground Tank Closure Plan," which both Tank Protect and yourself signed on page 6, specifies that you shall "submit a closure report to this office within 60 days of the tank removal" (page 6). The UST was removed on July 27, 1995. The report was therefore due by September 27, 1995. This project has taken an unusally long time. The report is long overdue. Please submit the tank removal report immediately. This report should contain all of the information listed in item #22 of the instructions (copy attached). This case shall remain open until your reporting requirements have been met.

I believe our mutual goal is the closure of this case, at which point a closure letter will be issued from this office, and signed by the Director of this Department. As you probably know, the closure letter is usually paramount in importance when doing a property transfer or refinancing a property loan.

If you have any questions, please contact me at 510-567-6761.

Sincerely.

Hazardous Materials Specialist

February 3, 1997 STID 4073 page 2 of 2 Attn: Tom Seidman

cc: Jeff Fahrhoomand, Tank Protect Engineering, 2821 Whipple Rd., Union City CA 94587 J. Eberle/file

je.4073-A attachment

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY

DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, Director

RO# 40

DEPARTMENT OF ENVIRONMENTAL HEALTH
Environmental Protection Division

1131 Harbor Bay Parkway, #250 Alameda, CA 94502-6577

(510) 567-6700

January 3, 1996 STID 4073

Attn: Tom Seidman Russ Elliott Inc. 2526 Wood St. Oakland CA 94607

RE:

Russ Elliott Inc., 2526 Wood St., Oakland CA 94607

Dear Mr. Seidman,

A 550-gallon underground storage tank (UST) last containing diesel fuel was removed from this site on 7/27/95. I was present during the tank removal. Soils were sampled from the excavation. Maximum concentrations reported were 310 parts per million (ppm) Total Petroleum Hydrocarbons (TPH) as diesel and 2.6 ppm benzene, and 1,900 ppm TPH as gasoline in the excavation (sample S-1). The stockpiled soils were also sampled and found to contain 340 ppm TPH as diesel, Non-Detect (ND) benzene, and 960 ppm TPH as gasoline. Unfortunately, there is some confusion as to the location of sample S-1. My field notes indicate S-1 was the sample away from 25th St. (with the railroad tracks), but Tank Protect Engineering's (TPE's) site map indicate S-1 was closer to 25th St.

Dale Klettke of this office was present onsite during the sampling of the (ground)water in the excavation on 10/4/95. His notes indicate there was "no apparent sheen" on the water. I received the lab results for this sampling on 12/12/95 via fax from TPE. Results indicated ND for TPH-gasoline, TPH-diesel, and BTEX.

Due to the elevated concentrations of contaminants at this site, you are requested to submit a workplan within 45 days, or by February 18, 1996, for a Soil and Water Investigation (SWI), as per Sect. 2724 of Chapter 16, Division 3, Title 23, California Code of Regulations. Rapid site assessment methods (i.e. cone penetrometer testing, geoprobe, hydropunch, etc.) are suggested to qualitatively assess impacts and to define the extent of the contaminant plume, as a first step of the SWI. Since there is a potential for migration of soil contaminants to shallow groundwater, a groundwater investigation should be included. You may choose to overexcavate the tank excavation to the limits of soil contamination and resample, instead of installing soil borings to define the extent of the soil contamination. However, this may take several attempts of overexcavating and resampling. If you choose to do this, a formal SWI workplan is not required.

January 3, 1996 STID 4073 Attn: Tom Seidman page 2 of 2

There are state funds available for remediation of UST sites. These funds reimburse responsible parties, such as yourselves, for the costs associated with remediation. I have enclosed a brochure outlining this program. Included are phone numbers for people to help you with this process. Please note that the UST CleanUp Fund specifies bidding requirements and deductibles. Please direct questions re the Fund to Christopher Stevens (916-227-4519) or Jim Munch (916-227-4430) of the State Water Resources Control Board, UST CleanUp Fund.

If you have any other types of questions, please contact me at 510-567-6761.

Sincerely,

Jennifer Eberle

Hazardous Materials Specialist

cc: Louis Travis, Tank Protect Engineering, 2821 Whipple Rd., Union City CA 94587

Acting Chief/file

je.4073

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH 1131 Harbor Bay Parkway

Alameda, CA 94502-6577 (510) 567-6777

October 4, 1995 STID # 4073

Mr. Tom Seidman Vice President Russ Elliot Inc. 2526 Wood Street Oakland, California 94607

Re: FINAL or FIVE-YEAR UNDERGROUND TANK PERMIT AT RUSS ELLIOT FACILITY LOCATED AT 2526 WOOD STREET, OAKLAND, CA 94607

Dear Mr. Seidman:

Please find enclosed a final underground storage tank permit certificate, for the 10,000 gallon tank at the site noted above. This permit is being issued contingent upon the facility's compliance with all applicable underground tank monitoring requirements. These conditions are described in the revised Title 23, California Code of Regulations (C.C.R.) which became effective May 5, 1994. In order to maintain a valid permit, any deficiencies noted on the final underground tank inspection report or subsequent inspections, must be corrected. Below is a summary of the monitoring requirements for your facility:

1. Sections 2645 and 2646 - Inventory Reconciliation

a) Record the daily variation by inventory reconciliation. This is the difference between the measured inventory in the tank and the calculated inventory. The calculated inventory shall be determined by adding the fuel inputs from deliveries and subtracting the day's sales withdraws. The deliveries are added to the gallons measured at the end of the previous day. The number of gallons sold is calculated from the pump meter, and subtracted from the physically measured inventory of the day before.

Meters or gauges used to measure in the tank inventory must be approved by this office. Commercial gauges and measuring devices should meet the standards in Title 4, Chapter 9, of the California Code of Regulations (C.C.R.) and be inspected by the County Department of Weights and Measures.

You are advised that where the highest anticipated groundwater may rise to less than 20 feet below the bottom of the tank Statistical Inventory Reconciliation (SIR-method) is required. This method requires the daily inventory reconciliation data to be evaluated by a third party certified statistical analyst.

Russ Elliot Inc. October 4, 1995 Page 2 of 4

This office has received information indicating your facility is over shallow groundwater. If manual inventory reconciliation is performed in conjunction with SIR, the following procedures will apply.

For manual inventory reconciliation (MIR) your daily variations shall be summed for a period of one month. If monthly variations exceed 1% per cent of the monthly tank deliveries plus 130 gallons, a leak may be suspected. You must notify this office. An investigation as to the cause of excess variations must be conducted within 24 hours.

b) Submit an annual statement to this office which states that all inventory reconciliation (for MIR and SIR methods) data are within allowable limits or list the times and corresponding variations when allowable limits were exceeded. This statement shall be executed under penalty of perjury.

If you choose to install and utilize an automatic liquid level sensor it shall be certified to comply with the performance standards specified in Title 23, C.C.R. and subject to the limitations of the certification. Certification must be obtained by the manufacturer from an independent third party testing laboratory. The tester shall evaluate equipment by using the appropriate "EPA standard test procedure". If certification is received, the liquid level sensor may be used as part of an approved monitoring program. The State Water Resources Control Board has issued a guidance letter listing equipment with certification.

2. Section 2643 - Non-visual Monitoring

- a) Monitoring of piping that conveys hazardous substances under less than atmospheric pressure shall be tested at least every three years. The test method shall be capable of detecting a minimum release equivalent to 0.1 gallon per hour defined at a minimum of 40 psi.
- b) Bi-annual tank integrity testing shall be conducted which is capable of detecting a release of 0.1 gallon per hour at or above the maximum product level of the tank, but no less than 65% per cent of tank capacity. Or
- c) Conduct one of the following monthly automatic tank gauging procedures:
 - 1) Once per calendar month after tank filling to within 10% of the highest operating level with the capability

Russ Elliot Inc. October 4, 1995 Page 3 of 4

of detecting a release of 0.2 gallon per hour.

2) Automatic tank gauge plus manual inventory reconciliation. Provided the gauge is capable of detecting a release of 0.1 gallon per hour during testing and product level in the tank is at least 3 feet.

Tank gauging equipment must have a 95% probability of detection and not more than a 5% probability of false alarm. In addition, it shall generate a hard copy of all data reported, including time and date; tank identification; fuel depth; water depth; temperature; liquid volume; the time automatic tank gauging is performed; and hourly temperature corrected volume data during the automatic tank test.

3. Section 2663 - Overfill Prevention

- a) Onsite personnel or the operator's agent must ensure that the volume of product or waste oil to be transferred into the tank before the transfer is made. Also the transfer process must be watched to prevent overfilling and spilling.
- b) Tank systems must maintain or upgrade by Dec. 22, 1998 to provide an approved spill container in good repair. Each spill container shall meet the requirements specified in section 2635 (c), of Title 23, (C.C.R.).

4. Section 2643 et. seq., Non-Visual Monitoring

b) Maintain the monitoring equipment in good repair and service in accordance with the manufacturer's instruction. In a written plan, describe the training needed or the operation of both the tank system and monitoring equipment. Maintain the plan on site for review.

5. Section 2712 - Permit Conditions

a) Retain all monitoring and maintenance records on-site or at a readily available location off-site, if approved by this agency, for a period of at least 3 years. These records must be made available, upon request within 36 hours, to the local agency or the Regional Water Quality Control Board.

The above listed requirements reflect the information currently on file and may not include deficiencies disclosed during routine inspections or changes that will result from tank and piping

Russ Elliot October 4, 1995 Page 4 of 4

upgrading required by December 22, 1998. According to our most recent records, there is one 10,000 gallon fuel tank on site. The tank is reported as being single-walled fiberglass with single-wall piping. Spill basins not currently present at the fill riser. Documentation to confirm the tank is fiberglass has not been provided. Therefore tank upgrading may be necessary prior to December 22, 1998 to remain in compliance with these regulations. This permit will expire on December 22, 1995 unless documentation of the fiberglass construction is provided or cathodic protection and proper upgrading is completed.

If you do not monitor by the program described above, you may utilize other release detection methods for tanks and pipelines as outlined in the revised Title 23, C.C.R.. Please send a letter to this office notifying us of any changes in the monitoring methods.

Consult the revised Title 23, C.C.R. regarding any additional requirements. To obtain a copy of the regulations, you may contact the State Water Resources Control Board at 916-323-1262.

Should you have any questions or concerns regarding the contents of this letter, please call me at 510-567-6700.

Sincerely,

Kevin Tinsley

Hazardous Materials Specialist

cc: Ariu Levi, District Manager-North County, Al. Co. E.P.S. Gil Jensen, Alameda County District Attorney's Office

CERTIFIED MAILER: Z 196 176 810

March 23, 1995 STID # 4073

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

R040

Mr. Russell Elliot, Owner c/o Mr. Tom Seidman Vice-President Russ Elliot Inc. and Ms. Kathy Walton, Office Manager

Russ Elliot Inc. 2526 Wood Street Oakland, California 94607

Re: The Operation of two Underground Storage Tanks, located at 2526 Wood Street, Oakland, California 94607

NOTICE OF VIOLATION

Dear Mr. Russ Elliot:

Our records and inspection reports indicate that the underground storage tank facility named above, which is owned or controlled by you, is operating in violation of Title 23 of the California Code of Regulations. According to Section 2620 of this Code the owner and operator are responsible for monitoring tanks for leaks, maintaining appropriate records and to implement reporting procedures as required to obtain a valid permit from this agency.

The following is a list of repeat or continuing violations which exist:

- Section 2643 Non-Visual Monitoring 1.
- The Inventory Reconciliation records have not been provided a) for the 10,000 gallon single-walled fuel tank. Submit the daily stick readings, automatic tank gauge print-out data or SIR results to this office for three consecutive months during 1994.
- b) There are no records of your 1992 and 1993 tank integrity testing results. Integrity test results from 12/09/94 were received on 2/01/95. Submit a copy of your tank integrity test results from 1992 and 1993.

Page 2 of 4

March 23, 1995 Russ Elliot Notice of Violation

The triennial pipe precision test results have not been submitted.

Provide a copy of the precision pipe test for the current three year period. This test shall be at a pressure designated by the test equipment manufacturer and capable of detecting a minimum release equivalent 0.1 gph defined at a minimum 40psi.

2. <u>Section 2645</u> - <u>Manual Tank Gauging and Testing for small</u> tanks

The manual tank gauging records for the 500 gallon waste oil tank has not been submitted. Provide the weekly tank gauging data for February, March and April 1994.

3. <u>Section 2646</u> - <u>Manual Inventory Reconciliation</u>

The annual written statement verifying under penalty of perjury that all monthly reports are summarized and all data is within allowable variations, has not been received by this office.

Submit an statement certifying the inventory reconciliation data was within allowable limits for 1992, 1993 and 1994.

4. <u>Section 2670 - Closure Requirements</u>

The waste oil tank was reported as being empty (on the Underground Tank Permit Application - form B received 12/05/94) and is not intended to be used in the future. A closure application which complies with the conditions in section 2671 or 2672 is required within 90 days of ending use of the tank.

Submit a tank closure application for the empty 500 gallon waste oil tank.

Sogtion 2641 Monitoring Descript Remains

5. <u>Section 2641 - Monitoring Program Requirements</u>

Failure to provide the inventory reconciliation data for the fuel tank and weekly tank gauging data for the waste oil tank, indicates an approved monitoring program was never implemented. In addition, a written monitoring plan and a spill response plan has not been received. These plans were requested during the inspection on 12/06/94 Page 3 of 4

March 23, 1995 Russ Elliot Notice of Violation

Implement a statistical Inventory Reconciliation (SIR) monitoring program. Provide a written monitoring and spill response plan which accurately describes these procedures at your facility.

6. <u>Section 2711</u> - <u>Information and Application for Permit</u>

A financial responsibility certification letter has not been received. Your documentation to show compliance with state and federal financial responsibility requirements were requested on 12/06/94 and 2/02/95. Complete and return the enclosed Certification of Financial Responsibility form and Letter From Chief Financial Officer to comply with this item.

7. <u>Section 2620</u> - <u>Implementation of Regulations</u>

The owner or operator has not been issued an operating permit from this Agency. You are required by regulation to hold a valid permit for both tanks. Subsequently you must provide evidence of an approved regular monitoring program to obtain the 5 year permit (Health and Safety Code, Chapter 6.7, Section 2584) or removed the tanks from the ground.

You are hereby notified that all of the above listed violations must be corrected within 30 days after receipt of this notice. All of the requested documentation must be submitted to this office. Following the correction period of 30 days, a reinspection of your facility will be conducted to verify compliance. Failure to make the necessary corrections will necessitate the referral of your case to the District Attorney's Office for legal action.

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

Page 4 of 4

March 23,1995 Russ Elliot Notice of Violation

If you have any questions regarding this Notice, please call (510) 567-6700 between 10:00 and 3:00 p.m., Monday through Friday.

Sincerely

Kevin Tinsley

Hazardous Materials Specialist

Underground Tank Program

c; Ariu Levi, Supervising Hazardous Materials Specialist Gil Jensen, D.A., Alameda County District Attorney's Office

Encl., Certification of Financiall Responsibility
Letter From Chief Financial Officer
Underground Storage Tank Permit Application - Form A
and B (copies of forms received 12/05/94)

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

STID # 4073 December 7, 1994 Alameda County Environmental Health Environmental Protection Division 1131 Harbor Bay Parkway, Rm. 250 Alameda, CA 94502-6577 CC:430-4510

Ms. Kathy Walton, Office Manager Russ Elliott Inc. 2526 Wood Street Oakland, California 94607

RE: Underground Tank Monitoring Plan and Spill Plan

Dear Ms. Walton:

Please find enclosed a Consolidated Underground Tank Management Plan, a copy of Title 23 C.C.R. and information regarding statistical inventory reconciliation (S.I.R). You must complete and return the Consolidated Underground Tank Management Plan, within 30 days from the date of this letter.

If you have any questions or concerns regarding the form, do not hesitate to call me at (510) 567-6731 between the hours of 9:00 a.m. till 4:00 p.m., mondays through fridays.

Sincerely

Kevin Tinsley

Hazardous Materials Specialist

Underground Tank Program

Gordon Coleman, Area Manager-South County, Alameda County Environmental Protection