

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



SENT 10-26-99  
including cc's

P090

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

October 25, 1999  
StID # 58

Mr. Douglas Day  
4016 E. 14<sup>th</sup> St.  
Oakland CA 94601

Re: 4028 E. 14<sup>th</sup> St., Oakland, CA 94601

Dear Mr. Day:

This letter confirms the receipt of technical information from Mr. Joe Ramage of Ramage Environmental. Mr. Ramage has attempted to provide information to clarify the current status and future requirements for the above property. As you are aware, our office was lacking significant information regarding the removal of the 750 gallon fuel/waste oil tank. Based upon the analytical results, it does appear that gasoline, diesel and waste oil were used in this tank.

Upon review of the submitted information, our office has the following observations and requirements:

- Please complete the enclosed Unauthorized Leak Report (ULR) and return to our office within 15 days. You may want to have your contractor complete the form in your behalf.
- The soil and grab groundwater samples indicate that residual petroleum contamination remains. Elevated levels of total petroleum hydrocarbons as gasoline and as diesel in addition to oil and grease were found in the soil samples taken after over-excavation. These contaminants were also found in the groundwater sample collected from the pit. Therefore, you are required to perform additional site investigation to determine the extent of this contamination and determine its impact to groundwater. This may be done, initially, by advancing temporary borings, collecting soil and water samples to determine if monitoring wells are necessary.

Please submit a work plan for further soil and groundwater investigation to our office **within 30 days or no later than November 29, 1999.**

In regards to the two remaining underground tanks at 4000 E. 14<sup>th</sup> St., Mr. Ed Herbst has submitted a revised tank removal application to our office. The application has been conditionally approved and the tank removal should be scheduled as soon as possible. Mr. Soloway will be provided a completed "B" form for the 5000 gallon tank and your temporary EPA ID number for the underground tanks. Please notify the City of Oakland and our office prior to scheduling this work.

Mr. D. Day  
4028 E. 14<sup>th</sup> St.  
StID # 58  
October 25, 1999  
Page 2.

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

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

C: B. Chan, files

Mr. L. Soloway, 3527 Mt. Diablo Blvd. PBE 188, Lafayette, CA 94549

Mr. E. Herbst, Herbst Engineering, 8561 Younger Creek Dr., P.O. Box 294067, Sacramento,  
CA 95829

Mr. J. Duerig, Alameda County District Attorney Office

Mr. H. Gomez, City of Oakland Fire Dept., 1603 Martin Luther King Dr., Oakland CA 94612

4028E14wprq

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO#90

February 1, 1999  
STID # 58 (LOP), Deposit/Refund #5550

Mr. Bob Chambers  
Alameda County District Attorney Office  
7677 Oakport St.  
Oakland CA 94621

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

**Re: Status of Underground Tank Removals at 4000 and 4028 E.14<sup>th</sup> St., Oakland CA 94601**

Dear Mr. Chambers:

This letter requests assistance with the above two sites which were referred to you in my November 23, 1998 letter. As you may recall, for the site at 4028 E. 14<sup>th</sup> St., our office was waiting to receive a copy of the underground tank closure report and the results of samples collected after over-excavation of the former waste oil tank. I have spoke with Mr. Ed Herbst, the contractor for the job and he promised to send me these reports, however, they have never been delivered. I'm sure this is the result of cost/payment problems with Mr. Herbst and his sampling contractor, Levine-Fricke and/or payment problems with Mr. Douglas Day, the property owner, and Mr. Herbst.

In regards to the two underground tanks, 1-5000 UL gasoline and 1-300 waste oil, at 4000 E. 14<sup>th</sup> St., I explained the perceived situation. A dispute between the co-trustees, Mr. Leonard Soloway and Mr. Day existed which prevented the removal of these tanks. After I sent you my November 23, 1998 letter, it appeared that some action might occur, in light of the threat of a hearing at the District Attorney's office. A few conversations and letters ensued to no avail. Since this removal has persisted since July of 1996, I'd appreciate your office's intervention to resolve these cases. I again leave you the two principals name, address and phone number:

- Mr. Leonard Soloway, 755 Solano Drive, Lafayette, CA 04549, (925) 283-0389
- Mr. Douglas Day, c/o AECO Management Enterprises, 4016 E. 14<sup>th</sup> St., Oakland 94601, (510) 261-0516.

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

Sincerely,

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

Barney M. Chan  
Hazardous Materials Specialist

C: B. Chan, files

Mr. H. Gomez, City of Oakland, 505 14<sup>th</sup> St., Suite 702, Oakland CA 94612

Mr. L. Soloway

Mr. D. Day

2stat4000/4028

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Ro# 90

November 9, 1998  
StID # 58 (LOP), 5550 (Deposit/Refund)

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

To: Mr. Bob Chambers and Ms. J. Krebs, Alameda County District Attorney Office  
(QIC 21001)

FAX (510) 327-9835

Re: **Underground Storage Tank Removals, Reports and Subsurface Investigation at 4000  
and 4028 E. 14<sup>th</sup> St., Oakland CA 94601**

(STID # 5550)

(STID # 58)

Dear Mr. Chambers and Ms. Krebs:

Upon review of this file, it appears that over one year has passed since I alerted you of the violations which have occurred at the above two sites in my October 29, 1997 letter. Again, I remind you of the lengthy history of non-compliance and disregard to requests for action at these sites from our office. Even after inspection reports, notices of violation, pre-enforcement hearings and directives from the hearings, **nothing** has occurred. If ever a site required enforcement, this one does.

The two underground storage tanks at 4000 E. 14<sup>th</sup> St. have had outstanding issues concerning the tank removal application since January 16, 1997. Ms. Amy Leech of our office wrote Mr. Leonard Soloway, co-trustee for the property, calling out the items of concern in the underground tank removal application in her January 16, 1997 letter. No response has been received in regards to her letter. Inspection reports from May of 1995 signed by Mr. Douglas Day, co-trustee of the property, stated that the underground tanks must be properly closed.

The one underground tank on 4028 E. 14<sup>th</sup> St. was removed on October 22, 1996. The removal was witnessed by Ms. Amy Leech. Visual contamination was observed. In her December 2, 1996 letter to Mr. Day, she requested additional information including a ULR leak report, a tank closure report, additional soil sampling and scheduling of the removal of the tanks at 4000 E. 14<sup>th</sup> St. No reply was ever sent to her letter.

It certainly appears that the responsible parties have no intention of removing the remaining two tanks, nor completing the removal at 4028 E. 14<sup>th</sup> St. You are encouraged to schedule an enforcement hearing at your office to obtain compliance and assess fines. Please contact me at (510) 567-6765 if I can be of any service.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

C: B. Chan, files

Mr. L. Soloway, O.H. Day Trust, 1981 N. Broadway, Suite 315, Walnut Creek, CA 94596  
Mr. D. Day, O.H. Day Trust, 4016 E. 14<sup>th</sup> St., Oakland CA 94601

2enf4000/4028

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



STID # 58 : 4028 E. 14th ST.  
↳ RO # 90

STID # 5550 : 4000 E. 14th ST.  
↳ TANK REMOVAL

October 29, 1997

StID # 58 (LOP) and 5550 (Deposit/Refund)

Alameda County District Attorney Office  
Mr. Bob Chambers and Ms. J. Krebs

**Re: Delinquent Tank Removals, Submittal of Technical Reports and  
Further Subsurface Investigation at 4000 and 4028 E. 14th St.  
Oakland CA 94601**

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

Dear Mr. Chambers and Ms. Krebs:

I would like to bring your attention to the above referenced sites where our office has not received the requested information and follow-up activities. The sites have a history of non-compliance. Hopefully, you have a file on these sites which will demonstrate a long history of unresponsive behavior in dealing with their environmental requirements ie tank permitting, tank closure, tank removal report submittal and underground tank release investigation.

As a brief summary, the site was originally considered as one address, 4000 E. 14th St. where three underground tanks existed. Later, this was corrected to reflect that two underground tanks exist at 4000 E. 14th St. and one at 4028 E. 14th St. The properties are owned by the O.H. and Dorothy Day Trust. Mr. Douglas Day and Mr. Leonard Soloway are co-trustees of the trust.

Notices of Violation were issued on **November 17, 1995 and March 19, 1996**. Pre-enforcement hearings were held at the County office on April 24, 1996 and May 22, 1996. A June 6, 1996 directive from our office was issued to the co-trustees of the property directing them to permit or close the three underground tanks.

The 750 gallon waste oil tank was removed from 4028 E. 14th on October 22, 1996. This removal was witnessed by Ms. Amy Leech of ACEH. Visual contamination was observed and this site was transferred to the Local Oversight Program (LOP) (StID # 58). Ms. Leech sent a December 2, 1996 letter to Mr. Douglas Day (enclosed) requesting additional information and work at this location. In addition, Ms. Leech sent a January 16, 1997 letter (enclosed) requesting additional changes in the underground tank closure plan for the USTs at 4000 E. 14th St. The December 2, 1996 letter stated that failure to respond to the items requested would result in the referral of this case to the District Attorney's office or the RWQCB.

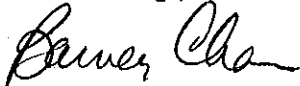
Mr. B. Chambers & Ms. Krebs  
Re: 4000 & 4028 E. 14th St., Oakland  
October 29, 1997  
Page 2.

Therefore, it appears that either of your two agencies should follow-up and schedule a hearing for the responsible parties. I feel another Notice of Violation would be a mockery for our office.

By way of a copy of this letter, Mr. Stephen Hill of the RWQCB is being made aware of this site so he may decide whether the Water Board would like to take enforcement actions.

Please contact me at (510) 567-6765 for questions and comments. I look forward to your direction.

Sincerely,



Barney Chan  
Hazardous Materials Specialist

enclosures (DA and RWQCB offices)

c: B. Chan, files  
Mr. S. Hill, RWQCB  
enf4000/4028

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO #90

StId 58/lop

April 2, 1997

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

Mr. Douglas Day  
O.H. Day & Dorothy Day Trust  
4016 E - 14th St  
Oakland CA 94601

**SECOND NOTICE OF VIOLATION**

Subject: UST Removal at 4028 E - 14th St., Oakland CA 94601

Dear Mr. Day:

On October 22, 1996, this office witnessed the removal of one 750-gallon waste oil underground storage tank (UST) from property located at 4028 E - 14th Street in Oakland. During the UST removal activities, it was evident that soil surrounding the waste oil tank had been impacted by waste oil and/or waste oil constituents. A representative from Levine-Fricke collected soil samples from the stockpile soil and the UST pit. The UST pit was lined with plastic sheeting, and the impacted stockpile soil was returned to the UST pit for safety reasons. On January 14, 1997, the stockpile soil and additional contaminated soil was excavated and removed from the former UST pit. Confirmatory soil samples were collected at the limits of the UST pit excavation and from beneath the former fuel dispenser area. On January 16, 1997, a groundwater sample was collected from the UST pit after the initial groundwater observed in the tank pit was pumped and allowed to recharge. Although the final tank closure report for this site was due by November 21, 1996, this office agreed that this report could be submitted within two weeks after the additional confirmation soil and groundwater samples were collected. To date, however, we have not received the final tank closure report for this site. Therefore, this letter constitutes a Notice that you are in violation of specific laws to investigate and remediate this site.

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** for each day in which this violation occurs.

You are required to submit to this office a Tank Closure Report **within 14 days, or by April 16, 1997**. 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.

The tank closure report must include a description of tank removal activities; analytical results and chain-of-custody documentation for all soil and groundwater samples; and manifests for disposal of hazardous materials associated with tank removal activities (i.e. the UST, waste oil removed from the tank, contaminated soil, groundwater pumped from the UST pit, etc.).

Day

Re: 4028 - 14th St.

April 2, 1997

Page 2 of 2

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

Sincerely,



Amy Leech

Hazardous Materials Specialist

c: Attn: Edward Herbst, Herbst Engineering Inc., PO box 22504, Sacramento CA 95822  
Kevin Graves, RWQCB  
Bob Chambers, Alameda County District Attorney's Office  
ALL-Files



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



Ro#90

StId 58/lop and 5550/depref

December 2, 1996

Douglas Day  
O.H. Day & Dorothy Day Trust  
4016 E -14th St  
Oakland CA 94601

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

NOTICE OF VIOLATION

Subject: 4000 and 4028 E - 14th Street, Oakland, CA 94601

Dear Mr. Day:

On October 22, 1996, this office witnessed the removal of one 750-gallon waste oil underground storage tank (UST) from property located at 4028 E - 14th Street in Oakland. During the UST removal activities, it was visually evident that soil surrounding the waste oil tank had been impacted by waste oil and/or waste oil constituents. A representative from Levine-Fricke collected soil samples from the stockpile soil and the UST pit. The UST pit was lined with plastic sheeting, and the impacted stockpile soil was returned to the UST pit for safety reasons.

Based on observations made during tank removal activities, further investigations will be required of potential impact to soil and/or groundwater from waste oil tank at this site. Your consultant, Mr. Edward Herbst, indicated that he planned to schedule a follow-up appointment with our office to complete sampling of soil beneath the former fuel dispenser pad and to complete overexcavation of contaminated soil of the former UST pit. To date, no appointment has been made with our office.

The tank closure report and *UST Unauthorized Release (Leak) Report* (blank report enclosed) for this site has not yet been received by this office. The tank closure report was due within thirty days of tank removal activities (i.e., by November 21, 1996). The tank closure report must include analytical results and chain-of-custody documentation for all soil samples; manifests for disposal of hazardous materials associated with tank removal activities (i.e. the UST, waste oil removed from the tank, contaminated soil, etc.); and description of tank removal activities.

In regard to the UST removed from 4028 E - 14th Street, please complete the following items by the dates indicated:

1. Call this office to schedule an appointment for soil sampling beneath the former fuel dispenser pad and of the former UST pit after overexcavation activities **no later than December 13, 1996.**
2. Complete and return the enclosed *UST Unauthorized Release (Leak) Report* to this office by **December 13, 1996.**
3. Submit the tank closure report to this office by **December 31, 1996.**

Day

Re: 4000 and 4028 E - 14th St.

December 2, 1996

Page 2 of 2

In regard to the USTs located at 4000 E - 14th Street, please complete the following items by the dates indicated:

4. *Resubmit* to this office the tank closure plans for the two USTs located at 4000 E - 14th Street for review and approval as requested in our letter to you dated July 18, 1996. The tank closure plans for 4000 E - 14th Street are due to this office by **December 13, 1996**.
5. You are required to schedule the removal of the USTs located at 4000 - E 14th Street **within 14 days from the date the plans are approved by this office.**

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.

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

Sincerely,

  
Amy Lecch  
Hazardous Materials Specialist

**ATTACHMENT**

- c: Herbst Engineering Inc., PO Box 22504, Sacramento CA 95822  
Kevin Graves, RWQCB  
Bob Chambers, Alameda County District Attorney's Office  
Kevin Tinsley, Hazardous Materials Specialist  
Gordon Coleman, Acting Chief of Environmental Protection  
ALL/Files



ROAD

August 27, 1993

Mr. Douglas Day  
Automotive Engineering  
4028 E. 14th Street  
Oakland CA 94601

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

**NOTICE OF LEGAL OBLIGATION**

**Re: Automotive Engineering, 4028 E. 14th Street, Oakland, CA 94601**

Dear Mr. Day:

As you are aware, I made an inspection of the above facility on 8/18/93. This inspection revealed that there are three underground storage tanks (UST) at the above facility. In accordance with the California Code of Regulations (CCR), Title 23, Division 3, Chapter 16 Underground Tank Regulations, you are required to perform one of the following actions:

**Either submit a tank closure plan to this Department as required by Article 7, Section 2670, or Apply for a permit as required by Article 10, Section 2710.**

**If you are planning to use any of the underground tanks, you must apply for a five-year permit and properly monitor each tank. However, You must remove all remaining tanks which you are no longer planning to use in future. You should be aware that there are tank closure procedures specified in Section 2672 Article 7 Title 23 California Code of Regulations.**

Please note that the California Health and Safety Code Section 25299(a) states that the operator or owner of an underground storage tank is liable for a civil penalty of not less than five hundred dollars or more than five thousand dollars per day per violation for failure to obtain a permit, or failing to properly close an underground storage tank, as required by section 25298. **Please Notify this Department within 10 days of your intentions.** If you have any questions, please do not hesitate to contact me at (510)-271-4320.

Sincerely,

Amir K. Gholami, REHS  
Hazardous Materials Specialist

c: files

(NOV3)

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R090

September 19, 1990

James Pluth  
Automotive Engineering  
4028 E. - 14th St.  
Oakland, CA 94601

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

**Re: Waste Minimization Assessment**

Dear James Pluth:

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

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Edgar B. Howell".

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

EBH:kac

cc: Fire Department  
Files