



ENVIRONMENTAL HEALTH DEPARTMENT
ENVIRONMENTAL PROTECTION
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March 28, 2012

Mr. Steven Hill
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
(sent via electronic mail to: SHill@waterboards.ca.gov)

Subject: Notice of Enforcement Referral; Fuel Leak Case No. RO0000107 and Geotracker Global ID T0600100451, Di Salvo Trucking, 4919 Tidewater Avenue, Oakland, CA 94601

Dear Mr. Hill:

This is a notice of an enforcement referral for the subject site. Site Responsible Parties have not completed work as requested by Alameda County Environmental Health (ACEH) and are recalcitrant in implementing site cleanup. The site has accumulated a series of Notice of Violations from ACEH. As a consequence, ACEH is referring this site to the San Francisco Bay Regional Water Quality Control Board for enforcement actions.

Site Background

In March 1989 four USTs were removed from the site. Diesel free phase was observed flowing into the excavation. In May 1989, 2,400 gallons of free phase and 20,000 gallons of water was removed from the UST excavation. Approximately 3,000 cubic yards of soil is reported to have been removed in 1989, treated, and stockpiled into a landscape berm between the property and Tidewater Ave; however, analytical documentation has not been provided. A 10-inch diameter highly corroded product pipe line was encountered during the excavation, broke, and 3,000 gallons of diesel entered the excavation at that time. A recovery well with a skimmer pump operated for approximately 5 months; however, was shut down due to an increased product thickness.

There appears to be a direct discharge to the estuary, including potential free phase. Four plans for remedial action have been proposed and approved without implementation to date; these are:

- *Corrective Action Plan*, dated February 6, 2001; approved February 15, 2001
- *Revised Corrective Action Plan*, October 4, 2002; pilot test requested October 21, 2002; a pilot test does not appear to have been conducted subsequently.
- *Feasibility Study Report*, February 26, 2007; approved May 29, 2007
- *Remedial Action Plan*, dated September 14, 2007; RAP revisions requested May 2008
- *Revised Remedial Action Plan*, dated July 15, 2008; conditional approval August 2008
- A report of additional site investigation (part of the revised RAP) was rejected in February 2009 as the data was not used update the existing SCM or the existing remedial action plan; a response was not received.

A Notice of Violation (NOV) was issued in March 1993, a status inquiry letter was issued in September 1993, a pre-enforcement hearing communication letter was issued in December 1993 (each by ACEH), the RWQCB issued a letter in February 1994 on the findings of an enforcement hearing, NOV's were again issued in November 1996, November 1999, September 2000, and November 2000. In January

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2012 ACEH issued a status inquiry letter to due to non-response to the 2009 directive letter. ACEH recently received a brief letter regarding site status including a three page work plan prepared by a remedial contractor to extract groundwater in an attempt to eliminate discharges to the tidal channel.

Should you have any questions, please contact me at (510) 567-6876 or send me an electronic mail message at mark.detterman@acgov.org.

Sincerely,

Mark E. Detterman
Senior Hazardous Materials Specialist

cc: Mr. Bob Lawlor, RWL Investments, Inc., 4919 Tidewater Avenue, Unit B, Oakland, CA 94601

Mr. John Tounger, RWL Investments, Inc, 859 Harrison Street, San Francisco, CA 94107
RWL Investments, Inc., PO Box 3765, San Francisco, CA 94120

Leroy Griffin, Oakland Fire Department 250 Frank H. Ogawa Plaza, Ste. 3341, Oakland, CA 94612-2032 (sent via electronic mail to lgriffin@oaklandnet.com)

Donna Drogos, ACEH, (sent via electronic mail to donna.drogos@acgov.org)
Mark Detterman, ACEH, (sent via electronic mail to mark.detterman@acgov.org)
Geotracker, Electronic File