

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0#113

Certified Mailer # P 368 729 405

December 11, 1997

Mr. Jim Owens
2301 Encinal Avenue
Alameda, CA 94501

STID 4482

Re: Alameda Lock & Glass, 2301 Encinal Avenue, Alameda, CA

FINAL NOTICE OF VIOLATION

Two previous letters from this office dated October 3, 1996, and October 1, 1997, were mailed to you requesting further characterization to delineate the extent of a lead plume at the above site. As of this date, this office has not received a workplan. As mentioned in the previous letters, you are required to obtain professional services of an environmental consultant. **All reports and proposals must be submitted under the seal of a California-Registered Geologist, Certified Engineering Geologist, or Registered Civil Engineer.**

If a "Subsurface Workplan" is not received in our office within 45 days of the receipt of this letter, your file will be forwarded to the District Attorney's Office for review.

If you have any questions, please contact me at (510) 567-6774.

Sincerely,


Larry Seto
Sr. Hazardous Materials Specialist

CC: Tom Peacock, Manager, Local Oversight Program
Dick Pantages, Chief, Hazardous Waste Division
Bob Chambers, Alameda County District Attorney, Consumer and
Environmental Protection

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 557-6700
FAX (510) 337-0330

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RO#113

October 1, 1997

Mr. Jim Owens
2301 Encinal Avenue
Alameda, CA 94501

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

STID 4482

Re: Lead-contaminated groundwater at Alameda Lock & Glass, located at 2301 Encinal Avenue, Alameda, California

NOTICE OF VIOLATION

Dear Mr. Owens,

On August 1, 1996, one 1,000-gallon leaded gasoline underground storage tank (UST) and two 500-gallon leaded gasoline USTs were filled with an inert material and closed in-place at the above site. Prior to the closure of these USTs, soil and groundwater samples were collected from several borings placed adjacent to the USTs. These samples were analyzed for Total Petroleum Hydrocarbons as gasoline (TPHg), benzene, toluene, ethylbenzene, and total xylenes (BTEX), methyl t-butyl ether, and lead. Only low to NonDetect levels of TPHg and BTEX were identified in the soil samples, however, up to 62 ppm lead was identified in one soil sample, and elevated levels of lead, greatly exceeding the California drinking water standard of 50 ppb, were identified in two groundwater samples even after filtering with a 0.45 micron filter (at 270 ppb and 840 ppb).

Based on the fact that the three former USTs at the site were used to store leaded gasoline, it is very likely that the observed lead contamination is resulting from these former USTs. Due to the elevated lead concentrations observed in the groundwater beneath the site, this office is concerned about the potential human health threat and the magnitude of this lead contaminated groundwater plume. Consequently, this office is requesting that further characterization be conducted to delineate the extent of this contaminant plume. Additionally, the groundwater investigations should include a Total Dissolved Solids (TDS) analysis to determine whether the groundwater beneath the site is potentially potable.

This Department will oversee the assessment and remediation of your site. Our oversight will include the review of and comment on work proposals and technical guidance on appropriate investigative approaches and monitoring schedules. The issuance of well drilling permits, however, will be through the Alameda County Flood Control and Water Conservation District, Zone 7, in Pleasanton. The RWQCB may choose to take over as lead agency if it is determined, following the completion of the initial assessment, that there has been a substantial impact to

Mr. Jim Owens
Re: 2301 Encinal Avenue
October 1, 1997
Page 2 of 2

ground water.

In order to properly conduct a site investigation, you are required to obtain professional services of a reputable environmental consultant. **All reports and proposals must be submitted under seal of a California-Registered Geologist, -Certified Engineering Geologist, or -Registered Civil Engineer.**

You were sent a letter by this department dated October 3, 1996. To date you have made no response to this department. Please submit a work plan, addressing the above work, within 60 days of the date of this letter (i.e., by December 1, 1997).

If you have any questions or comments, please contact Larry Seto at (510) 567-6774.

Sincerely,



Thomas Peacock, Manager
Environmental Protection Division

c: Gordon Coleman, Chief -files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Ro# 113

October 3, 1996

Mr. Jim Owens
2301 Encinal Avenue
Alameda, CA 94501

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

STID 4482

Re: Lead-contaminated groundwater at Alameda Lock & Glass, located at 2301 Encinal Avenue, Alameda, California

Dear Mr. Owens,

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Based on the fact that the three former USTs at the site were used to store leaded gasoline, it is very likely that the observed lead contamination is resulting from these former USTs. Due to the elevated lead concentrations observed in the groundwater beneath the site, this office is concerned about the potential human health threat and the magnitude of this lead contaminated groundwater plume. Consequently, this office is requesting that further characterization be conducted to delineate the extent of this contaminant plume. Additionally, the groundwater investigations should include a Total Dissolved Solids (TDS) analysis to determine whether the groundwater beneath the site is potentially potable.

This Department will oversee the assessment and remediation of your site. Our oversight will include the review of and comment on work proposals and technical guidance on appropriate investigative approaches and monitoring schedules. The issuance of well drilling permits, however, will be through the Alameda County Flood Control and Water Conservation District, Zone 7, in Pleasanton. The RWQCB may choose to take over as lead agency if it is determined, following the completion of the initial assessment, that there has been a substantial impact to ground water.

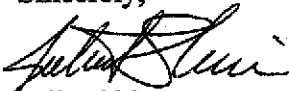
Mr. Jim Owens
Re: 2301 Encinal Avenue
October 3, 1996
Page 2 of 2

In order to properly conduct a site investigation, you are required to obtain professional services of a reputable environmental consultant. **All reports and proposals must be submitted under seal of a California-Registered Geologist, -Certified Engineering Geologist, or -Registered Civil Engineer.**

Please submit a work plan, addressing the above work, within 60 days of the date of this letter (i.e., by November 28, 1996).

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

Sincerely,



Juliet Shin
Senior Hazardous Materials Specialist

cc: Acting Chief

**ENVIRONMENTAL
PROTECTION**

**ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY, DEPARTMENT OF
ENVIRONMENTAL HEALTH, ENVIRONMENTAL PROTECTION DIVISION**

95 SEP 19 AM 8:48

IN RE THE PROPERTY KNOWN AS :

2301 Encinal Avenue
Alameda, CA 94501

PROOF OF SERVICE BY MAIL
OF DIRECTIVE
TO COMPLY

I KEVIN TINSLEY, do hereby certify

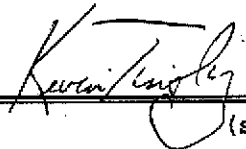
that I served ALAMEDA LOCK & GLASS/ ATTN: MR. JAMES OWENS

with a copy of the attached Directive to Comply on

SEPTEMBER 25, 1995 by certified

mailer # Z 296 048 368

Dated: 09/25/95


(signature)

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

| | | |
|------------------------------|---|---------------------|
| In re the Property Known As: |) | |
| |) | Directive to Comply |
| 2301 Encinal Avenue |) | |
| Alameda, CA 94501 |) | |
| _____ |) | |

Mr. James Owens
Alameda Lock and Glass
2301 Encinal Ave.
Alameda, CA 94501

A Pre-Enforcement Review Panel was held at the Alameda County Department of Environmental Health Offices on August 17, 1995. At the Pre-Enforcement Review Panel it was determined that you are the owner of the tanks on the property. As the owner of the tanks, the Pre-Enforcement Review Panel has found you to be responsible for the violations at the property in question. Pursuant to Health and Safety Code (HSC) Chapters 6.7, sections 25284, 25292.1, 25293, 25298 and California Code of Regulations Title 23, you are required to either permit the underground storage tanks or remove them. You are hereby directed to take one of the following actions:

1. Apply for the permit to operate and maintain the tank as required by section 2710 of Title 23. The following documents are required in your application:
 - a. State Permit Application forms A and B
 - b. Certification of financial responsibility
 - c. A monitoring program plan and a spill response plan
 - d. Proof of integrity test of tanks and pipes

2. Submit a completed application for underground tank closure as required by section 2670 of Title 23. You are required to contract with a licensed contractor for the closures of the underground storage tanks. The application and workplan must be reviewed and accepted by this office before closure is commenced.


You are hereby directed to take one of the above actions within 30 days of the date of this letter. Based upon your representations and other evidence available to the Panel, it is determined that permitting the tanks (option #1), while not precluded by the law, does not conform to your current use of the tanks and would require your commitment to continuous monitoring and reporting until such time that you remove these tanks. Therefore the Panel has determined that option #2 is in your and the public's best interest.

Please be advised that this directive is being issued pursuant to California Health and Safety Code Chapter 6.7 and that failure to comply is punishable by civil penalties of up to **\$5,000 per day per tank per violation** as provided in HSC Section 25299.

Please contact me at (510) 567-6731 should you have any questions.

Dated: September 18, 1995

Alameda County Health Officer
for The Pre-Enforcement Review Panel

By 

Kevin Tinsley
Hazardous Materials Specialist
Alameda County Department of
Environmental Health

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY, DEPARTMENT OF ENVIRONMENTAL HEALTH, ENVIRONMENTAL PROTECTION DIVISION

IN RE THE PROPERTY KNOWN AS :

2301 Encinal Avenue
Alameda, CA 94501

**PROOF OF SERVICE BY MAIL
OF DIRECTIVE
TO COMPLY**

I Kevin Tinsley, do hereby certify
that I served Alameda Lock & Glass, Attn: Mr. James Owens
with a copy of the attached Directive to Comply on
September 05, 1995 by certified
mailer # Z 296 048 368.

Dated: 09/01/95

(signature)

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

In re the Property Known As:)

Alameda Lock and Glass)
2301 Encinal Ave.)
Alameda, CA 94501)

Directive to Comply

**Mr. James Owens
Alameda Lock and Glass
2301 Encinal Ave.
Alameda, California 94501**

A Pre-Enforcement Review Panel was held at the Alameda County Department of Environmental Health Offices on August 17, 1995. The Pre-Enforcement Review Panel has found you to be responsible for the violations at the property in question. Pursuant to Health and Safety Code (HSC) Chapters 6.7, you are hereby directed to comply with HSC Sections 25284, 25292.1, 25293, 25298. In order to not be in violation of the law, you are required to do the following:

1. Provide a copy of work estimates to remove all three tanks from a licensed contractor(s).
2. Submit a completed underground tank closure plan for approval by this Office.

You are hereby directed to implement these requirements within 30 days of the date of this directive. Please be advised that this directive is being issued pursuant to California Health and Safety Code Chapter 6.7 and that failure to comply is punishable by civil penalties of up to \$5,000 per day per tank per violation as provided in HSC Section 25299.

Please contact me at (510)567-6731 should you have any questions.

Dated: August 29, 1995

Kevin Tinsley
Hazardous Materials Specialist

By



ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0113

RAFAT A. SHAHID, Assistant Agency Director

February 2, 1995
STID # 4482

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

Mr. Jim Owens, Operator
Alameda Lock and Glass
2301 Encinal Ave.
Alameda, California 94501

**RE: THREE UNDERGROUND STORAGE TANK(S) LOCATED AT, ALAMEDA LOCK
AND GLASS, 2301 ENCINAL AVE., ALAMEDA, CALIFORNIA 94501**

NOTICE OF VIOLATION

Dear Mr. Owens:

Our records indicate that you own and/or control three underground storage tank(s) at the property named above. Information received during my inspection revealed these tank(s) are out of service and are not intended to be recommissioned.

Therefore, pursuant with the California Administrative Code (CAC), Title 23, Chapter 3, Subchapter 16 Underground Tank Regulations, you must perform one of the following actions;

1. Properly complete permanent closure of the tank(s) in accordance with the requirements of Title 23 (CAC), Article 7, section 2672.
2. Meet monitoring requirements sufficient to obtain a final permit to operate the tank(s), as required by Article 10, section 2710 of the same regulations.

As of today this department has not been notified of the date planned to remove the tank(s) or results of the required annual integrity testing. Failure to manage the tank(s) properly is in violation of the Health and Safety Code, Chapter 6.7 et seq. In order to abate the violation, you must take the necessary actions to comply with items 1 or 2 listed above. If special circumstances prevent removal of the tank within 30 days from the date of this notice, you may be granted an extension to complete the removal process.

Page 2 of 2

February 2, 1995

Mr. Owens

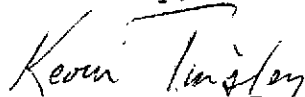
Notice of Violation Con't

You should be aware the California Health and Safety Code, section 25299 states that any owner or operator of an underground tank is liable for civil penalties of not less than five (\$500) hundred dollars and not more than five (5,000) thousand dollars per day for failure to obtain a permit, or failing to properly close an underground storage tank.

This Notice of Violation is issued to you under the authority of the California Health and Safety Code, Chapter 6.7, section 25288 and 25289. Copies of the Code sections referred to herein may be reviewed at most public libraries or at this Agency.

If you have any questions regarding this Notice, please call me at, (510) 567-6731 between 10:00 a.m. and 3:00 p.m., Monday through Friday.

Sincerely,



Kevin Tinsley
Hazardous Materials Specialist
Underground Tank Program

c, Mee Ling Tung, Area Manager Central-County, Alameda County
Environmental Protection
Gil Jensen, Alameda County District Attorney's Office,
Consumer Affairs

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Roll 3

RAFAT A. SHARID, Assistant Agency Director

December 28, 1993

CERTIFIED MAILER #: P 386 338 226

Alameda Lock & Glass
2301 Encinal Ave
Alameda, 94501
UGTID:4482

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

**Re: FIVE-YEAR PERMITS FOR OPERATION OF UNDERGROUND STORAGE TANK(S)
2301 Encinal Ave Alameda, 94501**

Dear Owner/Operator:

According to our records your facility referenced above has not received a five-year permit to operate UST's. In order to obtain a permit you must complete the following items marked below and return them within 30 DAYS. The necessary forms are enclosed. You may complete a "Consolidated Underground Tank Management Plan" which will assist you in preparing a monitoring plan, site plot plan and spill response plan for your tank(s). If supplemental information or forms are required, please submit it to this office with the completed questionnaire and application forms:

- ___ 1. An accurate and complete plot plan.
- ___ 2. A written spill response plan. (enclosed)
- ___ 3. A written tank monitoring plan. (enclosed)
- ___ 4. Results of precision tank test(s), (initial and annual).
- ___ 5. Results of precision pipeline leak detector tests (initial and annual).
- ___ 6. Complete UST PERMIT FORM A-one per facility. (enclosed)
- ___ 7. Complete UST PERMIT FORM B-one per tank. (enclosed)
- ___ 8. Complete UST PERMIT FORM C-one per tank if information is available. (enclosed)
- ___ 9. Letter stating how the tank is to be maintained during one year closure.

Be advised that Title 23 of the California Code of Regulation prohibits the operation of "ANY" UST without a permit. If our records are in error, you must contact this office immediately TO AVOID POSSIBLE ENFORCEMENT ACTION. Please feel free to contact this office at (510) 271-4320; to answer any questions which may arise in completing the mandatory five-year permit process. Be prepared to provide your zip code to speak with the Hazmat Specialist handling your case.

Sincerely,

Cynthia Manji for LARRY SETO.

LARRY SETO
Sr HazMat Specialist

c: Edgar Howell, Chief, Hazardous Materials Div. (files)



Certified Mailer # P 869 531 746

April 7, 1993

STID # 1 (STID 4482)

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

Mr. Jim Owens
Alameda Lock and Glass
2301 Encinal Ave.
Alameda, Ca. 94501

Re: UNDERGROUND TANKS LOCATED AT, ALAMEDA LOCK AND GLASS
2301 ENCINAL AVE., ALAMEDA 94501

NOTICE OF VIOLATION

Dear Mr. Owens:

On February 19, 1993 while representing this Agency, I inspected the underground tanks at your site, noted above. The purpose of this visit was to determine whether these tanks are in compliance with California underground tank laws and regulations. During the inspection you confirmed that three tanks remain in the ground. In addition you stated these tanks are empty and have not been operated since 1970. Based on your statements, it appears the tanks are not intended to be used in the future.

Please be advised, that pursuant to the California Health and Safety Code, chapter 6.7, section 25299.3, no person shall close an underground tank without undertaking the following actions;

1. Demonstrates to the local agency that all previously stored hazardous materials have been removed, properly disposed of and neutralized.

2. Adequately seal the tank system to minimize any threat to public safety and the possibility of water intrusion into, or runoff from the tank.

3. Provide for, and carry out maintenance for the tank as required by the local agency.

4. Provide to this agency, documentation that the site has been investigated to determine if there are any present or past hazardous material releases, and if so, that appropriate corrective or remedial actions have been taken.

According to Title 23, of the California Code of Regulations, Article 7, section 2670 (f); a tank owner who intends to close

J. Owens
April 7, 1993
Page 2 of 2

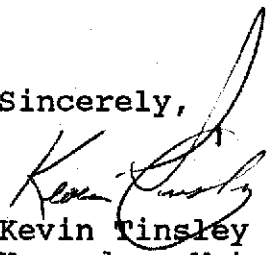
a tank(s) shall submit a proposal describing their compliance with the closure requirements. This underground tank closure plan must be submitted to the local agency at least 30 days prior to closure.

From the report issued during this inspection, your proposal was due on or before April 5, 1993 and has not yet been received. During previous inspections by this office, on May 7, 1991 and June 19, 1991, waste oil was being disposed of into one of the tanks. Subsequently our office requested that you apply for a tank permit under Article 10, section 2710 of Title 23 C.C.R. or submit a closure plan pursuant to Article 7, as noted above. At this time you are directed to submit your closure plan, or to notify this office within 10 days of your intentions to operate these tank(s) and to obtain the necessary forms or instructions to comply with appropriate underground tank regulations.

Please note that section 25299 of the California Health and Safety Code states that any operator or owner of an underground tank is liable for a civil penalty of not less than five hundred dollars (\$500.00) or more than five thousand (\$5,000.00) dollars per day for failure to obtain a permit, or failing to properly close an underground storage tank.

If you have any questions concerning this matter, please contact this office at (510) 271-4320.

Sincerely,



Kevin Tinsley
Hazardous Materials Specialist

c,
Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Agency
Richard Heitt, RWQCB
Edgar Howell - files (kt)