

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

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

June 17, 2004

Kenneth Hein  
29127 Colorado Road  
Hayward, CA 94544

**Re: Fuel Leak Case No. RO 161, American Auto Dismantlers, 3744 Depot Road, Hayward**

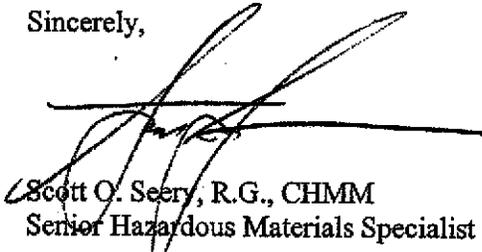
Dear Mr. Hein:

Please find attached a May 19, 2004 letter from this office that was sent to your last known address on Peterman Avenue, Hayward. The noted letter presents a request to complete a Preferential Pathway Study, Soil and Water Investigation (SWI), Site Conceptual Model (SCM), and prepare a Corrective Action Plan (CAP) for the subject site in accordance with California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Article 11, "Corrective Action Requirements"; State Water Resources Control Board Resolution 9249, "Policies and Procedure for Investigation, Cleanup and Abatement of Discharges Under Water Code Section 13304"; and the Regional Water Quality Control Board (Regional Board) Water Quality Control Plan for the basin.

The May 19, 2004 letter was also sent to others identified as "responsible parties" according to provisions of 23 CCR for the purpose of completing corrective action measures at a leaking underground storage tank site.

If you have any questions, please call me at (510) 567-6783.

Sincerely,



Scott O. Seery, R.G., CHMM  
Senior Hazardous Materials Specialist

Attachment

c: Roger Brewer, RWQCB  
Dave Charter, SWRCB UST Fund  
Masood Feroz, 3744 Depot Road, Hayward, CA 94545-2720  
Eric Freeberg, River Bend Properties, P.O. Box 9440, Rancho Santa Fe, CA 92067-4440  
Jack Lotz, Lotz & Assoc., 22320 Foothill Blvd., Ste. 410, Hayward, CA 94541  
D.Drogos

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

May 19, 2004

Masood Feroz  
3744 Depot Road  
Hayward, CA 94545-2720

Eric Freeberg  
River Bend Properties  
P.O. Box 9440  
Rancho Santa Fe, CA 92067-4440

Jack Lotz  
Lotz and Associates  
22320 Foothill Boulevard, Ste. 410  
Hayward, CA 94541

Kenneth Hein  
25858 Peterman Avenue  
Hayward, CA 94545

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FAX (510) 337-9335

**Re: Fuel Leak Case No. RO 161, American Auto Dismantlers, 3744 Depot Road, Hayward**

Dear Messrs. Feroz, Freeberg, Lotz and Hein:

This letter follows a review of the fuel leak case file for the above referenced site, up to and including the February 2004 PIERS Environmental Services, Inc. (PIERS) report entitled *Additional Soil and Groundwater Investigation Report*. The cited PIERS report documents the results of a limited February 2004 investigation of the former underground storage tank (UST) excavations, and concludes by recommending additional assessment work to delineate the extent of petroleum hydrocarbon impacts.

This letter presents a request to complete a Preferential Pathway Study, Soil and Water Investigation (SWI), Site Conceptual Model (SCM), and prepare a Corrective Action Plan (CAP) for the subject site in accordance with California Code of Regulations (CCR), Title 23, Division 3, Chapter 16, Article 11, "Corrective Action Requirements"; State Water Resources Control Board Resolution 9249, "Policies and Procedure for Investigation, Cleanup and Abatement of Discharges Under Water Code Section 13304"; and the Regional Water Quality Control Board (Regional Board) Water Quality Control Plan for the basin.

The following technical comments address investigation and related performance objectives that shall be considered as part of the required Preferential Pathway Study, SWI, SCM and CAP. **We request that you complete the Preferential Pathway Study, and prepare and submit a SCM and work plan for a SWI by July 19, 2004, that addresses each of the following comments.**

## TECHNICAL COMMENTS

### 1. Preferential Pathway Study

A conduit / preferential pathway survey shall be prepared for the site that identifies potential groundwater and contaminant migration pathways and conduits (utilities, storms drains, etc.) that may be present on, and in the vicinity of, the site. This survey will include, among other components, the submittal of map(s) showing the location and depth of all utility lines and trenches identified in the study. You shall also identify the presence of all wells within a ½ mile radius of the site (i.e., monitoring and production wells; active, inactive, standby, destroyed, abandoned).

Using the results of the conduit / preferential pathway study, tank operational histories and records, and data from previous investigations at the site, you are to develop the initial *three-dimensional* Site Conceptual Model (SCM) of site conditions, as discussed below. Briefly, you are to use this initial SCM to determine the appropriate configuration for sampling points in the pending SWI phase of work at this site. Discuss your analysis and interpretation of the results of the conduit study and explain your rationale for the configuration of sampling points in the SWI work plan.

### 2. Site Conceptual Model

Starting with a critical review of the preferential pathway/conduit study and data from previous investigations and tank operational records for this site, you are to develop the initial three-dimensional SCM of site conditions. A SCM is a set of working hypotheses pertaining to all aspects of the contaminant release, including site geology, hydrogeology, release history, residual and dissolved contamination, attenuation mechanisms, pathways to nearby receptors, and likely impacts to receptors. The SCM is used to identify data gaps that are subsequently filled as the investigation proceeds. As the data gaps are filled, the working hypotheses are modified, and the overall SCM is refined and strengthened. Subsurface investigations continue until the SCM no longer changes as new data are collected. At this point the SCM is considered "validated". The validated SCM forms the foundation for developing the most cost-effective final Corrective Action Plan (CAP).

You are to use this initial SCM to determine the appropriate configuration for sampling points in the pending SWI phase of work at this site. Discuss your analysis and interpretation of the results of the conduit study, among other elements of the SCM, and explain your rationale for the configuration of sampling points in the SWI work plan.

Although this is not strictly considered an MtBE release site, your attention is nevertheless directed to "*Strategies for Characterizing Subsurface Releases of Gasoline Containing MtBE*", American Petroleum Institute Publication No. 4699, dated February 2000 as a comprehensive resource for development of the SCM. Your attention is also directed to the State Water Resources Control Board (SWRCB) "*Guidelines for Investigation and Cleanup of MTBE and Other Ether-Based Oxygenates, Final Draft*", dated March 27, 2000, as well as the June 2002 ChevronTexaco Energy Research and Technology Company technical

bulletin entitled "*Mass Flux Estimates to Assist Decision-Making*" to help in development of the SCM, among other related tasks.

### 3. Contaminant Plume Definition – Soil and Groundwater

The purpose of contaminant plume definition is to determine the *three-dimensional* extent of contamination in soil and groundwater, including a determination of 3-D extent of impacts in the source area(s) and released contaminant mass, and a demarcation of potential geogenic and anthropogenic flow pathways. As you know, up to 350,000 parts per billion (ppb) Total Petroleum Hydrocarbons as Diesel (TPH-d) and 120 ppb Benzene were detected in shallow groundwater collected from temporary sample points emplaced during the February 2004 investigation near the former waste oil UST excavation, located within the heart of the subject site. Up to 2000 parts per million (ppm) Total Recoverable Petroleum Hydrocarbons (TRPH) and 0.081 ppm Benzene, among others, were also identified at a depth of 11.5' below grade (bg) near the waste oil UST excavation. These soil concentrations are similar to those identified previously in soil samples collected during an August 1995 investigation in proximity to the former waste oil UST excavation.

Also during the 1995 investigation, up to 43,000 ppb TPH as Gasoline (TPH-g) and 300 ppb Benzene were identified in shallow water collected from one boring emplaced near the northwestern-most corner of the former gasoline UST excavation. The former gasoline UST excavation is located near the northwest corner of the subject site. The February 2004 investigation of the former gasoline UST excavation area did not identify gasoline constituents in shallow groundwater collected from temporary sample points.

Note that all sample points completed during the 1995 and 2004 projects, in addition to the 1996 installations of wells MW-1 and MW-2, focused on the investigation of shallow soil and groundwater encountered in proximity to the former UST excavations. No investigations have extended beyond a depth of approximately 15' bg. A preexisting shallow production well ("MW-3") has been used for sample collection and determination of groundwater flow, as well as for water uses at the site other than drinking purposes (e.g., irrigation). Although well MW-3 has reportedly been sounded for total depth, its construction, screen interval, and the nature (e.g., lithology) of the shallow zone across which the screen is set are unknown. Its validity as a monitoring point is questionable.

Further assessment of the areas in proximity to the former UST excavations is needed to understand site geology and hydrogeology and the nature and extent of the releases at this site. We therefore request a *three-dimensional* investigation of both former UST source area(s). The horizontal and vertical distribution of impacts is to be determined. Mass-balance calculations are to be completed for the source area(s). The SWI work plan should present your plan to accomplish these tasks. We fully expect that this phase of work will require encroachment onto adjoining properties.

Conventional investigation techniques and monitoring well networks currently used at fuel leak sites, including this one, are generally insufficient to adequately characterize fuel and other petroleum hydrocarbon impacts. It is recommended that your investigation initially incorporate expedited site assessment techniques and borings. We also recommend that you consider another cost-effective approach by beginning the investigation with single CPT

points at each former UST excavation to determine lithologies and zones of higher permeabilities, followed by focused water and soil sampling from targeted zones with subsequent borings in each area of interest. Plans for additional "step out" borings should be made so that the extent of impacts may be determined with a single mobilization to the site, if possible.

The borings are to be continuously cored and logged, with close attention paid to changes in lithologies that might facilitate solute transport (e.g., silty/sandy stringers in otherwise fine grained sediments). The methodology employed should minimize the potential for cross-contamination, especially should the investigation encounter multiple water-bearing zones. Minimum depth of this investigation shall be 50' bg.

Soil samples should be collected for laboratory analysis at 5-foot intervals, areas of obvious contamination, the soil/groundwater interface, and at each lithologic change noted during boring advancement, at a minimum. Water samples are to be collected at discrete depths to total depth explored. Detailed cross-sections, fence diagrams, structural contours and isopachs, and rose diagrams for groundwater flow (incorporating all historic data) should be subsequently incorporated into the SWI reports, as appropriate. Cross-sections should be scaled to clearly illustrate subsurface lithologies, including the locations of stringers and other zones of relatively higher permeability, particularly in those areas where such zones may be intercepted by buried utilities.

Final well locations and screen depths, should they appear appropriate following this phase of work, will be substantially based on the results of the SWI and refined SCM. The monitoring of multiple discrete water-bearing zones with short-screened intervals is anticipated. Generally, these screened intervals should not be greater than 2' in length. We will expect that the SWI Report will propose the locations of such wells, the anticipated well screen depths, their configurations (e.g., well cluster or multi-level), and the reasoning behind the location and configuration of each, should such wells appear prudent.

Discuss your proposal for performing this work outlined, above, in the SWI work plan. The results of the conduit study, and the initial SCM, are to be presented and discussed in the SWI work plan to justify your proposed scope of work.

Expedited site assessment tools and methods are a scientifically valid and cost-effective approach to fully define the three-dimensional extent of the plume. Technical protocol for expedited site assessments are provide in the US EPA "*Expedited Site Assessment Tools for Underground Storage Tank Sites: A guide for Regulators*" (EPA 510-B-97-001), dated March 1997.

#### 4. Corrective Action Plan

The purpose of the CAP is to use the information obtained during investigation activities to propose cost-effective final cleanup objectives and remedial alternatives for both soil and groundwater impacts that will adequately protect human health and safety, the environment, eliminate nuisance conditions, and protect water resources.

A final CAP for the soil and groundwater impacts caused by an unauthorized release at the site will be requested upon completion of the SWI in accordance with the schedule specified

below. The CAP shall address at least two technically and economically feasible methods to restore and protect beneficial uses of water and to meet the cleanup objectives for each contaminant established in the CAP. The CAP must propose verification monitoring to confirm completion of corrective actions and evaluate CAP implementation effectiveness.

5. Additional issues

The February 2004 PIERS report did not present the borings logs for the soil borings emplaced in the course of this investigation. Boring logs for EB-1 through EB6 are to be submitted within 30 days.

### TECHINCAL REPORT REQUEST

Please submit technical reports according to, or otherwise comply with, the following schedule:

**June 19, 2004** - Boring logs for borings EB1 though EB6

**July 19, 2004** – Work plan for Soil and Water Investigation, incorporating the Site Conceptual Model and results of the Preferential Pathway Study

**90 Days from SWI Work Plan Approval** – Soil and Water Investigation Report (which contains the results of the SWI assessment work, and a proposal for additional assessment work and installation of monitoring wells, as appropriate)

**90 Days after Submittal of Soil and Water Investigation Report** - Corrective Action Plan

These reports and work plans are being requested pursuant to the Regional Board's authority under Section 13267(b) of the California Water Code. **Each technical report shall include conclusions and recommendations for the next phases of work required at the site should more appear necessary to refine the SCM.** We request that all required work be performed in a prompt and timely manner, as suggested by the noted schedule, above. Revisions to this schedule shall be requested in writing with appropriate justification for anticipated delays.

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that all work plans and technical reports containing professional geologic or engineering evaluations and/or judgments be completed under the direction of an appropriately registered or certified professional. This registered or certified professional shall sign and wet stamp all such reports and work plans.

**All reports and work plans are to be submitted under cover, signed under penalty of perjury, by the Responsible Party(ies) who have taken a lead role in compliance with corrective action directives.**

### AGENCY OVERSIGHT

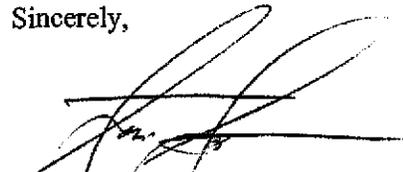
If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the

Messrs. Feroz, Freeberg, Lotz and Hein  
Re; 3744 Depot Rd., Hayward  
May 19, 2004  
Page 6 of 6

Alameda County District Attorney, for possible enforcement follow up. Enforcement follow up may include administrative action or monetary penalties of up to \$10,000 per day for each day of violation of the California Health and Safety Code, Division 20, Chapter 6.76.

If you have any questions, please call me at (510) 567-6783.

Sincerely,



Scott O. Seery, R.G., CHMM  
Hazardous Materials Specialist

c: Roger Brewer, RWQCB  
Dave Charter, SWRCB UST Fund  
Joel Gregor, PIERS Env. Services, Inc., 1330 So. Bascom Ave., Ste. F, San Jose, CA 95128  
D.Drogos

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



05-1507

20161

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

Stid 2017

May 14, 2001

Mr. Eric Freeberg  
Riverbend Properties  
P.O. Box 9440  
Rancho Santa Fe, CA 92067-4440

**RE: American Auto Dismantler, 3744 Depot Road, Hayward, CA**

Dear Mr. Eric Freeberg:

I am in receipt of a document dated May 9, 2001, regarding Case Closure of the above referenced site by Mr. Joel G. Greger of Piers Environmental Services, Inc. regarding the above referenced site. I would like to make the following comments regarding this document:

- I understand that you have concluded the groundwater flow gradient to be northwest to west due to the several factors, which you indicated within this report even though due to the site and the well limitations at the above site, this can not be documented using the water data available at the above site alone.
- Some of the concentrations of pollutants indicated in the table exceed the allowed concentrations indicated in Tier 1 look up tables by California Regional Water Quality Control Board (CRWQCB), San Francisco Bay Region. Therefore, use of Tier II and or further remediation might be necessary. To be specific Oil & Grease as well as Chromium levels in soil exceed the "allowed" values within this guideline.
- The values of the other elements in the table seemed "acceptable and within allowed limits". However, please discuss the high and low groundwater levels versus the sampling events to conclude an accurate picture of the plume and the possibility of "missing" pollutants during the sampling events at the above referenced site.

Please call me at (510) 567-6876, if you have any questions and or concerns.

Sincerely,



Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Ms. Dawn Murray, Piers Environmental Services, Inc., 1330 S. Bascom Ave., Suite F  
San Jose, CA 95128  
KJ & PG. Hein, American Auto Wreckers, Inc., 25858 Peterman Ave.,  
Hayward, CA 945-3102  
J Lotz & J Allen, Lotz and Associates, 22320 Foothill Blvd., Hayward, CA 94541  
Mr. Hugh Murphy, City of Hayward Hazardous Material Office, 777 B Street, Hayward,  
CA 94541  
Files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



04-05-01

20161

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

Stid 2017

April 4, 2001

Mr. Eric Freeberg  
Riverbend Properties  
P.O. Box 9440  
Rancho Santa Fe, CA 92067-4440

**RE: American Auto Dismantler, 3744 Depot Road, Hayward, CA**

Dear Mr. Eric Freeberg:

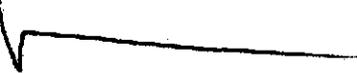
This office is in receipt of "Case Closure Summary Additional Data" document dated March 30, 2001 by Ms. Dawn Murray of Piers Environmental Services, Inc. regarding the above referenced site. Please address the following:

1. Per previous correspondences from this office there is a concern regarding the groundwater flow gradient and that the groundwater should be going toward west even though the calculated gradient indicates otherwise. Furthermore, I added that this office believes that the water in the agricultural well might be confined or semi-confined causing the water level to come up and distort the calculation of the groundwater flow gradient.
2. There are numerous other data at three other sites attached with the above document with each site showing a different flow gradient from Southwesterly to West and Southeasterly direction. However, you do not conclude as to how this may relate to the site at the above referenced site and you do not provide explanation for our concern indicated above.
3. I had requested that you provide information regarding the document (lab reports) you used for the concentration of constituents in the summary table submitted previously.
4. I have emailed and left messages for your consultant, Ms. Dawn Murray, thorough Ms. Garcia of Piers Environmental. I have requested Ms. Murray to provide updated information on the "closure package", discussed previously.
5. Please inform this office as to how or based on what document (lab reports) you indicated the concentration of constituents in the summary table included in this report.

Additionally, I would appreciate it if you could have all the documents signed by either a registered geologist (RG) or a professional engineer (PE).

If you have any questions, please call me at (510) 567-6876.

Sincerely,



Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Ms. Dawn Murray, Piers Environmental Services, Inc., 1330 S. Bascom Ave., Suite F  
San Jose, CA 95128  
KJ & PG. Hein, American Auto Wreckers, Inc., 25858 Peterman Ave.,  
Hayward, CA 945-3102  
J Lotz & J Allen, Lotz and Associates, 22320 Foothill Blvd., Hayward, CA 94541  
Mr. Hugh Murphy, City of Hayward Hazardous Material Office, 777 B Street, Hayward,  
CA 94541  
Files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



03-08-01

20161

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

Stid 2017

March 6, 2000  
Mr. Eric Freeberg  
Riverbend Properties  
P.O. Box 9440  
Rancho Santa Fe, CA 92067-4440

**RE: American Auto Dismantler, 3744 Depot Road, Hayward, CA**

Dear Mr. Eric Freeberg:

I am in receipt of copy of "site closure and request for case closure" document dated August 2000. I would like to make some comments regarding this document:

Per this report the concentrations of all the constituents were found at or near ND, non-detect levels as it had been in the last round. However, I would like to clarify some issues prior to being able to actually close this site as requested.

As discussed before there is a concern regarding the groundwater flow gradient. I discussed this case with one of my colleagues and it seems to both of us that the groundwater should be going toward west even though the calculated gradient indicates otherwise. This could be due to the fact that we do not have information on the structure of the agricultural well as to at what depth it has been screened. This office believes that the water in the agricultural well might be confined or semi-confined causing the water level to come up and screw up the calculation of the groundwater flow gradient.

In my previous correspondence, I had requested that you might verify the groundwater flow gradient using the available neighboring sites at the City of Hayward Fire Department to substantiate the accuracy of the flow gradient. This was discussed with Mr. Stuart G. Solomon of E/Risk Information Services, your previous consultant. To this date this office has not received this document.

Prior to closing this case, this issue must be resolved. Additionally please inform this office as to how or based on what document (lab reports) you indicated the concentration of constituents in the summary table included in this report.

Should you have any questions, please do not hesitate to call me at (510) 567-6876.

Sincerely,



Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Ben Halsted, Piers Environmental Services, Inc., 1330 S. Bascom Ave., Suite F  
San Jose, CA 95128

KJ & PG. Hein, American Auto Wreckers, Inc., 25858 Peterman Ave.,  
Hayward, CA 945-3102

J Lotz & J Allen, Lotz and Associates, 22320 Foothill Blvd., Hayward, CA 94541

Mr. Hugh Murphy, City of Hayward Hazardous Material Office, 777 B Street, Hayward,  
CA 94541

Files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Sent 1/5/00  
Including cc's

20101

STID 2017

1/5/2000

ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION

1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6700  
(510) 337-9432

Mr. Eric Freeberg  
Riverbend Properties  
P.O. Box 9440  
Rancho Santa Fe, CA 94501

RE: The Property at 3744 Depot Rd, Hayward CA

LANDOWNER NOTIFICATION AND PARTICIPATION REQUIREMENTS

Dear Mr. Freeberg:

This office is in receipt of your letter dated December 22<sup>nd</sup>, 1999 regarding the above referenced property. In your letter you identified River Bend Properties (RBP), a California corporation, as the sole primary property owner of the above referenced site. I also understand that Mr. Ben Halsted at PIERS Environmental and Mr. Stuart Soloman at E/Risk are the only individuals who may receive copies of correspondences from this office.

I would like to remind you of a letter regarding the landowner notification and participation requirements. I explained about the law and its requirements. I also enclosed "Sample Letter 2" and "Sample Letter 3", which had to be properly filled out by you and submitted to our office. However, to this date this office has not yet received the completed sample letter 2 and sample letter 3.

Enclosed please find the sample letters. Fill them out properly and submit to this office.

Please call me at (510)-567-6876, if you have any questions.

Sincerely,

Amir K. Gholami, REHS  
Hazardous Materials Specialist

cc: Chuck Headlee, RWQCB

Attachments: Sample letter 2 and Sample letter 3, which must be filled out by the Responsible Party and mailed to Alameda County.

Alameda County Health care Services Agency  
Environmental Health Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

"List of Landowners" form  
(Sample Letter 2)

SUBJECT: CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR ( Site  
name and address)  
( to be filled in by the primary responsible party and mailed to  
Alameda County)

(Note: Fill out item 1 if there are multiple site landowners. If  
you are the sole site landowner, skip item 1 and fill out item 2)

1. In accordance with section 25297.15(a) of Chapter 6.7 of  
the Health & Safety Code, I, (name of primary responsible  
party), certify that the following is a complete list of  
current record fee title owners and their mailing addresses  
for the above site:
2. In accordance with section 25297.15(a) of Chapter 6.7 of  
the Health & Safety Code, I, (name of primary responsible  
party), certify that I am the sole landowner for the above  
site.

Sincerely,

Signature of primary responsible party

Name of primary responsible party

Alameda County Health care Services Agency  
Environmental Health Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

**"Notice of Proposed Action" form  
(Sample Letter 3)**

**SUBJECT: NOTICE OF PROPOSED ACTION SUBMITTED TO LOCAL AGENCY FOR  
(site name and address)  
(to be filled in by the primary responsible party and mailed to  
Alameda county)**

In accordance with section 25297,15(a) of Chapter 6.7 of the  
Health & Safety Code, I, (name of primary responsible party),  
certify that I have notified all responsible landowners of the  
enclosed proposed action. Check space for applicable proposed  
action(s):

- cleanup proposal (corrective action plan)
- site closure proposal
- local agency intention to make a determination that no  
further action is required
- local agency intention to issue a closure letter

Sincerely,

Signature of primary responsible party

Name of primary responsible party

cc: Names and addresses of all record fee title owners

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



Sent 12/17/99  
Including cc's

20161

**Stid 2017**

December 16, 1999

Mr. Eric Freeberg  
Riverbend Properties  
P.O. Box 9440  
Rancho Santa Fe, CA 92067-4440

ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6700  
(510) 337-9432

**RE: American Auto Dismantler, 3744 Depot Road, Hayward, CA**

Dear Mr. Eric Freeberg:

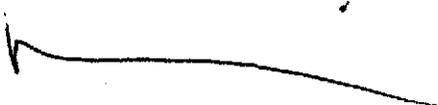
I would like to inform you that the letter which, I sent you on October 13<sup>th</sup>, 1999, has been returned to me by the U.S. Post Office. The returned mail was actually sent to KJ & PG. Hein, at American Auto Wreckers, Inc. located at 25858 Peterman Ave., Hayward, CA 945-3102.

Please inform me whether KJ & PG. Hein are still working with you on this project. I would appreciate it if you could inform me whether they still need to get a copy of our correspondences and if so at what address.

In addition please verify that you are still the property owner of the above referenced site.

Please call me at (510) 567-6876 if you have any questions.

Sincerely,

  
Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Stuart G. Solomon, E/Risk Information Services, 100 N. Winchester Blvd., Suite  
240 Santa Clara, CA 95050  
J Lotz & J Allen, Lotz and Associates, 22320 Foothill Blvd., Hayward, CA 94541  
Files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



SENT 10-15-99  
including cc's

20161

Stid 2017

October 13, 1999  
Mr. Eric Freeberg  
Riverbend Properties  
P.O. Box 9440  
Rancho Santa Fe, CA 92067-4440

ENVIRONMENTAL HEALTH SERVICES  
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(510) 567-6700  
FAX (510) 337-9335

**RE: American Auto Dismantler, 3744 Depot Road, Hayward, CA**

Dear Mr. Eric Freeberg:

This office is in receipt of "Final 1999 Groundwater Monitoring Well Sampling Report" dated April 20<sup>th</sup>, 1999. Thank you for the submittal of the report. Per this report the concentrations of all the constituents were found at or near ND, non-detect levels. I discussed the scenario at the above referenced site and how our office process works in regard to closing any site with Mr. Solomon. I would like to clarify some issues prior to being able to actually close this site. Please address the following issue:

There is a concern regarding the groundwater flow gradient. The groundwater should be going toward west even though the calculated gradient is to the southeast. This could be due to the fact that we do not have information on the structure of the agricultural well as to at what depth it has been screened. Thus the water in the agricultural well might be confined or semi-confined causing the water level to come up and screw up the calculation of the groundwater flow gradient.

You may verify the groundwater flow gradient using the available neighboring sites at the City of Hayward Fire Department to substantiate the accuracy of the flow gradient.

I will be looking forward to receive your written response to this issue to further evaluate the site for closure.

Please call me at (510) 567-6876 if you have any questions.

Sincerely,

Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: ~~Mr. Stuart G. Solomon~~, E/Risk Information Services, 100 N. Winchester Blvd., Suite 240  
Santa Clara, CA 95050  
KJ & PG. ~~Hein, American~~ Auto Wreckers, Inc., 25858 Peterman Ave., Hayward, CA 945-  
3102  
J Lotz & J Allen, Lotz and Associates, 22320 Foothill Blvd., Hayward, CA 94541  
Files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0161

July 15, 1999

STID 2017

Mr. Eric Freeberg  
Riverbend Properties  
P.O. Box 9440  
Rancho Santa Fe, CA 94501

ENVIRONMENTAL HEALTH SERVICES

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

**RE: The Property at 3744 Depot Rd, Hayward CA**

**INTENT TO MAKE A DETERMINATION THAT NO FURTHER ACTION IS  
REQUIRED OR ISSUE A CLOSURE LETTER FOR THE ABOVE REFERENCED  
SITE**

Dear Mr. Eric Freeberg:

This letter is to inform you that Alameda County Environmental Health Department, Local Oversight Program (LOP), intends to make a determination that no further action is required at the above site or to issue a closure letter. Please notify this agency of any input and recommendations you may have on these proposed actions within 20 days of the date of this letter.

In accordance with section 25297.15 of Ch. 6.7 of the Health & Safety Code, you must provide certification to the local agency that all of the current record fee title owners have been informed of the proposed action. Please provide this certification to this office within 20 days of the date of this letter.

If you have any questions about these proposed actions, please contact Amir K. Gholami at (510) 567-6876.

Sincerely,

Thomas Peacock  
Manager, LOP

cc: KJ & PG. Hein, American Auto Wreckers, Inc., 25858 Peterman  
Ave., Hayward, CA 945-3102  
J Lotz & J Allen, Lotz and Associates, 22320 Foothill Blvd.,  
Hayward, CA 94541  
Chuck Headlee, RWQCB

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

Ro61

July 15, 1999

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

STID 2017

Mr. Eric Freeberg  
Riverbend Properties  
P.O. Box 9440  
Rancho Santa Fe, CA 94501

RE: The Property at 3744 Depot Rd, Hayward CA

LANDOWNER NOTIFICATION AND PARTICIPATION REQUIREMENTS

Dear Mr. Freeberg:

This letter is to inform you of new legislative requirements pertaining to cleanup and closure of sites where an unauthorized release of hazardous substance, including petroleum, has occurred from an underground storage tank (UST). Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code requires the primary or active responsible party to notify all current record owners of fee title to the site of: 1) a site cleanup proposal, 2) a site closure proposal, 3) a local agency intention to make a determination that no further action is required, and 4) a local agency intention to issue a closure letter. Section 25297.15(b) requires the local agency to take all reasonable steps to accommodate responsible landowners' participation in the cleanup or site closure process and to consider their input and recommendations.

For purposes of implementing these sections, you have been identified as the primary or active responsible party. Please provide to this agency, within twenty (20) calendar days of receipt of this notice, a complete mailing list of all current record owners of fee title to the site. You may use the enclosed "list of landowners" form (sample letter 2) as a template to comply with this requirement. If the list of current record owners of fee title to the site changes, you must notify the local agency of the change within 20 calendar days from when you are notified of the change.

If you are the sole landowner, please indicate that on the landowner list form. The following notice requirements do not apply to responsible parties who are the sole landowner for the site.

LANDOWNER NOTIFICATION

Re: 3744 Depot Rd, Hayward

July 15, 1999

Page 2 of 2

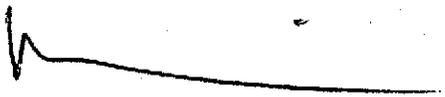
In accordance with Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code, you must certify to the local agency that all current record owners of fee title to the site have been informed of the proposed action before the local agency may do any of the following:

- 1) consider a cleanup proposal (corrective action plan)
- 2) consider a site closure proposal
- 3) make a determination that no further action is required
- 4) issue a closure letter

You may use the enclosed "notice of proposed action" form (sample letter 3) as a template to comply with this requirement. Before approving a cleanup proposal or site closure proposal, determining that no further action is required, or issuing a closure letter, the local agency will take all reasonable steps necessary to accommodate responsible landowner participation in the cleanup and site closure process and will consider all input and recommendations from any responsible landowner.

Please call me at (510) 567-6876 if you have any questions about the content of this letter.

Sincerely,



Amir K. Gholami, REHS  
Hazardous Materials Specialist

cc: KJ & PG. Hein, American Auto Wreckers, Inc., 25858 Peterman Ave., Hayward, CA 945-3102  
J Lotz & J Allen, Lotz and Associates, 22320 Foothill Blvd., Hayward, CA 94541  
Chuck Headlee, RWQCB

Attachments: Sample letter 2 and Sample letter 3, which must be filled out by the Responsible Party and mailed to Alameda County.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



Rab1

Stid 2017

May 10, 1999  
Mr. Eric Freeberg  
Riverbend Properties  
P.O. Box 9440  
Rancho Santa Fe, CA 92067-4440

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

**RE: American Auto Dismantler, 3744 Depot Road, Hayward, CA**

Dear Mr. Eric Freeberg:

I am in receipt of your letter dated May 6, 1999. I do appreciate your correspondence. Per your letter, the result of the test will be forwarded to this office soon. In addition, if you recall, an accurate calculation of groundwater flow gradient is also necessary due to some confusion in regard to the flow gradient as reported in the previously submitted reports.

I will be looking forward to receive the above document to further evaluate the site for closure.

Please call me at (510) 567-6876 if you have any questions.

Sincerely,

Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Stuart G. Solomon, E/Risk Information Services, 100 N. Winchester Blvd., Suite 240  
Santa Clara, CA 95050  
KJ & PG. Hein, American Auto Wreckers, Inc., 25858 Peterman Ave., Hayward, CA 945-  
3102  
J Lotz & J Allen, Lotz and Associates, 22320 Foothill Blvd., Hayward, CA 94541  
Files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



RO#161

Stid 2017

April 26, 1999  
Mr. Eric Freeberg  
Riverbend Properties  
P.O. Box 9440  
Rancho Santa Fe, CA 92067-4440

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

**RE: American Auto Dismantler, 3744 Depot Road, Hayward, CA**

Dear Mr. Eric Freeberg:

This office has not received any report on the items requested previously in my correspondence dated March 1, 1999. This report was due on or before April 1, 1999. If you recall an additional round of groundwater monitoring of all wells on site was requested to indicate the current status of groundwater contamination. Additionally a request was made to accurately calculate groundwater flow gradient, as there seemed to be some confusion as reported in the previously submitted reports.

As indicated previously, the above information is necessary to evaluate this site for closure.

Please respond to the above items within 30 days from the date of this letter or by May 26, 1999. This is a formal request for technical information and hence any delays should be requested in writing.

If you have any questions, do not hesitate to call me at (510) 567-6876.

Sincerely,

Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Stuart G. Solomon, E/Risk Information Services, 100 N. Winchester Blvd., Suite 240  
Santa Clara, CA 95050  
KJ & PG. Hein, American Auto Wreckers, Inc., 25858 Peterman Ave., Hayward, CA 945-  
3102  
J Lotz & J Allen, Lotz and Associates, 22320 Foothill Blvd., Hayward, CA 94541  
Files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



RO# 161

Stid 2017

March 1, 1999  
Mr. Stuart G. Solomon  
E/Risk Information Services  
100 N. Winchester Blvd., Suite 240  
Santa Clara, CA 95050

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

**RE: American Auto Dismantler, 3744 Depot Road, Hayward, CA**

Dear Mr. Solomon:

Based on a review conducted by this department, several items have come to our attention prior to consideration of this site for closure. **Please address the following:**

1. **Perform an additional round of groundwater monitoring of all wells on site to indicate the current status of groundwater contamination.**
2. **Submit an accurate calculation of groundwater flow gradient as there seems to be some confusion as reported in the previously submitted documents.**

The above information is necessary to evaluate this site for closure.

Please respond to the above items within 30 days from the date of this letter. This is a formal request for technical information and hence any delays should be requested in writing.

If you have any questions, please call me at (510) 567-6876.

Sincerely,

Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Eric FreebBerg, Riverbend Properties, P.O. Box 9440 Rancho Santa Fe, CA 92067-4440

KJ & PG. Hein, American Auto Wreckers, Inc., 25858 Peterman Ave., Hayward, CA 945-3102

J Lotz & J Allen, Lotz and Associates, 22320 Foothill Blvd., Hayward, CA 94541  
Files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0161

ENVIRONMENTAL HEALTH SERVICES

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

May 12, 1998

ATTN: Sir Or Madam

Dorris Auto Wreckers  
3720 Depot Rd  
Hayward CA 94545

RE: Project # 2598A - Type A  
at 3744 Depot Rd in Hayward 94545

Dear Property Owner/Designee:

Our records indicate the deposit/refund account for the above project has fallen below the minimum deposit amount. To replenish the account, please submit an additional deposit of \$426.75, payable to Alameda County, Environmental Health Services, within two weeks of receipt of this letter.

It is expected that the amount requested will allow the project to be completed with a zero balance. Otherwise, more money will be requested or any unused monies will be refunded to you or your designee.

The deposit refund mechanism is authorized in Section 6.92.040L of the Alameda County Ordinance Code. Work on this project will be debited at the Ordinance specified rate, currently \$94 per hour.

Please be sure to write the following identifying information on your check:

- project #
- type of project and
- site address

(see RE: line above).

If you have any questions, please contact Amir Gholami at (510) 567-6876.

Sincerely,

Tom Peacock, Manager  
Environmental Protection

c: files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0#161

StId 2017/lop

April 9, 1997

Attn: Eric Freeberg  
Riverbend Properties  
PO Box 9440  
Rancho Santa Fe CA 92067-4440

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

Subject: Investigations at 3744 Depot Rd., Hayward CA 94545

Dear Mr. Freeberg:

This office has completed a review of PIERS Environmental Services, Inc.'s *Preliminary Site Assessment, Groundwater Well Installation and 1st Quarterly Report*, dated February 1997, regarding the subject site. This investigation included the installation of two groundwater monitoring wells adjacent to the former gasoline and waste oil underground storage tank pits.

At this time, please complete two consecutive quarters of groundwater monitoring and sampling of the three wells (i.e., monitoring wells MW-1 and MW-2 and the six inch water supply well MW-3). Please complete analyses on groundwater samples from each well for the constituents indicated below:

- MW-1 TPH-G, BTEX, and Methyl-Tert Butyl Ether (MTBE)
- MW-2 TPH-G, TPH-D, Total Oil and Grease, BTEX, MTBE, chlorinated hydrocarbons (HVOCs), and semi-volatile hydrocarbons (SVOCs)
- MW-3 TPH-G, TPH-D, Total Oil and Grease, BTEX, and MTBE

After review of this additional data, this office will notify you if further monitoring or corrective action will be required at this site prior to reviewing this site for closure. **The next groundwater monitoring should occur no later than May 30, 1997. The quarterly report is due to this office no later than June 30, 1997.**

Please call me at (510)567-6755 if you have questions.

Sincerely,

Amy Leech  
Hazardous Materials Specialist

c: Attn: Stuart Solomon,  
PIERS Environmental Services, Inc., 100 N Winchester Blvd., Suite 230, Santa Clara, CA 95050  
K.J. & P.G. Hein, American Auto Wreckers, 25858 Peterman Ave., Hayward CA 94545-3102  
J. Lotz and J. Allen, Lotz and Associates, 22320 Foothill Blvd., Hayward CA 94541  
ALL-file

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



20161 ✓  
Alameda County  
Environmental Protection Division  
1131 Harbor Bay Parkway, Room 250  
Alameda CA 94502-6577  
CC4580

July 22, 1996  
STID 2017

Riverbend Properties  
ATTN: Eric Freeberg  
P.O. Box 9440  
Rancho Santa Fe, CA 92067-4440

Re: 3744 Depot Rd., Hayward, CA 94545

Dear Eric Freeberg:

This office has received and reviewed a Workplan for Preliminary Site Assessment (of Soil and Groundwater) by PIERS Environmental Services Inc. dated July 2, 1996. The workplan is acceptable to this office. Please notify this office at least 3 days prior to implementation of the workplan in the field.

You are expected to accomplish field implementation of the workplan within 30 days. If you have any questions please call this office at (510) 567-6782.

Sincerely,

Thomas F. Peacock, Manager  
Hazardous Material Division

c: Stuart Solomon, PIERS Environmental Services Inc., 2242  
Camden Ave., Suite 202, San Jose, CA 95124  
K. J. & P. G. Hein, American Auto Wreckers, Inc., 25858  
Peterman Ave., Hayward, CA 94545-3102  
J. Lotz & J. Allen, Lotz and Associates, 22320 Foothill  
Blvd., Hayward, CA 94541  
Gordon Coleman, Acting Chief - Files  
Gil Jensen, Alameda County District Attorney's Office

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

RO#161

Alameda County CC4580  
Environmental Health Services  
1131 Harbor Bay Pkwy., #250  
Alameda CA 94502-6577  
(510)567-6700 FAX(510)337-9335

Std 2017

May 23, 1996

Eric Freeberg  
Riverbend Properties  
PO Box 9440  
Ranch Santa Fe CA 92067-4440

Kenneth and Patricia Hein  
25858 Peterman Ave  
Hayward CA 94545

Jack Lotz  
Lotz & Associates  
22320 Foothill Blvd., Suite 410  
Hayward CA 94541

**NOTICE OF VIOLATION**

**Subject: Investigations at 3744 Depot Road, Hayward, CA 94545**

On November 16, 1995, the Alameda County Department of Environmental Health, sent a letter to Mr. Jack Lotz and Mr. and Mrs. Hein, both former owners of the subject site, requiring that they submit a work plan for a soil and groundwater investigation to determine the vertical and lateral extent of soil and ground water contamination from past releases from the former underground storage tanks (USTs) at the subject site. Please see attached a copy of that letter. To this date, we have not received any communication from you on this matter other than the subject property has been transferred to Eric Freeberg of Riverbend Properties. 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 groundwater 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 a work plan for a soil and groundwater investigation within 30 days of the date of this letter, or by June 24, 1996. 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.

Please be advised that this is a formal request for a work plan pursuant to Section 2722 (c)(d) of Title 23 California Code of Regulations. Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or RWQCB.

On January 5, 1996, the San Francisco Bay Area Regional Water Quality Control Board (RWQCB) issued "Interim Guidance on Required Cleanup at Low Risk Fuel Sites". Please find enclosed a copy of this document for your review.

Freeberg/Hein/Lotz  
Re: 3744 Depot Rd.  
May 23, 1996  
Page 2 of 2

The Interim Guidance provides definitions of what constitutes a low risk soil and groundwater site. Essentially, the vertical and lateral extent of soil and groundwater contamination must be defined and cleanup goals established prior to implementing a Corrective Action Plan for this site. Cleanup goals for soil and groundwater should be established by evaluating the health and safety risks/environmental impact to potential receptors (e.g., employees working inside nearby buildings, impact to nearby surface waters, etc.). Should, for example, human receptors be identified as a potential receptor at the site, an initial risk evaluation can be completed using the 3-Tier approach of the ASTM E 1739-95 Standard Guide for Risk-Based Corrective Action (RBCA) Applied at Petroleum Release Sites.

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

Sincerely,



Amy Leech  
Hazardous Materials Specialist

**ATTACHMENTS**

c: Stuart Solomon w/attachments  
PIERS Environmental Services  
3131 S. Bascom Ave., #5  
Campbell CA 95008

Kevin Graves, RWQCB  
Gil Jensen, Alameda County District Attorney's Office  
Gordon Coleman - File (ALL)

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R0161

RAFAT A. SHAHID, DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6700

StId 2017

November 16, 1995

Jack Lotz  
Lotz & Associates  
22320 Foothill Blvd., Suite 410  
Hayward CA 94541

Subject: Investigations at 3744 Depot Road, Hayward, CA 94545

Dear Mr. Lotz:

This office has received and reviewed PIERS Environmental Services Limited Phase II Site Assessment report dated September 12, 1995. This report documented soil and "grab" groundwater sampling activities that occurred at the subject site on August 29, 1995.

Two underground storage tanks (USTs) were reportedly removed without permits from this site prior to May 1992: one 500-gallon waste oil UST and one 1,000-gallon gasoline UST. Soil and groundwater samples were *not* collected at the time of UST removals, nor was a report documenting the removal submitted to this office. The August 1995 investigation was to determine if impact to soil and groundwater had occurred in the vicinity of the former USTs. Soil and "grab" groundwater samples were collected from the former locations of the gasoline and waste oil USTs.

Analytical results of soil samples collected from the gasoline UST pit identified contaminant levels as up to 7.0 parts per million (ppm) Total Petroleum Hydrocarbons as gasoline (TPHg), 0.012 ppm benzene, 0.014 ppm toluene, 0.089 ppm ethylbenzene, and 1.0 ppm total xylenes (BTEX); and 43,000 parts per billion (ppb) TPHg, 300, 360, 14,000, and 10,000 ppb BTEX was identified in the "grab" groundwater sample.

Lab analysis results of soil samples collected from the former waste oil UST area identified contaminant levels as high as 3,300 ppm Total Recoverable Petroleum Hydrocarbons, 56 ppm TPH as diesel, 2.0 ppm TPHg, trace concentrations of BTEX, 825 ppb naphthalene, 1970 ppb 2-methylnaphthalene, and free product was noted in groundwater collected from the former waste oil UST area.

Guidelines established by the California Regional Water Quality Control Board (RWQCB) require that soil and ground water investigations be conducted when there is evidence to indicate that a release from an UST will impact or may have impacted the ground water.

This recent investigation has clearly identified an impact to groundwater and soil resulting

Lotz  
Re: 3744 Depot Rd.  
November 16, 1995  
Page 2 of 3

from UST releases at this site. Therefore, you are required to conduct a **Soil and Water Investigation (SWI)** to determine the lateral and vertical extent and severity of **both soil and ground water** contamination resulting from the release(s) at the site. The information gathered by the SWI will be used to determine an appropriate course of action (Corrective Action Plan) to remediate the site, if deemed necessary. The SWI must be conducted in accordance with the RWQCB's Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks, and be consistent with requirements set forth in Article 11 of Title 23, California Code of Regulations. **Both soil and ground water samples must be analyzed for TPHg and BTEX in regard to the gasoline UST investigation and TPHg, TPHd, Total oil and grease, volatile and semi-volatile constituents, and BTEX in regard to the waste oil UST investigation.** The major elements of such an investigation are summarized in the attached **Appendix A**.

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 that there has been a substantial impact to 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.**

**The SWI proposal (work plan) is due within 60 days of the date of this letter or by January 19, 1996.** Once the proposal is approved, field work should commence within 30 days. A report must be submitted within 45 days after the completion of this phase of work at the site.

Please be advised that this is a formal request for a work plan pursuant to **Section 2722 (c)(d) of Title 23 California Code of Regulations**. Any extensions of the stated deadlines, or modifications of the required tasks, 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 Leech  
Hazardous Materials Specialist

**ATTACHMENTS**

Lotz

Re: 3744 Depot Rd.

November 16 1995

Page 3 of 3



c: Stuart Solomon  
PIERS Environmental Services  
3131 S. Bascom Ave., #5  
Campbell CA 95008

Kenneth and Patricia Hein  
25858 Peterman Ave  
Hayward CA 94545

Acting Chief of Environmental Protection - File (ALL)



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0161

RAFAT A. SHAHID, DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6700

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

In Re The Property Known As : ) Notice of Official Action  
) By the San Francisco Bay  
American Auto Wreckers ) Regional Water Quality  
3744 Depot Road ) Control Board  
Hayward, California )  
\_\_\_\_\_)

Dear Mesdames and Sirs:

The attached Official Notice of Request for Technical Reports pursuant to Water Code Section 13267(b) has been forwarded to this office for legal service, and oversight. As the Agency responsible for enforcing the terms of this Official Action, all communication should continue to be directed to this office. Please make arrangements to comply by calling me at (510) 567-6755 to coordinate all future activities.

By way of this letter, we are notifying Jerry Eivazion, a prospective buyer of this property, of the above stated requirements.

Failure to comply could result in liability for civil or administrative penalties of up to \$1000 per day of delinquency.

I Amy Leech, do hereby certify that I served Jesse Allen c/o Jack Lotz with a copy of the attached Notice of Official Action by the Regional Board by certified mailer # Z196 176 895 .

Dated: 08/04/95

Amy Leech  
(signature)

c: Jerry Eivazion  
2355 Bennington Ln.  
Hayward, CA 94545



**ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY**

DAVID J. KEARS, Agency Director



R0161

RAFAT A. SHAHID, DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6700

**StId 2017**

August 28, 1995

Jack Lotz  
Lotz & Associates  
22320 Foothill Blvd., Suite 410  
Hayward, CA 94541

Subject: Investigations at 3744 Depot Road, Hayward, CA 94545

Dear Mr. Lotz:

This office has reviewed Piers Environmental Services work plan, dated August 22 and 28, 1995. This work plan proposes to collect soil and groundwater samples in the vicinity of an abandoned waste oil underground storage tank (UST) pit and gasoline UST pit to verify if an unauthorized release has occurred at the subject site. This work plan is acceptable to this office with the following additions/comments:

- o In addition to collecting "grab" groundwater samples in the vicinities of the waste oil and gasoline UST pits, collect a groundwater sample from the existing domestic well located approximately west of the waste oil UST pit. The groundwater sample collected from this well should be analyzed for all constituents listed under Table 2 of the Tri-Regional Board Staff Recommendations for waste oil.
- o If the gasoline dispenser was not located over the gasoline UST, then a soil sample must also be collected beneath the gasoline dispenser.

Per my conversations with Stuart Soloman of PIERS Environmental Services, implementation of this work plan is scheduled to occur on August 29, 1995. A report documenting the results of this investigation is due to this office within 45 days after implementing the work plan.

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

Sincerely,

Amy Leech  
Hazardous Materials Specialist

Lotz

Re: 3744 Depot Rd.

August 28, 1995

Page 2 of 2

c: Kenneth and Patricia Hein  
3744 Depot Rd  
Hayward CA 94545

Stuart Soloman  
Piers Environmental Services  
3131 S. Bascom Ave #5  
Campbell CA 95008

Acting Chief of Environmental Protection - Files(ALL)



May 18, 1995

Jack Lotz and Jesse Allen  
Lotz & Associates  
22320 Foothill Blvd., Suite 410  
Hayward, CA 94541

Kenneth and Patricia Hein  
25858 Peterman Ave.  
Hayward CA 94545

DEPARTMENT OF ENVIRONMENTAL HEALTH  
State Water Resources Control Board  
Division of Clean Water Programs  
UST Local Oversight Program  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6700

NOTICE OF VIOLATION

StId 2017

Subject: Required investigations at American Auto Wreckers, 3744  
Depot Rd., Hayward, CA 94545

On January 27, 1995, the Alameda County Department of Environmental Health, sent you a letter requiring that you submit a Tank Closure Report and a Preliminary Site Assessment work plan to determine the vertical and lateral extent of soil and ground water contamination from past releases from the former underground storage tanks (USTs) at the subject site. Please see attached a copy of that letter. To this date, we have not received any communication from you on this matter. 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 a Tank Closure Report and a Preliminary Site Assessment work plan within 30 days of the date of this letter. 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 Leech  
Hazardous Materials Specialist

ATTACHMENT

Lotz/Allen/Hein  
Re: 3744 Depot Road  
May 18, 1995  
Page 2 of 2

c: Kevin Graves, RWQCB  
Gil Jensen, Alameda County District Attorney's Office  
Acting Chief of Environmental Protection - Files(ALL)

Alameda County Health Care Services Agency, Department of  
Environmental Health, Hazardous Materials Division

In Re The Properties Known As : )

Proof of Service of  
Notice of Pre-Enforcement  
Review Panel

)  
)  
American Auto Wreckers, Inc. )  
3744 Depot Road )  
Hayward )

I Amy Leech, do hereby certify that I served Kenneth and Patricia Hein with a copy of the attached Notice of Pre-Enforcement Review Panel to convene on July 5, 1995 by certified mailer #P 386 338 296.

Dated: 6-21-95

  
(signature)



Alameda County Health Care Services Agency, Department of  
Environmental Health, Hazardous Materials Division

In Re The Properties Known As : )

Proof of Service of  
Notice of Pre-Enforcement  
Review Panel

)  
)  
American Auto Wreckers, Inc. )  
3744 Depot Road )  
Hayward )

I Amy Leech, do hereby certify that I served Jack Lotz with a copy of the attached  
Notice of Pre-Enforcement Review Panel to convene on July 5, 1995 by certified  
mailer #P 386 338 298.

Dated: 6-21-95

Amy Leech  
(signature)



Alameda County Health Care Services Agency, Department of  
Environmental Health, Hazardous Materials Division

In Re The Properties Known As : )

Proof of Service of  
Notice of Pre-Enforcement  
Review Panel

)  
)  
American Auto Wreckers, Inc. )  
3744 Depot Road )  
Hayward )

I Amy Leech, do hereby certify that I served Jesse Allen c/o Jack Lotz with a copy of the attached Notice of Pre-Enforcement Review Panel to convene on July 5, 1995 by certified mailer #P 386 338 297.

Dated: 6-21-95

Amy Leech  
(signature)



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0161

RAFAT A. SHAHID, Assistant Agency Director

Certified Mailer # P 029 244 647

June 6, 1994

Kenneth Hein  
American Auto and Truck Wreckers  
3744 Depot Road  
Hayward, CA 94545

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

**\*\*\*\* Second Notice of Violation \*\*\*\***

Re: Illegal Underground Storage Tank Removal at American Auto  
and Truck Parts, 3744 Depot Road, Hayward, CA 94545

Dear Mr. Hein:

On April 6, 1994 a site inspection was conducted by Alameda County Environmental Health Department (ACEHD) at the subject address. During this inspection the illegal removal of 2 underground storage tanks was noted. Previous inspections by ACEHD staff regarding this matter were conducted on January 28, 1994 and July 3, 1991. During the latest inspection you were required to submit copies of all pertinent tank removal documents within 15 days including: tank disposal manifests, tank closure reports, analytical results and the name of the contractor performing the tank removals. Since that time none of these documents have been received.

Article 3, Section 2620, Title 23 CA Code of Regulations requires that underground storage tanks (usts) be either permitted or removed. There are stringent requirements for both permitting and removal of usts.

Numerous 55 gallon drums containing various amounts of contaminated soil material were noted in the auto salvage lot. These drums were stored uncovered and were also unlabelled. During the April 6, 1994 inspection you were directed to submit a plan to my Agency addressing the proper characterization and disposal of this material. To date no such plan has been received

Five 55 gallon drums containing waste oil were also noted. You were directed to have this material picked up by an authorized recycler within 30 days.

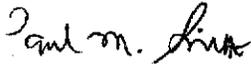
**You are required to submit the above documentation to this Agency within 10 days of the receipt of this letter or by June 18, 1994.**

Kenneth Hein  
June 6, 1994  
page 2 of 2

This is a formal request for technical reports pursuant to California Water Code Section 13267 (b) and California Code of Regulations Title 23, Section 2652 (e&f). Failure to comply with this request may result in enforcement action by Alameda County District Attorneys Office.

Please feel free to contact me regarding this matter at (510) 271-4320.

Sincerely,



Paul M. Smith  
Senior Hazardous Materials Specialist

c:

Gil Jensen, Alameda County District Attorneys Office, Consumer and Environmental Protection Division, 7677 Oakport St., Suite 400, Oakland, CA 94621

Jack Lotz (in care of) Roger Anderson, Community Realty, Inc., 3577 Fruitvale Ave., Oakland, CA 94602

Edgar Howell III, Chief, HazMat Div.-files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0161

RAFAT A. SHAHID, Assistant Agency Director

December 17, 1993

Ken Hein  
American Auto Wreckers  
3744 Depot Rd  
Hayward CA 94545

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

Re: FIVE-YEAR PERMIT FOR OPERATION OF <sup>two</sup> ONE UNDERGROUND STORAGE  
TANKS (UST'S) AT 3744 DEPOT RD HAYWARD CA

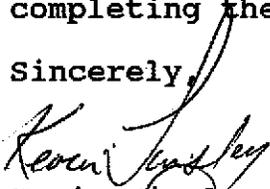
Dear Mr Hein:

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 to provide monitoring plan, plot plan and spill response plan information. If additional 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 me at (510) 271-4320; to answer any questions which may arise in completing the mandatory five-year permit process.

Sincerely,

  
Kevin Tinsley  
Hazardous Materials Specialist

c: Edgar Howell, Chief, Hazardous Materials Division (KT-files)

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0161

Certified Mailer: P 062 127 970

March 5, 1991

Kenneth J. Hein  
American Auto Wreckers  
3744 Depot Road  
Hayward CA 94545

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

RE: Underground Tanks at 3744 Depot Road, Hayward

**FINAL NOTICE OF VIOLATION**

Dear Mr. Hein:

Over the past two years, you have been notified by this office of the need to monitor or remove the waste oil and fuel tanks present at your site. In the course of my inspection on June 22, 1990, you stated that the fuel tank had not been used in over 8 years and that the waste oil tank had not been used in over six months. Further, you told me that you had no intention of using these tanks in the future. I instructed you to submit a closure plan for the tanks by August 31, 1990. To date, you have submitted no plans to this office regarding these underground tanks. A Notice of Violation was sent to you from this office on October 15, 1990, followed by a Second Notice on November 29, 1990. During the past few months, you have contacted me and inquired about obtaining closure plan forms, which have been provided to you on at least two occasions.

In accordance with the California Code of Regulations, Title 23, Section 2670, and consistent with your stated intentions regarding the underground tanks, you are required to submit to this office no later than March 15, 1991:

1. A written timetable for tank removal activities
2. A closure plan for the removal of both tanks

Please note that Section 25299 of the California Health and Safety Code states that any operator or owner of an underground storage tank is liable for a civil penalty of not less than \$500 per day for failing to properly close an underground storage tank as required by Section 25298.

You may contact me with any questions at 271-4320.

Sincerely,

Handwritten signature of Pamela J. Evans in cursive.

Pamela J. Evans  
Hazardous Materials Specialist

c: Gil Jensen, Alameda County District Attorney's Office  
Richard Hiatt, Regional Water Quality Control Board

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0161

CM # P 062 128 170

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

November 29, 1990

Kenneth J. Hein  
American Auto Wreckers  
3744 Depot Road  
Hayward CA 94545

RE: Underground Tanks at 3744 Depot Road, Hayward

**SECOND NOTICE OF VIOLATION**

Dear Mr. Hein:

Over the past two years, you have been notified by this office of the need to monitor or remove the waste oil and fuel tanks present at your site. In the course of my inspection on June 22, 1990, you stated that the fuel tank had not been used in over 8 years and the waste oil tank had not been used in over six months. Further, you told me that you had no intention of using these tanks in the future. I instructed you to submit a closure plan for the tanks by August 31, 1990. To date, you have submitted no plans to this office regarding these underground tanks.

In accordance with the California Code of Regulations, Title 23, Section 2670, and consistent with your stated intentions regarding the underground tanks, you are required to submit to this office by **December 15, 1990:**

1. A written timetable for tank removal activities
2. A closure plan for the removal of both tanks

Please note that Section 25299 of the California Health and Safety Code states that any operator or owner of an underground storage tank is liable for a civil penalty of not less than \$500 per day for failing to properly close an underground storage tank as required by Section 25298.

You may contact me with any questions at 271-4320.

Sincerely,

Handwritten signature of Pamela J. Evans in cursive script.

Pamela J. Evans  
Hazardous Materials Specialist

c: Gil Jensen, Alameda County District Attorney's Office  
Richard Hiatt, Regional Water Quality Control Board

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0161

CM # P 062 128 170

November 29, 1990

Kenneth J. Hein  
American Auto Wreckers  
3744 Depot Road  
Hayward CA 94545

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

RE: Underground Tanks at 3744 Depot Road, Hayward

**SECOND NOTICE OF VIOLATION**

Dear Mr. Hein:

Over the past two years, you have been notified by this office of the need to monitor or remove the waste oil and fuel tanks present at your site. In the course of my inspection on June 22, 1990, you stated that the fuel tank had not been used in over 8 years and the waste oil tank had not been used in over six months. Further, you told me that you had no intention of using these tanks in the future. I instructed you to submit a closure plan for the tanks by August 31, 1990. To date, you have submitted no plans to this office regarding these underground tanks.

In accordance with the California Code of Regulations, Title 23, Section 2670, and consistent with your stated intentions regarding the underground tanks, you are required to submit to this office by **December 15, 1990:**

1. A written timetable for tank removal activities
2. A closure plan for the removal of both tanks

Please note that Section 25299 of the California Health and Safety Code states that any operator or owner of an underground storage tank is liable for a civil penalty of not less than \$500 per day for failing to properly close an underground storage tank as required by Section 25298.

You may contact me with any questions at 271-4320.

Sincerely,

Pamela J. Evans  
Hazardous Materials Specialist

c: Gil Jensen, Alameda County District Attorney's Office  
Richard Hiatt, Regional Water Quality Control Board

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0161

November 29, 1990

Kenneth J. Hein  
American Auto Wreckers  
3744 Depot Road  
Hayward CA 94545

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

RE: Underground Tanks at 3744 Depot Road, Hayward

**SECOND NOTICE OF VIOLATION**

Dear Mr. Hein:

Over the past two years, you have been notified by this office of the need to monitor or remove the waste oil and fuel tanks present at your site. In the course of my inspection on June 22, 1990, you stated that the fuel tank had not been used in over 8 years and the waste oil tank had not been used in over six months. Further, you told me that you had no intention of using these tanks in the future. I instructed you to submit a closure plan for the tanks by August 31, 1990. To date, you have submitted no plans to this office regarding these underground tanks.

In accordance with the California Code of Regulations, Title 23, Section 2670, and consistent with your stated intentions regarding the underground tanks, you are required to submit to this office by **December 15, 1990:**

1. A written timetable for tank removal activities
2. A closure plan for the removal of both tanks

Please note that Section 25299 of the California Health and Safety Code states that any operator or owner of an underground storage tank is liable for a civil penalty of not less than \$500 per day for failing to properly close an underground storage tank as required by Section 25298.

You may contact me with any questions at 271-4320.

Sincerely,

Pamela J. Evans  
Hazardous Materials Specialist

c: Gil Jensen, Alameda County District Attorney's Office  
Richard Hiatt, Regional Water Quality Control Board

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0161

October 15, 1990

Kenneth J. Hein  
American Auto Wreckers  
3744 Depot Road  
Hayward CA 94545

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

RE: Underground Tanks at 3744 Depot Road, Hayward

**NOTICE OF VIOLATION**

Dear Mr. Hein:

Over the past two years, you have been notified by this office of the need to monitor or remove the waste oil and fuel tanks present at your site. In the course of my inspection on June 22, 1990, you stated that the fuel tank had not been used in over 8 years and the waste oil tank had not been used in over six months. Further, you told me that you had no intention of using these tanks in the future. I instructed you to submit a closure plan for the tanks by August 31, 1990. To date, you have submitted no plans to this office regarding these underground tanks.

In accordance with the California Code of Regulations, Title 23, Section 2670, and consistent with your stated intentions regarding the underground tanks, you are required to submit to this office the following:

1. A written timetable for tank removal activities. The timetable is due in this office by October 31, 1990.
2. A closure plan for the removal of both tanks. The closure plan is due in this office by November 15, 1990. I am enclosing an updated closure plan form.

Please note that Section 25299 of the California Health and Safety Code states that any operator or owner of an underground storage tank is liable for a civil penalty of not less than \$500 per day for failing to properly close an underground storage tank as required by Section 25298.

You may contact me with any questions at 271-4320.

Sincerely,

Handwritten signature of Pamela J. Evans in cursive.

Pamela J. Evans  
Hazardous Materials Specialist

Enclosure

c: Gil Jensen, Alameda County District Attorney's Office  
Richard Hiatt, Regional Water Quality Control Board



Certified Mailer #P 062 127 693

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

October 30, 1989

Ken Hein  
American Auto and Truck Wreckers  
3744 Depot Rd.  
Hayward, CA 94545

FINAL NOTICE OF VIOLATION

Dear Mr. Hein:

On May 3, 1988 you were given instructions for submission of a Business Plan and a permit application for an underground storage tank. You were given a Second Notice on August 31, 1989. In accordance with the California Code of Regulations, Title 23, Chapter 3, Subchapter 16 Underground Tank Regulations you must perform one of the following actions:

1. Submit a tank closure plan to this Department as required by Article 7, 2670 or
2. Apply for a permit as required by Article 10, 2710.

To date you have asked about the procedures but otherwise have not responded or submitted any of the required forms.

Please note that 25299(a) of the California Health and Safety Code states that any operator 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 for (5) failing to properly close an underground storage tank, as required by section 25298. Also, (b) has the same penalty for abandonment or improper closure of any underground storage tank.

If you have any questions concerning this matter, please contact Tom Peacock, Senior Hazardous Material Specialist, at 271-4320.

Sincerely,

Thomas F. Peacock, Senior HMS  
Hazardous Materials Division

TFP:tfp

cc: Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection  
Lester Feldman, RWQCB



R0161

August 31, 1989

CM# P 062 128 073

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(415) 271-4320

Ken Hein  
American Auto and Truck Wreckers  
3744 Depot Rd.  
Hayward, CA 94545

SECOND NOTICE OF VIOLATION

Dear Mr. Hein:

On May 3, 1988 you were given instructions for submission of a Business Plan and a permit application for an underground storage tank. In accordance with the California Administrative Code, Title 23, Chapter 3, Subchapter 16 Underground Tank Regulations you must perform one of the following actions:

1. Submit a tank closure plan to this Department as required by Article 7, 2670 or
2. Apply for a permit as required by Article 10, 2710.

To date we have not received any response.

Please note that 25299(a) of the California Health and Safety Code states that any operator 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 for (5) failing to properly close an underground storage tank, as required by section 25298. Also, (b) has the same penalty for abandonment or improper closure of any underground storage tank.

You must also submit a Business Plan. A Part I form is attached for your use.

If you have any questions concerning this matter, please contact Tom Peacock, Senior Hazardous Material Specialist, at 271-4320.

Sincerely,

Handwritten signature of Rafat A. Shahid in cursive.

Rafat A. Shahid, Chief,  
Hazardous Materials Division

RAS:tfp

cc: Gil Jensen, Alameda County District Attorney, Consumer and Environmental Protection