

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



04-02-01

20235

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

March 30, 2001
StID # 923

Mr. Willie Everidge
1211 7th St.
Oakland CA 94607

Ms. Hazel Everidge
8907 Hillside St.
Oakland CA 94605

Re: Everidge Service Station, 1211-7th St., Oakland CA 94607

Dear Mr. and Ms. Everidge:

It appears that you, as property owners of the above referenced site, have chosen not to pursue the available opportunity for state funds to help investigate and clean-up the fuel release from the former underground tanks at this site. On many occasions, you have been informed and requested to provide information to the State Cleanup Fund to maintain your eligibility in the Fund. The Fund was prepared to reimburse the majority of your expenses, which could help restore the property value at this site. You were advised to contact Ms. Shari Knieriem of the Cleanup Fund at (916) 341-5714 to find out what steps could be done to prevent the Fund from withdrawing their offer to reimburse your expenses (Letter of Commitment).

I further understand that without the aid of the Fund or other financial aid, you are unable to continue the investigation of this site. Even the EAR (Emergency, Abandoned, Recalcitrant) Account would not consider financing your site's cleanup.

At this time, your site is referred to the District Attorney's Office for possible enforcement.

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

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Ms. S. Knieriem, Underground Tank Cleanup Fund, 1001 I St., 17th Floor, Sacramento,
CA, 95814-2828

Mr. K. Jenner, 100 Webster St., Jack London Sq., Oakland CA 94607

Mr. W. Hooper, Attorney at Law, 405 14th St., Suite 605, Oakland CA 94612

Mr. Michael O'Conner, Alameda County District Attorney Office

1211 7th St.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Ro#235

October 3, 2000

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

Mr. Kenneth Jenner
Penthouse
100 Webster Street
Jack London Square
Oakland, CA 94607
STID 923
Cleanup Fund Claim # 010532

RE: Everidge Service Station, 1211 7th Street, Oakland, CA 94607

Dear Mr. Jenner:

In response to your letter dated September 8, 2000, the County requested in a letter dated February 7, 1996 a workplan to install permanent monitoring wells in the next phase of the subsurface investigation. As of this date, this workplan has not been submitted.

A Letter of Commitment (LOC) dated November 1996 from the Underground Storage Tank Cleanup Fund was sent to Mr. Everidge. A letter dated April 7, 1997, No Response to Letter of Commitment from the Cleanup Fund representative was sent to Mr. Everidge. This letter stated "If a response is not received within thirty (30) days from the date of this letter, I will take steps to begin the withdrawal process of your LOC." Another letter dated June 5, 1997, Removal of Monies from Letter of Commitment (LOC) was sent from the Cleanup Fund representative to Mr. Everidge. It stated "Please submit your reimbursement request with the required documentation within thirty days from the date of this letter. If a response is not received, your funds will automatically be deobligated from your LOC." I left a message with the Cleanup Fund representative, Shari Knieriern to inform me of the current status of the funding for this site. I will contact you as soon as I receive a response.

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

Sincerely,



Larry Seto
Sr. Hazardous Materials Specialist

Mr. Kenneth Jenner
100 Webster Street
Penthouse
Jack London Square
Oakland, CA 94607
STID 923
Cleanup Fund Claim #010532

Cc: Shari Knieriern, Underground Tank Cleanup Fund, PO Box 944212, Sacramento,
CA 94244-2120
Leroy Griffin, City of Oakland Fire Services, 1605 Martin Luther King, Oakland,
CA 94612
Willie Everidge, 1211 7th Street, Oakland, CA 94607
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



- ENVISION
- ① Meaders Dry Cleaning
800 W. Grand Ave,
Oakland (R0112)
 - ② Everidge Service Comp.
1211 7th St. Oakland
(R0235)

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

April 21, 1997

Steve Morse, Chief
Toxics Cleanup Division
California Regional Water Quality Control Board
2101 Webster St., Suite 500
Oakland, CA 94612

Dear Steve Morse:

This letter is transmitted as a request for Emergency, Abandoned, and Recalcitrant (EAR) Account funds for the attached two sites.

The first attached site was also requested in 1996, but was not forwarded to the State Water Resources Control Board. No responsible party can be identified for Meader's Cleaners. This site is important and should be considered as an abandoned site.

The second attached site is the Everidge Service Station. The site has been given numerous extensions to comply to no avail. Several extensions have even been given by the Clean-Up Fund to no avail as the RP has not spent any money for him to be reimbursed. This site should be considered as a recalcitrant site.

Please submit these two cases for inclusion in this years list of EAR sites. If you have any questions concerning this matter please contact me.

Sincerely,

Tom Peacock, Manager
Division of Environmental Health

c: Gordon Coleman, Acting Chief
2 attachments

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

Ro#235
ARNOLD PERKINS, DIRECTOR

February 7, 1996
STID 923
page 1 of 2

ALAMEDA COUNTY CC4580
ENVIRONMENTAL HEALTH SERVICES
1131 HARBOR BAY PKWY., #250
ALAMEDA CA 94502-6577

Willie Everidge
Everidge Service Station
1211-7th St.
Oakland CA 94607

Hazel Everidge
8907 Hillside St.
Oakland CA 94605

RE: Everidge Service Station, 1211-7th St., Oakland CA 94607

Dear Mr. and Mrs. Everidge,

The "Subsurface Site Investigation" report, prepared by ACC, dated March 1995, was received in this office on 6/19/95. This investigation involved soil borings and grab samples of water. Maximum soil contaminant concentrations were 7,000 ppm TPH-g and 37 ppm benzene (B4-11.5'). Maximum dissolved groundwater contaminant concentrations were 37,000 ppb TPH-g and 7,100 ppb benzene (B2). In addition, approximately 0.25" of free product were detected in B4.

Based on these results, further investigation is warranted. "Permanent" groundwater monitoring wells should be installed in the next phase of work. **Therefore, you are required to submit a workplan for groundwater monitoring well installation, within 45 days, or by March 23, 1996.** The workplan should include an interim method for collecting free product, if encountered.

The workplan should be submitted under cover letter from yourself, and prepared by a recognized professional as outlined below. The groundwater investigation should consist of a minimum of three monitoring wells in an equilateral triangular configuration to determine groundwater flow direction and to assess groundwater quality.

All work should adhere to a) the Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Tank Sites, dated 8/10/90; and b) Article 11 of Title 23, California Code of Regulations. Reports and proposals must be submitted **under seal** of a California-Registered Geologist, -Certified Engineering Geologist, or -Registered Civil Engineer.

Please include a copy of the well survey report, stamped by the licensed surveyor.

STID 923

Mr. and Mrs. Everidge

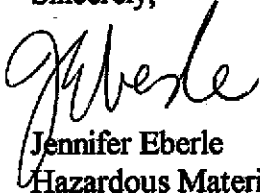
February 7, 1996

page 2 of 2

I spoke with Cheryl Gordon of the State Water Resources Board UST Clean Up Fund on 2/1/96. She indicated that your claim was received recently, and that you were placed in Category D. If you submit your income tax forms and verification that you employ less than 500 people, you could be eligible for a Category B. This would mean that your claim would get processed more quickly. Ms. Gordon apparently sent you a letter dated 11/21/95, explaining the above. She indicated that she had not received a reply, as per our 2/1/96 conversation. I have attached a copy of the letter for your files.

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

Sincerely,



Jennifer Eberle

Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney
Alameda County Superior Court File No. CH 1650392, 1225 Fallon St., Oakland CA
94607
Wayne Hooper, 33 Ivy Dr., Orinda CA 94563
Kenneth Jenner, Penthouse, 100 Webster St., Jack London Square, Oakland CA 94607
Cheryl Gordon, SWRCB, UST Clean Up Fund
Misty Kaltreider, ACC Environmental Consultants, 7977 Capwell Drive, Suite 100,
Oakland CA 94621
Acting Chief/file

je 923-F

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0235

RAFAT A. SHAHID, DIRECTOR

May 15, 1995
STID 923

Hazel Everidge
8907 Hillside St.
Oakland Ca 94605

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

RE: Everidge Service Station, 1211-7th St., Oakland CA 94607

Dear Ms. Everidge,

My last letter to you was dated 1/20/95. Since that time, I have learned that the environmental report has been completed by ACC Environmental. This report details field activities associated with piping removal/sampling in January 1995, as well as boring installation and soil and groundwater sampling in September 1994.

ACC Environmental has indicated that they have not received your payment for their services, and for this reason, the report is being withheld from being sent to my office. **This matter will be referred to the Alameda County District Attorney's Office for Environmental and Consumer Protection for prosecution unless you arrange for the immediate release of this technical report to this agency.**

This case has a long history of inaction and delay on the part of the responsible parties, namely Willie Everidge and yourself. To illustrate the urgency of this matter, and to aid your understanding of why this matter is being referred to the DA's Office for prosecution, a history of case activities is as follows:

The County's first request for a workplan for a subsurface investigation (due 4/17/93), was dated 3/17/93. This letter was addressed to Willie Everidge because it was unknown to the County at that time that each party had a one-half interest in this site. This was learned upon receipt of a letter from Wayner Hooper, dated 5/10/93. Subsequently, both responsible parties were served with a Notice of Pre-Enforcement Review Panel, from the County, dated 6/14/93. The Pre-Enforcement Review Panel was held in the County office on 6/29/93. Attendees included Willie and Hazel Everidge, Wayne Hooper (counsel for Mr. Everidge), Gil Jensen, Rich Hiatt of the Regional Water Quality Control Board, and Tom Peacock, Ed Howell and myself from the County. Subsequently, both responsible parties were served with Notices of Legal Action by the San Francisco Bay RWQCB, dated 8/5/93. This Notice required that a technical report to address soil and groundwater pollution be submitted to the County by 9/29/93. This Notice specified 1) a proposal to remove polluted soils and associated piping from the former underground storage tank (UST) area, and 2) a proposal to define the lateral and vertical extent of pollution in soil and groundwater.

May 15, 1995
STID 923
Hazel Everidge
page 2 of 3

A request for an extension of time was made by Wayne Hooper on behalf of Mr. Everidge, by letter dated 9/29/93. This request was granted by the County, by letter dated 10/1/93; the new deadline for technical report submittal was 10/20/93. Subsequently, Mr. Everidge contracted a certified laboratory to sample soils in the tank excavation. This work was done on 9/23/93.

Unfortunately, it was actually the stockpiled soils that needed to be sampled, since this was not previously accomplished during the UST removal, as per standard procedures. Mr. Everidge again contracted with the laboratory and the stockpiled soils were sampled on 11/15/93. The laboratory report was received by the County on 12/9/93. Compounding the environmental investigation was the concurrent Judgment for Dissolution of the marriage of Hazel and Willie Everidge. This Dissolution was endorsed and filed with Alameda County on 12/20/93.

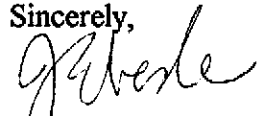
No further work followed; neither component of the RWQCB's 8/5/93 order was met. A meeting ensued on 5/17/94, held in the County office, with Mr. Everidge, Wayne Hooper, Ken Jenner (counsel for Hazel Everidge), Gil Jensen, and myself. Hazel Everidge did not attend. The meeting was held to clarify property ownership; initiated by a question on the part of Mr. Everidge; it was shown that Mr. Everidge clearly owned the property. It was noted that an environmental consultant (ACC) had been contracted by Mr. Everidge, but they were waiting for Hazel Everidge to also sign the contract. On 5/20/94, Ken Jenner left me a message indicating that Hazel Everidge had signed the ACC contract. A letter was sent to Mr. Everidge from the County, dated 6/6/94, indicating that progress (environmental work) should be made by 7/6/94.

A Work Plan prepared by ACC, dated June 1994, was finally received by the County on 7/15/94. Note that this workplan was originally due on 9/29/93, and by extension due on 10/20/93. The workplan was accepted by County letter dated 7/18/94; this letter was sent to both responsible parties, indicating that the workplan be implemented by 8/1/94. It wasn't until 9/7/94 that the field work was initiated. To reiterate, the County presently awaits submittal of the technical report documenting field activities undertaken to attempt to define the extent of the hydrocarbon contamination.

The above illustrates a lack of compliance, and the reasoning why this case will be referred for enforcement action should you fail to arrange for the immediate release of this report, and should you fail to continue to cooperate with the County's directives.

May 15, 1995
STID 923
Hazel Everidge
page 3 of 3

Sincerely,



Jennifer Eberle
Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney
Mr. Willie Everidge, 1211-7th St., Oakland CA 94607
Alameda County Superior Court File No. CH 1650392, 1225 Fallon St., Oakland CA
94607
Wayne Hooper, 33 Ivy Dr., Orinda CA 94563
Kenneth Jenner, Penthouse, 100 Webster St., Jack London Square, Oakland CA 94607
Misty Kaltreider, ACC Environmental Consultants, 1000 Atlantic Ave., Suite 110,
Alameda CA 94501
Bill Reynolds/file

je 923-E

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



Ro# 235

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

January 20, 1995
STID 923

Willie Everidge
Everidge Service Station
1211-7th St.
Oakland CA 94607

Hazel Everidge
8907 Hillside St.
Oakland CA 94605

DEPARTMENT OF ENVIRONMENTAL HEALTH
ALAMEDA COUNTY CC4580
DEPT. OF ENVIRONMENTAL HEALTH
ENVIRONMENTAL PROTECTION DIVISION
1131 HARBOR BAY PKWY., #250
ALAMEDA CA 94502-6577

RE: Everidge Service Station, 1211-7th St., Oakland CA 94607

Dear Mr. and Mrs. Everidge,

As you may know, the piping was removed from this site on 1/5/95. Three soil samples were collected from below the piping and analyzed for TPH-gasoline and BTEX. In addition, soil samples were collected from the soil stockpile and analyzed for soluble lead. [The stockpile had previously been sampled on 11/15/93, and analyzed for TPH-gasoline, BTEX, and total lead. Although the TPH-gasoline and BTEX were low or non-detect (ND), total lead results in 3 out of 5 samples were above the regulatory limit.]

Soluble lead results from 1/5/95 indicated that 4 out of 5 samples were below regulatory limits and could therefore be reused onsite. However, one sample was above the regulatory limit; this sample was reanalyzed using deionized water and was reported as ND. Therefore, **the entire soil stockpile may be backfilled into the excavation instead of offhauled to a landfill or recycling facility.**

In addition, borings were drilled onsite on 9/7/94. A hard layer was encountered during drilling, which prohibited groundwater samples from being collected, and so another attempt was made later that month.

I understand that your consultant, ACC Environmental, is currently finishing their report on these field activities. I expect the report will be submitted to this office within a month.

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

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

STID 923
Mr. and Mrs. Everidge
January 20, 1995
page 2 of 2

cc: Gil Jensen, Alameda County District Attorney
Alameda County Superior Court File No. CH 1650392, 1225
Fallon St., Oakland CA 94607
Wayne Hooper, 33 Ivy Dr., Orinda CA 94563
Kenneth Jenner, Penthouse, 100 Webster St., Jack London
Square, Oakland CA 94607
Misty Kaltreider, ACC Environmental Consultants, 1000
Atlantic Ave., Suite 110, Alameda CA 94501
Ed Howell/file

je 923-D

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0235

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

July 18, 1994
STID 923

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

Willie Everidge
Everidge Service Station
1211-7th St.
Oakland CA 94607

Hazel Everidge
8907 Hillside St.
Oakland CA 94605

RE: Everidge Service Station, 1211-7th St., Oakland CA 94607

Dear Mr. and Mrs. Everidge,

We are in receipt of the June 1994 "Work Plan, Subsurface Site Investigation," for your site. As you know, this workplan involves the removal of piping, sampling under piping, removal of stockpiled soil, and a soil and groundwater investigation.

This workplan is acceptable with the following clarifications, as discussed between myself and Misty Kaltreider of ACC on 7/18/94:

- 1) a minimum of two samples per boring will be analyzed
- 2) total lead will be analyzed in the soil and groundwater of the trench sample nearest the tanks, and two borings: the boring west of the piping trench, and the boring inside the building
- 3) the workplan will be implemented within 14 days, or by August 1, 1994

The rationale for item #2 is that sample W-1 under tank 1 (the tank nearest the pump island) had 1400 ppm total lead. This lead contamination needs to be delineated to determine its extent.

If you have any questions, please contact me at 510-337-2866, 2865, or 2864. These are our new, temporary phone numbers.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

STID 923
Mr. and Mrs. Everidge
July 18, 1994
page 2 of 2

cc: Gil Jensen, Alameda County District Attorney
Alameda County Superior Court File No. CH 1650392, 1225
Fallon St., Oakland CA 94607
Wayne Hooper, 33 Ivy Dr., Orinda CA 94563
Kenneth Jenner, Penthouse, 100 Webster St., Jack London
Square, Oakland CA 94607
Misty Kaltreider, ACC Environmental Consultants, 1000
Atlantic Ave., Suite 110, Alameda CA 94501
Ed Howell/file

je 923-C

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0235

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

June 6, 1994
STID 923

Willie Everidge
1211-7th St.
Oakland CA 94607

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

Dear Mr. Everidge,

This letter serves to document the meeting held on 5/17/94 between yourself, myself, Gil Jensen, Wayne Hooper, and Kenneth Jenner. Copies of the meeting attendance sheet were handed out to all the participants. During the meeting, Mr. Jenner provided a copy of the Grant Deed and the Deed of Trust and Rent Assignment, which clearly indicates that you are the property owner of this site. Apparently, you recently indicated that you did not have the title to the property. The purpose of this meeting was to discuss this issue, but it is now resolved.

During the meeting, you indicated that you signed a contract with ACC Environmental. At that time, Mrs. Everidge had not yet signed the contract. However, Mr. Jenner left me a message on 5/20/94, indicating that Mrs. Everidge had done so. This will help ensure reimbursement of state funds for cleanup.

Unless progress is made within 30 days from this letter, or by July 6, 1994, to the satisfaction of this office, the following actions will occur via Alameda County District Attorney's Office of Environmental and Consumer Protection:

- 1) A civil action will be filed in civil court, assigning monetary penalties.
- 2) An Order to Show Cause (OSC) will be filed with the divorce court, to obtain proper funding from the divorce settlement.

This was discussed at our meeting of 5/17/94. If you have any questions, please contact me at 510-271-4530.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jennifer Eberle'.

Jennifer Eberle
Hazardous Materials Specialist

June 6, 1994
STID 923
Willie Everidge
page 2 of 2

cc: Gil Jensen, Alameda County District Attorney
Alameda County Superior Court File No. CH 1650392, 1225
Fallon St., Oakland CA 94607
Hazel Everidge, 8907 Hillside St., Oakland CA 94605
Wayne Hooper, 33 Ivy Dr., Orinda CA 94563
Kenneth Jenner, Penthouse, 100 Webster St., Jack London
Square, Oakland CA 94607
Chuck Miller, ACC Environmental Consultants, 1000
Atlantic Ave., Suite 110, Alameda CA 94501
Ed Howell/file

je 923-B

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



STID 923 : 1211 7th St.
Oakland, CA

R0235

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

December 17, 1993
STID 923

Wayne Hooper
33 Ivy Drive
Orinda CA 94563

Dear Mr. Hooper,

I have tried to reach you by phone at 631-1400 numerous times, but it is always busy! The law office at 763-3000 is apparently not taking messages for you. I have received your letter dated 12/15/93. I have also received the lab results for samples collected 11/15/93.

Gil Jensen and I agree to a meeting with both Everidge parties and their attorneys. I understand that Hazel Everidge has a new attorney at Jacoby & Meyers by the name of Nicole Hausmann.

Please schedule a time to meet in this office sometime in January. As of today, the only dates I cannot attend would be January 11, 17, and 18, 1994. I look forward to hearing from you soon.

Sincerely,


Jennifer Eberle
Hazardous Materials Specialist

cc: Nicole Hausmann, Jacoby & Meyers, 338 Jackson ST., Hayward
CA 94544
Gil Jensen, Alameda County District Attorney
Alameda County Superior Court File No. CH 1650392, 1225
Fallon St., Oakland CA 94607
Willie Everidge, 1211-7th St., Oakland CA 94607
Hazel Everidge, 8907 Hillside St., Oakland CA 94605
Ed Howell/file

je

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0235

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

October 1, 1993
STID 923

Willie Everidge
✓ 1211-7th St.
Oakland CA 94607

Hazel Everidge
8907 Hillside St.
Oakland CA 94605

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

Dear Willie and Hazel Everidge,

We have received a letter from Mr. Everidge's attorney Wayne Hooper, dated 9/29/93, requesting an extension to the technical report submittal. The report submittal deadline will be amended to **October 20, 1993**. This allows three more weeks for information gathering. Please advise as to which consultant you choose for your site investigation.

If you have any questions, please contact me at 510-271-4530.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Wayne Hooper, 33 Ivy Drive, Orinda CA 94563
Charles Hammer, Jacoby & Meyers, 338 Jackson ST., Hayward
CA 94544
Gil Jensen, Alameda County District Attorney
Alameda County Superior Court File No. CH 1650392, 1225
Fallon St., Oakland CA 94607
Ed Howell/file

je

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0235

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

Certified Mailer # P 418 724 589
August 10, 1993
STID 923

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

Willie Everidge
1211-7th St.
Oakland CA 94607

Hazel Everidge
8907 Hillside St.
Oakland CA 94605

**Notice of Legal Action by the
San Francisco Bay Regional Water Quality Control Board**

Dear Mr. and Mrs. Everidge,

The attached **Legal Designation of Responsible Parties, and Request for Technical Report 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 with this office. Please make arrangements to comply by calling me at 510-271-4530 to coordinate all future activities.

Failure to comply could result in liability for civil or administrative penalties of up to \$1000.00 per day of delinquency.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Alameda County Superior Court File No. CH 1650392, 1225
Fallon St. Oakland CA 94607
Wayne Hooper, Attorney at Law, 405-14th St., Suite 605,
Oakland CA 94612
Jacoby & Meyers, Cecilia Jordan, 338 Jackson St., Hayward CA
94544

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

R0235

Certified Mailer # P 418 724 578
August 10, 1993
STID 923

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

Willie Everidge
1211-7th St.
Oakland CA 94607

Hazel Everidge
8907 Hillside St.
Oakland CA 94605

**Notice of Legal Action by the
San Francisco Bay Regional Water Quality Control Board**

Dear Mr. and Mrs. Everidge,

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Failure to comply could result in liability for civil or administrative penalties of up to \$1000.00 per day of delinquency.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Alameda County Superior Court File No. CH 1650392, 1225
Fallon St. Oakland CA 94607
Wayne Hooper, Attorney at Law, 405-14th St., Suite 605,
Oakland CA 94612
Jacoby & Meyers, Cecilia Jordan, 338 Jackson St., Hayward CA
94544

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION

2101 WEBSTER STREET, SUITE 500

OAKLAND, CA 94612

(510) 286-1255

93 AUG -9 PM 2:13



August 5, 1993

Mr. Willie Everidge
Everidge Service Station
1211 - 7th Street
Oakland, CA 94607

File: 01-0741
& 2198.17

Mrs. Hazel Everidge
8907 Hillside Street
Oakland, CA 94605

RE: **Legal Request for Submittal of a Technical Report Resulting from the Alameda County Department of Environmental Health's Enforcement Panel Meeting of June 29, 1993**

Dear Mr. and Mrs. Everidge,

It has been brought to my attention by Regional Board staff that a condition of soil and groundwater pollution exists on your property from underground storage tank releases. The Alameda County Department of Environmental Health (ACHD) staff have requested technical reports from you to fulfill your obligations per California Code of Regulations, Title 23 Waters, Chapter 16 Underground Storage Tank Regulations, Article 11 Corrective Action Requirements. It is my understanding that ACHD staff were unsuccessful in eliciting your co-operation in resolving these issues through normal correspondence.

A Pre-Enforcement Review Panel was held at the ACHD Offices on June 29, 1993 attended by Richard Hiett from my staff. It is my understanding that requests and concerns of the ACHD were not resolved.

Pursuant to the Regional Board's authority under Section 13267(b) of the California Water Code, you are hereby required to submit a technical report to address soil and groundwater pollution by September 29, 1993. This technical report should specifically address the following numbered items:

- 1) A proposal for the removal of polluted soils and associated piping from the former underground storage tank.
- 2) A proposal to define the lateral and vertical extent of pollution in soil and groundwater.

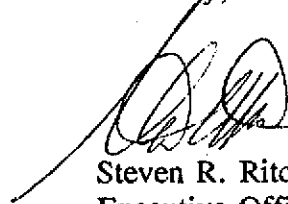
All work should adhere to the Tri-Regional Board Staff Recommendations for the Preliminary Evaluation and Investigation of Underground Storage Tank Sites - 8/10/90 and Article 11 of Title 23 Waters, California Code of Regulations.

Enforcement Panel Meeting
Everidge
Page 2 of 2

I am hereby transmitting this request for a technical report to ACHD for service and continued case handling. You should be aware that failure to submit or late submittal may result in fines up to \$1000 per day of delinquency. Response to this technical report request should be sent to the attention of Ms. Jennifer Eberle at the ACHD. Please inform Ms. Eberle at least three working days in advance of all field activities.

If you have any questions regarding the contents of this letter please contact Jennifer Eberle from the ACHD at (510) 271-4530.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Ritchie", written over a horizontal line.

Steven R. Ritchie
Executive Officer

cc: Gil Jensen, ACDA, 7677 Oakport Street, Suite 400, Oakland 94621
Jennifer Eberle, ACHD, 80 Swan Way, Suite 200, Oakland 94621
Wayne Hopper, 405-14th Street, Suite 605, Oakland CA 94612

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION
2101 WEBSTER STREET, SUITE 500
OAKLAND, CA 94612
(510) 286-1255

93 AUG -9 PM 2:13



August 5, 1993

Mr. Willie Everidge
Everidge Service Station
1211 - 7th Street
Oakland, CA 94607

File: 01-0741
& 2198.17

Mrs. Hazel Everidge
8907 Hillside Street
Oakland, CA 94605

RE: **Legal Request for Submittal of a Technical Report Resulting from the Alameda County Department of Environmental Health's Enforcement Panel Meeting of June 29, 1993**

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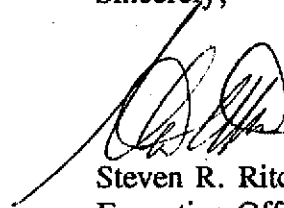
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Enforcement Panel Meeting
Everidge
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Sincerely,

A handwritten signature in black ink, appearing to read "S. Ritchie", with a long horizontal flourish extending to the left.

Steven R. Ritchie
Executive Officer

cc: Gil Jensen, ACDA, 7677 Oakport Street, Suite 400, Oakland 94621
Jennifer Eberle, ACHD, 80 Swan Way, Suite 200, Oakland 94621
Wayne Hopper, 405-14th Street, Suite 605, Oakland CA 94612

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0235

RAFAT A. SHAHID, Assistant Agency Director

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

May 4, 1993

Robert J. Whitman, President/Owner
Applied Environmental Solutions, Inc.
2530 Berryessa Rd. #809
San Jose, Ca. 95132

Dear Mr. Whitman,

Your check, #2690, for one thousand one hundred thirty seven dollars, dated Oct. 5, 1992, made out to "Alameda County Haz. Materials", was received by our office as payment to oversee the removal of an underground tank at Everidge Services Co., 1211-7th St., Oakland, Ca. 94607. This check was returned by your bank because of insufficient funds. Please issue another check within 14 days.

Sincerely,

Don Hwang
Hazardous Materials Specialist

c: Willie Everidge, Everidge Services Co., 1211-7th St.,
Oakland, Ca. 94607

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

R0235

March 17, 1993
STID 923

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

Willie Everidge
Everidge Service Station
1211-7th St.
Oakland CA 94607

Dear Mr. Everidge,

On 3/16/93, we received the "Report of Findings, Underground Storage Tank Removal," prepared by Applied Environmental Solutions, Inc. (AES), dated December 1992, for your service station. This report documents the removal of one 250-gallon waste oil tank and three 4,000-gallon gasoline tanks from the subsurface on 10/20/92. Product odor and staining were observed in the fuel tank pit. **Free product was observed beneath the center 4,000-gallon tank.**

The December 1992 "Report of Findings" states that the "tanks and product lines were loaded onto an Erickson Inc. transport truck. . ." This statement was made under the section entitled "Tank and Product Line Removal." The reader is led to believe that the product lines and tanks were removed and offhauled at the same time. However, the field report written by County representative Don Hwang, dated 10/22/92, states that "piping from dispenser to tank **not removed**. Soil sample required for piping. Notify office of when sample will be collected so that inspector may be present." This report was signed by Bob Mercado of AES. A copy of this report is attached for your convenience. During a conversation between Don Hwang and myself today, he indicated that he did not witness the removal of piping. I would like to discuss this matter further with you.

Soil samples collected from below the fuel tanks contained concentrations as high as 20,000 ppm TPH-g, 18 ppm benzene, and 1,400 ppm total lead. Soil sampled below the waste oil tank contained 62 ppm chromium and 190 ppm lead. [Please note that the concentration for total lead below the waste oil tank in Table I on page 6 of the report should read 190 ppm, not N.D.]

Due to these significant concentrations of contaminants, we strongly recommend overexcavation of the fuel tank pit. In addition, a groundwater investigation is required to determine if there have been any impacts to groundwater. This generally consists of the installation of a minimum of three monitoring wells in a triangular fashion to determine local groundwater flow direction and concentrations of any contaminants. At a minimum, the wells are monitored and sampled on a quarterly basis for one year before case closure can be recommended.

Willie Everidge
STID 923
March 17, 1993
page 2 of 2

All work should adhere to a) the Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Tank Sites, dated 8/10/90; b) the State Water Resources Control Board LUFT Field Manual; and c) Article 11 of Title 23, California Code of Regulations. Reports and proposals must be submitted under seal of a California-Registered Geologist, -Certified Engineering Geologist, or -Registered Civil Engineer. All reports and documents pertaining to this investigation should also be sent to:

Rich Hiatt
San Francisco Bay Region
Regional Water Quality Control Board
2101 Webster St., Suite 500
Oakland CA 94612

Therefore, we request that you submit a workplan for a subsurface/groundwater investigation within 30 days or by April 17, 1993. This is a high priority case due to the free product observed in the tank excavation, and the very high levels of petroleum hydrocarbons in soil. If you have any questions, please contact me at 510-271-4530.

Sincerely,



Jennifer Eberle
Hazardous Materials Specialist

cc: Bob Mercado, Applied Environmental Solutions, 2530
Berryessa Rd., Suite 809, San Jose CA 95132
Rich Hiatt, RWQCB
Ed Howell/File

je

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0235

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

July 23, 1991

Mr. Willie Everidge
Everidge Service
1211 7th St.
Oakland, CA 94607

Dear Mr. Everidge

As you are aware, on July 23, 1991, Cathy Gates from this office inspected the above premises with regard to issuance of a 5-year permit to operate four underground storage tanks. Our records indicate that the above facility is currently operating without any Underground Storage Tank (UST) Permits.

In order to comply with California Hazardous Material and UST laws, you must do one of the following:

- 1) Have these tanks removed.
- or
- 2) Attain valid UST permits by complying with the items listed in the inspection report by Ms. Gates.

Enclosed is a closure form to be filled out and submitted to this office by August 25, 1991 should you choose option number 1. You or your consultant must provide 3 copies of the closure plans to this office along with a check for \$1074.00 to review the plans and oversee the closure. No work may be initiated at the site until our office has approved the plans. Any unused money will be returned to you when the project is completed.

If you are unable to submit these closure plans by the above date, then you must perform the steps required to attain valid UST permits. This includes: submitting Application Forms 'A' and 'B', and performing annual precision tests on the tanks. Precision test records must be kept on-site for at least 3 years, and also submitted to this office within 10 days of the test.

In either case, Inventory Reconciliation must begin immediately. Please use one chart for each fuel tank, and record entries daily. Perform waste oil gauging as described in the inspection report. Submit the first month's records within 10 days of completion, as well as a quarterly report for this same time period.

Mr. Willie Everidge
July 23, 1990
Page 2 of 2

You must also submit a Hazardous Material Management Plan by August 25, 1991. You were provided with the necessary forms during the inspection.

Should you have any questions regarding any items in this letter, please feel free to contact Cathy Gates or myself at (415) 271-4320.

Sincerely,

Cathy Gates for

Dennis Byrne, Senior HMS
Hazardous Materials Division

cc files

encl

BC:CG:cg mem8