



sent  
03-24-06

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

**March 23, 2006**

Mr. Paul Garg

ABE Petroleum LLC

33090 Mission Blvd.

Union City, Ca 94587

**Re: Fuel Leak Investigation, Site No. RO0000257, ABE Petroleum, 17715 Mission  
Blvd., Hayward, CA**

Dear Mr. Garg:

Alameda County Environmental Health, Local Oversight Program (LOP), has received and reviewed the Work Plan for Soil and Groundwater Investigation" document dated May 27, 2003 its addendums, dated September 10, 2003, and November 10, 2005 regarding the above referenced site as prepared by Sierra Environmental, Inc. As you are aware, I have held meeting and have discussed the above referenced case with Sierra Environmental, your consultants. The proposed workplan is approved. This office requests that you address the following technical comments, perform the proposed work, and send us the technical reports requested below:

#### **TECHNICAL COMMENTS**

Per our meeting and the above documents, this work plan along with its addendums addresses the required investigations in the correspondence from this office dated August 12, 2003 including further delineation of both the horizontal and vertical extent of groundwater contamination. This office further recommended preparation of a SCM and its submittal to this office per our discussion. The SCM will help identify the areas in need of investigation if any for the future workplan. This office approves the submitted workplan as amended and specified above. However we request that you address the following technical comments, perform the proposed work, and send us the technical reports requested below:

- Geotracker EDF Submittals - A review of the case file and the State Water Resources Control Board's (SWRCB) Geotracker website indicate that electronic copies of analytical data have not been submitted for your site. Pursuant to CCR Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the LUFT program, must be transmitted electronically to the SWRCB Geotracker website via the internet. Additionally, beginning January 1, 2002, all permanent monitoring points utilized to collected groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude accurate to within 1-meter accuracy, using NAD 83, and transmitted electronically to the SWRCB Geotracker website. Beginning July 1, 2005, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). In order to remain in regulatory compliance, please upload all analytical data (collected on or after September 1, 2001), to the SWRCB's Geotracker database website in accordance with the above-cited regulation. Please perform the electronic submittals for applicable data and submit verification to this Agency by 3/14/2006.

- Provide a complete site conceptual model (SCM) per our discussion. A site conceptual model (SCM), which incorporates the following items:

#### **1- Summary Figures:**

Site vicinity map showing the site location and identification of any nearby sensitive receptors.

Plot plan showing all historical sampling locations. Differentiation between sample types (i.e. excavation soil samples, soil boring locations, monitoring wells, soil vapor sampling points, etc.) is required. This figure also needs to include any former and existing UST system components, delineation of excavation areas, areas targeted by active remediation, building locations, potential preferential pathways such as utilities, property boundaries and public right-of-way locations.

Depth-specific contaminant isoconcentration maps for soil and groundwater. If active remediation was performed, separate pre-remediation and post-remediation isoconcentration maps are required.

#### **2- Summary Tables:**

Table of all historical soil data. Sample ID, date, depth, and results for all analytes are required. Please refer to the Tri-Regional Guidelines to confirm that chemical analysis was performed for all relevant contaminants of concern (CoCs). Pre- and post-remediation concentrations should be clearly identified or presented in separate tables.

Table of all historical groundwater data. Chemical concentrations in monitoring well(s) concentrations along with depth to water should be tabulated.

The tables need to compare the detected CoC concentrations with the Regional Board's ESLs or other appropriate cleanup levels and to the water quality objectives identified in the Regional Board's Basin Plan.

**3- Complete set of all boring logs** generated during site investigation.

#### **4- Geologic cross-sections:**

This must show soil borings, monitoring wells with screened intervals, UST locations, any preferential pathways, excavation boundaries, water table elevations (historical and current) and extent of residual contamination.

### **TECHNICAL REPORT REQUEST**

Please submit the following technical reports to Alameda County Department of Environmental Health (Attention: Amir K. Gholami):

#### **April 23, 2006 SWI Report**

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

### **ELECTRONIC SUBMITTAL OF REPORTS**

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) now request submission of reports in electronic form. The electronic copy is intended to replace the need for a paper copy and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached

"Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). Please visit the State Water Resources Control Board for more information on these requirements ([http://www.swrcb.ca.gov/ust/cleanup/electronic\\_reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)).

### **PERJURY STATEMENT**

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

### **PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS**

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

### **UNDERGROUND STORAGE TANK CLEANUP FUND**

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

### **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 County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If 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. Mitch Hajiaghai, Sierra Environmental, Inc., 980 W. Taylor St., San Jose, CA 95126

A.Gholami, D.Drogos

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

R0287

February 28, 2006

ENVIRONMENTAL HEALTH SERVICES

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

Som Gupta  
Member  
ABE Petroleum LLC  
17715 Mission Boulevard  
Hayward, California 94541

Re: ABE Petroleum LLC, 17715 Mission Boulevard, Hayward, CA 94541

Dear Mr. Gupta:

During our meeting today we discussed the responsibility of the underground storage tank (UST) owner/operator for reports submitted on their behalf by third parties. Specifically, the monthly reports written by the Designated Operator are ultimately the owner's responsibility.

Our review of the monthly reports from January 2005 though February 2006 provided feedback to you and the designated operator on the correct way to complete the monthly report. As we found in our review, numerous discrepancies, contradictions and omissions were documented in the reports. The reports have very limited use to the UST owner when the data is so flawed.

Enclosed is your copy of the revised form for assignment of the designated operator. It was revised to document all the information on the current designated operator.

As we determined during our meeting the training records for the facility employees are incomplete. You are required to submit well-documented training for all employees. The training documentation shall be part of the *Plan of Correction*.

Pursuant to California Health and Safety Code (HS&C) Sec. 25288(d), ABE Petroleum LLC is required to submit a written *Plan of Correction* within 30 days. This plan shall indicate the tasks to be completed, or those that have been completed already, and the schedule for doing so.

ABE Petroleum LLC must certify, once all the tasks have been completed, that the tank system is in full compliance with HSC Chapter 6.7 and UST regulations.

Please contact me at (510) 567-6781 should you have any questions about the content of this letter.

Sincerely,

Robert Weston  
Sr. Hazardous Materials Specialist

enclosure

Cc: Susan Hugo, Manager, ACDEH



SCWT  
7-12-05

ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway  
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(510) 567-8700  
Fax (510) 337-9335

**July 11, 2005**

Mr. Paul Garg  
ABE Petroleum LLC  
33090 Mission Blvd.  
Union City, Ca 94587

**Re: Fuel Leak Investigation, Site No. RO0000257, ABE Petroleum, 17715 Mission Blvd., Hayward, CA**

Dear Mr. Garg:

Alameda County Environmental Health, Local Oversight Program (LOP), has received and reviewed the Work Plan for Soil and Groundwater Investigation" document dated May 27, 2003 its addendum dated September 10, 2003, regarding the above referenced site as prepared by Sierra Environmental, Inc. Additionally I have discussed the above referenced case with Sierra Environmental, your consultants.

This office requests that you address the following technical comments, perform the proposed work, and send us the technical reports requested below:

#### **TECHNICAL COMMENTS**

As you are aware, this work plan addresses the required investigations in the correspondence from this office dated August 12, 2003 including further definition of both the horizontal and vertical extent of groundwater contamination. Furthermore, it will address the required SCM as requested in the August 12, 2003 letter issued by this office. This office recommends preparation of a SCM and its submittal to this office. The SCM will help identify the areas in need of investigation if any for the future workplan.

This office approves the submitted workplan as amended and specified above.

#### **TECHNICAL REPORT REQUEST**

Please submit the following technical reports to Alameda County Department of Environmental Health (Attention: Amir K. Gholami):

**September 11, 2005**

Result of the Work Plan along with SCM

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

Sincerely,



Amir K. Gholami  
Hazardous Materials Specialist

C: Mr. Mitch Hajiaghahi, Sierra Environmental, Inc., 980 W. Taylor St., San Jose, CA 95128  
A.Gholami, D.Drogos

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



RO0000257

August 12, 2003

Mr. Paul Garg  
ABE Petroleum LLC  
33090 Mission Boulevard  
Union City, CA 94587

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

**RE: SWI, SCM and CAP for ABE Petroleum Station, 17715 Mission Boulevard, (unincorporated) Hayward, CA**

Dear Mr. Garg:

We have completed review of the May 27, 2003 Sierra Environmental, Inc. document entitled "*Work Plan for Soil and Groundwater Investigation*" submitted in response to a February 27, 2003 request from this office for a Soil and Water Investigation (SWI) work plan. This work plan, as submitted, has not been approved in its current form.

As was presented in the cited February 27<sup>th</sup> correspondence, MtBE and other fuel oxygenates are more mobile in soil and groundwater than other petroleum hydrocarbon compounds. Consequently, conventional investigation techniques and monitoring well networks currently used at historic fuel leak sites are generally insufficient to adequately characterize fuel oxygenate contamination.

We requested an investigation that would include depth-discrete soil and groundwater sampling to accommodate the dual need to define both the MtBE / oxygenate plume and remaining dissolved-phase fuel components. We recommended that this SWI incorporate *expedited site assessment techniques and borings installed along transects* (both parallel and normal to calculated groundwater flow) to define and quantify the full three-dimensional extent of impacts in soil and ground water. Samples are expected to be collected at discrete depths to total depth explored in order to identify the specific regions within the formation where contaminants are found at each sample location.

Final well locations and screen depths will be substantially based on the results of the SWI and refined Site Conceptual Model (SCM). The monitoring of multiple discrete water-bearing zones with short-screened intervals is anticipated, and is fully dependent upon what is found during the SWI. Generally, these screened intervals should not be greater than 3' 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., single well, well cluster or multi-level, as appropriate), and the reasoning behind the location and configuration of each.

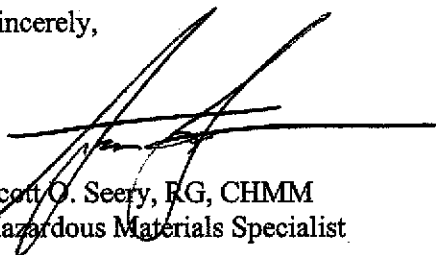
Your attention is directed to "*Strategies for Characterizing Subsurface Releases of Gasoline Containing MtBE, American Petroleum Institute Publication No. 4699*" dated February 2000 as a resource for development of the SCM and investigation approach. Your attention is also directed to the State Water Resources Control Board (SWRCB) "*Guidelines for Investigation and Cleanup of MTBE and Other Ether-Based Oxygenates, Final Draft*", dated March 27, 2000.

Mr. Paul Garg  
Re: ABE Petroleum, 17715 Mission Blvd., Hayward  
August 12, 2003  
Page 2 of 2

An SWI work plan addendum with a scope of work that addresses the issues noted, above, is to be submitted within 30 days of the date of this letter. This work plan addendum is to be submitted under cover signed, under penalty of perjury, by the Responsible Party. **Please be advised that the requested work plan addendum, and all future technical reports and work plans, will be rejected absent the required cover letter.**

Please feel free to call should you have any questions. I can be reached at (510) 567-6783.

Sincerely,



Scott O. Seery, RG, CHMM  
Hazardous Materials Specialist

c: Betty Graham, RWQCB  
Shari Knieriem, SWRCB UST Fund  
Reza Baradaran, Sierra Env., Inc., 980 West Taylor St., San Jose, CA 95126  
D.Drogos, R.Weston



ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

Certified Mailer # 7002 1000 0005 0823 2693

RO0000257

April 23, 2003

Mr. Paul Garg  
ABE Petroleum LLC  
33090 Mission Boulevard  
Union City, CA 94587

ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
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**NOTICE OF VIOLATION**

**RE: SWI, SCM and CAP for ABE Petroleum Station, 17715 Mission Boulevard, (unincorporated) Hayward, CA**

Dear Mr. Garg:

In correspondence from this office dated February 27, 2003, you were directed to submit a Soil and Water Investigation (SWI) workplan within 45 days, or by April 23, 2003. To date, the referenced SWI work plan has not been received.

You are currently in violation of California Water Code Sec. 13267(b) and provisions of Article 11, Title 23, California Code of Regulations for failure to submit the requested SWI workplan.

Please be advised that California Health and Safety Code Sec. 25299 provides for civil penalties of up to \$5000 per day, per violation, for violations of this sort. In addition, failure to comply with directives from this office may result in your ineligibility to receive funding through the State Water Resources Control Board (SWRCB) Underground Storage Tank Trust Fund. Further, your permit to operate the underground storage tanks (UST) at your facility may be revoked for failure to comply with this directive and the conditions of your UST permit.

At this time, you are directed to submit the subject SWI workplan no later than May 23, 2003. Failure to do so will result in this case being referred to the Alameda County District Attorney's Office for potential enforcement action and initiation of permit revocation.

If you have any questions, I can be reached at (510) 567-6783.

Sincerely,

  
Scott O. Seery, CHMM  
Hazardous Materials Specialist

c: Roger Brewer, RWQCB  
Shari Knieriem, SWRCB UST Fund  
Robert Weston, ACDEH CUPA  
Donna Drogos, ACDEH LOP

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



RO0000257

February 27, 2003

Mr. Paul Garg  
ABE Petroleum LLC  
33090 Mission Boulevard  
Union City, CA 94587

ENVIRONMENTAL HEALTH SERVICES  
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**RE: SWI, SCM and CAP for ABE Petroleum Station, 17715 Mission Boulevard, (unincorporated)  
Hayward, CA**

Dear Mr. Garg:

I have completed review of the fuel leak case file for the above referenced site, including the most recent quarterly monitoring report prepared by Sierra Environmental, Inc., for the 4<sup>th</sup> quarter 2002, dated January 3, 2003. This office is concerned with the elevated concentrations of gasoline compounds present in groundwater beneath the site, including the gasoline oxygenate Methyl tert-Butyl Ether (MtBE), and the lack of groundwater plume definition. This letter presents a request to complete a 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 cleanup performance objectives that shall be considered as part of the required SWI and CAP. **We request that you prepare and submit a work plan for the SWI within 45 days of the date of this letter, or by April 14, 2003, that addresses each of the following comments.**

#### TECHNICAL COMMENTS

1. Conduit / Preferential Pathway Study

A conduit / preferential pathway survey shall be prepared for the site that identifies the potential migration pathways and potential conduits (utilities, storms drains, etc.) that may be present 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. You are to use this initial SCM to determine the

appropriate configuration for samplings points in the 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.

Your attention is directed to "*Strategies for Characterizing Subsurface Releases of Gasoline Containing MtBE, American Petroleum Institute Publication No. 4699*" dated February 2000 as a 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.

## 2. Contaminant Plume Definition

The purpose of contaminant plume definition is to determine the *three-dimensional* extent of contamination (MtBE, petroleum products, and associated blending compounds and additives) in soil and groundwater, including the demarcation of potential geogenic and anthropomorphic flow pathways. Up to 7700 parts per billion (ppb) MtBE was detected in groundwater during the December 2001 sampling event in well MW-1, and up to 5200 ppb MtBE was detected in well MW-3 during the December 2002 sampling event. In addition, up to 110,000 ppb Total Petroleum Hydrocarbons as Gasoline (TPHg) and 6600 ppb Benzene were identified in well MW-1 during the December 2002 event. The extent of this release has not yet been determined.

As you may know, MtBE is more mobile in soil and groundwater than other petroleum hydrocarbon compounds, is highly soluble in groundwater, and is not readily biodegradable. MtBE plumes can be long, narrow, and erratic. Because of these characteristics, conventional investigation techniques and monitoring well networks currently used at fuel leak sites are generally insufficient to adequately characterize MtBE contamination. Therefore, it is requested that you propose an investigation that will include depth-discrete soil and groundwater sampling to accommodate the dual need to define both the MtBE / oxygenate plume and remaining dissolved-phase fuel components.

Soil and groundwater samples should be collected at 5 foot intervals, areas of obvious contamination, the soil/groundwater interface, and at each lithologic change noted during boring advancement, at a minimum. It is recommended that your investigation incorporate expedited site assessment techniques and borings installed along transects (both parallel and normal to calculated groundwater flow) to define and quantify the full three-dimensional extent of impacts. The borings are to be continuously cored and logged, with close attention paid to changes in lithologies that might facilitate solute transport (e.g., sandy stringers in otherwise fine grained sediments). Detailed cross-sections, fence diagrams, structural contours and isopachs, and rose diagrams for groundwater flow, should be subsequently incorporated into the SWI completion report.

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

Mr. Paul Garg  
Re: 17715 Mission Blvd., Hayward  
February 27, 2003  
Page 3 of 4

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.

### 3. 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, including those caused by MtBE and other oxygenates**, 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.

### TECHINCAL REPORT REQUEST

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

**April 14, 2003** – Work plan for Soil and Water Investigation

**45 Days from Work Plan Approval** – Soil and Water Investigation field work initiated

**60 Days from Completion of Soil and Water Investigation** – Soil and Water Investigation Completion Report

**90 Days after Submittal of Soil and Water Investigation Completion 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.** 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.

Mr. Paul Garg  
Re: 17715 Mission Blvd., Hayward  
February 27, 2003  
Page 4 of 4

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 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, I can be reached at (510) 567-6783.

Sincerely,



Scott O. Seery, CHMM  
Hazardous Materials Specialist

c: Roger Brewer, RWQCB  
Shari Knieriem, SWRCB UST Fund  
Robert Weston, ACDEH CUPA

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



10-17-01

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20257

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

STID 4117

October 15, 2001

Mr. Paul Garg  
ABE Petroleum  
33090 Mission Blvd.  
Union City, CA 94587

**Re: ABE Petroleum LLC at 17715 Mission Blvd., Hayward, CA**

Dear Mr. Garg:

I am in receipt of "Third Quarter 2001 Groundwater Monitoring" dated October 2, 2001 submitted by Mr. Mitch Hajiaghahi, of Sierra Environmental Inc., regarding the above referenced property

Per this report there is some oscillation in concentrations of gasoline constituent in groundwater, similar to previous report, within MW-1, MW-2, and MW-3 wells. Some of the constituents show an increase while others reveal a decrease in the concentrations of the constituents within the plume.

MW-1 well reveals the highest concentration of the constituents except for MTBE. There were 93,000ppb, 8,700ppb, and 4,600ppb of TPHG, Benzene, and MTBE respectively. TPHg and Benzene Concentrations indicate a decrease while MTBE concentration indicates an increase.

There were 42,000ppb TPHG, 2,300ppb benzene, and 2,200ppb MTBE. MW-2 well revealed the same trend as MW-1 for increase and decrease in concentrations of constituents.

MW-3 well indicated up to 30,000ppb TPHG, 3,800ppb benzene, and 5,300ppb of MTBE. MW-3 well revealed the same trend as MW-1 for increase and decrease in concentrations of constituents.

Table 1 within this report indicates groundwater level was measured at 22.56 to 24.78 feet below TOC flowing northwesterly.

I do concur with the work proposed for the next quarter as indicated in the above report as specified by Mr. Hjiaghahi of Sierra Environmental, Inc.

Should you have any questions or comments, please do not hesitate to contact me at (510) 567-6876,

Sincerely,

Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Mitch Hajiaghai, Principal Environmental Consultant, 2084 Alameda Way, Suite 201,  
San Jose, CA 95126  
Mr. Hugh Murphy, City of Hayward Hazardous Materials Office, 777 B Street,  
Hayward, CA 94541  
Files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



08-17-01  
1

RO257

Stid 4117

August 15, 2001

Mr. Paul Garg  
ABE Petroleum  
33090 Mission Blvd.  
Union City, CA 94587

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

**Re: ABE Petroleum LLC at 17715 Mission Blvd., Hayward, CA**

Dear Mr. Garg:

This office is in receipt of "Second Quarter 2001 Groundwater Monitoring" dated July 2, 2001 submitted by Mr. Mitch Hajiaghai, of Sierra Environmental Inc., regarding the above referenced property.

According to this report there is some oscillation in concentrations of gasoline constituent in groundwater within MW-1, MW-2, and MW-3 wells. Most of the constituents show an increase while some reveal a decrease in the concentrations of the constituents within the plume.

MW-1 well represents the well with the highest concentrations of the constituent with 110,000ppb, 7,500ppb, and 3,800ppb of TPHG, Benzene, and MTBE respectively.

MW-2 well revealed 57,000ppb TPHG, 2,500ppb benzene, and 1,800ppb MTBE. MW-3 well indicated up to 35,000ppb TPHG, 4,000ppb benzene, and 4,100ppb of MTBE.

Groundwater level was measured at 22 to 23 feet below TOC flowing northwesterly.

I concur with the work proposed for the next quarter as indicated in the above report as specified by Mr. Hjiaghai of Sierra Environmental, Inc.

If you have any questions or comments, please contact me at (510) 567-6876,

Sincerely,

Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Mitch Hajiaghai, Principal Environmental Consultant, 2084 Alameda Way, Suite 201,  
San Jose, CA 95126  
Mr. Hugh Murphy, City of Hayward Hazardous Materials Office, 777 B Street,  
Hayward, CA 94541  
Files



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



04-24-01

P0257

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

Stid 4117

April 18, 2001

Mr. Paul Garg  
ABE Petroleum  
33090 Mission Blvd.  
Union City, CA 94587

**Re: Required implementation of approved "Preliminary Subsurface Assessment" at 17715 Mission Blvd., Hayward, CA**

Dear Mr. Garg:

I am in receipt of "First Quarter 2001 Groundwater Monitoring" dated April 10, 2001, submitted by Mr. Mitch Hajiaghai, of Sierra Environmental Inc., regarding the above referenced property.

Per this report high concentrations of gasoline constituent still exist in ground water. TPHG, Benzene, and MTBE concentrations were detected highest within MW-1 well at 98,000ppb, 8,600ppb, and 7,600ppb respectively. MW-2 well revealed 47,000ppb TPHG, 3,200ppb benzene, and 3,100ppb MTBE. MW-3 well indicated up to 30,000ppb TPHG, 3,300ppb benzene, and 4,700ppb of MTBE. While this reveals a decrease in TPHG concentrations in all wells, there is a significant increase in the concentration of MTBE in all wells.

Groundwater level was measured at 20 to 21 feet below TOC flowing northwesterly. However the speed of groundwater flow was not calculated.

I concur with the work proposed for the next quarter as indicated in the above report by Mr. Hajiaghai of Sierra Environmental, Inc. However, there is a need to further investigate the increase in the concentration of MTBE up to and including the use of some active remediation process in order to delineate and prevent/contain the plume from traveling off-site should this increase in MTBE concentration trend continue.

Please contact me at (510) 567-6876, if you have any questions or comments,

Sincerely,

Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Mitch Hajiaghai, Principal Environmental Consultant, 2084 Alameda Way, Suite 201,  
San Jose, CA 95126  
Mr. Hugh Murphy, City of Hayward Hazardous Hazardous Materials Office, 777 B Street,  
Hayward, CA 94541  
Files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



02-21-01

P0257

Stid 4117

February 16, 2000

Mr. Paul Garg  
ABE Petroleum  
33090 Mission Blvd.  
Union City, CA 94587

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

**Re: Required implementation of approved "Preliminary Subsurface Assessment" at 17715 Mission Blvd., Hayward, CA**

Dear Mr. Garg:

This office is in receipt of a copy of "Preliminary Subsurface Assessment" dated August 31, 2000, submitted by Mr. Mitch Hajiaghahi, of Sierra Environmental Inc., regarding the above referenced property.

According to this report high concentrations of gasoline constituent were detected in soil and ground water samples at MW-1. MW-2 area showed some high constituents in ground water as well. TPHG and Benzene and MTBE included highest at MW-1 water sample at 280,000ppb, 10,000ppb, and 4,000ppb respectively. While MW-2 well indicated 290,000ppb TPHG, 3,700ppb benzene, and ND ppb of MTBE. MW-3 well indicated up to 46,000ppb TPHG, 3,200ppb benzene, and 2,200ppb of MTBE.

Flow gradient is to the northwest per figure 3 within this report.

I concur with the work proposed for the next quarter as indicated in the above report by Mr. Hajiaghahi of Sierra Environmental, Inc.

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

Sincerely,

Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Mitch Hajiaghahi, Principal Environmental Consultant, 2084 Alameda Way, Suite 201,  
San Jose, CA 95126  
Files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Sent 1/5/00  
Including cc's

00257

Stid 4117

January 4, 2000

Mr. Paul Garg  
ABE Petroleum  
33090 Mission Blvd.  
Union City, CA 94587

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

**Re: Required implementation of approved "Preliminary Subsurface Assessment" at 17715 Mission Blvd., Hayward, CA**

Dear Mr. Garg:

This office received and approved a workplan for "Preliminary Subsurface Assessment" (PSA) submitted by Mr. Mitch Hajiaghaj, of Sierra Environmental Inc., regarding the above referenced property. The workplan was generally acceptable and was to be implemented upon approval by this office. However, this office has not received any indication that the approved PSA is actually being implemented.

Please be advised that once the PSA proposal is approved, fieldwork must commence within 60 days. You should have commenced fieldwork by September 19<sup>th</sup>, 1999. A report must be submitted within 45 days after the completion of this phase of work at the site. Subsequent reports are to be submitted quarterly until this office approves a change in sampling frequency or the site qualifies for closure. Such quarterly reports are due the first day of the second month of each subsequent quarter.

The referenced initial and quarterly reports must describe the status of the investigation and must include, among others, the following elements:

- Details and results of all work performed during the designated period of time: records of field observations and data, boring and well construction logs, water level data, chain-of-custody forms, laboratory results for all samples collected and analyzed, tabulations of free product thicknesses and dissolved fractions, etc.
- Status of groundwater contamination characterization
- Interpretations of results: water level contour maps showing gradients, free and dissolved product, plume definition maps for each target component, geologic cross sections, etc.
- Recommendations or plans for additional investigative work or remediation

Please be advised that the City of Hayward will oversee any work relating to the 1998 UST upgrade requirements. However, this office will oversee any contaminated soil or groundwater that is generated from this work.

The State Water Resources Control Board manages an Underground Storage Tank Cleanup Fund (Fund) to help eligible Responsible Parties to obtain reimbursement for costs of investigating and remediating releases from petroleum underground storage tanks. You are encouraged to apply. To obtain an Application Package, contact the Fund at the following:

State Water Resources Control Board  
Division of Clean Water Programs  
UST Cleanup Fund  
P.O. Box 944212  
Sacramento, CA 944212  
Telephone: (916)227-4307

You are also advised to contact Cheryl Gordon at (916)-227-4539 with any questions regarding State Trust fund.

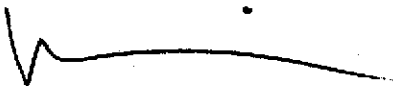
Please be advised that this is a formal request for a work plan implementation pursuant to Section 2722(c)(d) of Title 23 California Code of Regulations. Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or RWQCB.

Additionally, there were several issues, which should be considered on the approved plan per my letter, dated August 19<sup>th</sup>, 1999 including:

- Ensure proper screening of the wells during the monitoring well development.
- Pending the groundwater and soil samples laboratory analysis, more investigation might be required to further delineate the soil/groundwater contamination.
- A representative of this office is to be present during the soil and groundwater sampling events. Please inform this office several days prior to the actual sampling events.
- Test for the presence of other oxygenated contaminants such as those of TAME, DIPE, ETBE, TBA, EDB, and EDC at least once to ensure absence of the indicated constituents per Cal /EPA and Regional Water Quality Control Board (RWQCB) guidelines.

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

Sincerely,



Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Mitch Hajiaghai, Principal Environmental Consultant, 2084 Alameda Way, Suite 201,  
San Jose, CA 95126  
Files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



1

R0257

Stid 4117

August 19, 1999

Mr. Paul Garg  
ABE Petroleum  
33090 Mission Blvd.  
Union City, CA 94587

ENVIRONMENTAL HEALTH SERVICES

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

**Re: Workplan for Preliminary Subsurface Assessment at 17715 Mission Blvd., Hayward, CA**

Dear Mr. Garg:

This office is in receipt of the "Workplan for Preliminary Subsurface Assessment" submitted by Mr. Mitch Hajiaghahi, of Sierra Environmental Inc., regarding the above referenced site. The workplan is generally acceptable. However, there are several issues, which must be discussed:

- Ensure proper screening of the wells during the monitoring well development.
- Pending the groundwater and soil samples laboratory analysis, more investigation might be required to further delineate the soil/groundwater contamination.
- A representative of this office is to be present during the soil and groundwater sampling events. Please inform this office several days prior to the actual sampling events.
- Test for the presence of other oxygenated contaminants such as those of TAME, DIPE, ETBE, TBA, EDB, and EDC at least once to ensure absence of the indicated constituents per Cal /EPA and Regional Water Quality Control Board (RWQCB) guidelines.

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) 567-6876.

Sincerely,

Amir K. Gholami, REHS  
Hazardous Materials Specialist

C: Mr. Mitch Hajiaghahi, Principal Environmental Consultant, 2084 Alameda Way, Suite 201,  
San Jose, CA 95126  
Files

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0257

Stid 4117

August 19, 1999

Mr. Paul Garg  
ABE Petroleum  
33090 Mission Blvd.  
Union City, CA 94587

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

**Re: property at 17715 Mission Blvd., Hayward, CA**

Dear Mr. Garg:

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: 17715 Mission Blvd., Hayward

August 19, 1999

Page 2 of 2

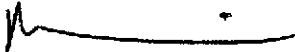
In accordance with Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code, you must certify to the local agency that all current record owners of fee title to the site have been informed of the proposed action before the local agency may do any of the following:

- 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: 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



R0257

RAFAT A. SHAHID, Assistant Agency Director

October 29, 1992

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

Mr. Som Gupta  
Olympic Station  
33090 Mission Blvd  
Union City, CA 94587

**Re: Five-year Permit to operate and Underground Storage Tank (UST) Regulations, Olympic Station, 17715 Mission Blvd, Hayward, CA 94541**

Dear Mr. Gupta:

This letter is in regard to the inspection made on October 29, 1992, at the above facility. This inspection was performed in order to bring your facility into compliance, inform you of new requirements of UST regulations, and issue a five year Permit to operate your underground storage tanks. Please submit the following items:

- 1- A statement indicating that all your inventory Reconciliation variations for the last year and this year up to now were within the "allowable variations" ( see item 3 next page for further explanation of the allowable variations)
- 2- Copies of all tanks and piping tightness test results for this and the last year .
- 3- All items requested in the previous letter regarding five-year permit to operate your tanks.

Furthermore, please be advised that Title 23 of the California Code of Regulations (CCR) requires compliance for the following items:

- 1) As of January 1, 1993, manual stick readings can not be used as an inventory reconciliation method for UST containing hazardous materials if the distance from the bottom of the tank to ground water is less than 20 feet [see section 2646(b)]. In which case, you must either seek an alternative method of stick reading, such as automatic level sensing, or use Statistical Inventory Reconciliation (SIR). A Level Sensor is an in-tank device which automatically measures fuel inventory in your tank. The SIR method involves the use of statistical software to conduct computerized analysis of the data you collect from your stick readings. Statistical Inventory Reconciliation is performed by independent third-party companies. The names of companies which perform SIR can be obtained from this office.

Mr. Gupta  
October 29, 1992  
Page 2 of 3

However, if the distance from the bottom of your tank(s) to ground water is more than 20 feet, you can still use stick readings for inventory reconciliation until December 22, 1998.

2) As of January 1, 1992, you are required to submit inventory reconciliation data on an annual basis. [see section 2646(j)] (requirements for submission of quarterly summaries were dropped).

3) The owner or operator of the UST shall notify this office and the State Water Resources Board within 24 hours if monthly variation of inventory reconciliation exceeds the legally allowed variation (1% of monthly deliveries + 130 gallons). Furthermore, the following must be completed to investigate the cause of excessive monthly variation:

- the inventory reconciliation calculations must be checked for any arithmetic errors within 24 hours
- a trained individual must inspect the readily accessible underground tank systems for any leakage within 24 hours.
- the dispensing meters must be checked for proper calibration
- if completion of any of these steps indicates that the monthly variation of inventory reconciliation is still within the legal limit or apparent excessive variation is not due to a release or tank failure, then the remainder of the steps need not be completed.
- continue to conduct daily inventory reconciliation.
- If the next month's variation in inventory reconciliation also exceeds the legally allowed variation, then it is assumed that an unauthorized release has occurred. In that case, additional investigation and tests, such as tank and piping tightness tests, may be required [see section 2646(j)&(k)].

4) The owner or operator of underground fuel tank(s) must prevent spilling or overfilling during fuel delivery. Before receiving fuel, measure tank(s) volumes using a fuel measuring stick or automatic tank level sensor (described in item 1 above) to ensure that tank(s) has more available space than volume of product, which is to be transferred into the tank(s). Furthermore, fuel delivery operation must be constantly monitored. [see section 2663(b)]

5) Written records of all monitoring and maintenance performed shall be kept for a period of at least three years. These records must be made available upon request, no later than 36 hours, to a representative of this office [see section 2712(b)].

Mr. Gupta  
October 29, 1992  
Page 3 of 3

6) As of December 22, 1990, all underground pressurized piping had to be equipped with automatic line leak detectors. If your pressurized piping is not equipped with such device, contact this office for installation of "approved leak detectors".[see section 2664 (c)]

7) The owner or operator of underground fuel tank(s) shall by December 22, 1998, retrofit all underground tanks and pipings with secondary containments or provide both interior lining and exterior cathodic protection. Cathodic protection is required only if your tank or piping is made of steel [see section 2662, 2664].

8) The owner or operator of all underground fuel tanks shall provide Spill and overflow prevention equipment by December 22, 1998.[see section 2663]

Contact this office Prior to any repair or upgrade of your underground tank or piping. Consult Title 23, CCR for additional requirements. To obtain a copy of these regulations, contact the State Water Resources Control Board at (916)-739-4436.

If you have any questions in regard to new requirements and or items requested, please contact me at (510)-271-4320.

Sincerely,



Amir K. Gholami, REHS  
Hazardous Materials Specialist

CC: files

USTREGOLD

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0257

RAFAT A. SHAHID, Assistant Agency Director

September 24, 1992

Mr. Pawan K. Grag  
Olympic Gas Station  
17715 Mission Blvd  
Hayward, CA 94541

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

Re: **FIVE-YEAR PERMITS FOR OPERATION OF  
UNDERGROUND STORAGE TANK(S) [USTs] AT 17715  
Mission Blvd, Hayward, CA 94541**

This is in regard to a letter which was sent to you in the past. In that letter you were asked to submit to this office all pertinent information regarding your underground storage tank(s). This information is necessary for permitting of your tanks. To this date this office has not received any response from you. Please complete the following items and return them to me within 30 days:

1. Complete UST PERMIT FORM A-one per facility.
2. Complete UST PERMIT FORM B-one per tank.
3. Complete UST PERMIT FORM C-one per tank if information is available.
4. A written tank monitoring plan.
5. Results of precision tank test(s) (initial and annual).
6. Results of precision pipeline leak detector tests (initial and annual).
7. An accurate and complete plot plan.
8. A written spill response plan.
9. A copy of your inventory reconciliation data for the last three months [if this method is used to monitor your tank(s)].

Forms A, B, and C as well as examples of items 4, 7, and 8 indicated above were provided to you in the first letter.

Please be advised that Title 23 of the California Code of Regulation prohibits the operation of ANY UST without a permit. Please feel free to contact me at (510) 271-4320, if you have any questions regarding the mandatory five-year permit process.

Sincerely,

Amir K. Gholami, REHS  
Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney,  
Rafat Shahid, Assistant Agency Director, Alameda County  
Department of Environmental Health  
Ed Howell-files

5YRNOV1

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0257

RAFAT A. SHAHID, Assistant Agency Director

September 24, 1992

Mr. Pawan K. Grag  
Olympic Gas Station  
17715 Mission Blvd  
Hayward, CA 94541

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

**Re: New Requirements of Underground Storage Tank (UST)  
Regulations, Olympic Gas Station, 17715 Mission Blvd,  
Hayward, CA 94541**

Dear Mr. Pawan:

This letter is in regard to the inspection made on September 23, 1992, at the above facility. This inspection was performed in order to bring your facility into compliance and inform you of new requirements of UST regulations. Please submit your inventory Reconciliation data for the last three months as well as copies of all tanks and piping tightness test results for this year within 30 days. In addition, submit all items requested in the previous letter regarding five-year permit to operate your tanks within 30 days. Furthermore, please be advised that Title 23 of the California Code of Regulations (CCR) requires compliance for the following items:

- 1) As of January 1, 1993, manual stick readings can not be used as an inventory reconciliation method for USTs containing hazardous materials if the distance from the bottom of the tank to ground water is less than 20 feet [see section 2646(b)]. In which case, you must either seek an alternative method of stick reading, such as automatic level sensing, or use Statistical Inventory Reconciliation (SIR). A Level Sensor is an in-tank device which automatically measures fuel inventory in your tank. The SIR method involves the use of statistical software to conduct computerized analysis of the data you collect from your stick readings. Statistical Inventory Reconciliation is performed by independent third-party companies. The names of companies which perform SIR can be obtained from this office.

However, if the distance from the bottom of your tank(s) to ground water is more than 20 feet, you can still use stick readings for inventory reconciliation until December 22, 1998.

- 2) As of January 1, 1992, you are required to submit

Mr. Pawan  
September 24, 1992  
Page 2 of 3

inventory reconciliation data on an annual basis.  
[see section 2646(j)] (requirements for submission  
of quarterly summaries were dropped).

- 3) The owner or operator of the UST shall notify this office and the State Water Resources Board within 24 hours if monthly variation of inventory reconciliation exceeds the legally allowed variation (1% of total deliveries + 130 gallons). Furthermore, the following must be completed to investigate the cause of excessive monthly variation:
- the inventory reconciliation calculations must be checked for any arithmetic errors within 24 hours.
  - a trained individual must inspect the readily accessible underground tank systems for any leakage within 24 hours.
  - the dispensing meters must be checked for proper calibration
  - if completion of any of these steps indicates that the monthly variation of inventory reconciliation is still within the legal limit or apparent excessive variation is not due to a release or tank failure, then the remainder of the steps need not be completed.
  - continue to conduct daily inventory reconciliation.
  - If the next month's variation in inventory reconciliation also exceeds the legally allowed variation, then it is assumed that an unauthorized release has occurred. In that case, additional investigation and tests, such as tank and piping tightness tests, may be required [see section 2646(j)&(k)].
- 4) The owner or operator of underground fuel tank(s) must prevent spilling or overfilling during fuel delivery. Before receiving fuel, measure tank(s) volumes using a fuel measuring stick or automatic tank level sensor (described in item 1 above) to ensure that tank(s) has more available space than volume of product, which is to be transferred into the tank(s). Furthermore, fuel delivery operation must be constantly monitored. [see section 2663(b)]
- 5) Written records of all monitoring and maintenance performed shall be kept for a period of at least three years. These records must be made available upon request, no later than 36 hours, to a representative of this office [see section 2712(b)].
- 6) The owner or operator of underground fuel tank(s) shall, by December 22, 1998, retrofit all underground tanks and pipings with secondary containments or provide both

Mr. Pawan  
September 24, 1992  
Page 3 of 3

interior lining and exterior cathodic protection. Cathodic protection is required only if your tank or piping is made of steel [see section 2662, 2664].

- 7) The owner or operator of all underground fuel tanks shall provide Spill and overfill prevention equipment by December 22, 1998. [see section 2663]

Contact this office Prior to any repair or upgrade of your underground tank or piping. Consult Title 23, CCR for additional requirements. To obtain a copy of these regulations, contact the State Water Resources Control Board at (916)-739-4436.

If you have any questions in regard to new requirements and or items requested, please contact me at (510)-271-4320.

Sincerely,



Amir K. Gholami, REHS  
Hazardous Materials Specialist

CC: Rafat A. Shahid, Assistant Agency Director, Alameda County  
Environmental Health Department  
Ed Howell-Files

USTREGOLD

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0685 (115 S. Vasco)  
R0257 (17715 Mission)

February 20, 1991

Don Goff  
Diablo Auto Parts/Bay Cities Enterprises, Inc.  
383 Diablo Rd., Suite 100  
Danville CA 94526

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

RE: "Auto and Truck Fuel"  
17715 Mission Blvd., Hayward 94541  
115 Vasco Rd., Livermore

Dear Mr. Goff:

During your Citation Hearing with the Alameda County District Attorney, we discussed violations noted during inspections of your premises by this agency. We also discussed dates by which you will have taken corrective actions. Below is a summary of the deadlines established at the hearing:

March 1, 1991 - Hazardous Materials Management Plan (HMMP) for Vasco Road station will be completed and submitted to this office.

March 19, 1991 - Interim Permit to operate the fuel tanks at the Mission Blvd. station expires. In order to be eligible to obtain a 5 year permit, you must have completed precision tank tests on each of the three underground fuel storage tanks onsite. This office must be provided assurance that these tests have been completed. You must also provide one month's daily inventory reconciliation records and the past year's quarterly summary reports by this date. The HMMP for the Mission Blvd. station is also due in my office by March 19.

April 19, 1991 - Interim Permit to operate the fuel tanks at the Vasco Rd. station expires. In order to obtain a 5 year permit, you must have completed precision tanks for the tanks at this facility and have provided assurance to this office that the tests have been done. Also submit one month's daily inventory records and quarterly summary reports for the past year.

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

Sincerely,

Pamela J. Evans  
Hazardous Materials Specialist

c: Gil Jensen, Alameda County District Attorney's Office



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0257

Certified: P 062 128 355

January 15, 1991

Lou Goff  
Bay Cities Enterprises, Inc.  
383 Diablo Rd., Suite 100  
Danville CA 94526

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

RE: Auto Gas, 17715 Mission Blvd., Hayward 94541  
FINAL NOTICE OF VIOLATION

Dear Mr. Goff:

On January 14, 1991, we discussed the above referenced business, owned by Bay Cities Enterprises. This office has issued three Notices outlining violations of the California Health and Safety Code and the California Code of Regulations. A Notice of Citation Hearing was issued December 19, 1990. In August, after two Notices had been sent to your business address in Danville, I was instructed by Mark Scott, apparently employed by Gene Overstreet, that I should address any future correspondence to Gene Overstreet at an address in Castro Valley. Based on Mr. Scott's information, the Final Notice of Violation, and the Hearing Notice were directed to Gene Overstreet at a Castro Valley address.

To date I have received none of the required information or documents specified in the Notices. Attached is the Final Notice of Violation, reissued and dated January 15, 1991. Please note the compliance deadline of January 30, 1991 for the submission of the quarterly inventory variation summary, the precision tank test results, and the Hazardous Materials Management Plan. If you do not respond by this date, I will refer this matter to the Alameda County District Attorney's Office. Note that the Health and Safety Code provides for imposition of civil penalties for failure to comply with the sections cited in the Notice.

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

Sincerely,

A handwritten signature in cursive script that reads "Pamela J. Evans". The signature is written in black ink and is positioned above the typed name and title.

Pamela J. Evans  
Hazardous Materials Specialist

Enclosure

c: Gil Jensen, Alameda County District Attorney's Office  
Tajul Majumder, Auto Gas  
Gene Overstreet

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0257

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

January 15, 1991

Lou Goff  
Bay Cities Enterprises, Inc.  
383 Diablo Rd., Suite 100  
Danville CA 94526

RE: Auto Gas, 17715 Mission Blvd., Hayward 94541

**FINAL NOTICE OF VIOLATION**

Dear Mr. Goff:

On June 8, 1990, I inspected your premises. During this inspection, I noted violations of the California Health and Safety Code and the California Code of Regulations, Title 23. Bay Cities Enterprises was issued a Notice of Violation on June 13, 1990. Documents and information pertaining to the violations were to have been submitted by July 9, 1990. As of July 30, 1990, this office had received nothing from your company, and a Second Notice of Violation was issued. On August 3, 1990, a person named Mark Scott, apparently employed by your accountant, Gene Overstreet, contacted me. He stated that I should address any correspondence to Gene Overstreet at an address in Castro Valley. Mr. Scott also agreed to supply this office with a timetable for correcting the violations. Since his call, no documents have been submitted to this office.

A Final Notice of Violation was issued on October 15, 1990, and addressed to Gene Overstreet in Castro Valley. On December 26, 1990, Gene Overstreet contacted me regarding a Notice of Citation Hearing that had been scheduled for January 14, 1991 with the Alameda County District Attorney's Office. He stated that he is not an owner or operator of the Autogas operation.

Violations noted on June 8, 1990 include:

1. Section 2644 (e), CCR - No quarterly statement of fuel tank inventory monitoring data variations has been submitted. No daily reconciliation records were available for inspection. These statements must be submitted to this office on a quarterly basis.
2. Section 2643 (e), CCR - Tank leak detection test (precision tank test) results have not been provided to this agency. Upon completion of the leak detection test, the tank owner must provide a report of the results to this office.

Lou Goss  
Bay Cities Enterprises, Inc.  
January 15, 1991  
Page 2 of 2

3. Section 25503.5 (a) and 25505 (a), HSC - No Hazardous Materials Management Plan has been submitted to this office. Businesses handling hazardous materials are required to prepare, implement, and submit an HMMP. I provided a blank form with attached instructions to the station manager at the time of the inspection. Enclosed is a revised HMMP form.

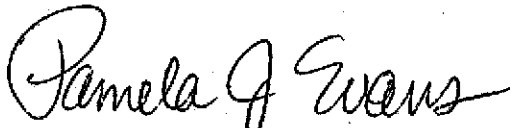
4. Section 25504 (c), HSC - The manager and the employee on duty at the time of the inspection were unaware of the existence of any release response plan for the facility. Neither of them recalled receiving any specific instruction on mitigating an actual or threatened release or on evacuating the site in case of an emergency. Neither employee was aware of any obligation to notify the local agency of an actual or threatened release. Hazardous Materials Management Plan implementation must include familiarizing employees with the elements specified above.

**You are required to submit last quarter's inventory variation summary, the results of the last three precision tank tests for the tanks and piping, and the completed HMMP, by January 30, 1991.**

Please note that Section 25514 of the Health and Safety Code states that businesses in violation of Sections 25503.5 through 25505 shall be liable for civil penalties of up to \$2000 per day. As well, Section 25299 states that any owner or operator of an underground tank system shall be liable for civil penalties of not less than \$500 per day for violation of regulations adopted for the purpose of enforcing Chapter 6.7 of the Health and Safety Code (Underground Storage of Hazardous Substances).

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

Sincerely,



Pamela J. Evans  
Hazardous Materials Specialist

Enclosure

c: Gil Jensen, Alameda County District Attorney's Office  
Tajul Majumder, Auto Gas

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0257

October 15, 1990

Gene Overstreet  
Bay Cities Enterprises, Inc.  
21119 Redwood Rd. #9  
Castro Valley CA 94546

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

RE: Auto Gas, 17715 Mission Blvd., Hayward 94541

**FINAL NOTICE OF VIOLATION**

Dear Mr. Overstreet:

On June 8, 1990, I inspected your premises. During this inspection, I noted violations of the California Health and Safety Code and the California Code of Regulations, Title 23. Bay Cities Enterprises was issued a Notice of Violation on June 13, 1990. Documents and information pertaining to the violations was to have been submitted by July 9, 1990. As of July 30, 1990, this office had received nothing from your company, and a Second Notice of Violation was issued. On August 3, 1990, a Bay Cities Enterprises employee named Mark contacted me and stated that you are now the responsible party for this site. He also agreed to supply this office with a timetable for correcting the violations. Since his call, no documents have been submitted to this office. There has been no further contact of any kind.

Violations noted on June 8, 1990 include:

1. Section 2644 (e), CCR - No quarterly statement of fuel tank inventory monitoring data variations has been submitted. No daily reconciliation records were available for inspection. These statements must be submitted to this office on a quarterly basis.
2. Section 2643 (e), CCR - Tank leak detection test (precision tank test) results have not been provided to this agency. Upon completion of the leak detection test, the tank owner must provide a report of the results to this office.
3. Section 25503.5 (a) and 25505 (a), HSC - No Hazardous Materials Management Plan has been submitted to this office. Businesses handling hazardous materials are required to prepare, implement, and submit an HMMP. I provided a blank form with attached instructions to the station manager at the time of the inspection. Enclosed is a revised HMMP form.

Gene Overstreet  
Bay Cities Enterprises, Inc.  
October 15, 1990  
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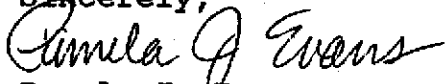
4. Section 25504 (c), HSC - The manager and the employee on duty at the time of the inspection were unaware of the existence of any release response plan for the facility. Neither of them recalled receiving any specific instruction on mitigating an actual or threatened release or on evacuating the site in case of an emergency. Neither employee was aware of any obligation to notify the local agency of an actual or threatened release. Hazardous Materials Management Plan implementation must include familiarizing employees with the elements specified above.

You are required to submit last quarter's inventory variation summary, the results of the last two precision tank tests for the tanks and piping, and the completed HMMP, by October 25, 1990.

Please note that Section 25514 of the Health and Safety Code states that businesses in violation of Sections 25503.5 through 25505 shall be liable for civil penalties of up to \$2000 per day. As well, Section 25299 states that any owner or operator of an underground tank system shall be liable for civil penalties of not less than \$500 per day for violation of regulations adopted for the purpose of enforcing Chapter 6.7 of the Health and Safety Code (Underground Storage of Hazardous Substances).

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

Sincerely,



Pamela J. Evans  
Hazardous Materials Specialist

Enclosure

c: Gil Jensen, Alameda County District Attorney's Office  
Tajul Majumder, Auto Gas

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0257

Certified Mailer # P 062 128 222

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

July 30, 1990

Lou Martin  
Bay Cities Enterprises, Inc.  
383 Diablo Rd., Suite 100  
Danville CA 94526

RE: Auto Gas, 17715 Mission Blvd., Hayward, 94541

**SECOND NOTICE OF VIOLATION**

Dear Mr. Martin:

On June 8, 1990, I inspected your premises. During this inspection, I noted violations of the California Health and Safety Code and California Code of Regulations, Title 23. You were issued a Notice of Violation on June 13, 1990 and instructed to submit documents and information pertaining to the violations by July 9, 1990. To date, no submissions from your organization have been received by this office.

Violations noted on June 8, 1990 include:

1. Section 2644 (e), CCR - No quarterly statement of fuel tank inventory monitoring data variations has been submitted to this agency. No daily reconciliation records were available for inspection. These statements are required to be submitted to this office on a quarterly basis.
2. Section 2643 (e), CCR - Tank leak detection test results have not been provided to this agency. Upon completion of the leak detection test, the tank owner must provide a report of the results to this office.
3. Section 25503.5 (a) and 25505 (a), H&SC - No Hazardous Materials Release Response Plan has been submitted to this agency. Businesses that handle hazardous materials are required to prepare, implement, and submit a Business Plan to this office. A blank plan form with attached instructions was provided to the station manager at the time of the inspection.
4. Section 25504 (c) - The station manager and the employee on duty at the time of inspection were unaware of the existence of any release response plan. Neither of them recalled receiving any specific instruction on mitigating an actual or threatened release or on evacuating the site. Neither employee was aware

July 30, 1990

Lou Martin

Bay Cities Enterprises, Inc.

RE: Auto Gas, 17715 Mission Blvd., Hayward, 94541

Page 2 of 2

of any obligation to notify the local agency of an actual or threatened release. Business Plan implementation must include familiarizing employees with the elements specified above.

You must submit last quarter's variation summary, the latest leak detection test results for the tanks and piping, and the completed Business Plan by August 10, 1990.

Please note that section 25514 of the Health and Safety Code states that business in violation of sections 25503.5 to 25505 shall be liable for civil penalties of up to \$2000 per day. As well, section 25299 states that any owner or operator of an underground tank system shall be liable for civil penalties of not less than \$500 per day for violation of regulations adopted for the purpose of enforcing Chapter 6.7 of the Health and Safety Code (Underground Storage of Hazardous Substances).

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  
Tajul Majumder, Auto Gas

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0257

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

June 13, 1990

Lou Martin  
Bay Cities Enterprises, Inc.  
383 Diablo Rd., Suite 100  
Danville CA 94526

RE: Auto Gas, 17715 Mission Blvd., Hayward, 94541

**NOTICE OF VIOLATION**

Dear Mr. Martin:

On June 8, Hazardous Materials Specialist Pamela Evans of this office inspected your premises. During this inspection, Ms. Evans noted the following violations of the California Health and Safety Code and California Code of Regulations, Title 23:

1. Section 2644 (e), CCR - No quarterly statement of underground fuel tank inventory monitoring data variations has been submitted to this agency. No daily reconciliation records were available for inspection. These statements are required to be submitted to this office on a quarterly basis.
2. Section 2643 (e), CCR - Tank leak detection test results have not been provided to this agency. Upon completion of the leak detection test, the tank owner must provide a report of the results to this office.
4. Section 25503.5 (a) and 25505 (a), H&SC - No Hazardous Materials Release Response Plan has been submitted to this agency. Businesses that handle hazardous materials are required to prepare, implement, and submit a Business Plan to this office. A blank plan form with attached instructions was provided to the station manager at the time of the inspection.
5. Section 25504 (c) - The station manager and the employee on duty at the time of inspection were unaware of the existence of any release response plan. Neither of them recalled receiving any specific instruction on mitigating an actual or threatened release or evacuating the site. Neither employee was aware of any obligation to notify the local agency of an actual or threatened release. Business Plan implementation must include familiarizing employees with the elements specified above.



June 13, 1990

Lou Martin

Bay Cities Enterprises, Inc.

RE: Auto Gas, 17715 Mission Blvd., Hayward, 94541

Page 2 of 2

You must submit last quarter's variation summary, the latest leak detection test results for the tanks and piping, and the completed Business Plan by July 9th, 1990. You may contact Hazardous Materials Specialist Pamela Evans with any questions at 271-4320.

Sincerely,



Edgar B. Howell, Chief  
Hazardous Materials Division

EBH:PJE

c: Gil Jensen, Alameda County District Attorney's Office