

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



11 24-03

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

November 24, 2003

Ms. Diane Frizzie  
P.O. Box 2293  
Flournoy, CA 96029-2293

Dear Ms. Frizzie:

Subject: Fuel Leak Case RO0000301, 1115 21<sup>st</sup> St., Oakland, CA 94607

Alameda County Environmental Health, Local Oversight Program (LOP) staff has reviewed the case file for the subject site including the November 2003 *A Work Plan for a Limited Site Assessment in the Area of a Former 500-Gallon Underground Storage Tank* prepared by Environmental Technical Services (ETS). We request that you address the following technical comments when performing the proposed work.

TECHNICAL COMMENTS

1. The work plan proposes to collect one to four borings to assess soil and groundwater impact. It appears that a minimum of three borings will be required to complete this investigation, one each beneath the former dispenser and product line (as it exited the building) and one in the area of former boring VSP-1. Soil borings should be examined and screened to determine which boring depths should be analyzed in the laboratory. Using this approach, a soil sample from surface to 4' depth will be collected from the dispenser and product line locations. The boring near former boring VSP-1 shall be advanced to minimum depth of 3' below groundwater. Minimally, one soil sample at a depth of approximately 10' bgs shall be collected for laboratory analysis from this boring. In all borings, feel screening results and determination of the vertical extent of contamination should dictate the need to collect more than one soil sample per boring for chemical analysis. A groundwater sample shall be collected from the deeper boring for chemical analysis. All soil and groundwater samples should be analyzed for total petroleum hydrocarbons as gasoline (TPHg), benzene, toluene, ethyl benzene, xylenes (BTEX) and MTBE, TAME, ETBE, DIPE, TBA, EDB and EDC using EPA Method 8260. The presence of groundwater contamination in the deep boring sample shall dictate whether the other two borings (FB-1 and FB-2) will be advanced. If advanced, soil and groundwater samples should be collected from these borings.
2. The disposition of the initial overburden and over-excavation soils, estimated as being approximately 18 cubic yards, must be documented with proof of disposal. Please submit a copy of the disposal receipt.

If you have any questions, please contact me at (510) 567-6765.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

C: B. Chan, D. Drogos  
Ms. H. Mawhinney, ETS, 1548 Jacob Ave., San Jose, CA 95188  
Wpap1115 21st St.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



11-21-01

November 20, 2001  
StID 4619/RO0000301

Mr. Thomas Frizzie  
P.O. Box 20606  
El Sobrante, CA 94820

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

**Re: Request for Work Plan for Subsurface Investigation at 1115 21<sup>st</sup> St.,  
Oakland, CA 94607**

Dear Mr. Frizzie:

Our office last spoke to you on May 17, 2001 regarding the need to perform a subsurface investigation at the referenced site to follow up the 1993 underground tank removal. I faxed you a short list of consultants who would be able to give you a bid for a work plan to perform this work. We have not heard from you since this time. During our conversation, you were made aware of the Notice of Violations that have been sent regarding this site. It was assumed that you would proceed with this investigation to avoid potential legal enforcement.

**Please submit a work plan for soil and groundwater investigation within 30 days or no later than December 21, 2001. Your case will be referred to the Alameda County District Attorney office if you do not comply.**

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. Torrance, Alameda County District Attorney Office  
Wprq1115 21st St

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



05-0401

20301

May 4, 2001  
StID # 4619

Messrs. Frank and Donald Frizzie  
2800 Goodrick Ave.  
Richmond CA 94801

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

**Re: Submittal of Groundwater Investigation Work Plan for 1115 21<sup>st</sup> St.,  
Oakland CA 94607, former Frank's Tire Service**

Dear Messrs. Frizzie:

Our office would like to give you a final opportunity to provide and perform a groundwater investigation for the former gasoline tank at the above referenced site. Subsequent to the removal of the 500 gallon gasoline tank at this site on 11/23/93 and tank pit over-excavation on 5/6/94, our office contacted you via three letters from two different individuals from our office. These letters include the following:

- August 14, 1995 letter from Ms. Jennifer Eberle
- January 16, 1996 Notice of Violation letter from Mr. Dale Klettke
- August 21, 1996 Final Notice of Violation letter from Mr. Dale Klettke

Each letter reiterated the need to perform a groundwater investigation. Though the over-excavation appears to have removed most of the petroleum contamination, there is a potential that groundwater may have been impacted. In addition, prior to recommending site closure, the State Water Resources Control Board (SWRCB) requires that a groundwater sample be analyzed for the contaminant, MTBE, methyl tertiary butyl ether. Therefore, a groundwater sample should be collected and analyzed for total petroleum hydrocarbons as gasoline (TPHg), BTEX (benzene, toluene, ethyl benzene and xylenes) and MTBE. Given that a significant amount of the contaminated soil has been removed and the time since the tank removal, it is possible that this investigation may allow for site closure.

Since the site history indicates your unwillingness to perform the requested investigation, the failure to provide the requested work plan will cause this case to be referred to the Alameda County District Attorney Office for enforcement. **Please provide an acceptable work plan within 30 days or no later than June 4, 2001.**

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

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

C: B. Chan, files  
Mr. M. O'Conner, Alameda County District Attorney Office

SS1rq1115 21st

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



70301

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

STID 4619

August 21, 1996

Frank & Don Frizzie  
2800 Goodrick Avenue  
Richmond, CA 94801

**"FINAL NOTICE OF VIOLATION"**

RE: FRANK'S TIRE SERVICE, 1115 - 21ST STREET, OAKLAND, CA 94607

Dear Mr. and Mr. Frizzie,

This letter serves to follow-up to a Alameda County Health Care Services Agency (ACHCSA) letter from myself dated January 19, 1996. In this letter you were requested to **submit a work plan for groundwater investigation within 30 days, or by February 19, 1996**. You were also requested to **submit proper documentation for the disposal of the stockpiled soils within 30 days, or by February 19, 1996**. No groundwater investigation work plan or any documentation pertaining to the disposal of the stockpiled soils has been received by this office. A copy of this letter is enclosed for your review.

**At this time you are directed to submit a work plan for groundwater investigation within 30 days of the date of this letter or by September 21, 1996. In addition, you re directed to submit proper documentation for the disposal of the stockpiled soils within 30 days of the date of this letter or by September 21, 1996.**

Please be advised that failure to satisfy this request will result in the referral of this case to the Alameda County District Attorneys Office. **This letter constitutes a formal request for technical reports pursuant to California Water Code Section 13267(b) and Health and Safety Code Sections 25299.37 and 25299.7.** Please be further advised that Section 25299(b) of the California Health and Safety Code, among other possible statutes, provides for civil penalties of up to \$5000 per tank per day for failure to comply with this directive.

Please call me at your earliest convenience concerning this matter. Failure to reply to this request may subject you to additional penalties under the Water Code. Please contact me at 510/567-6880 should you have any questions about the content of this letter.

Sincerely,

Dale Klettke, CHMM  
Hazardous Materials Specialist

Mr. and Mr. Frizzie  
RE: Frank's Tire Service  
August 21, 1996  
Page 2 of 2

enclosure

c: Gil Jensen, Alameda County District Attorney's Office  
Thomas Peacock, LOP Manager--files

4619nov.fnl

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



Ro# 301

ARNOLD PERKINS, DIRECTOR  
RAFAT A. SHAHID, DEPUTY DIRECTOR

STID 4619

January 19, 1996

Frank & Don Frizzie  
2800 Goodrick Avenue  
Richmond, CA 94801

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

**"NOTICE OF VIOLATION"**

RE: FRANK'S TIRE SERVICE, 1115 - 21ST STREET, OAKLAND, CA 94607

Dear Mr. and Mr. Frizzie,

This letter serves to follow-up to a Alameda County Health Care Services Agency (ACHCSA) letter from Jennifer Eberle dated August 14, 1995. In this letter you were requested to **submit a work plan for groundwater investigation within 45 days, or by October 2, 1995.** You were also requested to **properly resample (if so desired) and dispose the stockpile within 45 days, or by October 2, 1995.** No groundwater investigation work plan or any documentation pertaining to the disposal of the stockpiled soils has been received by this office. A copy of this letter is enclosed for your review.

**At this time you are directed to submit a work plan for groundwater investigation within 30 days of the date of this letter or by February 19, 1996. In addition, you're directed to submit proper documentation for the disposal of the stockpiled soils within 30 days of the date of this letter or by February 19, 1996**

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I have just recently taken over management of this case from Jennifer Eberle of this office. Please call me at your earliest convenience concerning this matter. Failure to reply to this request may subject you to additional penalties under the Water Code. Please contact me at 510/567-6880 should you have any questions about the content of this letter.

Sincerely,

*DK*  
Dale Klettke, CHMM  
Hazardous Materials Specialist

Mr. and Mr. Frizzie  
RE: Frank's Tire Service  
January 19, 1996  
Page 2 of 2

enclosure

c: Gil Jensen, Alameda County District Attorney's Office  
Thomas Peacock, LOP Manager--files

4619nov1.dkt



AGENCY  
DAVID J. KEARS, Agency Director

ARNOLD PERKINS, DIRECTOR  
RAFAT A. SHAHID, DEPUTY DIRECTOR

STID 4619

January 19, 1996

Frank & Don Frizzie  
2800 Goodrick Avenue  
Richmond, CA 94801

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

**"NOTICE OF VIOLATION"**

RE: FRANK'S TIRE SERVICE, 1115 - 21ST STREET, OAKLAND, CA 94607

Dear Mr. and Mr. Frizzie,

This letter serves to follow-up to a Alameda County Health Care Services Agency (ACHCSA) letter from Jennifer Eberle dated August 14, 1995. In this letter you were requested to **submit a work plan for groundwater investigation within 45 days, or by October 2, 1995**. You were also requested to **properly resample (if so desired) and dispose the stockpile within 45 days, or by October 2, 1995**. No groundwater investigation work plan or any documentation pertaining to the disposal of the stockpiled soils has been received by this office. A copy of this letter is enclosed for your review.

**At this time you are directed to submit a work plan for groundwater investigation within 30 days of the date of this letter or by February 19, 1996. In addition, you're directed to submit proper documentation for the disposal of the stockpiled soils within 30 days of the date of this letter or by February 19, 1996**

Please be advised that failure to satisfy this request may result in the referral of this case to the Alameda County District Attorneys Office. Please be further advised that Section 25299(b) of the California Health and Safety Code, among other possible statutes, provides for civil penalties of up to \$5000 per tank per day for failure to comply with this directive.

I have just recently taken over management of this case from Jennifer Eberle of this office. Please call me at your earliest convenience concerning this matter. Failure to reply to this request may subject you to additional penalties under the Water Code. Please contact me at 510/567-6880 should you have any questions about the content of this letter.

Sincerely,

*pc*  
Dale Klettke, CHMM  
Hazardous Materials Specialist



ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R0301

RAFAT A. SHAHID, Director

August 14, 1995  
STID 4619

Frank & Don Frizzie  
2800 Goodrick Ave.  
Richmond CA 94801

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Environmental Protection Division  
1131 Harbor Bay Parkway, #250  
Alameda, CA 94502-6577  
(510) 567-6700

RE: Frank's Tire Service, 1115-21st St., Oakland CA 94607

Dear Mr. and Mr. Frizzie,

Since my last letter to you, dated 4/18/94, I have received the "Tank Closure Report," prepared by Tank Protect Engineering, dated 5/31/94. This report summarized the activities associated with the removal of the 500-gallon underground storage tank (UST) removed from the sidewalk on 11/23/93.

The stockpiled soils left over from the UST removal must be properly disposed. This request was made in my last letter, dated 4/18/94. It appears that these soils remain onsite, in the adjacent parking lot, as per a site drive by visit on 8/11/95. Since the concentrations of TPH-gasoline and BTEX were very low, it is possible that the volatile constituents have aerated by now. **You are requested to properly resample (if so desired) and dispose the stockpile within 45 days, or by October 2, 1995.**

In addition, a **groundwater investigation is warranted**, due to the concentrations of the soil contaminants encountered, and the shallow depth to groundwater in this area of Oakland. The initial concentrations from the pit bottom at 9.5' bgs were 630 ppm TPH-gasoline and 0.600 ppm benzene. Subsequent to overexcavation, the maximum concentrations left in place were 290 ppm TPH-g and 2.8 ppm benzene.

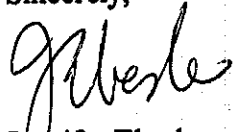
The standard groundwater investigation consists of three permanent groundwater monitoring wells, in an equilateral triangle. However, it would be acceptable to perform a direct push technique, also known as grab groundwater sampling. A minimum of three locations should be sampled in this fashion. **Please submit a workplan for a groundwater investigation within 45 days, or by October 2, 1995.**

I believe our mutual goal is the closure of this case, at which point a closure letter will be issued from this office, and signed by the Director of this Department. The closure letter is usually paramount in importance when doing a property transfer or refinancing a property loan.

If you have any questions, please contact me at 510-567-6700, ext 6761; our fax number is 510-337-9335.

August 14, 1995  
STID 4619  
Frank & Don Frizzie  
page 2 of 2

Sincerely,



Jennifer Eberle  
Hazardous Materials Specialist

cc: Tom Peacock/file

je.4619

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R0301

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

April 18, 1994  
STID 4619

Frank & Don Frizzie  
2800 Goodrick Ave.  
Richmond CA 94801

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

RE: Frank's Tire Service, 1115-21st St., Oakland CA 94607

Dear Frank & Don Frizzie,

As you know, a 500-gallon Underground Storage Tank (UST) was removed from this site on 11/23/93. The UST was rusted and had a crack on the seam where the side met the bottom. One soil sample was collected below the UST. Laboratory results from this sample document 630 parts per million (ppm) Total Petroleum Hydrocarbons as gasoline (TPH-g) and 0.6 ppm benzene.

Since this contamination remains in the excavation, we request that you remediate this condition within 30 days or by May 18, 1994. During a conversation with Lee Huckins of Tank Protect Engineering (TPE) on 1/24/94, I agreed with his proposal to overexcavate and resample without having to submit a workplan, in order to keep costs low. I have not heard from TPE or yourself since that time. On 4/13/94, I phoned TPE and was told that work has not proceeded. I also visited the site and confirmed that this was the case.

In addition, we request that you submit a UST Closure Report to this office within 15 days or by May 3, 1994. This report was due within 60 days of UST removal, or by 1/23/94, as was stipulated in the UST Closure Plan which you signed on 10/14/93. We can discuss what exactly is needed in this report.

In addition, the stockpiled soils must be properly disposed. There were low concentrations of petroleum hydrocarbons in one of the two soil samples collected from the stockpiled soils. It is possible that these low concentrations have dissipated via aeration. This can be confirmed with resampling. If this soil is clean, it can be reused in the excavation.

Please note that there are state funds available to reimburse you for the costs of remediation. I have enclosed information. The state usually requires the selection of the lowest of 3 bids for each stage of remediation. If you have questions concerning this reimbursement fund, please contact Christopher Stevens of the State Water Resources Control Board (SWRCB) at 916-227-4519 or Jim Munch at 916-227-4430.

April 14, 1994  
STID 4619  
Frank & Don Frizzie  
page 2 of 2

Kindly submit a cover letter with your consultant's reports. If you have any questions, please contact me at 510-271-4530.

**Please notify me at least 2 business days in advance of field activities so that I may arrange to be onsite.**

Sincerely,



Jennifer Eberle  
Hazardous Materials Specialist

cc: Lee Huckins, Tank Protect Engineering, 2821 Whipple Rd.,  
Union City CA 94587  
Ed Howell/file

je  
attachment

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R0301

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

November 2, 1992.

Dear Sir:

The attached "Notice of Reimbursement" is not a bill. It is required by our contract with the State Water Resources Control Board that we send this letter to all responsible parties involved in a leaking petroleum underground tank site. You fall into the following category:

You (or your contractor/consultant) deposited funds for us to use to oversee the tank removal followed by the cleanup. Your case has been transferred to the Alameda County Local Oversight Program. This will involve your being billed **after** the work has been accomplished. It is directed to all responsible parties as the law requires all operators and owners to be notified.

We will continue to work with you to resolve the site remediation in progress.

If you still have any question please call this office at 271-4530 and ask for the specialist noted in the attached notice.

Sincerely,

Thomas F. Peacock, Supervising HMS  
Hazardous Material Division