

ALAMEDA COUNTY
HEALTH CARE SERVICES



F

AGENCY

DAVID J. KEARS, Agency Director

May 4, 2007

Mr. Ted Walbey
Fiesta Beverage
7150 Island Queen Dr.
Sparks, NV 89436

ENVIRONMENTAL HEALTH SERVICES

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

Dear Mr. Walbey:

Subject: Fuel Leak Case RO0000314, Former Fiesta Beverage, 966 89th Ave.,
Oakland, CA 94621

Alameda County Environmental Health has reviewed the case file for the subject site including the February 7, 2007 Interim Corrective Action Plan for ORC and RegenOx Injection, prepared by Blymyer Engineers, Inc. The report responds to the County's December 18, 2006 request for interim CAP submission after concurring with the evaluation of the site and the selection of the remedial option, Insitu Chemical Oxidation and Enhanced Insitu Bioremediation. It was noted that the main residual contamination lies within and immediately adjacent to the former underground tanks adjacent and within the street. The proposed remediation was considered the most appropriate. We have reviewed the input parameters for the estimated impacted area and the estimated contaminant concentration and the proposed application locations. We understand that an estimated 75% decrease in dissolved contaminant concentration is expected after the second RegenOx injection. We are not privileged to know the algorithm used to calculate the amount of RegenOx or ORC application, therefore, we must assume these amounts are correct. With this caveat, our office approves the interim corrective action plan. The corrective action plan also includes two rounds of interim groundwater sampling from the plume core wells approximately 15 and 30 days after RegenOx application and a round of bio-monitoring for bacteria speciation and enumeration, even though sterilization by the application is not expected. Bio-augmentation will be considered if results indicate a need. Post injection soil samples within the source area will also be collected approximately four weeks after application.

TECHNICAL REPORT REQUEST

Please submit the following technical report according to the following schedule:

- July 6, 2007- Interim CAP Report
- September 6, 2007- Post Remediation Soil and Groundwater Sampling Report

ELECTRONIC SUBMITTAL OF REPORTS

Effective **January 31, 2006**, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Please do not submit reports as attachments to electronic mail. 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. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information

Mr. Walbey
966 89th Ave., Oakland
Page 2 of 2

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 monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at barney.chan@acgov.org.

PERJURY STATEMENT AND PROFESSIONAL CERTIFICATION

All work plans, technical reports, or technical documents submitted to this office 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.

Additionally, to be considered a valid technical report you are to present site specific data, data interpretations, and recommendations prepared by the 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.

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: files, D. Drogos

Mr. M. Detterman, Blymyer Engineers, Inc., 1829 Clement Ave., Alameda, 94501
Mr. S. Ramdass, SWRCB Cleanup Fund, 1001 I St., P.O. Box 944212, Sacramento,
CA, 94244

Chan, Barney, Env. Health

From: Mark Detterman [MDetterman@blymyer.com]
Sent: Wednesday, April 25, 2007 12:12 PM
To: Chan, Barney, Env. Health
Subject: RO 314 Former Fiesta Beverages - A followup

Barney,

I've been reviewing the CAP for this site and note that it may be deficient in one area. We proposed a round of post-injection bio-monitoring to see if the RegenOx "disinfected" the zone of injection; however, neglected to include a bio-monitoring prior to these proposed injection to allow a comparison. If you judge it appropriate you might consider requesting the pre-injection bio-monitoring. It would make some sense, and could be limited to bio-monitoring since contaminant concentrations have recently been checked / analyzed.

Regards,

Mark Detterman
Senior Geologist PG, CEG
mdetterman@blymyer.com
Blymyer Engineers, Inc.
1829 Clement Ave.
Alameda, CA 94501
Direct: 510.747.3068
Office: 510.521.3773
800.753.3773
Fax: 510.865.2594

Chan, Barney, Env. Health

From: Mark Detterman [MDetterman@blymyer.com]
Sent: Tuesday, April 24, 2007 5:16 PM
To: Chan, Barney, Env. Health
Subject: RE: RO 314 Calculation Assumptions
Attachments: ORC Adv Spreadsheet Former Fiesta Beverage.pdf; RegenOx Spreadsheet Former Fiesta Beverage.pdf

Barney,
I've attached copies of the spreadsheets directly from Regenesiis, so these will be legible.

In regards to the calculation process Regenesiis has provided some details on the calculations. I'll describe the ORC Advanced spreadsheet as more details are visible; however, the RegenOx spreadsheets are reported to be essentially identical except that what is generally provided is the summary sheet (each round of injection is backed up by separate spreadsheets per Regenesiis). On the ORC spreadsheet the summary sheet is the fourth section of the spreadsheet at the bottom. Each section is separated by a dark black line.

The ORC spreadsheet is separated into 5 sections. The first section calculates the volume of pore space that requires treatment and inputs include plume length, plume width, plume thickness (i.e. volume), total porosity (porosity within that volume), hydraulic conductivity, and gradient. Some of these are generated by standard hydrogeologic calculations and others are field / lab values. If these were not measured in the field then standard industry knowledge is used based on soil type. Porosity was not measured at this site as porosity is pretty well defined for most sediments.

The second section is used to input dissolved contaminant concentrations in groundwater order to calculate the demand for oxygen in groundwater within the calculated pore space by known stoichiometry. Each compound has a different number of carbon bonds to break (creating / converting the carbon to CO₂ and O₂ in a chemical reaction employing microbes in the case of ORC), so there are inputs for standard compounds in this section in order to calculate the number of bonds that require breaking. An alternative approach is to use only a TPHg input (as was done here) and use an average number of bonds representing the 300 odd compounds within "TPHg" (an average as determined appropriate by Regenesiis).

The third section is used to input sorbed contaminant concentrations on soil, again to calculate the number of bonds requiring breaking, and thus to calculate the oxygen demand by contaminants on soil. Since this is a the "reservoir" of groundwater contamination more input detail is used in the calculation process, and individual compound concentrations are input into the spreadsheet. Soil bulk density and foc are input values in this section. These are generally standard USGS values per Regenesiis, unless measured. We conducted one test of TOC on an upgradient soil sample that yielded a high concentration (1,500 mg/kg), so Regenesiis used a higher than normal foc input. This input is also based on their experience in with Bay Area soils (higher carbon concentrations depending on location - Bay Margin, former grasslands, etc.).

The fourth section is the summary section tabulating oxygen demand in groundwater and in soil, as well as a fudge factor input for additional demand. The latter is based on Regenesiis's experience.

The fifth section deals with delivery of the ORC and is based on experience and soil type. As would be

expected, clay soils require closer spacing and in sandy soils the spacing is further apart, but the intent is to adequately cover the plume area (with overlapping circles).

I spoke with Jack Peabody at Regensis to get most of these details. Please feel free to call him with questions (925/944-5566). We can also obtain the spreadsheet calculations that "sit behind" each of the two RegenOx injections, but they should be somewhat similar to the ORC spreadsheet.

If you have other questions, please also let me know, and hope this helps.

Mark Detterman
Senior Geologist PG, CEG
mdetterman@blymyer.com
 Blymyer Engineers, Inc.
 1829 Clement Ave.
 Alameda, CA 94501
 Direct: 510.747.3068
 Office: 510.521.3773
 800.753.3773
 Fax: 510.865.2594

From: Chan, Barney, Env. Health [mailto:barney.chan@acgov.org]
Sent: Monday, April 23, 2007 3:47 PM
To: Mark Detterman
Subject: RE: RO 314 Calculation Assumptions

Mark: You are right, I can't read the tables at all, is there something that you can do to rescan to get better clarity? And an explanation of the calculation process would also be helpful.

Barney

From: Mark Detterman [mailto:MDetterman@blymyer.com]
Sent: Monday, April 23, 2007 2:43 PM
To: Chan, Barney, Env. Health
Subject: RE: RO 314 Calculation Assumptions

Barney,
 Here are the Regensis calculation sheets that were generated using plume width, length, thinness, and soil type. Additional assumptions are used in the ORC calculation tables (predominantly total porosity, hydraulic conductivity, and bulk density). That table is less legible, but you should be able to determine them. If not, let me know.

Mark Detterman
Senior Geologist PG, CEG
mdetterman@blymyer.com
 Blymyer Engineers, Inc.
 1829 Clement Ave.
 Alameda, CA 94501
 Direct: 510.747.3068

9/25/2007

Office: 510.521.3773
800.753.3773
Fax: 510.865.2594

From: Chan, Barney, Env. Health [mailto:barney.chan@acgov.org]
Sent: Monday, April 23, 2007 11:42 AM
To: Mark Detterman
Subject: RE: RO 310 (not 314!) Status of RAP Review?

Mark: Please provide me with the assumptions and calculations for the amount of RegenOx and ORC being proposed in the IRAP.

Thanks

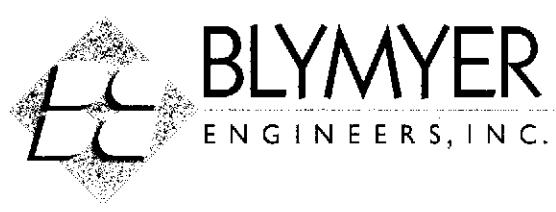
Barney M. Chan
Hazardous Materials Specialist
Alameda County Environmental Health
510-567-6765

From: Mark Detterman [mailto:MDetterman@blymyer.com]
Sent: Wednesday, April 04, 2007 9:55 AM
To: Chan, Barney, Env. Health
Subject: RO 310 (not 314!) Status of RAP Review?

Hi Barney,
Next Monday will be 60 days since the RAP was submitted to ACHCSA (on 2/8) and we were hoping you might be able to respond. Ted Walbey is interested in keeping this moving at a reasonable pace.
Thanks.

Mark Detterman
Senior Geologist PG, CEG
mdetterman@blymyer.com
Blymyer Engineers, Inc.
1829 Clement Ave.
Alameda, CA 94501
Direct: 510.747.3068
Office: 510.521.3773
800.753.3773
Fax: 510.865.2594

Ro 314



www.blymyer.com
January 15, 2007
BEI Job No. 203004

Mr. Barney Chan
Alameda County Health Care Services
Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

**Subject: Request for Deadline Extension
Former Fiesta Beverages Facility
966 89th Avenue
Oakland, California
ACHCSA Site # RO0000314**

Dear Mr. Chan:

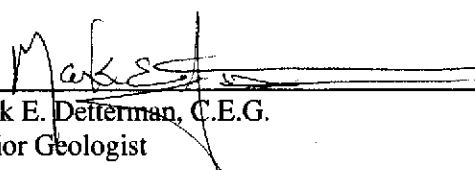
Blymyer Engineers, Inc. and the Fiesta Beverages are in receipt of the Alameda County Health Care Services (ACHCS) letter dated December 18, 2006. This letter approved the remedial option selected in the September 8, 2006 Remedial Investigation / Feasibility Study submitted by Blymyer Engineers on behalf of Fiesta Beverages. The letter recommended a post-treatment investigation of chemical and biological parameters to determine if the bacteria are active and the subsurface is chemically conducive to natural bioremediation. The letter included three submittal deadlines. Blymyer Engineers, Inc., on behalf of the Fiesta Beverage Company, is requesting a deadline extension for the three submittals in order to facilitate the work, and to minimize the number of groundwater sampling events required by the work, while adequately collecting sufficient data. The proposed deadline extensions are as follows:


- January 19, 2007 ICAP deadline extended to February 9, 2007
- January 30, 2007 First Quarter 2007 Groundwater Monitoring Report deadline extended to March 2, 2007, and
- April 30, 2007 Second Quarter 2007 Groundwater Monitoring Report deadline extended to June 1, 2007

Should you have questions, please contact Mark Detterman at (510) 521-3773.

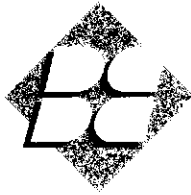
Sincerely,

Blymyer Engineers, Inc.

By: 
Mark E. Detterman, C.E.G.
Senior Geologist

And: 
Michael S. Lewis
Vice President, Technical Services

c. Mr. Ted Walbey, Fiesta Beverages Company
H:\Blymyer_Jobs\2003\203004_fiesta-oakland\203004_FB\203004RegLtr03.doc



BLYMYER
ENGINEERS, INC.

www.blymyer.com
August 4, 2006
BEI Job No. 203004

Mr. Barney Chan
Alameda County Department of Environmental Health
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

**Subject: Request for Deadline Extension
Former Fiesta Beverage Facility
966 89th Avenue
Oakland, California
ACDEH Site # RO0000314**

Alameda County
AUG 07 2006
Environmental Health

Dear Mr. Chan:

Blymyer Engineers, Inc., on behalf of the Fiesta Beverage Company, is requesting an extension of the Remedial Investigation and Feasibility Study (RI/FS) report deadline as requested by the Alameda County Department of Environmental Health (ACDEH) in the letter dated November 18, 2005, entitled *Fuel Leak Case RO0000314, Former Fiesta Beverage, 966 89th Ave., Oakland, CA 94621*. Extended delays were encountered in obtaining multiple permits from the City of Oakland. Additional time was lost due to the need to reschedule drilling due to the inspection procedure recently implemented by the Alameda County Public Works Agency for groundwater monitoring wells. The remedial investigation phase is now complete and evaluation of remedial alternatives is currently being undertaken. Blymyer Engineers anticipates submittal of the RI/FS report by September 8, 2006.

Should you have any questions, please contact Mark Detterman at (510) 521-3773.

Sincerely,

Blymyer Engineers, Inc.

By: 
Mark E. Detterman, C.E.G.
Senior Geologist

By: 
Michael S. Lewis
Vice President, Technical Services

cc. Mr. Ted Walbey, Fiesta Beverages Company

Chan, Barney, Env. Health

From: Mark Detterman [MDetterman@blymyer.com]

Sent: Friday, May 05, 2006 4:03 PM

To: Chan, Barney, Env. Health

Subject: RO 314: Notification of Well Installation

Barney,

I also wanted to notify you of the well installation work dates at the Former Fiesta Beverages site on 89th Ave in Oakland. Seven wells are to be installed at the site. Three or 4 wells will be installed on Monday and Tuesday (5/8 and 5/9). MW-1 will also be destroyed at that time (and is one of those to be installed). The remaining 3 will be installed 5/26. There were delays due to obtaining City of Oakland permits, particularly for the last three wells. Let me know if you have questions.

Mark Detterman

Senior Geologist, PG, CEG

mdetterman@blymyer.com

Blymyer Engineers, Inc.

1829 Clement Ave.

Alameda, CA 94501

P: 510.521.3773

800.753.3773

F: 510.865.2594

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



November 18, 2005

ENVIRONMENTAL HEALTH SERVICES

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

Mr. Ted Walbey
Fiesta Beverage
7150 Island Queen Dr.
Sparks, NV 89436

Dear Mr. Walbey:

Subject: Fuel Leak Case [REDACTED] Former Fiesta Beverage, 966 89th Ave.,
Oakland, CA 94621

Alameda County Environmental Health has reviewed the case file for the subject site including the October 10, 2005 Workplan for Remedial Investigation/Feasibility Study, prepared by Blymyer Engineers, Inc. The work plan responds to the July 6, 2005 County request letter and proposes four monitoring wells and one replacement well, the collection of natural attenuation parameters and conducting a conduit survey. We generally approve the work plan, however, we request that you address the following technical comments when performing this work and submit the technical reports below.

TECHNICAL COMMENTS

1. Plume Characterization- We request that two additional monitoring well locations be added to your investigation as noted on the attached Figure 2 for better plume definition. One location is up-gradient of boring GP1, where elevated TPHg was reported in groundwater and the other is located between the two proposed northern wells, down-gradient of former boring SB2. Please confirm that these additional wells will be added to the investigation.
2. Monitoring Well Construction and Sampling- The well construction proposes a 15 foot screen interval from 10-25'bgs. We request that a shorter screen interval be installed, preferably no longer than 10'. If needed, multi-level screened wells or clustered wells can be used to monitor different water bearing zones. Soil sampling from the borings is proposed for the sample with the highest PID reading or from the groundwater interface. Every effort should be taken to define the vertical extent of contamination, even if it extends into saturated soils.
3. Sample Analysis- Soil and groundwater samples are proposed for laboratory analysis of TPHg, BTEX and MTBE using EPA Method 8021B. We concur that this analytical method for MTBE analysis is appropriate for this site given the prior low MTBE concentrations, confirmed by EPA Method 8260. However, if MTBE concentrations exceed prior results significantly (ie by a factor of 10), we request that EPA Method 8260 be used in subsequent tests and the other ether oxygenates added to the analytes sought.
4. Collection of Remediation by Natural Attenuation (RNA) Parameters- We approve the sampling and testing of groundwater samples for indicator parameters of natural attenuation. We anticipate the results will indicate a deficiency in one or more of these parameters since the laboratory consistently reports the "chromatogram is of unmodified or weakly modified gas". This observation is consistent with the absence of significant natural attenuation.

TECHNICAL REPORT REQUEST

- December 19, 2005- Confirmation of additional wells, monitoring well screen interval and soil sampling.
- February 19, 2006- Remedial Investigation Report and Feasibility Study

PERJURY STATEMENT AND PROFESSIONAL CERTIFICATION

All work plans, technical reports, or technical documents submitted to this office 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.

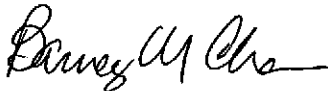
vAdditionally, to be considered a valid technical report you are to present site specific data, data interpretations, and recommendations prepared by the appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please 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.

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

Sincerely,



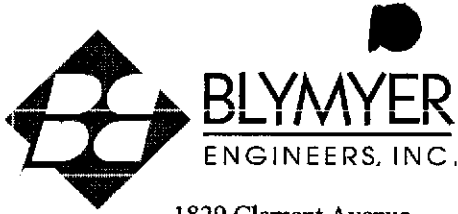
Barney M. Chan
Hazardous Materials Specialist

Attachment: Figure 2

C: files, D. Drogos

Mr. M. Detterman, Blymyer Engineers, Inc., 1829 Clement Ave., Alameda, 94501

11_18_05 966 89th Ave



1829 Clement Avenue

Alameda, California 94501-1396

(510) 521-3773 FAX: (510) 865-2594

Alameda County Health Care Services Agency

Environmental Protection Division

1131 Harbor Bay Parkway, Suite 250

Alameda, CA 94502-6577

LETTER OF TRANSMITTAL

DATE	September 29, 2005	BEI Job No.	203004
ATTENTION:	Mr. Barney Chan		
SUBJECT:	Former Fiesta Beverage Facility		
	966 89 th Avenue		
	Oakland, California		
	ACHCSA Site # RO0000314		

We are sending you

- Invoice
- Copy of letter
- Report
- Prints
- Plans

- Specifications
- _____

Alameda County
 Environmental Health
 OCT 06 2005
 Work Order
 Change Order

Copies	Date	Number	Description
1	7/22/05		Spring 2005 Semi-Annual Groundwater Monitoring Event; Blymyer Engineers, Inc.

These are transmitted as checked below:

- For signature
- For payment
- As requested
- For approval
- FOR BIDS DUE
- Approved as submitted
- Approved as noted
- Returned for Corrections
- For review and comment
- For your use
- Resubmit ___ copies for approval
- Submit ___ copies for distribution
- Return ___ corrected prints

REMARKS: For your use.

COPY TO: File
Mr. Ted Walbey, Fiesta Beverage

SIGNED: Mark Detterman

If enclosures are not as noted, kindly notify Blymyer Engineers, Inc. at once.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



7

July 6, 2005

Mr. Ted Walbey
Fiesta Beverage
7150 Island Queen Dr.
Sparks, NV 89436

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

Dear Mr. Walbey:

Subject: Fuel Leak Case RO0000314, Former Fiesta Beverage, 966 89th Ave.,
Oakland, CA 94621

Alameda County Environmental Health has reviewed the case file for the subject site including the November 18, 2004 Report on a Geoprobe Subsurface Investigation, prepared by Blymyer Engineers, Inc. We have determined that additional information is needed to progress your site towards closure. We request that you address the following technical comments and submit the technical reports below.

TECHNICAL COMMENTS

1. Monitoring Well Condition- The existing wells at the site have generated varying gradient contours some of which are suspect. MW-1 has several feet of silt collected in it, which requires cleaning and redeveloping. This has potentially resulted in biased groundwater elevation readings and monitoring results. Please correct this situation prior to the next monitoring event.
2. Plume Definition- The groundwater plume has not yet been defined, however, we agree that further definition may be appropriately performed when additional monitoring wells are installed. We concur with the recommendation to install additional monitoring wells. Assuming a northwest gradient, it appears that both up and down-gradient wells should be installed. Please provide a work plan for the additional off-site wells. As previously mentioned, as necessary, additional plume delineation should also be proposed during the monitoring well installations.
3. Conduit Study-The purpose of the conduit study is to locate potential migration pathways and potential conduits and determine the probability of the plume encountering preferential pathways and conduits that could spread the contamination. Of particular concern is the identification of abandoned wells and improperly-destroyed wells that can act as conduits to deeper water bearing zones. We request that you perform a conduit study that details the potential migration pathways and potential conduits (utilities, storm drains, etc.) that may be present in the vicinity of the site. Provide a map showing the location and depth of all utility lines and trenches including sewers and storm drains within and near the plume area. The conduit study shall include a well survey of all wells (monitoring and production wells: active, inactive, standby, destroyed (sealed with concrete), abandoned (improperly destroyed); and dewatering,

Mr. Ted Walbey
RO 0000314
July 6, 2005
Page 2

drainage, and cathodic protection wells) within a ½ mile radius of the subject site. In addition, please identify any sensitive receptors within the same radius.

4. Feasibility Study and Remedial Action Plan- Please provide your Feasibility Study and Remedial Action Plan consistent with Article 11, CCR, Title 23, UST Regulations as requested below.

TECHNICAL REPORT REQUEST

Please submit the following technical reports according to the schedule below.

- August 8, 2005- Work plan for monitoring well installation and plume definition.
- August 22, 2005- Receptor survey, conduit study, Feasibility Study and RAP.

PERJURY STATEMENT AND PROFESSIONAL CERTIFICATION

All work plans, technical reports, or technical documents submitted to this office must be accompanied by a cover letter from the responsible party that states, at a minimum, the following:

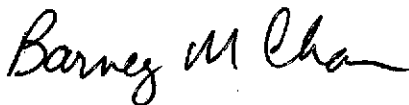
"I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge."

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.

Additionally, to be considered a valid technical report you are to present site specific data, data interpretations, and recommendations prepared by the 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.

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

Sincerely,

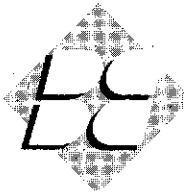


Barney M. Chan
Hazardous Materials Specialist

C: files, D. Drogos

Mr. M. Detterman, Blymyer Engineers, Inc., 1829 Clement Ave., Alameda, 94501

7_6_05 966 89th Ave



BLYMYER
ENGINEERS, INC.

February 17, 2004
BEI Job No. 203004

RO 314

Alameda County

FEB 18 2004

Mr. Amir Gholami
Alameda County Health Care Services Agency
Environmental Protection Division
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Environmental Health

**Subject: Letter of Intent to Proceed: Geoprobe® Investigation
Former Fiesta Beverage Facility
966 89th Avenue
Oakland, California
ACHCSA Site # RO0000314**

Dear Mr. Gholami:


Blymyer Engineers, Inc., on behalf of the Fiesta Beverage Company, transmits this letter to notify the Alameda County Health Care Services Agency (ACHCSA) of the intent to proceed with the work outlined in the *Workplan for Geoprobe® Investigation*, dated September 17, 2003. The proposed Geoprobe® investigation is intended to determine the location of suspected residual soil contamination, and to help determine the lateral extent of impacted groundwater. This will help target the residual contamination for corrective actions, and will also help in determining the most appropriate method of achieving the goal of regulatory closure.

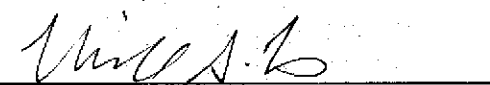
As we discussed extensively over the telephone on January 8, and on January 26, 2004, it is our understanding that you are in agreement with the scope of work and proposed bore locations. As requested, the work has not been initiated pending receipt of a letter of approval from the ACHCSA. However, due to a pending change in building occupants (a brief period of vacancy) our client finds it critical that the work proceed in a timely fashion. Additionally, it is our understanding that if the ACHCSA has not responded within a prescribed 60-day time period, the workplan should be considered reviewed and approved.

If our understanding of the workplan approval process as described in this letter is incorrect, please notify Mark Detterman at (510) 521-3773.

Sincerely,

Blymyer Engineers, Inc.

By: 
Mark E. Detterman, C.E.G.
Senior Geologist

By: 
Michael S. Lewis
Vice President, Technical Services

cc. Mr. Ted Walbey, Fiesta Beverages Company

H:\MARKD\203004\FB\LetterOfIntent.wpd



State Water Resources Control Board

Division of Financial Assistance

1001 I Street • Sacramento, California 95814
P.O. Box 944212 • Sacramento, California • 94244-2120
(916) 341-5757 • FAX (916) 341-5806 • www.swrcb.ca.gov/cwphome/ustcf



Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.

February 13, 2003

Fiesta Beverage By Ted Walbey
Ted Walbey
2871 Friar Rock Ct
Sparks, NV 89436

RO 314

Alameda County
FEB 28 2003
Environmental Health

**PRE-APPROVAL OF CORRECTIVE ACTION COSTS,
CLAIM NO. 014076, PA # 4
SITE ADDRESS: 966 89TH AVE, OAKLAND, CA 94621**

I have reviewed your request, received on January 31, 2003, for pre-approval of corrective action costs. I have included a copy of the "Cost Pre-Approval Request" form; please use this form in the future for requesting pre-approval of corrective action costs.

With the following provisions, the total cost pre-approved as eligible for reimbursement for completing the February 19, 1999, AllCall workplan approved by the Alameda County EHD (County) in their March 15, 1999 letter, is \$ 10,455; see the table below for a breakdown of costs. (The total amount that has been reimbursed and approved for payment up to this point is \$ 22,327.)

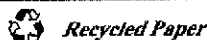
Be aware that this pre-approval does not constitute a decision on reimbursement: **necessary** (as determined by the Fund) corrective action costs for action work **directed and approved by the County** will be eligible for reimbursement at costs consistent with those pre-approved in this letter. However, depending on what happens in the field, some costs may not actually be necessary.

In an effort to expedite future reimbursement requests associated with the implementation of the corrective action tasks pre-approved in this letter, we ask that the attached 'Pre-Approval Specific Reimbursement Request Form' be completed, updated and submitted with each reimbursement request. All relevant supporting documentation must also be included with each reimbursement request.

In order for future costs for corrective action to be part of the expedited reimbursement process, they must be pre-approved in writing by Fund staff.

All costs for corrective action must meet the requirements of Article 11, Chapter 16, Underground Storage Tank Regulations in order to be eligible for reimbursement.

California Environmental Protection Agency



FEB 28 2003

Environmental Health

COST PRE-APPROVAL BREAKDOWN

#	Task*	Amount Pre-Approved	Comments
1	Redevelop MW-1	\$ 420	This Cost includes all time and materials associated with this task.
2	Quarterly GW Sampling for 4 Events	\$9,560	This Cost includes all time and materials associated with this task. Copies of all reports must be submitted to the Fund.
3	File Review	\$ 475	Note Ancillary charges of \$284 are not pre-approved. This cost is not eligible for reimbursement.
TOTAL PRE-APPROVED		\$ 10,455	

* Task descriptions are the same as those identified in Blymer Engineers, Inc.'s October 22, 2002 cost estimate.

- Only the tasks/costs reflected on the above table are pre-approved at this time. The Fund will review any tasks/costs that go beyond the pre-approved amount to be determined if the additional tasks and costs are necessary and reasonable. However, if costs exceed the above pre-approved amounts, the Fund will be unable to expedite your Reimbursement Request.
- The work products must be acceptable to the County and the Regional Water Quality Control Board.
- If a different scope of work becomes necessary, then you must request pre-approval of costs on the new scope of work.
- Although I have referred to the Blymer Engineers, Inc. proposal in my pre-approval above, please be aware that you will be entering into a private contract: the State of California cannot compel you to sign any specific contract. This letter **pre-approves the costs** as presented in the proposal dated October 22, 2002 by Blymer Engineers, Inc. for conducting the work approved by the County.

I also want to remind you that the Fund's regulations require that you obtain at least three bids, or a bid waiver from Fund staff, from qualified firms for all necessary future corrective action work. If you need assistance in procuring contractor and consultant services, don't hesitate to call me.

Please remember that it is still necessary to submit the actual costs of the work as explained in the Reimbursement Request Instructions to confirm that the costs are consistent with this pre-approval before you will be reimbursed. *Please insure that your consultant prepares their invoices to include the required breakdown of costs on a time and materials basis, that invoiced tasks are consistent with the original proposal, and that reasonable explanations are provided for any changes made in the scope of work or increases in the costs. When the invoices are submitted you must include copies of all:*

- *subcontractor invoices,*
- *technical reports, when available, and*
- *applicable correspondence from the County.*

Please call if you have any questions; I can be reached at (916) 341-5757.

Sincerely,

Sunil Ramdass.

Sunil Ramdass, Water Resources Control Engineer
Technical Review Unit
Underground Storage Tank Cleanup Fund

Enclosure

cc: Ms. Donna Drogos
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577

4241 / (314)

Fiesta Beverages

2178 Friar Rock Ct. Sparks, NV 89436
775-626-3623

August 29, 2002

Alameda County
SEP 04 2002
Environmental Health

Mr. Barney M. Chan
Alameda Cty. Health Care Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502

Dear Mr. Chan:

Please find enclosed a ground water monitoring event that has occurred since the last report in your files.

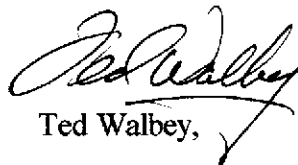
Allcal Environmental is no longer in business to do our sampling. Mr. Mrakovich referred to a new law requiring all computerized reporting in the future. Since that was not a feasible option for him, he was closing his business.

I have acquired a new contact to pursue and to possibly take over in the future. I have spoken to this man only briefly however he has agreed to get back to me when he returns from a trip.

I would appreciate you sending me a list of other possible resources to take over our site. So far I have been unsuccessful in locating any interested parties other than this one.

Thank you in advance for your help.

Very truly yours,



Ted Walbey,

FIESTA BEVERAGES

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



August 6, 2002

Mr. Ted Walbey
Fiesta Beverage
2871 Friar Rock Ct.
Sparks, NV 89436

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

Dear Mr. Walbey:

**Subject: Fuel Leak Case RO0000314, Former Fiesta Beverage, 966 89th Ave.,
Oakland CA 94621**

Alameda County Environmental Health, Local Oversight Program (LOP), has recently reviewed the case file for the subject site and determined that additional information is required to progress your site towards closure. Please address the following technical comments listed below.

Technical Comments

1. Our office reviewed the May 10, 2001 ALLCAL Environmental report detailing the addition of hydrogen peroxide and sampling of the three monitoring wells at this site. Our office agreed with the recommendation to continue monitoring these wells to see if the trends observed in the first post-application monitoring event continue. We also concurred with the recommendation to remove the accumulated sediment observed in MW-1. Please resume monitoring of the three wells and clean and redevelop MW-1. The wells should be monitored for TPHg and for BTEX, MTBE, TAME, ETBE, DIPE, TBA, EDB and EDC by EPA Method 8260.

Technical Report Request

- Please submit your monitoring report to our office within 45 days or no later than September 17, 2002. Quarterly monitoring of the wells should then continue with reports submitted by December 17, 2002, March 17, 2003 and June 17, 2003 etc. until site closure is under consideration by our office.

It appears that no activity at your site has occurred since 4/01. The failure to perform the requested work and submit the appropriate reports may cause your site to lose eligibility to the SWRCB Cleanup Fund as well as being referred to the Water Board or District Attorney office for enforcement. You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

J: B. Chan, files

Rqrep966 89thAve

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

May 22, 2001
StID #4241

Mr. Ted Walbey
Fiesta Beverage
2871 Friar Rock Ct.
Sparks, NV 89436

Re: Former Fiesta Beverage, 966 89th Ave., Oakland CA 94621

Dear Mr. Walbey:

Our office has received and reviewed the May 10, 2001 ALLCAL Environmental report detailing the addition of hydrogen peroxide and sampling of the three monitoring wells at this site. The results of the chemical addition was somewhat successful, with two of the three wells showing decrease in gasoline and benzene concentrations. Our office agrees with the recommendation to continue monitoring these wells to see if the trends observed in the first post-application monitoring event continue. We also concur with the recommendation to remove the accumulated sediment observed in MW-1.

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. J. Mrakovich, ALLCAL Environmental, P.O. Box 1652, Twain Harte, CA 95383

966 89th Ave

Barney Chen

Please note effective May 22,
2001 there is a new mailing
address). Ted WALBEY
Fiesta Beverage
2871 Friar Rock Ct.
Sparks, NV. 89436

Phone (775) 626 - 3623

FAX (775) 626 - 2868

MAY 22 2001

CITY: Oakland	ZIP CODE: 94621	MULTIPLE RPs : N
CASE TYPE: U	CONTRACT STAT: 4	PRIORITY: -0- DATE ER:-0-
RP SEARCH : S	DATE BEGIN: -0-	DATE END: 07/15/1992
PRELIM ASSESSMENT : -	DATE BEGIN: -0-	DATE END: -0-
REMEDIAL INVEST : -	DATE BEGIN: -0-	DATE END: -0-
REMEDIAL ACTION : -	DATE BEGIN: -0-	DATE END: -0-
POST REMED MONITOR: -	DATE BEGIN: -0-	DATE END: -0-
ENFORCEMENT TYPE: 1	DATE ENFORCEMENT ACTION TAKEN: 07/15/1992	
LUFT CATEGORY: -0-	CASE CLOSED: - DATE CASE CLOSED: -0-	
DT EXC START : 08/24/1990	REMEDIAL ACTIONS TAKEN: ED	

PgDn for Screen #2

[ESC] Done [F2] Clear field [Shift-F2] Clear to end [Shift-F10] More
 Form: SITE Table: SITE Field: Source Page: 1

pH 568-5222

STID: 4241

UNDERGROUND STORAGE TANK CLEANUP SITE - SCREEN #2

IN-HOUSE MANAGEMENT:

RISK ASSESSMENT :-0- LOC-CleanUp Fund? 09/14/1999
 DATE LAST CORSP :03/15/1999 INSPECTOR INIT: BC

CONTACT/RESPONSIBLE PARTY INFORMATION:

RP #1: CONTACT: Mr. Ted Walley RP COST: \$0.00
 RP COMPANY NAME: Fiesta Beverage Ph: -0-
 ADDRESS: 7402 Hillview Ct.
 CITY/ST/ZIP: Pleasanton C A 94588

COMMENT: MTBE=ND

PgUp For Screen #1;PgDn For More RP'S

[ESC] Done [F2] Clear field [Shift-F2] Clear to end [Shift-F10] More
 Form: SITE Table: SITE Field: FlagDate Page: 2

UNDERGROUND STORAGE TANK CLEANUP SITE

SITE ID: 4241 SOURCE OF FUNDS: F JP:A-TRemov:--SLIC:--
 SITE NAME: Fiesta Beverage SUBSTANCE :8006619
 SITE ADDRESS: 966 -0 89th Ave DATE REPORTED :02/05/1991
 DATE CONFIRMED:02/05/1991

ENV UPDATED

4/26/01



State Water Resources Control Board

Division of Clean Water Programs

1001 I Street • Sacramento, California 95814

P.O. Box 944212 • Sacramento, California • 94244-2120

(916) 341-5757 • FAX (916) 341-5806 • www.swrcb.ca.gov/cwphome/ustcf

Winston H. Hickox
Secretary for
Environmental
Protection

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For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.*



Gray Davis
Governor

April 2, 2001

Ted Walbey
Fiesta Beverage By Ted Walbey
7402 Hillview Ct
Pleasanton, CA 94588

PRE-APPROVAL OF CORRECTIVE ACTION COSTS, CLAIM NO. 014076, PA # 3 SITE ADDRESS: 966 89TH AVE, OAKLAND, CA 94621

I have reviewed your request, received on March 1, 2001, for pre-approval of corrective action costs. I have included a copy of the "Cost Pre-Approval Request" form; please use this form in the future for requesting pre-approval of corrective action costs.

With the following provisions, the total cost pre-approved as eligible for reimbursement for completing the February 5, 2001, ALLCAL Environmental workplan requested by the Alameda County EHD (County) in their January 29, 2001 letter, is \$ **7,015**; see the table below for a breakdown of costs.


Be aware that this pre-approval does not constitute a decision on reimbursement: **necessary** (as determined by the Fund) corrective action costs for action work **directed and approved by the County** will be eligible for reimbursement at costs consistent with those pre-approved in this letter. However, depending on what happens in the field, some costs may not actually be necessary.

In an effort to expedite future reimbursement requests associated with the implementation of the corrective action tasks pre-approved in this letter, we ask that the attached 'Pre-Approval Specific Reimbursement Request Form' be completed, updated and submitted with each reimbursement request. All relevant supporting documentation must also be included with each reimbursement request.

In order for future costs for corrective action to be part of the expedited reimbursement process, they must be pre-approved in writing by Fund staff.

All costs for corrective action must meet the requirements of Article 11, Chapter 16, Underground Storage Tank Regulations in order to be eligible for reimbursement.

California Environmental Protection Agency

 Recycled Paper

COST PRE-APPROVAL BREAKDOWN

#	Task*	Amount Pre-Approved	Comments
1	Sampling of 3 Wells	\$ 0	This Work has already been completed. Thus (\$1,325) is not approved in this pre-approval.
2	Hydrogen Peroxide & 4 Quarters of Ground Water Monitoring	\$7,015	This cost is for Hydrogen Peroxide treatment and 4 Quarters of Ground water monitoring
	TOTAL PRE-APPROVED	\$ 7,015	

* Task descriptions are the same as those identified in ALLCAL Environmental's February 5, 2001 cost estimate.

- Only the tasks/costs reflected on the above table are pre-approved at this time. The Fund will review any tasks/costs that go beyond the pre-approved amount to be determined if the additional tasks and costs are necessary and reasonable. However, if costs exceed the above pre-approved amounts, the Fund will be unable to expedite your Reimbursement Request.
- The work products must be acceptable to the County and the Regional Water Quality Control Board.
- If a different scope of work becomes necessary, then you must request pre-approval of costs on the new scope of work.
- Although I have referred to the ALLCAL Environmental proposal in my pre-approval above, please be aware that you will be entering into a private contract: the State of California cannot compel you to sign any specific contract. This letter **pre-approves the costs** as presented in the proposal dated February 5, 2001 by ALLCAL Environmental for conducting the work requested by the County.

I also want to remind you that the Fund's regulations require that you obtain at least three bids, or a bid waiver from Fund staff, from qualified firms for all necessary future corrective action work. If you need assistance in procuring contractor and consultant services, don't hesitate to call me.

Please remember that it is still necessary to submit the actual costs of the work as explained in the Reimbursement Request Instructions to confirm that the costs are consistent with this pre-approval before you will be reimbursed. *Please insure that your consultant prepares their invoices to include the required breakdown of costs on a time and materials basis, that invoiced tasks are consistent with the original proposal, and that reasonable explanations are provided for any changes made in the scope of work or increases in the costs.*

When the invoices are submitted you must include copies of all:

- *subcontractor invoices,*
- *technical reports, when available, and*
- *applicable correspondence from the County.*

Please call if you have any questions; I can be reached at (916) 341-5757.

Sincerely,

Sunil Ramdass.

Sunil Ramdass, Water Resources Control Engineer
Technical Review Unit
Underground Storage Tank Cleanup Fund

Enclosure

cc: Barney M. Chan
✓ Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

February 8, 2001
StID # 4241

Mr. Ted Walbey
7402 Hillview Ct.
Pleasanton, CA 94588

Re: Work Plan for 966 89th Ave., Oakland CA 94621

Dear Mr. Walbey:

Our office has received and reviewed the February 5, 2001 work plan for the introduction of 7% solution of hydrogen peroxide in the three wells at the referenced site prepared by AllCal Environmental. This work plan responds to my January 29, 2001 letter, which recommended groundwater treatment as opposed to additional off-site well installation.

The work plan proposes to add a total of 40-50 gallons of the dilute hydrogen peroxide solution, 2/3 of it into well MW-1 and the rest equally into the other two wells. After addition of this solution, the wells will be sampled to determine the effectiveness of the treatment. Based upon the results, either additional chemical treatment or additional monitoring only will be recommended. Because the extent of the gasoline plume appears to be limited to the former tank pit and within 89th Ave., this approach is reasonable. This work plan is approved.

Please notify our office prior to performance of this work. 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. J. Mrakovich, AllCal Environmental, 27973 High Country Dr., Hayward, CA 94542-2530
Ms. S. Knieriem, SWRCB Cleanup Fund, 1001 I St., 17th Floor, Sacramento, CA 95814-2828

Wpap966 89th

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

January 29, 2001
StID # 4241

Mr. Ted Walbey
7402 Hillview Ct.
Pleasanton, CA 94588

Re: Subsurface Investigation at 966 89th Ave., Oakland CA 94621

Dear Mr. Walbey:

I have received and reviewed copies of preliminary results from the 1/18/01 groundwater monitoring event performed at the above referenced site by Mr. John Mrakovich of AllCal Environmental. I have discussed these results with Mr. Mrakovich and at this time, it is my recommendation that the previously proposed off-site well **not** be installed. Rather, some type of remediation within the area of the existing wells is recommended. We discussed a number of viable options to initiate remediation ie chemical addition, oxygen releasing compound addition and groundwater extraction. We feel that this remediation, in combination with on-going groundwater monitoring may allow the site to be considered for closure as a "low risk" site. I also mentioned that a conduit/sensitive receptor survey would also be required.

Please submit a brief work plan to initiate groundwater remediation.

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. J. Mrakovich, AllCal Environmental, 27973 High Country Dr., Hayward CA 94542-2530
Ms. S. Knieriem, SWRCB Cleanup Fund, 1001 I St., 17th Floor, Sacramento CA 95814-2828

Wprq966 89th

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

January 9, 2001
StID # 4241

Mr. Ted Walbey
7402 Hillview Ct.
Pleasanton, CA 94588

Re: Subsurface Investigation at 966 89th Ave., Oakland CA 94621

Dear Mr. Walbey:

Our office has received and reviewed the January 4, 2001 Work Plan for Groundwater Monitoring Well Installation prepared by AllCal Environmental. Upon review of the site history, it appears that groundwater monitoring has not been performed for over two years, since 12/15/98. Since this time, several risk-based documents have been published to help local agencies make site investigation decisions. Both the City of Oakland and the San Francisco Regional Water Quality Control Board (SFRWQCB) have authored such documents. Based upon these documents, at this time, it is not clear whether the previously requested monitoring well is needed. Prior to considering the need to install an additional well, please perform another groundwater sampling event at this site. Based upon this current information, our office can better provide you guidance. **Please provide a groundwater sampling report to our office within 45 days or no later than February 27, 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. J. Mrakovich, AllCal Environmental, 27973 High Country Dr., Hayward CA 94542-2530
Ms. S. Knieriem, SWRCB Cleanup Fund, 1001 I St., 17th Floor, Sacramento CA 95814-2828

Addmon966 89th



State Water Resources Control Board



Division of Clean Water Programs

PROTECTION

2014 T Street • Sacramento, California 95814 • (916) 227-4366

Mailing Address: P.O. Box 944212 • Sacramento, California 94244-2120

FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustcf>

Winston H. Hickox
Secretary for
Environmental
Protection

Gray Davis
Governor

MAR 7 2000

Fiesta Beverage By Ted Walbey
7402 Hillview CT
Pleasanton, CA 94588

RO 0314
~~XXXXXX~~ BC

UNDERGROUND STORAGE TANK CLEANUP FUND, CLAIM NO. 014076, FOR SITE ADDRESS: 966 89TH AVE, OAKLAND

The State Water Resources Control Board (State Board) is able to issue, pursuant to applicable regulations, the enclosed Letter of Commitment (LOC) in an amount not to exceed \$20,000. This LOC is based upon our review of the corrective action costs you reported to have incurred to date. The LOC may be modified by the State Board.

It is very important that you read the terms and conditions listed in the enclosed LOC. Claims filed with the Underground Storage Tank Cleanup Fund far exceed the funding available and it is very important that you make use of the funding that has been committed to your cleanup in a timely manner.

You are reminded that you must comply with all regulatory agency time schedules and requirements and you must obtain three bids for any required corrective action. Only corrective action costs *required* by the regulatory agency to protect human health, safety and the environment can be claimed for reimbursement. **Unless waived in writing, you are required to obtain preapproval of costs for all future corrective action work (form enclosed).** If you have any questions on obtaining preapproval of your costs or the three bid requirement, please call Mark Owens, our Technical Reviewer assigned to claims in your Region, at (916) 227-7883. Failure to obtain preapproval of your future costs may result in the costs not being reimbursed.

The following documents needed to submit your reimbursement request are enclosed:

"Reimbursement Request Instructions" package. **Retain this package for future reimbursement requests.** These instructions must be followed when seeking reimbursement for corrective action costs incurred after January 1, 1988. Included in the instruction package are samples of completed reimbursement request forms and spreadsheets.

"Bid Summary Sheet" to list information on bids received which **must be completed and returned.**

"Reimbursement Request" forms which you **must use to request reimbursement of costs incurred.**

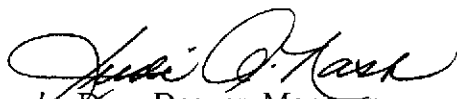
"Spreadsheet" forms which you **must use in conjunction with your reimbursement request.**

* **THIS IS IMPORTANT TO YOU, PLEASE NOTE:**

You have 90 calendar days from the date of this letter to submit your first reimbursement request for incurred corrective action costs. **NO EXTENSIONS CAN BE GRANTED.** If you fail to do so, your LOC funds will automatically be reduced to zero (deobligated). Once this occurs, any future funds for this site are subject to availability when you submit your first reimbursement request. We continuously review the status of all active claims. You must continue to remain in compliance and submit a reimbursement request every 6 months. Failure to do so will result in the Fund taking steps to withdraw your LOC.

If you have any questions regarding the enclosed documents, please contact Anna Torres at (916) 227-4388.

Sincerely,


Dave Deaner, Manager
UST Cleanup Fund Program

Enclosures

cc: Mr. Steve Morse
RWQCB, Region 2
1515 Clay Street, Ste. 1400
Oakland, CA 94612

Mr. Thomas Peacock
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577



Winston K. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Clean Water Programs

2014 T Street • Sacramento, California 95814 • (916) 227-4400
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~swphome/ustof>



Gray Davis
Governor

FAX TRANSMITTAL

DATE: 2/15/00
TO: BARNEY CHAN
CLAIM NO. 14076
FAX NUMBER: (510) 337-9335
FROM: SHARL KWIERAN

UST CLEANUP FUND PROGRAM

FAX #: (916) 227-4530
PHONE #: (916) 227-4366

NUMBER OF PAGES (including this page): 6

- For your information
- Per your request
- For your review and comment
- Other _____



Winston H. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Clean Water Programs

2014 T Street • Sacramento, California 95814 • (916) 227-4366
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FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustcf>



Gray Davis
Governor

FAX MEMORANDUM

TO: Barney Chan
FAX (510) 337-9335
(510) 567-6765

FROM: Shari Knieriem, (916) 227-4366, FAX (916) 227-4530
Claims Review Unit
UST CLEANUP FUND PROGRAM
DIVISION OF CLEAN WATER PROGRAMS
2014 T Street, Sacramento, CA 95814

DATE: February 15, 2000

SUBJECT: COMPLIANCE—IS CLAIMANT IN COMPLIANCE?

Hi Barney:

Please update the compliance of claimant, Fiesta Beverage. Last December I faxed the compliance form to you and compliance was not signed off. If claimant is in compliance, please sign off. Also, indicated on compliance form the corrective action activity. Thanks, Shari

Claim No: 14076	Claimant Name: Florida A&M Site Address: 9106 S 9th Ave City: JACKSON
-----------------	---

Compliance Documentation	
Date	Corrective Action Performed
8/20/90	WP 9151A were removed.
9/15/91	Soil and groundwater sample results.
12/23/92	Claimant requested a work plan for an initial subsurface investigation.
7/13/92	County's NOR - Fieda Beverage.
11/17/92	County request WP to determine extent of soil & GW contamination - signed WP w/in 45 days of letter.
8/15/93	Claimant Ltr to County - has a bias in favor WP.
5/24/93	Tank Project Engineering's WP for Soil & GW Investigation prepared for Fieda Beverage.
4/3/93	Tank Project Engineering fax to Alameda Co proposing MW location.
6/11/93	Co Ltr to Claimant - Approves May 24, 1993 WP & June 3, 1993 fax.
8/31/94	Alameda Co reviewed 12/15/93 PSA Report prepared by Tank Project Engineering - approves installation of 3 MW & continues to monitor on a quarterly basis - No further subsurface investigation required at this time.
11/9/95	CO issued Notice of Violation - Re-institute monitoring & submit quarterly report by 12/6/95.
11/3/96	Continued Engineering Rep - First Quarterly GW sampling.
2/18/96	" " " " Second " " "
12/2/96	County Ltr to Claimant - Review 11/21/96 monitoring report - provide site map indicating location of downgraded well by Jan 2, 1997.
1/4/98	County Issues Notice of Violation - Requests monitoring report by 12/7/98.

Continued on Reverse



Confirmation of Corrective Action Compliance



Claimant in Corrective Action Compliance X



Claimant NOT in Corrective Action Compliance - 90 Day Letter Required

Caseworker

Barney Chan



Fund will send letter



Lead Agency will send letter (Send copy to Fund w/in two weeks)

Barney Chan 2-15-00 X

Lead Agency Signature

Date

Chris Knieriem 8/31/99

Reviewer Signature

Date

8/31/99

Date of Detailed Review

To: S. Knieriem
From: SWRCB-

B. Chan
ACEH
2-pages

FIESTA BEVERAGES
7402 Hillviw Ct.
Pleasanton, CA 94588

Barney -
FYI
SK #115100

RECEIVED
SEP 27 1999
UST CLEANUP FUND

September 24, 1999

Ms. Shari Knieriem
Claims Review Unit
Underground Storage Tank Cleanup Fund
2014 T Street
Sacramento, CA 95814

RE: Response to your letter of 9/14/99 Claim # 014076

Dear Ms. Knieriem:

I am writing this letter to bring you up to date on the cleanup project. In February of 1999 we had a work plan written up and Barney Chan of Alameda County Environmental Protection approved the plan. With this plan came one bid from AllCal to do the project. I then used a list obtained from Mr. Chan to put out requests for 3 more bids. I did not hear from all of the bid prospects until mid August. They all refused to bid on this project. I was therefore put into the difficult position of not having 3 competitive bids.

After receiving your letter of 9/14/99 I have contacted, per your suggestion, Mr. Mark Owens. I told him all of the details of our project and bid problems and he then asked me to send him the work plan, the authorization from Mr. Chan, and the bid that I do have. I also sent him a copy of each letter I sent out to try to acquire 3 more competitive bids. He told me that when I send him the requested information he would pre-approve the next step because the cost is relatively low. He said he would contact me in approximately 4 weeks after receiving the material. I will send him the material via certified mail today Friday, September 24, 1999.

As per your request, included is an outline of cost already incurred in this project:

TANK REMOVAL: Scott Co. of California	
Removal of tanks	7500.00
Clean Backfill	2450.00
Total	9950.00

START of REMEDIATION: Scott Co. of California

Start of Remediation	5452.35
Soil Aeration	710.00
Soil Sampling	386.10
Recycle Soil (Certificate Issued)	4087.70

TANK PROTECT ENGINEERING

Work Plan	700.00
Installation 3 Monitoring Wells	4305.05
Caseing Elevation	546.25
Develop 3 Wells	1045.54
Water Sampling & Production of Final Report	1910.00

EVERGREEN ENVIRONMENTS SERVICES:

Recycle Material in Drums form Well Drillings	684.50
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CENTURY WEST ENGINEERING CORP.:


Water Samplings (4 Quarters)	3025.89
Ground Water Monitoring	1355.00

ALL CAL PROPERTY SERVICES

Work Plan for Possible ORC Borings	495.00
------------------------------------	--------

In conclusion, the total outlay of funds has been \$34,653.38 to date. It is planned that ALL CAL is to perform the next task per Mark Owens pre-approval. I hope this provides you with the necessary information regarding our present situation to move ahead and conclude this project in the near future. If I can be of any further assistance please do not hesitate to call. I can be reached at my work number during the day at 510-832-6081. Thank you in advance for your assistance.

Very truly yours,


W. Ted Walbey
FIESTA BEVERAGES



State Water Resources Control Board



Gray Davis
Governor

Division of Clean Water Programs

2014 T Street • Sacramento, California 95814 • (916) 227-4530
Mailing Address: P.O. Box 944212 • Sacramento, California 94242-4512
FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustcf>

00 FEB 15 AM 8:45

Winston H. Hickox
Secretary for
Environmental
Protection

#4241

February 9, 2000

cc
Mr. Ted Walbey
7402 Hillyview Ct.
Pleasanton, CA 94588

**PRE-APPROVAL OF CORRECTIVE ACTION COSTS, CLAIM NO. 14076,
SITE ADDRESS: 966 89TH AVENUE, OAKLAND**

I have reviewed your request, received on January 20, 2000 for pre-approval of corrective action costs; I will place these documents in your file for future reference. I have included a copy of the "Cost Pre-Approval Request" form; please use this form in the future for requesting pre-approval of corrective actions costs.

With the following provisions, the **total cost pre-approved** as eligible for reimbursement for the well installation, monitoring, and related work, is **\$6,551.00**. The cost proposal for this work by Allcal is pre-approved as submitted (with the exception of a DWR permit).

In an effort to expedite future reimbursement requests associated with the implementation of these pre-approved tasks, we request that the attached budget tracking form be completed/updated and submitted with the relevant supporting documentation.

*Be aware that this pre-approval does not constitute a decision on reimbursement: **all reasonable and necessary corrective action costs for work directed and approved by the local regulator will be eligible for reimbursement per the terms of your Letter of Commitment at costs consistent with those pre-approved in this letter.***

***All future costs for corrective action must be approved in writing by Fund staff.
Future costs for corrective action must meet the requirements of
Article 11, Chapter 16, Underground Storage Tank Regulations.***

- The actual costs and scope of work performed must be consistent with the pre-approval for it to remain valid.
- The work products must be acceptable to Alameda County Health Care Services (ACHCS).
- If a different scope of work becomes necessary, then you must request pre-approval of costs on the new scope of work.

California Environmental Protection Agency

- Although I have referred to the Allcal proposal in my pre-approval above, please be aware that you will be entering into a private contract: the State of California cannot compel you to sign any specific contract.

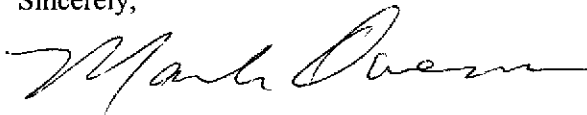
I also want to remind you that the Fund's regulations require that you obtain at least three bids, or a bid waiver from Fund staff, from qualified firms for all future necessary corrective action work.

Please remember that it is still necessary to submit the actual costs of the work as explained in the Reimbursement Request Instructions to confirm that the costs are consistent with this pre-approval before you will be reimbursed. ***Please insure that your consultant prepares their invoices to include the required break down of costs on a time and materials basis, that invoiced tasks are consistent with the original proposal, and that reasonable explanations are provided for any changes made in the scope of work or increases in the costs. When the invoices are submitted you must include copies of all:***

- subcontractor invoices (includes lab invoices)
- technical reports, when available, and
- applicable correspondence from ACHCS.

Please call if you have any questions; I can be reached at (916) 227-7883.

Sincerely,



Mark Owens, Water Resources Control Engineer
Technical Review Unit
Underground Storage Tank Cleanup Fund

cc: Mr. Barney Chan, Alameda County Health Care Services, Alameda



ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

January 12, 2000
StID # 4241

Mr. Ted Walbey
7402 Hillview Ct.
Pleasanton, CA 94588

**Re: Request for Work Plan for Monitoring Well Installation at 966 89th Ave.,
Oakland CA 94621**

Dear Mr. Walbey:

It has come to our office's attention that although I informally approved of All Cal Property Services' recommendation for the installation of an additional monitoring well, a formal request may be necessary to meet the Cleanup Fund requirements. Therefore, please submit a brief work plan proposal for the installation of the aforementioned off-site monitoring well. It is hoped that you will still be able to meet my prior deadline for installation, February 22, 2000.

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. J. Mrakovich, All Call Property Services, Inc., 27973 High Country Drive, Hayward,
CA, 94542-2530

Mwwp966 89th

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

January 3, 2000
StID # 4241

Mr. Ted Walbey
7402 Hillview Ct.
Pleasanton, CA 94588

Re: Subsurface Investigation at Former Fiesta Beverage, 966 89th Ave., Oakland CA 94621

Dear Mr. Walbey:

Our office has received and reviewed the **December 20, 1999 Offsite Groundwater Investigation** report prepared by Mr. John Mrakovich of All Cal Property Services, Inc. As you are aware, this report provides the results of groundwater samples taken down-gradient in the northwesterly direction from the former underground tanks at this site. A total of four temporary borings were sampled in order to determine the extent of the gasoline plume release from the former tanks. Because these are "grab" samples, they can only be used to qualitatively determine the extent of the contamination. The results of these samples indicates ~~that~~ the likelihood that the release has moved across 89th Ave., however, it may have attenuated as you mover further down-gradient.

The report recommends the installation of an additional monitoring well, noted as MW-4 in the All Cal Site Plan. This new well would then be sampled along with the existing three wells. Based on these results, it would be decided if active remediation, such as addition of oxygen releasing compound or hydrogen peroxide, is necessary. Should this prove necessary, you will be requested to provide a specific work plan for this treatment.

This work plan is approved. Please plan to install and sample this and the existing wells within 45 days or no later than February 22, 2000.

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. J. Mrakovich, All Cal Property Services, Inc., 27973 High Country Drive, Hayward,
CA, 94542-2530

W A L B E Y

7402 Hillview Ct., Pleasanton, CA 94588
925-846-6140

December 28, 1999

#4241

ENVIRONMENTAL
PROTECTION
99 DEC 29 AM 11:04

Mr. Barney M. Chan
Hazardous Materials Specialist
Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502

RE: Former Fiesta Beverages, 966 - 89th Ave., Oakland

Dear Mr. Chan:

Included within are the results of your requested soil boring and ground water sampling done by ALLCAL Environmental Services.

I talked with Shari Knieriem of the Claims Review Unit of the Underground Storage Tank Cleanup Fund this morning. She said she would contact you and after you "signed off" she would continue the process of getting me a "Letter of Commitment" to help fund the clean up project.

Thank you in advance for your assistance.

Very truly yours,



W. Ted Walbey
FIESTA BEVERAGES



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Clean Water Programs
2014 T Street • Sacramento, California 95814 • (916) 227-4400
Mailing Address: P.O. Box 944712 • Sacramento, California • 94244-2120
FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustcf>

Gray Davis
Governor

FAX TRANSMITTAL

sknierie@cwp.swrcb.ca.gov

DATE:

Dec 28, 1999

TO:

Barney Chan

CLAIM NO.

14076 - Site 966 89th Ave
Oakland

FAX NUMBER:

510 337-9335

FROM:

Shari Knieriem

UST CLEANUP FUND PROGRAM

FAX #: (916) 227-4530

PHONE #: (916) 227-4366

NUMBER OF PAGES (including this page): 3

- For your information
- Per your request
- For your review and comment

Other Please sign off on the

above claimant's compliance. Also, note

the activity after 3/15/99 - OK to

Return by fax - Thanks - see everyone

in a couple of weeks - Shari Knieriem

California Environmental Protection Agency

Claim No: 14076 Claimant Name: Fiesta Beer Bill Address: 966 S 9th Ave. Alhambra

Compliance Documentation

Date	Corrective Action Performed
8/24/90	MPD USA were removed.
9/15/91	Soil and groundwater sample results
12/23/92	County requested a work plan for an initial subsurface investigation
7/13/92	County's NDR - Fiesta Beverage.
12/17/92	County request WP to determine extent of soil + GW contamination - submit WP w/in 45 days of letter
8/15/93	Claimant Ltr to county - has a bias in favor of WP
5/24/93	Tank Project Engineering's WP for Soil + GW Investigation prepared for Fiesta Beverage
4/3/93	Tank Project Engineering fax to Alhambra CO proposes MW locations
6/11/93	Co Ltr to Claimant - Approves May 24, 1993 Ltr + June 3, 1993 Fax
8/31/94	Alhambra CO reviewed 12/15/93 PSA Report prepared by Tank Project Engineering - approves installing 3 MW + continue to monitor on a quarterly basis - No further subsurface investigation required at this time.
11/9/95	CO issued Notice of Violation - Re-institute monitoring + submit quarterly report by 12/15/95
11/31/96	Continued Engineering Rep. - First quarterly GW sampling
6/18/96	" " " " " " " " " " " "
12/2/96	County Ltr to Claimant - Review 11/21/96 monitoring report - provide site map indicating location of downgraded well by Jan 2, 1997
11/4/98	County issues Notice of Violation - Requests monitoring report by 12/7/98

Continued on Reverse

Confirmation of Corrective Action Compliance

Claimant in Corrective Action Compliance

Claimant NOT in Corrective Action Compliance - 90 Day Letter Required

Caseworker: Barney Chan Fund will send letter Lead Agency will send letter (Send copy to Fund w/in two weeks)

Barney Chan 12/28/99
 Lead Agency Signature Date

Shari Kriem 8/31/99 8/31/99
 Claims Reviewer Signature Date Date of Detailed Review

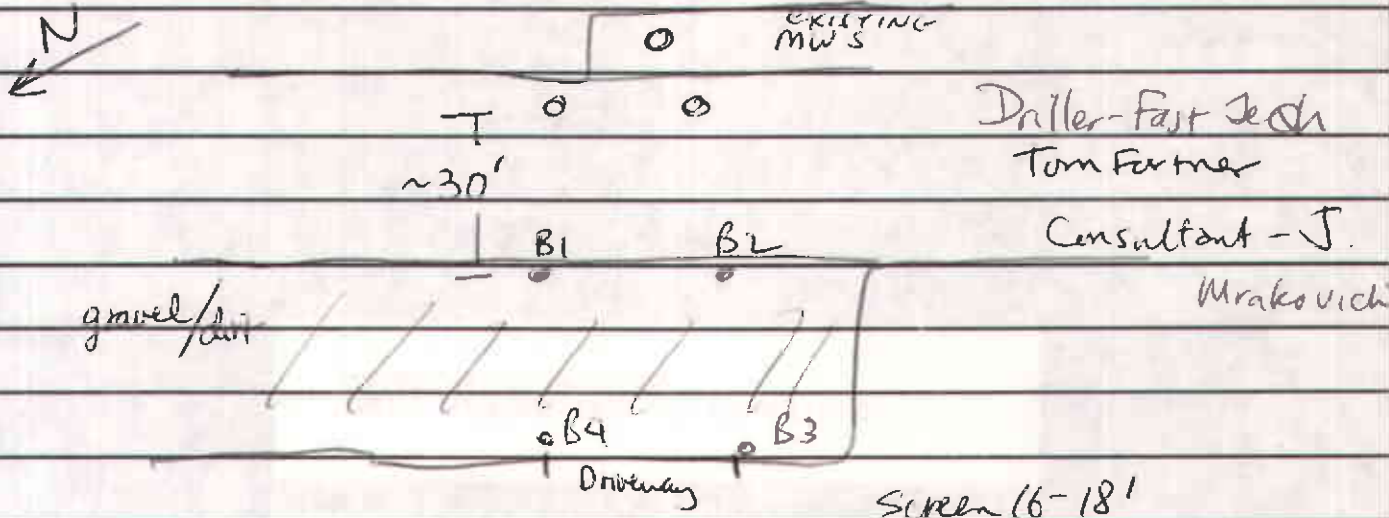
To: S. Kriem
 From: B. Chan ACEH-
 (2 pages) LOP
 12/28/99

HAZARDOUS WASTE GENERATOR INSPECTION REPORT

STID #: 4241 FACILITY NAME: Fiesta Beverage 966-89th Ave PG. OF

SUPPLEMENTAL FORM

Present to observe the advancement of geogrades down gradient (across the street) from Laneville ST.



- B1 - odors noticed from ~ 8' → DTW (16'), 2 UOAs taken
- B1 - odors noticed → 2 UOAs taken
- B3 - T OKayed eliminating the observation of borings + just taking G-W samples

PRINT NAME: INSPECTED BY: BCHAN
 SIGNATURE: DATE: 11/30/99



11/30/99





State Water Resources Control Board



Division of Clean Water Programs

2014 T Street • Sacramento, California 95814 • (916) 227-
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustcf>

ENVIRONMENTAL
PROTECTION
99 OCT 27 PM 4:19

Winston H. Hickox
Secretary for
Environmental
Protection

R0314

October 19, 1999

CC

Mr. Ted Walbey
7402 Hillview Court
Pleasanton, CA 94588

**PRE-APPROVAL OF CORRECTIVE ACTION COSTS, CLAIM NO. 14076,
SITE ADDRESS: 966 89th AVENUE, OAKLAND**

I have reviewed your request, received on September 23, 1999 for pre-approval of corrective action costs; I will place these documents in your file for future reference. I have included a copy of the "Cost Pre-Approval Request" form; please use this form in the future for requesting pre-approval of corrective action costs.

With the following provisions, the **total cost pre-approved** as eligible for reimbursement, is **\$4,133.00**. The cost proposal for this work by ALLCAL is approved for eligible costs as submitted.

In an effort to expedite future reimbursement requests associated with the implementation of these pre-approved tasks, we request that the attached budget tracking form be completed/updated and submitted with the relevant supporting documentation.

Be aware that this pre-approval does not constitute a decision on reimbursement: all reasonable and necessary corrective action costs for work directed and approved by the local regulator will be eligible for reimbursement per the terms of your Letter of Commitment at costs consistent with those pre-approved in this letter.

***All future costs for corrective action must be approved in writing by Fund staff.
Future costs for corrective action must meet the requirements of
Article 11, Chapter 16, Underground Storage Tank Regulations:***

- The actual costs and scope of work performed must be consistent with the pre-approval for it to remain valid.
- The work products must be acceptable to Alameda County Health Care Services Agency (ACHCSA).
- If a different scope of work becomes necessary, then you must request pre-approval of costs on the new scope of work.

California Environmental Protection Agency



State Water Resources Control Board

ST10 9d41 'BC'



Division of Clean Water Programs

2014 T Street • Sacramento, California 95814 • (916) 227-0748

Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120

FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustcf>

Winston H. Hickox
Secretary for
Environmental
Protection

Gray Davis
Governor

September 14, 1999

Mr. Ted Walbey
Fiesta Beverage
7402 Hillview
Pleasanton, CA 94588

UNDERGROUND STORAGE TANK CLEANUP FUND (USTCF) PROGRAM; CLAIM NUMBER 014076; FOR SITE ADDRESS: 966 89th AVENUE, OAKLAND

We recently completed the detailed review of your application in order to determine eligibility for reimbursement from the USTCF. As a result of the review it was determined that you are not in compliance with corrective action directives. On March 15, 1999 Alameda County Health Care Services Agency, Department of Environmental Health (Alameda County EHD) approved work plan for off site boring investigation. According to Alameda County EHD files, the required work has not been conducted.

Section 2811 (b)(3) of the Underground Storage Tank Cleanup Fund Regulations requires that you remain in compliance with corrective action directives issued by the local regulatory agency.

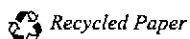
For cases such as yours, the Fund is providing responsible parties with 90 calendar days to come into compliance. You must take positive, concrete steps to begin the necessary investigative work at your site in order to come into compliance. Those steps must include:

- 1) Demonstrate how you have complied with the March 15, 1999 directive listed above. If you have not complied, contact the Alameda County EHD at (510) 567-6765 to obtain current corrective action directives which are specific to current site conditions, and
- 2) Obtain three bids for the required work, and
- 3) Sign a contract with one of the bidders, and

Obtain pre-approval from the Fund prior to initiation of proposed work.

If you have any questions regarding necessary investigative and cleanup work at the subject site, please call Barney Chan with the Alameda County Health Care Services Agency, Department of Environmental Health at (510) 567-6765.

California Environmental Protection Agency



If you have any questions regarding the 3-bid process or pre-approval of costs, please contact Mark Owens, the Cleanup Fund's technical reviewer assigned to claims in your region, at (916) 227-7883.

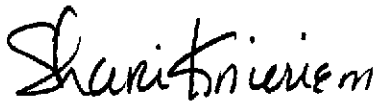
In addition to the steps listed above, you must submit a written update to the Fund explaining the status of cleanup and costs incurred to date for cleanup. The written update must be submitted within 30 days from the date of this letter.

Once you have take the necessary steps to get back into compliance and exceeded the \$10,000 deductible of eligible costs, a Letter of Commitment can be issued for your site.

If you do not take the necessary steps listed above to come into compliance within 90 days and do not submit the required site status within 30 days, I will begin the process to remove your claim from the Priority List 90 days from the date of this letter.

If you have any questions regarding this letter or your claim application with the Cleanup Fund, please call me at (916) 227-4366

Sincerely,



Shari Knieriem
Claims Review Unit
Underground Storage Tank Cleanup Fund

99 SEP 16 PM 3: 21
ENVIRONMENTAL
PROTECTION

cc: Mr. Steve Morse
RWQCB, Reg. 2
1515 Clay Street, STE. 1400
Oakland, CA 94612

Mr. Thomas Peacock
Alameda County EHD
1131 Harbor Bay Parkway
Alameda, CA 945502-6577

4241

ENVIRONMENTAL
PROTECTION

99 AUG 26 PM 1:40

August 25, 1999

Alameda County Health Care Services
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, Ca 94502-6577

Barney M. Chan
Hazardous Materials Specialist


Dear Barney:

I am writing this note as an update to the FIESTA BEVERAGES site. The Superfund has approved me for the first step. I have received as of August 17, 1999 an additional request for information. The information they are requesting is for "preparation for the Letter of Commitment (LOC) in anticipation that our claim will be determined eligible."

Also, I have sent for four bids months ago and have now received responses from all of them. They all responded that they have no interest in bidding on the project. They said that they were too busy or the project did not fit their criteria. I used the list you kindly supplied me to get their names. This creates a problem because of the Superfund's requirement that 3 bids must be attained. I am sure that I'm not the only site having these problems. I am going to write to the person who notified me of our approval and ask her if they can waive multiple bids or is there an alternate way of getting the 3 bid minimum.

I will keep you apprised of the their response. Thank you for your understanding.

Very truly yours,


Ted Walbey
Fiesta Beverages
7402 Hillview Ct.
Pleasanton, CA 94588

#4241

BC



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Clean Water Programs
2014 T Street • Sacramento, California 95814 • (916) 227-4539
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustcf>

Gray Davis
Governor

May 6, 1999

Ted Walbey
Fiesta Beverage By Ted Walbey
7402 Hillview
Pleasanton, CA 94588

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, NOTICE OF PERMIT WAIVER AND ELIGIBILITY DETERMINATION: CLAIM NUMBER 014076 ; FOR SITE 966 89TH AVE, OAKLAND

Your claim has been accepted for placement on the Priority List in Priority Class "B".

Permit Waiver: Under the amended provisions of Section 25299.57 of the Health and Safety Code (H&SC), the State Board has granted your request for a waiver for the permit requirement as a condition for eligibility to the Fund. It is important to note that when a claimant failed to apply for or obtain the permits required pursuant to Chapter 6.7, Division 20, of the H&SC, by January 1, 1990, and the State Board grants a waiver pursuant to Section 2811(a)(2)(B) of the Underground Storage Tank Cleanup Fund Regulations, the claimant's level of financial responsibility (deductible) is twice the amount otherwise required. In this case, you will be responsible for the first \$10,000 of eligible corrective action costs before the Fund coverage begins.

Compliance Review: After adoption of the Priority List, staff will review, verify, and process applications based on their priority and rank within a priority class. During this Compliance Review, staff may request additional information needed to verify eligibility. Once review of the application is complete and the claim is determined to be valid, a Letter of Commitment will be issued obligating funds toward the cleanup. After the compliance review, your claim may be rejected if Division staff determine that you have not complied with regulations governing site cleanup, you have not supplied necessary information or documentation, or your claim application contains a material error. In such event, you will be issued a Notice of Intended Removal from the Priority List, informed of the basis for the proposed removal of your claim and provided an opportunity to correct the condition that is the basis for the proposed removal. Your claim will be barred from further participation in the Fund, however, if the claim application contains a material error resulting from fraud or intentional or negligent misrepresentation.

Record keeping: During your cleanup project you should keep complete and well organized records of all corrective action activity and payment transactions. If you are eventually issued a Letter of Commitment, you will be required to submit: (1) copies of detailed invoices for all corrective action activity performed (including subcontractor invoices), (2) copies of canceled checks used to pay for work shown on the invoices, (3) copies of technical documents (bids, narrative work description, reports), and (4) evidence that the claimant paid for the work performed (not paid by another party). These documents are necessary for reimbursement and failure to submit them could impact the amount of reimbursement made by the Fund. ***It is not necessary to submit these documents at this time; however, they will definitely be required prior to reimbursement.***

Compliance with Corrective Action Requirements: In order to be reimbursed for your eligible costs of cleanup incurred after December 2, 1991, you must have complied with corrective action requirements of Article 11, Chapter 16, Division 3, Title 23, California Code of Regulations. Article 11 categorized the

May 6, 1999

corrective action process into *phases*. In addition, Article 11 requires the responsible party to submit an *investigative workplan/Corrective Action Plan* (CAP) before performing any work. This phasing process and the workplan/CAP requirements were intended to:

1. help the responsible party undertake the necessary corrective action in a cost-effective, efficient and timely manner;
2. enable the regulatory agency to review and approve the proposed cost-effective corrective action alternative before any corrective action work was performed; and
3. ensure the Fund will only reimburse the most cost-effective corrective action alternative required by the regulatory agency to achieve the minimum cleanup necessary to protect human health, safety and the environment.

In some limited situations *interim cleanup* will be necessary to mitigate a demonstrated immediate hazard to public health, or the environment. Program regulations allow the responsible party to undertake interim remedial action after: (1) notifying the regulatory agency of the proposed action, and; (2) complying with any requirements that the regulatory agency may set. Interim remedial action should only be proposed when necessary to mitigate an immediate demonstrated hazard. ***Implementing interim remedial action does not eliminate the requirement for a CAP and an evaluation of the most cost-effective corrective action alternative.***

Three bids and Cost Preapproval: Only corrective action costs required by the regulatory agency to protect human health, safety and the environment can be claimed for reimbursement. You must comply with all regulatory agency time schedules and requirements and you must obtain three bids for any required corrective action. Unless waived in writing, you are required to obtain preapproval of costs for all future corrective action work. ***If you do not obtain three bids and cost preapproval, reimbursement is not assured and costs may be rejected as ineligible.***

If you have any questions, please contact me at (916) 227-4539.

Sincerely,


Cheryl Gordon
Claims Review Unit

Underground Storage Tank Cleanup Fund

cc: Mr. Thomas Peacock
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577

ENVIRONMENTAL
PROTECTION
99 MAY 10 PM 3:33

California Environmental Protection Agency



Recycled Paper

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

March 15, 1999
StID # 4241

Mr. Ted Walbey
7402 Hillview Court
Pleasanton, CA 94588

**Re: Work Plan for Offsite Groundwater Investigation at 966 89th Ave., Oakland CA 94621
Former Fiesta Beverage**

Dear Mr. Walbey:

Thank you for the submission of the February 19, 1999 work plan from AllCall Property Services, Inc. As previously discussed with your consultant, the work plan proposes the advancement of four borings down-gradient of the former underground fuel tanks at this site. A "grab" groundwater sample will be collected from each boring and analyzed for the following parameters; total petroleum hydrocarbons as gasoline, BTEX (benzene, toluene, ethyl-benzene and xylenes) and MTBE (methyl tertiary- butyl ether). The results of this investigation will be used to determine the extent and potential mass of the contaminant plume.

After this investigation, your consultant can determine if the addition of oxygen releasing compound (ORC) is appropriate and if so how much and where it should be applied.

This work plan is approved. Please notify me prior to this investigation and implement as soon as possible.

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. J. Mrakovich, AllCal Property Services, Inc., 27973 High Country Drive, Hayward,
CA, 94542-2530

Wpap966-89th

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



January 25, 1999
StID # 4241

Mr. Ted Walbey
7402 Hillview Court
Pleasanton, CA 94588

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

**Re: Status of Subsurface Investigation at Former Fiesta Beverage, 966 89th Ave.,
Oakland CA 94621**

Dear Mr. Walbey:

Thank you for the submission of the January 13, 1999 Groundwater Monitoring Report for the above site as prepared by All Cal Property Services, Inc. From the results of the fourth quarter groundwater monitoring, the following conclusions can be made:

- There continues to be elevated gasoline and the gasoline constituents; benzene, toluene, ethyl benzene and xylenes in groundwater. The data does not suggest that the concentrations are decreasing at a significant rate.
- The relatively low concentration of dissolved oxygen and the low value of the oxidation-reduction potentials are not optimum for aerobic bio-degradation.
- The elevated levels of dissolved benzene in groundwater may pose a risk to human health in a conservative (Tier 1) risk assessment.

Your consultant recommends the installation of an additional monitoring well, annual monitoring of the wells and the introduction of oxygen into the gasoline plume to accelerate bio-degradation. Our office has discussed these recommendations with Mr. Mrakovich and we have decided on a slightly different approach. In order to determine the extent of the contaminant plume and design the appropriate array for the injection of ORC (Oxygen Releasing Compound), off-site temporary borings should be advanced. The additional well, at this time, is not required. After this off-site investigation, a brief work plan should be provided for the installation of ORC borings. The spread sheet showing the calculation for the amount of ORC needed should also be provided. To follow this remediation, quarterly groundwater monitoring should be performed. Based on the effectiveness of this remediation and investigation, recommendation for site closure or additional investigation can be made after a year of quarterly monitoring.

Please provide a work plan for an off-site boring investigation **within 30 days or by March 3, 1999**. 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. J. Mrakovich, AllCal Property Services, 27973 High Country Dr., Hayward, CA
94542-2530

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

December 9, 1998
StID # 4241

Mr. Ted Walbey
7402 Hillview Court
Pleasanton, CA 94588

Re: Subsurface Investigation at 966 89th Ave., Oakland CA , 94621, former Fiesta Beverage

Dear Mr. Walbey:

Our office has spoke with Mr. John Mrakovich and received his December 3, 1998 Groundwater Monitoring Workplan. The work plan proposes the sampling of the existing three wells at this site prior to performing any additional investigation due to the lack of any recent monitoring data. After the results of this sampling event are reviewed recommendations will be made to complete the investigation or lead the investigation towards site closure.

The wells will be sampled and analyzed for the petroleum constituents; Total petroleum hydrocarbons as gasoline, BTEX and MTBE. Note the if detected, MTBE should be confirmed using a GC/MS analysis. In addition, the natural attenuation indicator parameters , dissolved oxygen, oxidation-reduction potential, alkalinity, nitrate, sulfate and ferrous iron, will be analyzed in these wells. Dissolved oxygen and oxidation-reduction potential will be analyzed both prior and after purging of the well.

It also appears that our office is still missing receipts for the disposal of soils generated from the underground tank excavations and the verification of the proper closure of the piping associated with the tanks. Please provide this information with the results of this proposed monitoring.

You should inform our office prior to the sampling of the wells. I may be reached at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: **B. Chan**, files

Mr. John Mrakovich, All Cal Property Services, Inc., 27973 High Country Dr., Hayward,
CA, 94542-2530

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

November 4, 1998
StID # 4241

Mr. Ted Walbey
7402 Hillview Court
Pleasanton, CA 94588

NOTICE OF VIOLATION

**Re: Request for Technical Reports for Subsurface Investigation at 966 89th Ave., Oakland
CA, 94621, former Fiesta Beverage**

Dear Mr. Walbey:

The last correspondence from our office, my December 2, 1996 letter, commented on the November 21, 1996 Century West monitoring report. Upon discussion with the consultant, we agreed on a plan to enhance the natural bio-remediation in groundwater. This plan was to install oxygen releasing compound (ORC) into the three monitoring wells at the site in addition to installing an additional monitoring well down-gradient of the former tanks. These wells could be monitored on a semi-annual basis on the condition that other parameters indicative of natural bio-remediation (dissolved oxygen, oxidation-reduction potential, alkalinity, nitrate, sulfate and ferrous iron) were monitored during the groundwater monitoring.

Our office requested that you provide a site map indicating the proposed location of the down-gradient well by January 2, 1997. To date, our office has not received correspondence or reports from you. We, therefore, assume no further work has been done at this site.

Please perform groundwater monitoring at this site and provide your monitoring report to our office **within 30 days or by December 7, 1998**. You should also provide the previously requested map indicating the location of the additional down-gradient well and provide a schedule for the installation of oxygen releasing compound in the existing wells and the installation of the new well.

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

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, Files

NOV966-89

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

December 2, 1996
StID # 4241

Mr. Ted Walbey
7402 Hillview Court
Pleasanton, CA 94588

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

Re: Former Fiesta Beverage Site, 966 89th Ave., Oakland CA 94621

Dear Mr. Walbey:

Our office has received and reviewed the November 21, 1996 Century West Engineering groundwater monitoring report for the above referenced site. I have also spoken with your consultant from Century West and discussed what options are available which would lead to eventual site closure. Based on this discussion, the Century West November 21, 1996 monitoring recommends the following:

1. The introduction of oxygen releasing compound (ORC) to the three wells on a semi-annual basis to enhance natural bioremediation; and
2. The installation of one additional downgradient well to monitor the effectiveness of the above method. This well is proposed to be monitored on a semi-annual basis.

Our office agrees in principle with the above proposal, however, we have the following additional requirements/concerns:

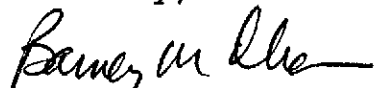
1. Semi-annual monitoring may be initiated on the monitoring wells as long as the introduction of ORC compounds and the installation of the additional offsite well be done **immediately**. ORC compound should not be installed in the offsite well.
2. Prior to groundwater monitoring, the ORC should be removed and the well purged thoroughly to ensure that a representative water sample is obtained.
3. Monitoring of those wells with the ORC installed should include the analysis for the following parameters: dissolved oxygen, oxygen-reduction potential, pH, conductivity, temperature, alkalinity, nitrate, sulfate and ferrous iron. Please observe proper sampling and analysis for these parameters and provide a discussion for the results obtained.

Please provide a site map indicating the location of the downgradient well **within 30 days or by January 2, 1997**. The well should be installed within 30 days of approval from our office.

Mr. Ted Walbey
StID # 4241
966 89th Ave.
December 2, 1996
Page 2.

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

c: Mr. Matthew Bromley, Century West Engineering, 7950 Dublin
Blvd., Suite 203, Dublin CA 94568

B. Chan, file

ORC966-89

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, DIRECTOR

November 9, 1995
StID # 4241

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

Mr. Ted Walbey
7402 Hillview Court
Pleasanton, CA 94588

NOTICE OF VIOLATION

Re: Request for Technical Reports for Fiesta Beverages, 966 89th Ave., Oakland CA 94621

Dear Mr. Walbey:

Our last report from you was the December 15, 1993 Preliminary Site Assessment Report written by Tank Protect Engineering. This report detailed the installation of three monitoring wells in order to examine the extent of the gasoline release from the two former tanks. The groundwater sampling event actually occurred on August 6, 1993.

At a minimum, until this site has been recommended for closure by our office or that of the Regional Water Quality Control Board (RWQCB), you must continue to monitor these wells on a quarterly basis. In addition, your written quarterly report should be sent to our office within 45 days of each monitoring event.

Please reinstitute the monitoring of the three wells at this site immediately. Water samples should be analyzed for TPHg and BTEX, (total petroleum hydrocarbons as gasoline and benzene, toluene, ethylbenzene and xylenes). Please submit your quarterly groundwater monitoring report within 45 days or by December 26, 1995.

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

Sincerely,

A handwritten signature in cursive script that reads "Barney M. Chan".

Barney M. Chan
Hazardous Materials Specialist

cc: G. Jensen, Alameda County District Attorney Office
L. Huckins, TPE, 2821 Whipple Rd., Union City, CA 94587
G. Coleman, files
NOV966-89

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

February 3, 1994
StID # 4241

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

Mr. Ted Walbey
7402 Hillview Court
Pleasanton, CA 94588

Dear Mr. Walbey:

Thank you for the submission of the December 15, 1993 Preliminary Site Assessment Report prepared by your consultant, Tank Protect Engineering (TPE). Our office has reviewed the report results which details the installation of three monitoring wells. We agree with TPE's recommendation, to continue monitoring these wells on a quarterly basis. At this time, no further subsurface investigation is requested from our office.

You may contact me at (510) 271-4530 if you have any questions.

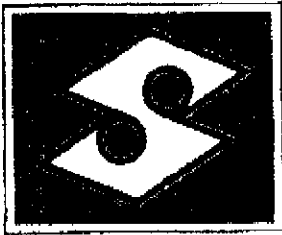
Sincerely,

A handwritten signature in cursive script that reads "Barney M. Chan".

Barney M. Chan
Hazardous Materials Specialist

cc: J. Mrakovich, TPE, 2821 Whipple Road, Union City CA 94587
E. Howell, files

qtr-966



SCOTT CO.

MECHANICAL CONTRACTORS
1717 Doolittle Drive
P.O. Box 5555
San Leandro, California 94577-0655
(510) 895-2333

Contractors License No. 184480

FAX COVER SHEET

DATE: 7-30-93

TO: Alameda County Haz. Mat. Div.

ATTN: Barney Chen

FROM: Paul Ferreira

EXT. 385

REFERENCE: _____

NUMBER OF PAGES (including this sheet) 1

COMMENTS: _____

SCOTT CO./SERVICE CONTRACTING DEPT. FAX: 510-895-8426

Certificate of Remediation

This is to certify that REMCO, in accordance with Title 22 CDOHS, has accepted and has caused 74.28 Yards of H.C. material to be recycled under the guidelines of federal, state and local laws and regulations.

The H.C. material was received 04 / 05 / 93. In receiving and processing the H.C. material and in providing this certificate, REMCO has relied upon and is relying upon (a) the representation of the generator that the H.C. material does not contain any materials classified as, and is not classified as "Hazardous Waste" under the applicable provisions of federal and California law and has been managed and may be treated as other than Hazardous Waste, and (b) the generator has independent written certifications from applicable governmental agencies of certified independent testing laboratories that the H.C. material does not contain any materials classified as, and is not classified as, "Hazardous Waste" under said applicable law.

REMCO shall indemnify, defend and hold harmless the generator from and against any enforcement actions by any governmental authority in the event that any of the representations by REMCO set forth in this certificate are materially inaccurate. Provided however that his indemnity shall be limited to a maximum of the amount paid to REMCO by the generator for processing this H.C. material.

SUPPLIER:

Scott Co. of California
1717 Doolittle Dr.
San Leandro, Ca. 94577

GENERATOR:

Fiesta Beverage
966 - 89th Ave.
Oakland, Ca.

Remco
Recycling For The Future



2717 Goodrick Avenue
Richmond, CA 94804
(510) 237-5866

BY: Steve Humphrey

DATE: 7/29/93

CERTIFICATE # 93-0111-94

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

June 11, 1993
StID # 4241

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

Mr. Ted Walbey
Fiesta Beverages
7402 Hillview Ct
Pleasanton, CA 94588

Re: Evaluation of May 24, 1993 Work Plan for Soil and Ground-
water Investigation at 966 89th Ave., Oakland CA 94621

Dear Mr. Walbey:

Our office has received the above referenced report as prepared by Tank Protect Engineering (TPE). We have also recently spoken with Mr. John Mrakovich of TPE and received the request to install two rather than three monitoring wells as stated in the May 24, 1993 work plan. After discussion, the two wells depicted on the June 3, 1993 fax to our office were approved on the condition that it is shown that the lithology of this site (966 89th Ave.) is similar to that at Lanaidor (925 89th Ave.) and it can be shown that the same groundwater bearing zone is being monitored. This is also based on the consistency of groundwater gradient at the Lanaidor site. Our office will be requesting the resumption of monitoring at this site as a separate issue in regards to their subsurface investigation. In the event that these conditions are not met, you will be required to install an monitoring well to establish your site specific gradient. A well in the location of the proposed boring (from June 3, 1993 fax) may be appropriate.

additional

In addition, please be reminded that our office has yet to receive verification of the proper closure of the piping to these former tanks. Soil sampling or pressure testing of the piping will be required in addition to filling and capping of the line. Please detail the status of all stockpiled soils removed from the excavations.

*✓ rec'd
fax from
S&T Co
7/20/93*

You may contact me at (510) 271-4530 if you have any questions.

Sincerely,

Barney M. Chan

Barney M. Chan
Hazardous Materials Specialist

*piping was capped + filled
w/ grout*

cc: R. Hiett, RWQCB
J. Mrakovich, TPE, 2821 Whipple Rd., Union City, CA
94587-1233
E. Howell, files
wp966-89

Expect response by April 15, 1993

March 15, 1993

SO 111111 111111 44

Mr. Barney Chan
Hazardous Materials Specialist
Alameda County Health Services
80 Swan Way Rm 200
Oakland Ca. 94621

Re: This letter is in regards to your request
for subsurface investigation at Fresh Beverage
966 88th ave. Oak Ca 94621 - STID # 4241

Dear Mr. Chan:

I wanted you to know I have two
bids in for a work plan and their methods
of completing the job. The third bid has not
come in yet and I'm not going to wait for
them. Their lack of response must mean they
are not interested. The two bids differ
considerably in both cost and solutions.
I'm finding it difficult to choose which one
is best, given, I'm certainly not an expert
on this matter. I realize you cannot
recommmend one over the other.

I'm writing this to let you know I am

addressing the issue. I must go to Southern California for two weeks on business and when I return I will choose one of them. This will give me a little more time hopefully to choose the correct one.

Also Scott Co. tested the soil from the tank project and they came out totalaty negative. Paul from Scott Co. suggested that we send it to a "recycler" for two reasons:

- A. Cost is lower or same than landfill
- B. I will get a certificate stating that the dirt is clean thus no lingering liability.

This dirt is scheduled to be processed the week of March 15th. I would appreciate your indulgence on this matter. Thanking you in advance.

Sincerely,

Jed Walbey

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

December 17, 1992
STID # 4241

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

Mr. Ted Walley
Fiesta Beverage
966 89th Ave.
Oakland CA 94621

**Re: Request for Work Plan for Subsurface Investigation at
Fiesta Beverage, 966 89th Ave., Oakland CA 94621**

Dear Mr. Walley:

Please be advised that the oversight of the remediation at the above site has been transferred to the Local Oversight Program, (LOP), section of Alameda County Environmental Health, Hazardous Materials Division. You have been made aware of this through a **Notice of Requirement to Reimburse** letter recently sent to you. Also, the case worker is now the undersigned, Hazardous Materials Specialist.

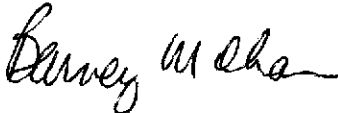
Our office has received and reviewed the documents dated February 5, 1991 prepared for you by Scott Co. These documents gave the results of soil and groundwater samples taken subsequent to the removal of the two underground tanks at the above site on August 24, 1990. As you are aware, considerable Total Petroleum Hydrocarbons as gasoline (TPHg) and BTEX (Benzene, Toluene, Ethylbenzene and Xylenes) was found in the soil samples originally taken from the excavation pit. As high as 4900 parts per million, (ppm), TPHg was found in soil sample 2 taken under the 1000 gallon tank. In addition, the water samples taken from the pits had 25 and 36 ppm TPHg and significant BTEX concentrations. Because of the soil and groundwater contamination found, you are required to perform a subsurface investigation which determines the extent of the soil and groundwater contamination. Enclosed please find a copy of **Appendix A, Workplan for Initial Subsurface Investigation**, a document provided by the Regional Water Quality Control Board (RWQCB) which you may use as a guide for your workplan. Please provide a work plan for this investigation **within 45 days** of receipt of this letter. In addition, please provide documentation for the final disposition of all stockpiled soils generated from this excavation. It was noted that the product piping was left in place due to their location beneath the building. Please verify that the piping was properly inerted and closed in place and that the piping was verified "tight" and not leaking.

Mr. Ted Walbey
STID # 4241
Fiesta Beverages
966 89th Ave.
December 17, 1992
Page 2.

You should consider this a formal request for technical reports pursuant to the Californin Water Code Section 13267 (b). All work plans, analytical results or reports should be sent to our office and to that of the RWQCB to the attention of Mr. Rich Hiatt. Their address is 2101 Webster St., Suite 500, Oakland CA 94612. Be aware that failure to submit the requested documents may subject you to civil liabilities.

You may contact me at (510) 271-4530 should you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

enclosure (Mr. Walley)

cc: G. Jensen, Alameda County District Attorney Office
R. Hiatt, RWQCB
Fiesta Beverages, 7402 Hillview Ct., Pleasanton, CA 94588
E. Howell, files

WP-966-89

**ALAMEDA COUNTY
HEALTH CARE SERVICES AGENCY**

Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94621

2115
ET

Mr. Ted Walley
Fiesta Beverage
~~966 89th Avenue~~
Oakland CA 94621

United Beverage
105 Jackson St
Oakland 94607

7402 Hillview Ct
Pleasanton CA 94588

|||||

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program

RAFAT A. SHAHID, Assistant Agency Director

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

March 23, 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 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

8/24/90

Cynthia:

I went to open tank full at 966-89th Ave. today. The 500 gal tank had holes on the top and side. There were no holes on the bottom of the tank. The 1,000 gal tank had holes on the bottoms and side edges. There were no holes on top. Soil samples were taken under both ends of each tank. ~~The~~ The samples all had a odor of Gasoline.

Note: Pipelines (product) ~~was~~ were not removed because it went underneath and inside the locked building.

Camy



Sampler
966-89th Ave.
Oak.
8/24/90

CHAS. LYNCSIAO

Arthur Muir

Staff Engineer
Western Environmental
Science & Technology
1046 Olive Drive, Suite 3
Davis, CA 95616
916 753-9500



966-89th Ave., Oak
JAY GROH 8/24/90

X 3379
Backhoe operator

MECHANICAL CONTRACTORS

License No. 184480

1919 Market Street, Oakland, Calif. 94607 / (415) 834-2333

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
 DEPARTMENT OF ENVIRONMENTAL HEALTH
 HAZARDOUS MATERIALS DIVISION

80 SWAN WAY, ROOM 200
 OAKLAND, CA 94621
 PHONE NO. 415/271-4320

These plans shall be prepared and filed to be accepted by the Department of Environmental Health and the Department of Public Health and the Department of Fire and Police. The plans shall be prepared by the contractor and shall be subject to review and approval by the Department of Environmental Health and the Department of Public Health and the Department of Fire and Police. The plans shall be prepared in accordance with the requirements of the Department of Environmental Health and the Department of Public Health and the Department of Fire and Police. The plans shall be prepared in accordance with the requirements of the Department of Environmental Health and the Department of Public Health and the Department of Fire and Police.

 Approval of Tank and Pipe
 _____ Sampling
 _____ Final Inspection
 License of a party to operate is dependent on the completion of the above mentioned plans and all applicable laws and regulations.

THIS IS A FINANCIAL PLAN FOR NO TRAINING REQUIREMENTS.
 6/12/80 A.C.S.V.
 1) SECOND PITS BY FENCING
 2) COMPOSITE SAMPLE STORAGE - SECOND
 3) PHOTO OF 2/25/80-1978.122 TRAINING.

UNDERGROUND TANK CLOSURE/MODIFICATION PLANS

1. Business Name Fiesta Beverage
 Business Owner Ted Walbey
2. Site Address 966 89th Avenue
 City Oakland, CA. Zip 94621 Phone (415)568-5222
3. Mailing Address 966 89th Avenue
 City Oakland, CA. Zip 94621 Phone (415)568-5222
4. Land Owner Ted Walbey
 Address 966 89th Avenue, Oakland City, State CA. Zip 94621
5. EPA I.D. No. CAC-000284017
6. Contractor Scott Company of California
 Address 1919 Market Street
 City Oakland, CA. 94607 Phone (415)834-2333
 License Type A-Gen. Eng. ID# 184480
7. Consultant N/A
 Address N/A
 City N/A Phone N/A

8. Contact Person for Investigation

Name Ted Walbey Title Owner
Phone (415)568-5222

9. Total No. of Tanks at facility 2

10. Have permit applications for all tanks been submitted to this office?
Yes No

11. State Registered Hazardous Waste Transporters/Facilities

a) Product/Waste Tranporter

Name N/A EPA I.D. No. N/A
Address N/A
City N/A State N/A Zip N/A

b) Rinsate Transporter

Name Hydro Chem EPA I.D. No. DOSH# 1208
Address Hunters Point Shipyard CAD-980814594
City San Francisco State CA Zip 94124

c) Tank Transporter

Name H&H Environmental Services EPA I.D. No. CAD-00477168
Address 220 China Basin Street
City San Francisco State CA Zip 94107

d) Tank Disposal Site

Name H&H Environmental Services EPA I.D. No. CAD-00477168
Address 220 China Basin Street
City San Francisco State CA Zip 94107

e) Contaminated Soil Transporter

Name N/A EPA I.D. No. N/A
Address N/A
City N/A State N/A Zip N/A

Proper Sample Methods, OLEOW, TRANSPARENT, & CONTAINERS
WILL BE REQUIRED.

12. Sample Collector

Name Scott Company - Ray Rodda
Company Western Environmental Science & Technology
Address 1046 Olive Drive, Suite 3
City Davis State CA Zip 95616 Phone (916)753-9500

13. Sampling Information for each tank or area

Tank or Area		Material sampled	Location & Depth
Capacity	Historic Contents (past 5 years)		
1,000	Gasoline	soil	Below tank: 1 sample at each end of the tank & trench sampling if needed
500	Gasoline	soil <i>G.W. IF PRESENT</i>	(Same as above)

14. Have tanks or pipes leaked in the past? Yes [] No [X]

If yes, describe. N/A

15. NFPA methods used for rendering tank inert? Yes [X] No [-]

If yes, describe. Triple rinse 15% dry ice. Explosion meter on site. 15 lbs/1,000 gallons

An explosion proof combustible gas meter shall be used to verify tank inertness.

16. Laboratories

Name Western Environmental Science & Technology
Address 1046 Olive Drive, Suite 3
City Davis State CA Zip 95616
State Certification No. 340

17. Chemical Methods to be used for Analyzing Samples

Contaminant Sought	EPA, DHS, or Other Sample Preparation Method Number	EPA, DHS, or Other Analysis Number
Gasoline	BTX & E EPA Method 8020 or 8240 TPH G - GCFID per DHS Method TEL (lead) DHS Method as described in Regional Board LUFT Manual <i>soil part by 5030</i>	EPA 80-15g Modified an. 80-20 <i>ANALYSIS BY: 5015g 8020</i>

18. Submit Site Safety Plan

19. Workman's Compensation: Yes No

Copy of Certificate enclosed? Yes No

Name of Insurer Argonaut Insurance Company

20. Plot Plan submitted? Yes No

21. Deposit enclosed? Yes No

22. Please forward to this office the following information within 60 days after receipt of sample results.

- a) Chain of Custody Sheets
- b) Original Signed Laboratory Reports
- c) TSD to Generator copies of wastes shipped and received
- d) Attachment A summarizing laboratory results

I declare that to the best of my knowledge and belief the statements and information provided above are correct and true. I understand that information in addition to that provided above may be needed in order to obtain an approval from the Department of Environmental Health and that no work is to begin on this project until this plan is approved.

I understand that any changes in design, materials or equipment will void this plan if prior approval is not obtained.

I understand that all work performed during this project will be done in compliance with all applicable OSHA (Occupational Safety and Health Administration) requirements concerning personnel and safety.

I will notify the Department of Environmental Health at least two (2) working days (48 hours) after approval of this closure plan in advance to schedule any required inspections. I understand that site and worker safety are solely the responsibility of the property owner or his agent and that this responsibility is not shared nor assumed by the County of Alameda.

Signature of Contractor

Name (please type) Jay Groh

Signature *Jay Groh*

Date 22 May 90

Signature of Site Owner or Operator

Name (please type) Ted Walbey

Signature *K. M. H. C. For Ted Walbey*

Date 22 May 90

ACORD CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)
5/17/90

ACORD 2000 BROKER

/sc

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

CORROON & BLACK
50 CALIFORNIA STREET
SAN FRANCISCO, CA 94111
TEL: (415) 981-0600

COMPANIES AFFORDING COVERAGE

CODE SUB-CODE

COMPANY LETTER	A	Argonaut Insurance Company
COMPANY LETTER	B	
COMPANY LETTER	C	
COMPANY LETTER	D	
COMPANY LETTER	E	

INSURED
The Scott Companies, Inc.
Scott Company of California
1919 Market Street
Oakland, CA 94607

COVERAGES

THIS IS TO CERTIFY THAT POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.
This is an Amended Certificate

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	ALL LIMITS IN THOUSANDS	
	GENERAL LIABILITY				GENERAL AGGREGATE	\$ 2,000
A	X COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OPS AGGREGATE	\$ 2,000
	CLAIMS MADE X OCCUR	LC 76-502 210969	5/1/90	5/1/91	PERSONAL & ADVERTISING INJURY	\$ 2,000
	OWNER'S & CONTRACTORS PROT.				EACH OCCURRENCE	\$ 1,000
					FIRE DAMAGE (Any one fire)	\$ 50
					MEDICAL EXPENSE (Any one person)	\$ 5
A	X ANY AUTO	CA 76-502 210970	5/1/90	5/1/91	CSL	\$ 1,000
	ALL OWNED AUTOS				BODILY INJURY (Per person)	\$
	SCHEDULED AUTOS				BODILY INJURY (Per accident)	\$
	X HIRED AUTOS				PROPERTY DAMAGE	\$
	X NON-OWNED AUTOS				EACH OCCURRENCE	\$
	GARAGE LIABILITY				AGGREGATE	\$
	EXCESS LIABILITY				STATUTORY CA	\$ 1,000 (EACH ACCIDENT)
	OTHER THAN UMBRELLA FORM					\$ 1,000 (DISEASE-POLICY LIMIT)
A	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY	WC 76-502 210968	5/1/90	5/1/91		\$ 1,000 (DISEASE-EACH EMPLOYEE)
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS

All Operations performed by or for the Named Insured for the Certificate Holder

CERTIFICATE HOLDER

Alameda County Health Dept.
80 Swan Way Room 200
Oakland, CA 94621

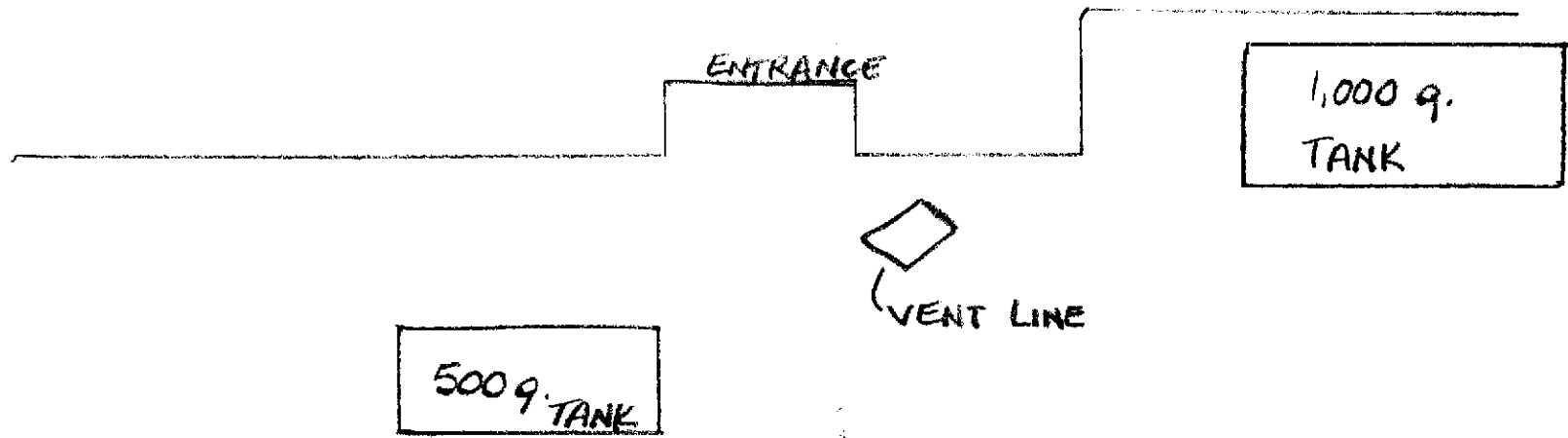
CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE OF CORROON & BLACK

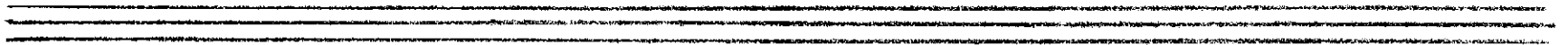
John Gately

FIESTA BEVERAGE BLDG.



ASPHALT

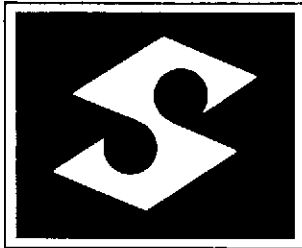
PARKING LOT



89TH AVE.



NOT TO SCALE
5.25.90



SCOTT CO.

MECHANICAL CONTRACTORS
1919 Market Street
P.O. Box 12954
Oakland, California 94604
(415) 834-2333

Contractors License No. 184480

SAFETY PLAN

**TANK REMOVAL AT 966 89TH AVENUE
OAKLAND, CALIFORNIA 94621**

General Contractor: Scott Co. of California
1919 Market Street
Oakland, California 94607

Project Manager: Jay Groh

On Site Coordinator: Ray Rodda

Mr. Rodda will have in his possession two A:B:C: rated fire extinguishers and Type C protective clothing. Also, he will have a first aid kit and telephone numbers of all emergency personnel. He will have respirators, which will be at everyone's disposal.

The explosive meter that can detect the level of oxygen and hydrocarbon will be supplied by the contractor and operated by Mr. Rodda. After the tank has been triple rinsed, dry ice will be applied to 15% of the tank's volume.

If any questions should arise in reference to this safety plan, please contact Jay Groh at (415) 834-2333, extension 3379.

JG:jj
safety.pln